



An
Coimisiún
Pleanála

Inspector's Report PL-501409-GY-26

Development	For a farm road
Location	Northbrook & Cappagh, Kilconnell , Ballinasloe Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2660091
Applicant(s)	Joe Carty
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Joe Carty
Observer(s)	None
Date of Site Inspection	27 August 2026
Inspector	Sandra Eapen

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History	6
5.0 Policy Context	7
6.0 EIA Screening	9
7.0 The Appeal	10
7.1. Grounds of Appeal	10
7.2. Planning Authority Response	11
7.3. Observations	12
8.0 Assessment	12
9.0 AA Screening	16
10.0 Water Framework Directive	16
11.0 Recommendation	17
12.0 Reasons and Considerations	17
Appendix 1: Form 1 EIA Pre-Screening	19
Appendix 2: WFD Impact Assessment Scoping	22

1.0 Site Location and Description

The subject application is made in relation to a rural farm located at Kilconnell , Ballinasloe Co. Galway. The site is located to the north of Local Link Road L3413 Northbrook, that runs between Aughrim and R348 to Kilconnell. The application site area is stated as 0.27ha in the application documentation and only includes the area impacted by the proposed works. Blue line is not indicated on the submitted Site Location Map denoting the total lands in applicant's control. However, the information provided at Further Information stage indicate that the applicant controls surrounding agricultural land measuring a total of c.26.85 ha.

- 1.1. The subject site consists of agricultural lands mainly used for grazing cattle. Entrance to the site is via an existing agricultural entrance off the L3413. The sight visibility lines available at the entrance is restricted by the height and extend of existing hedgerow bounding L3413 to the west of the entrance. There are no restrictions to sight visibility lines to the east of the entrance. The application site is traversed by two waterbodies, Kilconnell Stream (EPA Code 26K20) and Cappagh Stream (EPA Code 26D83). The ground level is slightly undulating.

2.0 Proposed Development

- 2.1. The applicant has proposed to construct c.640m of farm road, c.4.25 m wide. The proposed road extends in a north-south and east-west direction. The east-west section is proposed within close proximity of the existing waterbody running through the site Cappagh Stream. Details provided indicate that the road will have unmetalled finishes with 50mm fine gravel material placed on top of subsoil. The proposed extend of road would require 2 no. of river/stream crossings. As per the submitted information a bailey bridge/truss bridge is being proposed for the crossings. Details of which are not included in the application documentation. The adjoining lands consisting of agricultural lands used for grazing will not be affected by the proposed works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. A decision to refuse permission was issued by Galway County Council on 29th April for this application. The refusal reasons cited the following:

1. Having regard to the proposed agricultural development, and its location adjacent to an open stream, the applicant has not submitted satisfactory justification for the proposed development at this sensitive location. The Planning Authority cannot confirm that the principle of the proposed development is completely necessary and acceptable in principle at this location. Therefore, to grant permission as proposed at this location would not be considered sustainable development.

2. The proposed removal of existing mature hedgerow and vegetation in order to achieve the appropriate sightlines from the entrance is not considered in accordance with TWHS 1 Trees, Hedgerows, Natural Boundaries and Stone Walls and is not favoured by the Planning Authority from an ecological perspective. In this regard, the proposed development is not in accordance with Policy Objective TWHS 1 Trees, Hedgerows, Natural Boundaries and Stone Walls and DM Standard 28 of the County Development Plan 2022-2028 with regard to achieving necessary sightlines along the local road. Therefore, to grant permission as proposed at this location would not be considered sustainable development.

3. The Planning Authority has serious concern regarding the lack of detail submitted for the proposed river crossing and road construction aspects of the proposed development and lack of requested detail on drainage aspects of the design. Concern regarding impact of the proposed development on the adjacent open streams due to lack of detail regarding construction and environment management is outstanding. If permitted as proposed the development would materially contravene Policy Objective MEQ 2 Protection of the Environment and Policy Objective WR 1 Water Resources. Therefore, to permit the development as proposed, would contravene materially Policy Objectives contained in the Galway County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **first report** dated 19 March 2026, considered the application to be lacking in satisfactory reasoning or justification. The report noted the lack of technical considerations regarding the design, assimilation, preservation of residential and visual amenities as well as protection of environment and public safety. Further information was sought to address the issue regarding the following matters:

