



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321770-25

#### Development

Proposed amendments to the previously approved ABP-300493-17 - N5 Ballaghaderreen to Scramoge Road Development.

#### Location

Ballaghaderreen to Scramoge, Co. Roscommon.

#### Planning Authority

Roscommon County Council

#### Requester

Roscommon County Council

#### Type of Application

Application under Section 146B of the Planning and Development Act, 2000 (as amended) to alter previously approved Strategic Infrastructure Development.

#### Inspector

Fiona Fair

#### Date of site inspection

09<sup>th</sup> March 2025

## **1. Introduction**

On the 16th January 2019, the Board under ref. no. ABP-300493-17 granted permission under section 51 of the Roads Act 1993, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment report (EIAR) and Natural Impact Statement (NIS) the N5 Ballaghaderreen to Scramoge Road Development.

In addition, on the 16th January 2019, the Board under ref. no. ABP-300490-17, also granted confirmation of the associated compulsory purchase order (CPO) authorising compulsory acquisition of lands entitled Roscommon County Council Compulsory Purchase Order (No.1) 2017 N5 Ballaghaderreen to Scramoge Road Project. The Order was made pursuant to the powers conferred on the local authority by section 76 of the Housing Act, 1966, and the Third Schedule thereto, as extended by section 10 of the Local Government (No. 2) Act, 1960 (as substituted by section 86 of the Housing Act 1966) and amended by section 6 and the Second Schedule of the Roads Acts, 1993-2015, and the Planning and Development Act, 2000 as amended.

The application for the development included an Environmental Impact Assessment Report (EIAR) and a Natural Impact Statement (NIS). Permission was granted following an Oral Hearing (OH) subject to 4 No. conditions. The subject application to the Board is for alterations to this permission, under section 146B of the Act.

## **2. Legislative Provisions**

Section 146B(1) of the Planning and Development Act 2000 (as amended) (the Act), provides that, subject to subsections (2) to (8) and to section 146C, upon request of any person who is carrying out or intending to carry out a strategic infrastructure development, the Board may alter the terms of the development the subject of planning permission, approval or other consent granted.

Under sub-section 2(a), as soon as practicable after making such a request, the Board is required to make a decision as to whether the making of the development would constitute a material alteration to the development concerned.

Under sub-section (2)(b), before making its decision under sub-section 146B (2), the Board may invite submissions as it considers appropriate and is required to have regard to any submission made to it on foot of the invitation.

Under sub-section (3)(a), if the Board decide that the making of the alteration would not constitute a material alteration, it is required to alter the planning permission/approval/consent accordingly and to notify the requester and the planning authority of the alteration.

Under subsection (3)(b), if the Board decide that the making of the alteration would constitute the making of a material alteration, the Board is required to:

- Request the information specified in Schedule 7A, unless it or an EIAR has already been provided by the requester (sub-section (3)(b)(i)). This information is required to be accompanied by any further relevant information on the characteristics of the alteration and its likely significant effects on the environment including, where relevant, how environmental effects pertaining to EU legislation other than the EIA Directive have been taken into account (sub-section (3A)) and can include mitigation measures (sub-section (3B)).
- Following receipt of such information, determine whether to make the alteration, make an alteration of the terms of the development which differs from the proposed alteration (subject to it not representing a more significant alteration), or refuse to make the alteration (sub-section (3)(b)(ii)).

Under subsection (4), before making a determination under sub-section (3)(b)(ii), the Board is required to determine whether the extent and character of the alteration being requested, or being considered by the Board, would be likely to have significant effects on the environment.

Under subsection (5), if the Board determine that no significant environmental effects will arise, they proceed to make a determination under subsection (3)(b)(ii). If the Board determines that significant effects will arise, the provisions of section 146C apply. These provisions relate to the preparation of an environmental impact assessment report.

Under subsection (7)(a), in making their determination, the Board is required to have regard to:

- The criteria for the purposes of determining which classes of development are likely to have significant effects on the environment set out in any regulations made under section 176,
- The criteria set out in Schedule 7 to the Planning and Development Regulations 2001,
- The Schedule 7A submitted by the requester,
- The further relevant information, if any, referred to in subsection (3A) and the description, if any, referred to in subsection (3B) (summarised above),
- The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- Whether the development is situated in or would have potential to impact on a European site, or a recognised or protected area of natural heritage,

Under subsection (7)(b), the Board is required to include in its determination, the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 to the Planning and Development Regulations 2001, on which the determination is based.

Under subsection (8)(a) before making a determination under subsection (3)(b)(ii) or (4) the Board is required to require the requester to make information about the alteration available for inspection, notify appropriate persons that the information is available and invite submissions or observations from these persons. Further under subsection 8(b) the Board is required to have regard to these submissions in its determination.

