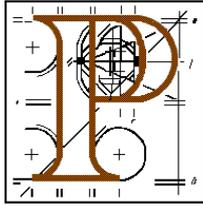


# An Bord Pleanála



## Inspector's Report

Assessment pursuant to S.50(1)(b) & (c) of the Roads Act, 1993 (as amended)

**Development:** Athy Distributor Road Scheme, Co. Kildare

**Roads Authority:** Kildare County Council

**Inspector:** Karla Mc Bride

**Date of Site Inspection:** 03<sup>rd</sup> January 2017

## **1. INTRODUCTION**

Under the provisions of Section 50(1)(c) of the Roads Act, 1993 (as amended), Kildare County Council is seeking a direction from An Bord Pleanála as to whether or not its proposal to carry out road improvements would be likely to give rise to significant effects on the environment and thereby require the preparation of an environmental impact statement. Kildare County Council is of the opinion that an EIA is required for the project. The request is accompanied by a document titled Environmental Impact Assessment Screening Report –Athy Distributor Road prepared by ROD AECOM Alliance.

## **2. SITE LOCATION AND DESCRIPTION**

The site is located on the south side of Athy in County Kildare and the surrounding area comprises a mix of agricultural, residential, riparian and industrial uses.

The proposed road would connect two sections of the N78 at points to the NE and SW of Athy partly along the line of a disused section of the Athy railway track. The proposed road would originate at a new roundabout along the N78 to the SW of the town; run NE through agricultural land and mainly residential areas; then N for a short distance through industrial lands to terminate at the existing roundabout on the N78/R418, c.2km to the E of the town centre.

The proposed road would cross a number of local roads as well as the Dublin to Waterford railway track. It would also cross the River Barrow at a point to the S of where the Grand Canal joins the river adjacent to the River Barrow Bridge, and in the vicinity of a disused railway bridge and the River Barrow Weir.

Photographs and maps in Appendix 1 describe the site and environs in more detail.

### **3. PROPOSED DEVELOPMENT**

The proposed development relates to a c.3.5 km stretch of Type 3 Single Carriageway Road with an anticipated total paved surface area of c.2.4ha.

The proposed works would comprise:

- A paved width of 7m comprising 2 x 3m wide lanes and 2 x 0.5m hard strips
- Two new roundabout junctions, two new signalised junctions and one upgrade of an existing roundabout junction to provide access to the N78 and R418
- A new bridge crossing of the River Barrow
- A new bridge crossing of the Dublin to Waterford Railway Line
- Pedestrian and cycling facilities
- Realignment of local roads and property accesses
- Earthworks including cuttings and embankment
- Construction of road drainage including treatment systems
- Diversion of utility services including potentially raising overhead power lines
- Pavement and road markings
- Erection of new signage

### **4. LEGISLATION AND GUIDELINES**

Section 50(1)(a) of the Roads Act, 1993, as amended, lists development in respect of which there is a mandatory requirement to carry out environmental impact assessment. The proposed development, being less than 'four or more lanes' and not entailing the construction of 'new bridge which would be 100 metres or more in length', does not require mandatory EIA.

However, section 50(1)(c) of the Roads Act, 1993, requires that where a road authority considers that any proposed road development, while being below the relevant threshold for which an EIS would be mandatory, would be likely to have

significant effects on the environment, it shall inform the Board in writing and, where the Board concurs with the road authority, they shall give a direction to the road authority under Section 50(1)(b) to prepare an EIS in respect of such development.

Guidance is provided in the document entitled 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' published by the Department of the Environment, Heritage and Local Government in 2003 which states that the criteria for deciding whether or not a proposed development is likely to have significant effects on the environment are set out in the EC (Environmental Impact Assessment) (Amendment) Regulations, 1999 (S.I. No 93 of 1999) and in Schedule 7 of the Planning and Development Regulations, 2001 (S.I. No 600 of 2001). The key criteria are grouped under 3 headings as follows:

- Characteristics of the proposed development
- Location of the proposed development
- Characteristics of potential impacts

Additional guidance with regard to the screening of road projects for EIA is provided in the National Roads Authority's publication, 'EIA of National Road Schemes, A Practical Guide, 2008'.

## **5. KILDARE COUNTY COUNCIL (EIA) SCREENING REPORT**

The request from the road authority for a direction from the Board is accompanied by an EIA Screening Report prepared by Roughan & O'Sullivan – AECOM Alliance Consulting Engineers on behalf of Kerry County Council. The report describes the proposed development and the receiving environment, and it gives a brief overview of the anticipated impacts and whether such impacts are likely to be significant or not. The report concludes that:

- The proposed works would not require the preparation of a mandatory EIS.
- The proposed development is sub-threshold.