1. *.. the applicant is requested to provide comprehensive details in relation to the location of the existing farm complex/buildings associated with the proposed development and to provide a comprehensive justification for the proposed development in the form of documentary evidence of an existing functioning farm enterprise.*
2. (i) *...submit a detailed set of drawings presenting the vertical and horizontal sight line distances ... in accordance with DM standard 28 of the Galway County Development Plan 2022-2028 and the relevant Transport Infrastructure Ireland design standards...*

(ii) *... detailed clarification in the format of a road profile presented in cross section details incorporating of new set back of boundary treatment ... to ensure the perpetuity of obtaining clear and unobstructed sightlines.*

(iii) *... surface run-off water ... shall not be discharged onto the road or the adjoining property and shall only be disposed of within the site... please provide a site-specific section drawing of proposed drainage infrastructure...*
3. (i) *...the applicant is requested to submit a Nutrient Management Plan accompanied by relevant agency (Teagasc or equivalent) approved maps of the land banks which will be used for spreading slurry and other agricultural effluents generated from this farm...*

(ii) *Submit details of number and type of all animals on this farm.*

(iii) *Submit evidence that there is adequate storage available for all agricultural effluent produced on this farm. ...*

The **second report**, dated 29 April 2026, is the basis for the decision to refuse permission. The report notes that the further information response submitted by the applicant on 7 April 2026 did not satisfactorily address the further information request. The report notes that to facilitate the required sightlines of 70m the applicant has to remove a section of existing hedgerow to the west of the site. This is not in accordance with Policy Objective TWHS 1 and DM Standard 28. The report also notes the concerns regarding the lack of detail of the proposed river crossing and road construction aspect remains outstanding and raises concerns regarding possible environmental impacts. The information regarding the Nutrient Management Plan does not provide any justification for the proposed development as the location is far from existing farm complex.

3.2.2. Other Technical Reports

- **Environment Section:** The applicant has not provided details of the construction management plan for the proposed river crossing and road construction. The information does not show the buffer zone between the road and the river. Inland Fisheries Ireland to be notified.

3.3. Prescribed Bodies

IFI – no response.

3.4. Third Party Observations

None on file

4.0 Planning History

Reg. Ref. 17848 Permission granted for an extension and alteration to existing dwelling house and construction of a domestic garage/fuel store including attic storage at a site next to the proposed road entrance from L3413 for the applicant.

5.0 Policy Context

5.1 Galway County Development Plan 2022-29

The site is located within un-zoned open countryside lands that are governed by rural policies and guidelines. As per Section 2.4.12 of the Development Plan, Rural Typologies, in County Galway the following rural designations apply: 'Areas under Strong Urban Influence' and 'Structurally Weak Areas'. The subject site is designated as a "Structurally Weak Rural Areas" in the Development Plan. These include areas with a decline in population and weaker economic structure based on indices of income, employment and economic growth.

Chapter 4 Rural Living and Development

- Section 4.7 Rural Development
- Section 4.8 Agriculture

Chapter 7 Infrastructure, Utilities & Environmental Protection

- Policy WS 7 – Water Quality - Require that new development proposals would ensure that there would not be an unacceptable impact on water quality and quantity including surface water, ground water, designated source protection areas, river corridors and associated wetlands.

Chapter 8 Tourism and Landscape

- Policy LCM 3 – Landscape Sensitivity Rating – The subject site is located within Class 1 Low Landscape Sensitivity Area.

Chapter 10 Natural Heritage, Biodiversity and Green/Blue Infrastructure

- Section 10.14 Inland Lakes/Waterways: A 'Riparian Zone' is an integral part of the protection of a watercourse system and should be sufficiently wide to protect the river or water course. The determined width should be tailored to site specific, river reach or lakeshore characteristics. It is important that the buffer zone is large enough to protect the ecological integrity of the river (including emergent vegetation) and the riparian zone (bank side vegetation including trees) takes into account the human history of the area. It is the Council's policy objective to protect this zone from inappropriate development.

- Policy IW 1 Inland Waterways - (c) Protect the riparian zones of watercourse systems throughout the County, recognising the benefits they provide in relation to flood risk management and their protection of the ecological integrity of watercourse systems and ensure they are considered in the land use zoning in Local Area Plans.
- Policy WR 1 - Water Resources - Protect the water resources in the plan area... in accordance with the requirements and guidance in the EU Water Framework Directive 2000 (2000/60/EC), the European Union (Water Policy) Regulations 2003 (as amended), the River Basin District Management Plan 2018 – 2021 and other relevant EU Directives... and also have regard to the Freshwater Pearl Mussel Sub-Basin Management Plans.
- Policy TWHS 1 Trees, Hedgerows, Natural Boundaries and Stone Walls - Protect and seek to retain important trees, tree clusters and tree boundaries, ancient woodland, natural boundaries including stonewalls, existing hedgerows particularly species rich roadside and townland boundary hedgerows, where possible and replace with a boundary type similar to the existing boundary.