### **3. Planning History**

As set out above the road project received planning approval from An Bord Pleanála on the 16th January 2019, under Reg. Ref. No. **ABP-300490-17** and Reg. Ref. No. **ABP-300493-17** following the publication of the EIAR, NIS and Compulsory Purchase Order (CPO) documentation and subsequent Oral Hearing. The Road Project is currently at construction stage with an anticipated completion date of Q3 2027.

#### **4. Background to the Proposed Alterations**

It is submitted that the revised proposals have been proposed for numerous reasons. The design elements in the vicinity of the watercourse crossings include attenuation ponds, watercourse diversions, a clear span bridge structure, a box culvert and the mainline N5 itself leading to complex design interaction requirements between all elements. Additionally, the receipt of detailed ground information indicated significant depth to good bearing material which would lead to deep excavations adjacent to two watercourses. The Revised Water Course Diversion (RWD) proposals reduce the construction activity required in such a complex location, therefore, reducing the overall risks associated with the construction.

Various design solutions were investigated including various structural forms and temporary works. All such design solutions introduced additional Health and Safety risks that would need specific mitigation measures. It is submitted that the RWD design proposed eliminates the risks surrounding the box culvert without introducing significant additional risks.

#### **5. Scope of Request**

The applicant is seeking to alter the terms of the development, subject of the permission granted under ABP-300493-17, as follows:

- The revised watercourse diversion (RWD) proposals to omit a box culvert crossing of a tributary of the Owennaforeesha River in the townland of Drummin, Co. Roscommon, and, instead, divert the watercourse into the Owennaforeesha River upstream of the Owennaforeesha River Bridge at Ch14+520. The current design involves crossing the Owennaforeesha River using a bridge structure at Ch14+520 while the tributary is diverted from Ch14+680, in WD14.01, 80m towards the Owennaforeesha River and then crosses under the approved road using a box culvert (WC 14.01) at Ch14+600. The revised proposals plan to continue WD14.01 an additional 90m to Ch14+520 where it will discharge to the upstream of the Owennaforeesha River Bridge (WB14.01) and remove the requirement for the

box culvert crossing. The watercourse diversion proposals are entirely within lands contained in the approved CPO.

- It has been concluded, by the requester, that there will be no additional environmental impacts arising from the proposed RWD and that there will be no additional cumulative or in-combination impacts arising from the proposed RWD when considered in conjunction with the development as a whole or pre-existing or approved developments in the area.
- The cumulative and in-combination impacts appraisal has considered effects during the construction (temporary / short term effects) and operation phase (permanent / long term effects) when considered along with developments already carried out and approved in the area (including this development) and no additional material environmental impacts have been identified.
- Inland Fisheries Ireland (IFI) confirmed that they were satisfied with the proposal in principle and noted the open channel (once instream enhancement works are completed to the required standard), represents an improvement over the culverted channel.

The continuation of the diversion is across an area of improved grassland within the CPO boundary and the route of the diversion and the river to which the diversion is to be brought does not comprise a European Site and the nearest European Site to same is some 4.2 km downstream, i.e. the Cloonshanville Bog SAC (000614). The Owennaforeesha River flows along the eastern boundary of this SAC and does not directly interact with any of the Qualifying Interests (QI).

It is submitted that the environmental benefits of this revised watercourse diversion proposal by removing the concrete box culvert include, but are not limited to:

- a positive impact on biodiversity through the replacement, open, vegetated, channel.
- a positive impact on biodiversity through removal of a box culvert (WC14.01) that would cause shading to a watercourse.
- an improvement to the landscape and visual impact of the scheme.
- a reduction in the noise and vibration impact and improvement of the air quality during the construction stage; and

- reduction in volume of concrete, steel and other materials related to structures, and therefore an associated reduction in embodied carbon.

The Environmental Appraisal Report (EAR) has been prepared to consider the effects, if any, which the RWD proposals, if carried out, would have on the environment and how those impacts compare to those identified in the EIAR. A review of the Biodiversity Chapter of the original EIAR along with the NIS (Roughan & O'Donovan - AECOM Alliance, 2017), an Ecological Updates report (McCarthy Keville O'Sullivan (MKO), 2018), and a walkover survey by RPS on 20th August 2024, were undertaken to consider the effects, if any, of the proposed amendments on ecological receptors, and how those impacts compare to those identified in the EIAR.

The EIAR Schedule of Commitments Dated October 2018, specifies mitigation measures proposed in order to avoid, reduce or where possible remedy the significant adverse environmental effects of the approved development. All such requirements will be carried through and implemented in the RWD proposal. The revised watercourse diversion arrangement has been hydraulically modelled and compared to the existing scenario to ensure that there is not an increased risk of flooding associated with the RWD design.

The construction and operation of the revised watercourse diversion proposal will be accommodated within the approved CPO of the scheme and does not involve the acquisition or disturbance of any additional lands beyond those assessed in the EIAR.