- Having regard to the size of the proposed development, likely significant effects on the environment cannot be ruled out without further assessment.
- Due to the proximity of the proposal to residential areas, the project has potential to result in noise and vibration, landscape and air quality impacts.
- The proposal will also result in potential ecological impacts as it crosses the River barrow and River Nore SAC.
- The majority of the impacts associated with the construction phase will be short term and reversible.
- The road footprint will result in a loss of habitat and the removal of natural material, the AA screening Report has concluded that a NIS is required.
- Having regard to the sensitive nature of the receiving environment (landscape, air quality, noise and ecology) likely significant effects on the environment cannot be ruled out without further detailed assessment.

The EIA Screening Report concludes that the proposed road development may have potential to have significant effects on the environment due to:

- The potential impacts associated with the proposed development.
- The need for further surveys, assessments and investigations, and
- The need for the development and incorporation of mitigation measures in to the design.

The report considered that the proposed road development may be likely to have a significant effect on the environment and recommended that an Environmental Impact Statement should be prepared in respect of the proposal.

## **6. ASSESSMENT**

The 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities Regarding Sub-threshold Development', groups criteria for deciding whether or not a proposed development would be likely to have significant effects on the environment under 3 headings and I propose to consider the request under these headings.

### **6.1 Characteristics of the Proposed Development:**

#### **6.1.1 Size of Proposed Development:**

The proposed development entails the construction of a c.3.5km long distributor road to the S of Athy which will connect the N78 at two points to the SW and NE of the town, and the route would travel through both rural and urban areas. It would comprise the construction of a Type 3 Single Carriageway with a c.7m wide road pavement to appropriate standards and pedestrian and cycle facilities along with roundabout and junction improvements. The proposed development would include the construction of a new bridge crossing of the River Barrow and River Nore SAC and a new bridge crossing of the Dublin to Waterford Railway Line. The proposed road, which would be located in close proximity to existing residential areas, would also entail the realignment of local roads and property accesses.

The mandatory threshold for prescribed types of road development in an urban area is 500m of four or more lanes (dual carriageway) which gives a total paved surface area of 10,500sq.m, and/or the construction of a new bridge which would be 100m or more in length. Although the proposed development would result in a total paved surface area of 24,500sq.m the proposal would be a Type 3 single carriageway road with two lanes, and the proposed bridges would be under 100m in length. Therefore, the proposed development does not meet the mandatory threshold for an EIS. However, I would concur with the conclusion reached by Kildare County Council that having regard to the size of the proposed development, likely significant effects on the environment cannot be ruled out without more detailed surveys, investigations and assessments.

### **6.1.2 Cumulation with Other Proposed Developments**

I am not aware of any known projects planned in the vicinity of the proposed development which would give rise to concerns in terms of cumulation.

### **6.1.3 Use of Natural Resources/Waste/Pollution/Nuisances and Accidents**

Materials will be required for the construction of the road improvement works such as large quantities of aggregates. Unsuitable material will be excavated and not reused during construction although the exact amount has not yet been evaluated. The excavation and treatment of this material may have potential environmental effects and further assessment is required. Also of material consideration in determining whether an EIA is required is the proposed crossing of the River Barrow that forms part of the River Barrow and River Nore SAC which may have a permanent and direct impact on this natural resource.

The proposed development will generate additional vehicle movements and changes in the composition of traffic. There would also be an increase in noise and vibration levels and air quality emissions along the route, however congestion will be reduced in the town centre. Traffic will be generated during the construction period but this would be for a temporary defined period, and a dust minimisation plan would be appropriate during construction.

It is not considered likely that the proposed development would have any adverse impact in terms of accidents, the proposed distributor road would divert traffic away from Athy town centre and provide a safer road with facilities for pedestrians and cyclist for the benefit of all road users.

## **6.2 Location of the Proposed Development:**

### **6.2.1 Existing Land Use**

The proposed road would be located within a rural and urban area which is characterised by agricultural grazing land, suburban residential areas and industrial lands. There are several residential areas along the route with c.83 properties located within 50m of the centreline of the road. As noted above the River Barrow will be crossed by one of the proposed bridges at a point to the S of where the Grand Canal pNHA joins the river. Having regard to the length and width of the proposed development, the predominant land uses in the area will remain unaffected with the exception of a loss of some agricultural land in the SW section.

### **6.2.2 Abundance, Quality and Regenerative Capacity of Natural Resources**

All construction materials will be imported and as noted above, traffic will be generated during the construction phase for a temporary and defined period.

### **6.2.3 Absorption Capacity of the Natural Environment**

The proposed works include constructing a bridge crossing over the River Barrow which forms part of the River Barrow and River Nore SAC (Site code: 002162). This river is located within the South Eastern River Basin District, the WFD classifies water quality as Moderate N of Athy and Good S of Athy and the EPA classifies groundwater as Good. The Grand Canal pNHA and a small stream drain in to the River Barrow and a section of this stream will be culverted. Both the construction and operational phases have the potential to have direct/indirect impacts on the qualifying interests of the River Barrow and River Nore SAC site by way of pollution, siltation, physical obstructions and disturbance. In particular, White-clawed crayfish and several species of fish are known to occur in the River Barrow downstream of Athy. It is noted that the EIA Screening Report states that the AA Screening exercise concluded that an NIS is required as there is the potential for impacts on aquatic and semi aquatic species.