Chapter 14 Climate Change

- Policy FL 7 Protection of Waterbodies and Watercourses Protect waterbodies and watercourses within the County from inappropriate development, including rivers, streams, associated undeveloped riparian strips, wetlands and natural floodplains. This will include protection buffers in riverine, wetland and coastal areas as appropriate.

Chapter 15 Development Management Standards

- DM Standard 28 – Sight distances required for National/ Regional/ Local and Private Road – On narrow Local Roads with poor horizontal and vertical alignment and where the 80km/h speed limit applies, the design speed applied for access visibility requirements should be the speed km/h that one can drive the road in a safe manner. This can be assessed as the 85th percentile speed drivers travel on the road. The visibility will then be assessed on the 85th percentile speed for that road.

- DM Standard 33 - Traffic Impact Assessment, Traffic & Transport Assessment, Road Safety Audit & Noise Assessment - Require all planning applications for significant development proposals to be accompanied by a TTA, RSA and RSIA to be carried out by a suitably competent consultant, which are assessed in association with their cumulative impact with neighbouring developments on the road network.
- DM Standard 46 - Compliance with Landscape Sensitivity Designations – Class 1 Low sensitivity lands – All development of appropriate scale and design and are consistent with settlement policies.
- DM Standard 47 - Field Patterns, Stone Walls, Trees and Hedgerows - In general, only the minimum interference with existing field patterns, stone walls, trees and hedges shall be permitted.
- DM Standard 50 - Environmental Assessments
- DM Standard 51 – Green Infrastructure - The Planning Authority will encourage the protection of all mature trees and hedgerows, which occur on development sites and roads.
- DM Standard 67 - Sustainable Drainage Systems' (SuDS) - All new developments will be required to incorporate SuDS as part of the development design/proposals. The systems should aim to mimic the natural drainage of the application site to minimise the effect of a development on flooding and pollution of existing waterways.

5.4 Natural Heritage Designations

The site is located c.2.8km from Crit Island West NHA (Site Code 000254), c.4.7km from Killure Bog NHA (site code 001283) and c.8km from River Suck Callows SPA (site code 004097). The site is also located c.3.2km off proposed NHA Ballinasloe Esker.

6.0 EIA Screening

The proposed 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 (or Part V of the 1994 Roads). No mandatory requirement for EIA

therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report. Although the development is described as a road in the statutory notices. The works are in relation to an unmetalled track for agricultural purposes. Having regard to the materials proposed, the works would not constitute a road for the purpose of EIA.

7.0 The Appeal

7.1. Grounds of Appeal

This is a first party appeal, against the decision to refuse issued by the Planning Authority. The main grounds of appeal can be summarised as follows:

- Works for a farm road can be deemed temporary as it can be removed and land restored to original state. Works would not produce any visual intrusion to the landscape.
- Farm road will eliminate any severe damage to soil structure – which is central to the Common Agricultural Policy (CAP). The road would eliminate the need for heavy machinery from traversing the fields when harvesting silage crops or when land spreading animal manures is collected.
- The Further Information request issued by the Planning Authority sought justification for the proposals, management of surface water, a nutrient management plan, and sightlines. No request was made regarding the details for the river crossing or environment management by FI.
- The applicant has stated that sufficient justification was provided to establish the scale of farming activity being carried out on site. Including a Nutrient Management Plan, maps of lands farmed, 2026 BISS application showing livestock numbers, soil analysis results and fertiliser programme.
- Sightlines from a setback of c.2.4m and height of c.1.2m would require the removal of hedgerows. As Sightlines is a health and safety issue should be prioritised over environmental concerns local to the site. However, as the proposed access is to be used by a tractor there is no issue with sightlines as the line of sight is much higher for a tractor.