The revised watercourse diversion proposal will have no material environmental impact and is scoped out.

The RWD design proposals set out in this EAR are to omit quite a lengthy box culvert (38.2m in length) crossing of a tributary of the Owennaforeesha River under the approved new road in the townland of Drummin, Co. Roscommon, and, instead, divert the watercourse (an overall extension of 90m in length with meanders) into the

Owennaforeesha River upstream of the Owennaforeesha River Bridge to be constructed at Ch14+520, which has already been approved.

The RWD design proposals were investigated due to the depth to good bearing ground discovered during temporary works in the vicinity of the crossings.

Excavating the depths of peat discovered would lead to increased risks to the environment and construction personnel during construction works.

Discussions were held with IFI on the RWD proposals and IFI confirmed that they were satisfied with the proposal in principle, which represents an improvement over the culverted channel.

It is submitted that mitigation measures consistent with those contemplated in the EIAR will ensure that the works associated with the RWD proposal does not cause an adverse environmental impact, therefore the RWD design proposals will not affect the overall conclusion of the EIAR.

Submitted in support of the alteration request are the following:

- EAR – Environmental Appraisal Report
- Drawing drawings:
  - Drainage Network Section B
  - Section B Watercourse Diversions WD14.01 & WD14.02 Revised Alignment Sketch

## **6. Public Consultation**

I have considered the provisions of section146B(2)(b) which provides for, at the Board's discretion, the invitation of submissions from persons, including the public.

I am of the opinion that the inviting of submissions from the public in this instance is not necessary and is not required for the purposes of the Board in determining the matter for the following reasons:

- (a) I am satisfied that the proposed alterations, that are fully contained within the footprint of the existing site boundary, are minor in nature.
- (b) The amendment removes the need for the box culvert and will result in an improvement to the landscape and visual impact of the scheme.



- (c) The proposal represents a positive impact on biodiversity by the replacement of the culverted channel with an open channel.
- (d) The nature of the overall development will remain unchanged.

## **7. Assessment**

In the following assessment I consider the issue of materiality, and the potential for significant effects on the environment and European sites.

### **8.1 Consideration of Materiality**

The first consideration in relation to this request to alter the terms of ABP-300493-17 is to determine if the alteration would constitute the making of a material alteration of the terms of the previously approved N5 Ballaghaderreen to Scramoge Road Development, as approved.

I note that the question of materiality is influenced by the type and extent of alterations being proposed and the consequences of these changes from a planning and environmental perspective. With respect to consideration of the following three questions:

- Does the development remain consistent with the planning policy context for the development?
- Is the development likely to have significant effects on people and other environmental parameters over and above those already identified and assessed in the parent permission?
- Is the development likely to have an adverse effect on a European site as a consequence of the alterations being proposed.

It is my considered opinion that the RWD proposals reduce the construction activity required at this location, therefore, reducing the overall risks associated with the construction of the N5 Ballaghaderreen to Scramoge Road Project and the revised watercourse diversion (RWD) proposal. I am of the view the amendments proposed would remain consistent with the planning policy context for the development, is

unlikely to have significant effects on people and other environmental parameters over and above those already identified and assessed in the parent permission and will not likely to have an adverse effect on a European site as a consequence of the alterations being proposed.

As stated above, there are environmental benefits to this RWD proposal. The RWD is similar in nature and characteristics to the approved development and all works are contained within the site and the red line boundary. The amendments to the approved N5 Ballaghardereen to Scramoge Road Project to omit a box culvert crossing of a tributary of the Owennaforeesha River in the townland of Drummin, Co. Roscommon, and, instead, divert the watercourse into the Owennaforeesha River upstream of the Owennaforeesha River Bridge at Ch14+520.

The continuation of the diversion is across an area of improved grassland within the CPO boundary and the route of the diversion and the river to which the diversion is to be brought does not comprise a European Site and the nearest European Site to same is some 4.2 km downstream, i.e. the Cloonshanville Bog SAC (000614). The Owennaforeesha River flows along the eastern boundary of this SAC and does not directly interact with any of the Qualifying Interests (QI).

I have carried out a site visit and reviewed the drawings and documentation that accompany the request and consider there is no potential for any material change (significant or substantial) in the nature or extent of the development, or its appearance such that it would be inconsistent with the character of the permitted development. Or that it would give rise to any significant hydrogeological or hydrology effects, impacts upon biodiversity, soils and geology or landscape and visual effects. In addition, the proposed alterations will not give rise to increased emissions to air or water and will not give rise to increased noise or vibration over what was originally approved. These potential impacts are discussed in the Environmental Effects section below.