There are several pNHAs located within a c.8km radius of the proposed development including the Grand Canal pNHA which joins the River Barrow to the immediate N of the proposed bridge.

The removal of vegetation to accommodate the works will also arise as will the possible removal and/or introduction of invasive species. This will require appropriate handling to avoid their spread, especially to the River Barrow and River Nore SAC and Grand Canal pNHA sites that adjoin the proposed works. Such works should be carried out in accordance with the relevant guidance documents.

On the basis of the above I would concur with the conclusions of the screening report that an ecological impact assessment would be required along the entire route of the proposed development.

In terms of cultural heritage there are over 200 recorded monuments and protected structures in Athy. The proposed route is located c.40m N of an archaeological burial site in Bleach (KD-035-049). The town centre is a designated Architectural Conservation Area and this designation extends S along the River Barrow. The River Barrow Bridge and the River Barrow Weir are also Protected Structures. The area, in terms of cultural heritage and archaeological sensitivity, is considered to be medium to high and the impact of the proposed development requires detailed assessment.

According to the Landscape Character Areas identified in the County Development Plan, 2011-2017, the route of the proposed development is mainly located within the Southern Lowlands which is a low sensitivity landscape. However, a small section of the route is located within the highly sensitive River Valley and Canal Corridor which is identified as being only able to accommodate limited development pressures. There are also several protected views in the vicinity of the proposed route and the impact of the proposed development on these views requires detailed assessment.

As previously noted, there are several densely populated residential areas located along the proposed route which may be affected by noise, vibration and air quality emissions during the construction and operational phases, and the impact of the

proposed development on these areas requires detailed assessment. Although Athy town centre contains a number of residential areas it is likely that the town will benefit from the proposal as a result of traffic been removed from the town centre.

### **6.3 Characteristics of Potential Impacts**

#### **6.3.1 Extent of Impact**

From the assessment above, it is my opinion that there is a potential for the environmental impact of the proposed development to extend to the surrounding residential areas, the River Barrow and River Nore SAC, and other sensitive areas in relation to water quality, built heritage, archaeology, landscape and views.

#### **6.6.2 Magnitude and Complexity of the Impact**

I would concur with the conclusions of the screening report that there is potential for adverse impacts which could be significant across a number of environmental areas including noise, vibration, air quality, water quality, ecology, archaeology and cultural heritage. I also note the possible proximity of some of the qualifying interests of the River Barrow and River Nore SAC downstream of the proposed bridge (White tailed crayfish and fish species) which adds a degree of complexity in the consideration of the interaction of the foregoing.

#### **6.6.3 Probability of the Impact**

The probability of the impacts would be likely but it is considered that the probability of significant impacts requires further assessment.

#### **6.6.4 Duration, frequency and reversibility of the Impact.**

The proposed development would entail the construction of a new c.3.5km distributor road which will be permanent and non-reversible. The construction phase of the proposed development would be short term.

## **7. CONCLUSION AND RECOMMENDATION**

In conclusion, having regard to the submitted information, with particular reference to the information contained in the Environmental Impact Assessment Screening Report – Athy Distributor Road, together with my site inspection, I would consider that, given the nature of the development and the nature of the receiving environment, the proposal is likely to have significant impacts on the environment and therefore an Environmental Impact Assessment should be carried out and an Environmental Impact Statement should be prepared.

Having regard to the above, I recommend that the Board directs the Road Authority, Kildare County Council, under paragraph (b) of Section 50(1) of the Roads Act, 1993, to prepare an environmental impact assessment in respect of the proposed development for the reasons and considerations set out below.

## **REASONS AND CONSIDERATIONS**

Having regard to:

- (i) the environmental, landscape, heritage and residential sensitivity of the receiving environment in the vicinity of the proposed road project, with particular reference to the European sites in the vicinity of the project including the River Barrow and River Nore SAC (Site code: 002162),
- (ii) Article 27 of the European Communities (Environmental Impact Assessment) Regulations 1989, as amended,
- (iii) Schedule 7 of the Planning and Development Regulations, 2001, as amended,
- (iv) the submissions made to the Board by the road authority, and

(v) the guidance contained in 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development' issued by the Department of Environment, Heritage and Local Government in August, 2003,

it is considered that the proposed road development would be likely to have significant effects on the environment and that an environmental impact assessment (and the submission of an environmental impact statement) is required.

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**Karla Mc Bride**

**Inspectorate**

**05<sup>th</sup> January, 2016**