- The planning authority's refusal reason cited concerns regarding the lack of detail regarding proposed river crossing and road construction works. However, this was not requested as part of the Further Information. The appeal documents include reference images for a proposed bridge.
- The applicant has stated that works would be carried out in good weather conditions and would be stopped if weather deteriorates. The applicant contends that there is no risk to the adjoining stream from the proposed construction.
- Surface water run-off from the proposed road is proposed to be cambered off into the field, away from the stream and would be designed as per the Department of Agriculture, Food and Marine specifications.
- The applicant contends that the proposed project would not involve huge construction works and can be completed in 1.5-2 days.
- The appeal includes pictures of similar scale bridge construction. Details of the construction is stated as 2no. piers either side of the river using steel or in precast concrete or a combination of that will span across the river.
- The construction of road will reduce compaction and damage to fields when farming in less-than-ideal weather conditions.
- The current margin between the field and stream will be retained to keep farming activities such as spreading of chemical fertilizers and animal manures, spreading of herbicides etc. away from the stream. The proposed farm road would increase this buffer between the streams.
- The proposed road is not through an SAC/SPA. The level of details requested is disproportionate to the scale of development proposed.

7.2. Planning Authority Response

None on file

7.3. Observations

None on file

8.0 Assessment

8.1. I consider the main issues in determining this appeal as follows:

- Principle of Development
- Need for the development
- Traffic Safety
- Lack of details
- Riparian Buffer

8.2. Principle of development: The Planning Authority's refusal reason cited lack of clarity on the principle of proposed development. The subject site is located in the rural hinterland of Ballinasloe Co. Galway. The site is located outside any lands zoned for any purposes. This appeal application seeks permission for a farm road within lands currently in agricultural use. The principle of development is therefore acceptable at this location, subject to detailed considerations below.

8.3. Need for the development: The applicant has stated that the proposed road section is required for carrying out farming activities in the site and that the path is for the use of heavy machinery used in farming. A Nutrient Management Plan (NMP), Basic Income Support Scheme (BISS) application and a fertilizer plan was submitted at Further Information stage to show the extent of farming activities carried out by the applicant. The Planning Authority in their assessment considered the submitted documentation to be insufficient to provide satisfactory justification for the proposed scale of works. As per the appeal statement made by the applicant, the proposed road would eliminate the need for heavy machinery from traversing the fields when harvesting silage crops or when land spreading.

8.4. It is noted that the full extent of the applicant's land ownership/control is not shown in the submitted Site Location map. A Teagasc mapping provided at Further Information shows the plots of land that are currently farmed by the applicant. The NMP and the BISS application details show that the applicant is mainly engaged in

cattle rearing. The applicant's justification for the proposed farm road, on the basis that it is to be used by heavy machinery for farming is, in this instance, given the limited scale of proposed road, is considered acceptable

- 8.5. Traffic Safety: Access for the proposed road is via an existing farm entrance, off the Local Road L3413. An alternate access is also available to the site via an existing farm road and entrance, immediately to the north of Cappagh Bridge from Local Road L7428. The proposed road if constructed would bypass the L3413/L7428 junction. The Planning Authority's assessment considered the existing entrance to have insufficient sight lines to provide access to the farm.
- 8.6. L3413 has a speed limit of 60km/hr which corresponds to a sight distance of 90m as per DM Standard 28 of the Development Plan. On site visit I noted that the existing sightlines to the west of the farm entrance is encroached by the hedgerow and vegetation here. At Further Information stage the applicant had submitted a drawing (Dwg. Title: Entrance Layout) demonstrating that a 70m sightline as achievable here from a setback of 2.4m of the road edge with the removal of a section of the existing hedgerow. However, the reduced sight lines here have not been justified by a traffic survey, setting the 85th percentile speed along this section of the road. If permission is considered for the proposed works, the required sight lines should be agreed in writing with the Planning Authority by way of condition.
- 8.7. From the information submitted at Further Information stage it can be inferred that the applicant has control over the surrounding landbanks that contains the hedgerow to the west of the entrance. It is acknowledged that the proposed works would require removal or cutting back of the existing hedgerow here. The applicant is required to carry out the necessary works under their obligations set under Section 70 of the Roads Act 1993 to maintain roadside hedges, trees and vegetation so that they do not present a hazard to road users. If permission is considered for the proposed development, it is recommended that a suitably worded condition be included in the permission to ensure that the applicant carry out the necessary works to improve available sight lines at the existing entrance for the proposed farm road.
- 8.8. Lack of details: The Planning Authority has raised serious concerns regarding the lack of detail in the submitted documents regarding the proposed river crossing and road construction aspects. The applicant in the appeal has stated that the

construction of proposed farm road would only involve simple steps and machinery. The works are to include removal of topsoil down to a solid base using a digger, followed by filling with gravel (50mm fine) using a tractor dumper and levelled using a digger. The applicant has stated that the works would follow Department of Agriculture specifications. No further details have been provided with regard to the, finishes, or quantum of soil that is to be removed and how the removed soil is to be disposed.