#### **8.1.1 Finding in Respect of Materiality**

Having regard to the scale and nature of the alterations proposed in relation to the consented development, I am satisfied that the alterations will not alter the character of the approved development or give rise to new considerations or environmental effects that were not already considered in the assessment of impacts under ABP-300493-17. I consider it reasonable to conclude therefore that the proposal subject of

this request does not constitute the making of a material alteration of the development as approved under ABP-300493-17.

## **8.2 The Potential for Significant Environmental Effects**

The applicants Environmental Appraisal Report (EAR) has been prepared to consider the effects, if any, which these RWD proposals, if carried out, would have on the environment and how those impacts compare to those identified in the EIAR.

A review of the Biodiversity Chapter of the original EIAR along with the NIS (Roughan & O'Donovan - AECOM Alliance, 2017), an Ecological Updates report (McCarthy Keville O'Sullivan (MKO), 2018), and a walkover survey by RPS on 20th August 2024, were undertaken to consider the effects, if any, of the proposed amendments on ecological receptors, and how those impacts compare to those identified in the EIAR.

The EIAR Schedule of Commitments Dated October 2018, specifies mitigation measures proposed in order to avoid, reduce or where possible remedy the significant adverse environmental effects of the approved development. All such requirements will be carried through and implemented in the RWD proposal.

The revised watercourse diversion arrangement has been hydraulically modelled and compared to the existing scenario to ensure that there is not an increased risk of flooding associated with the RWD design.

The applicants Environmental Appraisal Report (EAR) assesses the amendments under the following EIAR topics: Biodiversity, Soil and Geology, Hydrogeology, Hydrology, Landscape and Visual Analysis, Noise and Vibration, Air Quality and Climate, Archaeology & Cultural Heritage, Architectural Heritage, Material Assets and Land - Agriculture and Material Assets and Land-Non-Agriculture. The EAR

report concludes in Table 3-1 that the revised watercourse diversion proposal will have no material environmental impact and is scoped out.

It is not expected that there will be cumulative impacts upon the environment associated with the proposed amendment. The cumulative impacts appraisal has considered effects during the construction (temporary / short term effects) and operation phase (permanent / long term effects) and no additional material environmental impacts have been identified.

The RWD design proposals set out in the EAR are to omit quite a lengthy box culvert crossing of a tributary of the Owennaforeesha River under the approved new road in the townland of Drummin, Co. Roscommon, and, instead, divert the watercourse into the Owennaforeesha River upstream of the Owennaforeesha River Bridge to be constructed at Ch14+520, which has already been approved. The RWD design proposals were investigated due to the depth to good bearing ground discovered during temporary works in the vicinity of the crossings. Excavating the depths of peat discovered would lead to increased risks to the environment and construction personnel during construction works. Discussions were held with IFI on the RWD proposals and IFI confirmed that they were satisfied with the proposal in principle, which represents an improvement over the culverted channel. Mitigation measures consistent with those contemplated in the EIAR will ensure that the works associated with the RWD proposal does not cause an adverse environmental impact, therefore the RWD design proposals will not affect the overall conclusion of the EIAR.

With respect to, Environmental Topic – Summary Appraisal and - Scoping Result the following is set out in Table 3-1:

**Population and Human Health:** No potential for likely significant effects.

Non-Material Environmental Impact.

I have considered the applicants assessment and am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to Population and Human Health as a result of the proposed alterations to the approved development. I am also satisfied that the proposed development would

not give rise to any other significant adverse cumulative impacts in relation to Population and Human Health.

**Biodiversity:** Overall, the revised watercourse diversion proposals, which are fully in line with EIAR commitments including watercourse enhancement measures, present positive biodiversity impacts and effects with the removal of the box culvert and the creation of an open channel for the tributary. The revised watercourse diversion proposals will not result in any additional impacts on ecological receptors outside the immediate area of the works or on any ecological receptors hydrologically linked to same (e.g., bats, otter holts, badger setts, designated sites downstream). The potential for any downstream or wider ranging impacts not already addressed in the EIAR and NIS is considered highly unlikely.

Non-Material Environmental Impact.

I note that it is submitted that the proposed revised channel will have Level 3 Fisheries Mitigation as agreed in principle with IFI onsite.

I also note that Roscommon County Council submit that additional fisheries requirements as set out in the scheme EIAR such as “stream diversions not to exceed 60 degrees angle or meandering” (Table 10.23) and “bank erosion control at bends” (Table 10.24) will be maintained within the alternative proposal/design while the Owennaforeesha River bridge crossing will continue to be a single span bridge to “avoid constructing piers in-stream” (10.4.7). The RWD design also aims to maintain the minor and slight impacts on the flood flow magnitude and watercourse morphology respectively (Table 10.24) while the replacement of a culvert with an open channel will improve the watercourse quality for fish and improve the riparian habitat associated with the watercourse. Furthermore, both the Owennaforeesha River and the tributary are subject to the closed season as agreed with IFI meaning that works are not permitted between 1st October and 30th April in any year to protect spawning and juvenile fish as agreed with IFI in the “N5 Closed Season” document. Additionally, all requirements agreed to in the Response to Inland Fisheries Ireland Submission (“RN1411218-02- 28441 IFI response letter 20180830 Final Accept”) will be implemented in the proposed RWD design.

I have considered the applicants assessment and am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to Biodiversity as a result of the proposed alterations to the approved development. I am also satisfied that the proposed development would not give rise to any other significant adverse cumulative impacts in relation to Biodiversity.

**Soils and Geology:** No potential for likely significant effects. The previous design included an upstream and downstream stream diversion through peat material. The RWD design lengthens the upstream stream diversion but eliminates the downstream stream diversion. The removal of the culvert also avoids excavation through deep peat to found the structure.

**Hydrogeology:** No potential for likely significant effects.

Non-Material Environmental Impact.

I have considered the applicants assessment and am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to Hydrogeology as a result of the proposed alterations to the approved development. I am also satisfied that the proposed development would not give rise to any other significant adverse cumulative impacts in relation to Hydrogeology.

**Hydrology:** The RWD scenario meets the OPW requirements.

Non-Material Environmental Impact.

I have considered the applicants assessment and am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to Hydrology as a result of the proposed alterations to the approved development. I am also satisfied that the proposed development would not give rise to any other significant adverse cumulative impacts in relation to Hydrology.

**Noise & Vibration:** No potential for likely significant effects. There will be an overall positive impact with the removal of significant earthworks excavations, installation of the concrete box structure and their associated construction activities.

Non-Material Environmental Impact.

I have considered the applicants assessment and am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to Noise & Vibration as a result of the proposed alterations to the approved development. I am satisfied that adverse noise effects due to the alterations will not be significant due to the mitigation proposed in the EIAR submitted with the permitted development and the substantial separation distances to the nearest residential properties. I am also satisfied that the proposed development would not give rise to any other significant adverse cumulative impacts in relation to Noise & Vibration.

**Air Quality & Climate:** No potential for likely significant effects. There will be an overall positive impact as there will be a reduction in emissions to air as a result of the removal of significant earthworks excavations, installation of the concrete box structure and their associated construction activities. Furthermore there will be an overall positive impact on climate associated with a reduction in embodied carbon through the removal of the concrete box structure, and greenhouse gas (GHG) emissions associated with deep excavation through peat to found the culvert.

Non-Material Environmental Impact.

I have considered the applicants assessment and am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to Air Quality & Climate as a result of the proposed alterations to the approved development. I am also satisfied that the proposed development would not give rise to any other significant adverse cumulative impacts in relation to Air Quality & Climate.

**Archaeology & Cultural Heritage:** No potential for likely significant effects.

Non-Material Environmental Impact.

I have considered the applicants assessment and am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to Archaeology & Cultural Heritage as a result of the proposed alterations to the approved development. I am also satisfied that the proposed development would not give rise to any other significant adverse cumulative impacts in relation to Archaeology & Cultural Heritage.

**Architectural Heritage:** No potential for likely significant effects.

Non-Material Environmental Impact.

I have considered the applicants assessment and am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to Architectural Heritage as a result of the proposed alterations to the approved development. I am also satisfied that the proposed development would not give rise to any other significant adverse cumulative impacts in relation to Architectural Heritage.

**Material Assets & Land – Agriculture:** No potential for likely significant effects.

Non-Material Environmental Impact.

I have considered the applicants assessment and am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to Material Assets & Land – Agriculture as a result of the proposed alterations to the approved development. I am also satisfied that the proposed development would not give rise to any other significant adverse cumulative impacts in relation to Material Assets & Land – Agriculture.



**Material Assets & Land – Non- Agriculture:** No potential for likely significant effects.

Non-Material Environmental Impact.

I have considered the applicants assessment and am satisfied that all issues have been appropriately addressed and that no significant adverse effects are likely to occur in relation to Material Assets & Land – Non- Agriculture as a result of the proposed alterations to the approved development. I am also satisfied that the proposed development would not give rise to any other significant adverse cumulative impacts in relation to Material Assets & Land – Non- Agriculture.

### **8.2.1 Other Environmental Effects**

I have assessed the EAR, Table 3-1 of the applicant's documentation and am satisfied with the findings of the applicant, that based on the minor scale of the alterations proposed there is no potential for significant effects or cumulative effects on Biodiversity, Soil and Geology, Hydrogeology. Hydrology, Landscape and Visual Analysis, Noise and Vibration, Air Quality and Climate, Archaeology & Cultural Heritage, Architectural Heritage, Material Assets and Land - Agriculture and Material Assets and Land-Non-Agriculture.