- 8.9. The subject site has 2 no. waterbodies running across the site in an east west direction Kilconnell Stream and Cappagh Stream which forms part of the Derrymullan Stream (010). As per the submitted drawings, 2 no. crossings would be required to facilitate the development. The construction of bridge was not included in the development description, nor has any design details or specifications regarding the proposed river crossings been submitted, at application or appeal stage. Persons proposing to carry out construction/alteration works on bridges and culverts are required to get special consent/licence from OPW and engage with IFI. However, no evidence of such engagement has been submitted with the appeal/application.
- 8.10. The Department of Agriculture, Food and the Marine Specification S199 (Minimum Specification for Farm Roadways and Underpasses), January 2021 sets out measures to prevent direct runoff of soiled water and sediment from farm roadways to watercourses. It is apparent that due consideration has not been given to its requirements. As per the S199 specifications, the positioning of new roadways adjacent to watercourses should be avoided. It is also recommended that crossings be kept to a minimum and structures be designed for maximum flood flows so that overtopping does not occur during flood events. In this instance, having considered the extent of applicant's land ownership, it is not clear why the farm road is proposed within close proximity of the existing waterbodies. S199 specifications require a c.1.5m grass margin is to be maintained between the roadway fence and top of the watercourse in addition to a fence provided at 0.5m from the edge of the roadway.
- 8.11. At the appeal stage the applicant has provided a reference image for the proposed river crossings, indicating a steel frame bailey bridge (truss bridge) to be constructed over 2no. piers either side of the river using steel or precast concrete. It is noted that the applicant intends to carry out works within the lower banks of the existing watercourse. However, no construction management measures are outlined in the

documentation to protect the watercourse from possible pollution events associated with the construction except that the works would be carried out in good weather conditions. In the absence of details and a full construction management plan, it is not possible to assess the full impacts of the proposed development.

- 8.12. Riparian buffer: The east-west section of the road is aligned along the Cappagh stream. The cross-section drawing submitted indicate that the works are to be carried out within c.1m proximity of the riverbank. The proposed road corridor along the stream would reduce the riparian buffer available here. The works if not carried out cautiously can also destabilise the river embankments here and result in major silt and sediment pollution in the river. A riparian buffer of natural vegetation or native wood or scrubby growth is likely to trap sediments and absorb nutrients and improve riverbank stability. Teagasc recommends a 2m buffer of uncultivated margin along all water bodies for tillage crops and for land spreading. The applicant has stated that the road would be cambered to ensure run-off goes to the field. A road surface, even an unmetalled gravel road, would not contribute to adequate nutrient absorption. Policy FL 7 and Policy IW 1 of the Development Plan requires the protection of undeveloped riparian strips from inappropriate development. The proposed works, due to their proximity to the surface waterbody, would compromise the integrity of the riparian corridor available here. Thereby contravening Policy IW 1 Inland Waterways and Policy FL 7 Protection of Waterbodies and Watercourses of the Development Plan. Although, an increased buffer could have been sought by condition in typical applications, in this instance as the applicant has provided a tight site boundary (red line) and as applicants control over surrounding lands (blue line) is not clearly demonstrated in the planning documentation, relocating the proposed road is outside the scope of this application.

- 8.13. Conclusion: Having considered the aspects of the proposed development, submitted documentation and having visited the site, it can be concluded that the applicant has not provided sufficient level of details or construction management measures to safeguard the surrounding environment in the proposal. The proposed works, by way of its proximity to existing surface water bodies is likely to compromise the integrity of the riparian corridor here, which is here protected under Policy IW 1 and FL 7 of the Galway County Development Plan 2022-28. It is therefore recommended that permission be refused for the proposed development.