I am satisfied that the conclusions of the assessments from the original EIAR approved under ABP-300493-17 as a result of the proposed amendments remain unchanged for the various environment chapters mentioned above.

### **8.2.2 Conclusion – Environmental Effects**

Having regard to the foregoing, I am satisfied that the proposed alterations, to the approved N5 Ballaghardereen to Scramoge Road Project to omit a box culvert crossing of a tributary of the Owennaforeesha River in the townland or Drummin, Co. Roscommon, and, instead, divert the watercourse into the Owennaforeesha River upstream of the Owennaforeesha River Bridge at Ch14+520. Which essentially comprise the reconfiguration of elements of a permitted development, will not result in any significant effects on the environmental parameters considered in the original

application and EIAR, over and above those already assessed and considered to be acceptable in the parent permission (ABP-300493-17). I am satisfied that there is no potential for significant cumulative, in-combination or interactive effects as a consequence of the proposed alterations.

## **9.0 Environmental Impact Assessment**

The proposed development (essentially, proposed amendments to the previously approved ABP-300493-17 - N5 Ballaghaderreen to Scramoge Road Development) is not a Class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended).

However, it falls under the Roads Act 1993, as amended, as a class of development and under the Roads Regulations, 1994, Article 8 as follows:

### **Roads Act 1993, Section 50(1)**

**50.—** (1) (a) A road development that is proposed that comprises any of the following shall be subject to an environmental impact assessment:

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

*(b) 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.*

### **Roads Regulations, 1994, Article 8**

When screening a project under the Roads Act 1993, as amended and in accordance with Article 8 of the Roads Regulations 1994 (S.I. No. 119 of 1994), the prescribed types of proposed road development for the purpose of section 50(1)(iv) (EIA) are:

*8. The prescribed types of proposed road development for the purpose of subsection (1)(a)(iii) 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 500 metres or more in length in an urban area;*

**Note:** The functions of the Minister have transferred to An Bord Pleanála under Section 215 of the Planning and Development Act 2000, as amended.

I note it was considered in ABP-300493-17, the parent permission, that none of the automatic triggers contained in section 50(1) (a) (c) of the Roads Act 1993 - 2015 were met by virtue of the proposed road development but the council went on to consider screening for an EIAR. A subthreshold EIA was submitted.

Paragraph 1.3.2.1 (of history file ABP-300493-17) EIA screening states:

‘In accordance with the above legislation if the Road Authority considers that significant environmental effects are likely, it shall inform An Board Pleanála in accordance with section 51 (1) (c). In relation to the proposed road development Roscommon County Council considered that it would be likely to have significant effects on the environment and in accordance with the provisions of Section 51 (1) (c) of the Roads Act as amended informed An Board Pleanála of its determination in writing. An Bord Pleanála, having considered the matters exercised its powers under section 51 (1) (b) of the Roads Act and directed Roscommon County Council to prepare an Environmental Impact Assessment report in respect of the proposed road development’.

## **Conclusion:**

I consider the proposed development comprises an amendment and improvement of detailed design of the approved N5 Ballaghaderreen to Scramoge Road Development with minor amendments and adjustments to a tributary into the Owennaforesha River upstream of a bridge to be constructed, which has already been approved and comprise an amendment to a development which has been subject to EIA. The proposed alterations provide no material change to the permitted development, or any increase in size or threshold and do not, therefore, trigger any requirement for EIA.

Refer to Form 1 and Form 2 in the Appendices of this report. There is no real likelihood of significant effects on the environment and hence, EIA is not required.

## **10.0 Appropriate Assessment Screening**

This section of the report examines the potential for effects on the integrity of European sites by virtue of the proposed alterations, alone and in combination with other plans and projects, including the permitted development. The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, section 177U of the Planning and Development Act, 2000 (as amended) are, therefore, fully considered in this section in respect of the proposed alterations.

Under ABP-300493-17, the Board considered a range of potential impacts on European Sites including the impact from noise and vibration causing disturbance to wildlife and the impact from airborne and water emissions. Taking account of the mitigation measures proposed, the proposed amendment would not adversely affect the integrity of the designated sites and no reasonable scientific doubt remains as to the absence of such effects.

I am satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European Sites namely, Annaghmore Lough (Roscommon) SAC (001626), Bellanagare Bog SAC (000592), Bellanagare Bog SPA (004105), Cloonshanville Bog SAC (000614), Lough Forbes Complex SAC (001818), Lough Gara SPA (004048) or any other European site, in view of the sites' Conservation Objectives.

### **10.1 Compliance with Article 6(3) of the EU Habitats Directive**

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

### **10.2 Mitigation Measures**

The mitigation measures that form part of the permitted parent permission, will apply to the subject development. Notwithstanding this, no measures designed or intended

to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

### **10.3 In combination Effects**

I consider that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of these European sites in light of their conservation objectives subject to the implementation of mitigation measures specified in the permitted development application documentation.

### **10.4 Screening Determination**

In this instance, the proposed works comprise a minor amendment and improvement of detailed design of the approved N5 Ballaghaderreen to Scramoge Road Development with minor amendments and adjustments to a tributary into the Owennaforeesha River upstream of a bridge to be constructed. The amendments will not alter significantly from the original assessment.

I am satisfied that a robust assessment has been carried out on the amendments to the approved N5 Ballaghaderreen to Scramoge Road Development and that there is no potential for adverse effects on any European site and that the conclusions of the previous AA remain valid.

## **11.0 Recommendation**

I recommend that the Board decides that (a) the making of the alterations subject of this request do not constitute the making of a material alteration of the terms of the development as approved under ABP-300493-17, and (b) the proposed modifications will not give rise to significant environmental effects or significant effects on the integrity of any European site, for the reasons stated below.

Draft Order for the Board's consideration provided below.

## **DRAFT ORDER**

**REQUEST** received by An Bord Pleanála on the 22<sup>nd</sup> day of January 2025 from Roscommon County Council under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development, granted under ABP-300493-17 for the N5 Ballaghaderreen to Scramoge Road Project at Ballaghaderreen to Scramoge County Roscommon.

**WHEREAS** the Board made a decision to grant the proposed development, subject to conditions, for the above-mentioned development by order dated the 16<sup>th</sup> day of January 2019.

**AND WHEREAS** the Board has received a request to alter the terms of the development, the subject of the approval,

**AND WHEREAS** the proposed alterations in respect of the N5 Ballaghaderreen to Scramoge Road Project are described as follows:

- The revised watercourse diversion (RWD) proposals to omit a box culvert crossing of a tributary of the Owennaforeesha River in the townland of Drummin, Co. Roscommon, and, instead, divert the watercourse into the Owennaforeesha River upstream of the Owennaforeesha River Bridge at Ch14+520. (an overall extension of 90 m in length with meanders).
- The current design involves crossing the Owennaforeesha River using a bridge structure at Ch14+520 while the tributary is diverted from Ch14+680, in WD14.01, 80m towards the Owennaforeesha River and then crosses under the approved road using a box culvert (WC 14.01) at Ch14+600
- The revised proposals plan to continue WD14.01 an additional 90m to Ch14+520 where it will discharge to the upstream of the Owennaforeesha River Bridge (WB14.01) and remove the requirement for the 38.2m long box culvert crossing.

**AND WHEREAS** having regard to the issues involved, the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observations from the public in relation to the matter,

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would not result in the making of a material alteration to the terms of the development, the subject of the approval,

**AND WHEREAS** having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3)(b)(ii) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the approved development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 22<sup>nd</sup> day of January 2025 for the reasons and considerations set out below.

### **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

## **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) The nature and scale of the proposed alterations,
- (b) The documentation on file, and
- (c) The report of the Inspector.

Having regard to:

- The nature and scale of the development approved under ABP-300493-17 for the N5 Ballaghaderreen to Scramoge Road Project and associated site works.

- The examination of the environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- The limited nature and scale of the alterations when considered in relation to the overall scale of the approved N5 Ballaghaderreen to Scramoge Road development,
- The location of the proposed alterations, within the footprint of the approved N5 Ballaghaderreen to Scramoge Road development site.
- The absence of any significant new or additional environmental impacts (including in relation to Natura 2000 sites) arising as a result of the proposed alterations, and
- the report of the Board's inspector, which is adopted,

It is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, the Board hereby makes the said alterations.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Fiona Fair

Senior Planning Inspector

18.03. 2025



# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	ABP-321770-25		
<b>Proposed Development Summary</b>	Proposed amendments to the previously approved (ABP-300493-17) N5 Ballaghaderreen to Scramoge Road Development.		
<b>Development Address</b>	Ballaghaderreen to Scramoge, County Roscommon.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	X	
	<b>No</b>	N/A	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	<b>Roads Act 1993, Section 50(1)</b> <b>50.—</b> (1) (a) A road development that is proposed that comprises any of the following shall be subject to an environmental impact assessment: <i>(iv) any prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road.</i> <b>Roads Regulations, 1994, Article 8</b> When screening a project under the Roads Act 1993, as amended and in accordance with Article 8 of the Roads Regulations 1994 (S.I. No. 119 of 1994), the prescribed types of proposed road development for the purpose of section 50(1)(iv) (EIA) are: <i>8. The prescribed types of proposed road development for the purpose of subsection (1)(a)(iii) of section 50 of the Act shall be—</i> <i>(a) the construction of a new road of four or more lanes, or the realignment or widening of an existing</i>	Proceed to Q3.