Commented [MM1]: The appellant says that the camber of the road will ensure that run-off goes to the stream.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is not located within a designated site. The site is located 2.8km from Crit Island West NHA (Site Code 000254), 4.7km from Killure Bog NHA (site code 001283) and c.8km from River Suck Callows SPA (site code 004097). The site is also located c.3.2km off proposed NHA Ballinasloe Esker.
- 9.3. The development seeking permission is a c.640m section of farm road finished in fine gravel material with two minor river crossing sections. An AA Screening report has not been submitted with the application.
- 9.4. Having considered the nature, scale and location of the project and distance with any European Site, I am satisfied that it can be eliminated from further assessment because it could not have any significant effects on a European Site.
- 9.5. The reason for this conclusion is as follows:
- The scale, size and limited nature of the proposed works
 - Distance from European sites identified
 - Weak connection with the SAC.
- 9.6. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Eastern/South Eastern River Basin Management Plan 2022–2027.

10.2. The receiving water environment has been identified and assessed, see Appendix 2 Table 2 attached. Having regard to the nature, scale, and location of the proposed development, and in the absence of adequate mitigation measures, the applicant has not demonstrated satisfactorily that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Impede achievement of environmental objectives under the applicable River Basin Management Plan.

10.3. Accordingly, it remains uncertain as to whether the proposed development is compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend that permission be refused for the following reasons and considerations set out below.

12.0 Reasons and Considerations

1. Having regard to the nature, scale, and location of the proposed development, and in particular the proximity to the DERRYMULLAN_010 (River) which is designated as a good status waterbody under the Water Framework Directive, the Commission is not satisfied that in the absence of a greater buffer with the river and a robust Construction Management Plan the proposed development would not give rise to a risk of deterioration in the ecological and/or chemical status of the said water body. Permitting the proposed development would therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024, contravene Policy Objective WR1 objective of the

Galway County Development Plan 2022-28, and therefore contrary to the proper planning and sustainable development of the area

2. Having regard to the information provided with the application in relation to the proposed crossing/culverting of drainage stream, the assessment has not included aquatic and riparian ecological surveys, hydro morphological assessment, biosecurity measures and site-specific mitigation measures, method statements and engineering design to ensure that the ecological functioning of the watercourse is maintained. In the absence of this information, the potential for downstream impacts, particularly in relation to hydrology, water quality and aquatic species, impacts on the watercourse and the species reliant on same cannot be effectively assessed. Furthermore, permitting the development in the current location would conflict with Councils policies, as expressed in the specific Policy IW 1 (Inland Waterways) and Policy FL 7 (Protection of Waterbodies/Watercourses) of the Galway County Development Plan 2022-28 Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way."

Sandra Eapen
Planning Inspector

07 September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501409-GY-26
Proposed Development Summary	Construction of a farm road c.640m long (4.25 m wide) crossing the landbanks in a north-south and east-west direction.
Development Address	Northbrook & Cappagh , Kilconnell , Ballinasloe Co. Galway
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	

2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	Although the development is described as a road in the statutory notices. The works are in relation to an unmetalled track for agricultural purposes. Having regard to the materials proposed, the works would not constitute a road for the purpose of EIA.
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ Yes, the proposed development is of a Class but is sub-threshold.	State the Class and state the relevant threshold

Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Sandra Eapen Date: 07/09/ 2026

Appendix 2: WFD Impact Assessment Scoping

Table 1

WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-501409-GY-26	Townland, address	Kilconnell , Ballinasloe Co. Galway
Description of project		Permission is being sought for the construction of c.640m of farm road (4.25m wide) and 50mm gravel finishes.	
Brief site description, relevant to WFD Screening		Site is located within an existing rural hinterland of Ballinasloe. The site is undulating and includes 2 no. surface water streams crossing the site. Kilconnell Stream (EPA Code 26K20) and Cappagh Stream (EPA Code 26D83)	
Proposed surface water details		Surface water is proposed to discharge to ground.	
Proposed water supply source & available capacity		Not applicable	

Proposed wastewater treatment system & available capacity, other issues	The applicant has not satisfactorily demonstrated that the subject works would include any design or standard practice measures proposed that would reduce the risk of impacts to surface water.
Others?	

Table 2

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
Aughrim (Groundwater body)	IE_SH_G_019	Good (2019-2024)	Not at risk	N/A	Direct hydrological, surface run-off.	Not clear	Uncertain
DERRYMULLAN STREAM_010 (River)	IE_SH_26D070400	Good (2019-2024) Moderate (2014-2019)	Not at risk	N/A	Direct hydrological, surface run-off.	Not clear	Likely impacts cannot be eliminated. Applicant has failed to satisfactorily demonstrate that satisfactory mitigation measures will be undertaken to prevent pollution events.