		<i>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;</i>  Parent Permission Screened in. Proposed Amendment Screened out.	
<b>No</b>		N/A	
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>		N/A	
<b>No</b>	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X	The proposed development is not a type of project for which EIA is mandatory, as per; <ul style="list-style-type: none"> <li>Roads Act 1993, Section 50(1)(a)(iv)(b)</li> <li>Roads Regulations, 1994, Article 8</li> </ul> The proposed development does not meet or exceed any relevant thresholds. Section 50(1)(a)(iv)(b) of the Roads Act, 1993 – 2015. Parent Permission Screened in. Proposed Amendment Screened out.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-321770-25</b>
<b>Proposed Development Summary</b>	Proposed amendments to the previously approved (ABP-300493-17) N5 Ballaghaderreen to Scramoge Road Development.
<b>Development Address</b>	Ballaghaderreen to Scramoge County Roscommon.
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The revised watercourse diversion (RWD) proposals to omit a box culvert crossing of a tributary of the Owennaforeesha River in the townland of Drummin, Co. Roscommon, and, instead, divert the watercourse into the Owennaforeesha River upstream of the Owennaforeesha River Bridge at Ch14+520. (an overall extension of 90 m in length with meanders).</p> <p>The current design involves crossing the Owennaforeesha River using a bridge structure at Ch14+520 while the tributary is diverted from Ch14+680, in WD14.01, 80m towards the Owennaforeesha River and then crosses under the approved road using a box culvert (WC 14.01) at Ch14+600</p> <p>The revised proposals plan to continue WD14.01 an additional 90m to Ch14+520 where it will discharge to the upstream of the Owennaforeesha River Bridge (WB14.01) and remove the requirement for the 38.2m long box culvert crossing.</p> <p>Essentially the alterations to the approved N5 Ballaghaderreen to Scramoge Road Project propose to extend the already approved watercourse diversion by 90m by removing the proposed installation of a 38.2m long concrete box culvert and are similar in scale and characteristics to the approved</p>

	development and are all contained within the site and the red line boundary.
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The continuation of the diversion is across an area of improved grassland within the CPO boundary and the route of the diversion and the river to which the diversion is to be brought does not comprise a European Site and the nearest European Site to same is some 4.2 km downstream, i.e. the Cloonshanville Bog SAC (000614). The Owennaforesha River flows along the eastern boundary of this SAC and does not directly interact with any of the Qualifying Interests (QI).</p> <p>The proposed works comprise a non material alteration to the approved N5 Ballaghaderreen to Scramoge Road Project. The amendments will not alter significantly from the original assessment.</p> <p>The environmental benefits of this revised watercourse diversion proposal by removing the concrete box culvert include, but are not limited to:</p> <ul style="list-style-type: none"> <li>- a positive impact on biodiversity through the replacement, open, vegetated, channel.</li> <li>- a positive impact on biodiversity through removal of a box culvert (WC14.01) that would cause shading to a watercourse.</li> <li>- an improvement to the landscape and visual impact of the scheme.</li> <li>- a reduction in the noise and vibration impact and improvement of the air quality during the construction stage; and</li> <li>- reduction in volume of concrete, steel and other materials related to structures, and therefore an associated reduction in embodied carbon.</li> </ul>

	<p>The Environmental Appraisal Report (EAR) has been prepared to consider the effects, if any, which the RWD proposals, if carried out, would have on the environment and how those impacts compare to those identified in the EIAR. A review of the Biodiversity Chapter of the original EIAR along with the NIS (Roughan &amp; O'Donovan - AECOM Alliance, 2017), an Ecological Updates report (McCarthy Keville O'Sullivan (MKO), 2018), and a walkover survey by RPS on 20th August 2024, were undertaken to consider the effects, if any, of the proposed amendments on ecological receptors, and how those impacts compare to those identified in the EIAR.</p> <p>The EIAR Schedule of Commitments Dated October 2018, specifies mitigation measures proposed in order to avoid, reduce or where possible remedy the significant adverse environmental effects of the approved development. All such requirements will be carried through and implemented in the RWD proposal.</p> <p>The revised watercourse diversion arrangement has been hydraulically modelled and compared to the existing scenario to ensure that there is not an increased risk of flooding associated with the RWD design.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the foregoing, I am satisfied that the proposed amendments, which essentially comprise the reconfiguration of elements of a permitted development, will not result in any significant effects on the environmental parameters considered in the original application and EIAR, over and above those already assessed and considered to be acceptable in the parent permission (ABP-300493-17). A full assessment of nearby projects has been considered in terms of cumulative impacts. I am satisfied that there is no potential for significant cumulative, in-combination or interactive effects as a consequence of the proposed alterations.</p>
<p style="text-align: center;"><b>Conclusion</b></p>	

<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>Yes</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	<b>No</b>
There is a real likelihood of significant effects on the environment.	EIAR required.	<b>No</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)