

April'22

## **Title**

*Environmental Impact Assessment –  
Preliminary Examination Report*

## **Development Description**

Proposed Part 8 Application “to carry out an 8no. unit housing development comprising of; 2no. single storey two-bed dwellings, 6no. two-storey two-bed dwellings and all ancillary site development works, including road enhancement works along the R360 Regional Road.”

## **Location**

*Durrow & Ballaghymurry, Ballymoe, Co. Galway*

## **Applicants**

*Galway County Council*

## **Prepared by:**

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# 1.0 INTRODUCTION

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This Environmental Impact Assessment Preliminary Examination Report has been prepared by Colette Casey (BSc) in partnership with James O' Donnell, Planning Consultant (BA, MRUP, Dip APM) on behalf of Galway County Council who is applying for planning permission *“to carry out an 8no. unit housing development comprising of; 2no. single storey two-bed dwellings, 6no. two-storey two-bed dwellings and all ancillary site development works, including road enhancement works along the R360 Regional Road”* at Durrow & Ballaghymurry, Ballymoe, Co. Galway.

In this regard a Part 8 process in accordance with the Planning and Development Regulations 2001 (as amended) is being carried out.

This application is accompanied by;

- An Appropriate Assessment Screening Report (16<sup>th</sup> of March, 2021) prepared by Moore Group- Environmental Services
- A Stage 2 Site Specific Flood Risk Assessment prepared by Tobin Consulting Engineers
- Stage 1 Road Safety Audit prepared by MWP
- Architect's Planning Report prepared by Hassett Leyden & Associates
- Civil & Structural Engineer Report prepared by Hassett Leyden & Associates
- Associated maps, drawings and layouts.

This Preliminary Examination report has been prepared by Colette Casey (BSc (Hons)) in partnership with James O'Donnell, Planning Consultant (BA, MRUP, Dip APM). Colette Casey is an experienced and qualified ecologist. She has obtained a Bachelor's degree in Environmental Science (BSc Hons) at the National University of Ireland, Galway. She has been involved in the completion of numerous Appropriate Assessment Screening Reports (AASR's), Natura Impact statements (NIS's), Construction Environmental Management Plans (CEMP's), Otter and Bat Surveys in the Republic of Ireland. She is an active member of Birdwatch Ireland, Bat conservation Ireland and a Registered member of CIEEM.

James O' Donnell is a qualified Town Planner and Project Manager with over 22 years planning experience in both the public and private sector in the west of Ireland, including 6 year's experience as a local authority planning officer. James has extensive experience in the project management and delivery of a wide range of complex planning applications requiring environmental and ecological assessment, in accordance with the requirements of the EU Habitats Directive and EIA Directives. James has particular experience in the preparation of EIA Preliminary Examination Reports and EIA Screening Reports for a wide range of projects in the Republic of Ireland.

## 1.1 PURPOSE OF PRELIMINARY EXAMINATION REPORT

This report examines *“Environmental Impact Assessment Screening”* for the proposed development. The purpose of this report is to enable the Planning Authority to make a determination as to whether or not EIA is required in the first

instance, and to determine as to whether not a Screening Report as per Schedule 7A of the Planning & Development Regulations 2001 (as amended) is required in this case.

## 1.2 METHODOLOGY

This “*Environmental Impact Assessment Screening*” has been prepared with regard to the following documents (where relevant and/or applicable):

- Planning and Development Act 2000 (as amended);
- Planning and Development Regulations 2001-2021 (as amended);
- Directive 2011/92/EU<sup>1</sup> as amended by 2014/52/EU<sup>2</sup>;
- EPA (2015) Advice Notes for Preparing Environmental Impact Statements – Draft September 2015
- EPA (2017) Guidelines on the information to be contained in Environmental Impact Assessment Reports – Draft August 2017;
- EPA (2021) Good Practice Guidance on Cumulative Effects Assessment in Strategic Environmental Assessment;
- European Commission (1999) Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions;
- European Commission (2017) Environmental Impact Assessment of Projects – Guidance on Screening;
- DoEHLG (2003) Environmental Impact Assessment (EIA) - Guidance for Consent Authorities regarding Sub-Threshold Development; and
- DoHPLG (2018) Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment – August 2018.
- Office of the Planning Regulator (June, 2021) “*OPR Practice Note PN02 – Environmental impact Assessment Screening.*”

## 1.3 LEGISLATION

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As it pertains to this application, the requirement to complete an EIA as per Directive 2014/52/EU amending Directive 2011/92/EU is transposed into Irish legislation primarily via the:

- Planning and Development Act 2000 (as amended) (the ‘Act’); and
- Planning and Development Regulations 2001 (as amended) (the ‘Regulations’).

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<sup>1</sup> Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment

<sup>2</sup> Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

Pursuant to Article 81(ca) of the Regulations 2001, a Planning Authority must indicate its conclusion under article 120(1)(b)(i) (a preliminary examination) or screening determination under article 120(1B)(b)(i) in the public notices that form part of a Part 8 process.

Where a local authority proposes to carry out a subthreshold development, the authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

Where the local authority concludes, based on such preliminary examination, that—

(i) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,

(ii) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall prepare, or cause to be prepared, the information specified in Schedule 7A for the purposes of a screening determination, or

(iii) there is a real likelihood of significant effects on the environment arising from the proposed development, it shall— (I) conclude that the development would be likely to have such effects, and (II) prepare, or cause to be prepared, an EIAR in respect of the development.

## 2.0 THE SUBJECT SITE

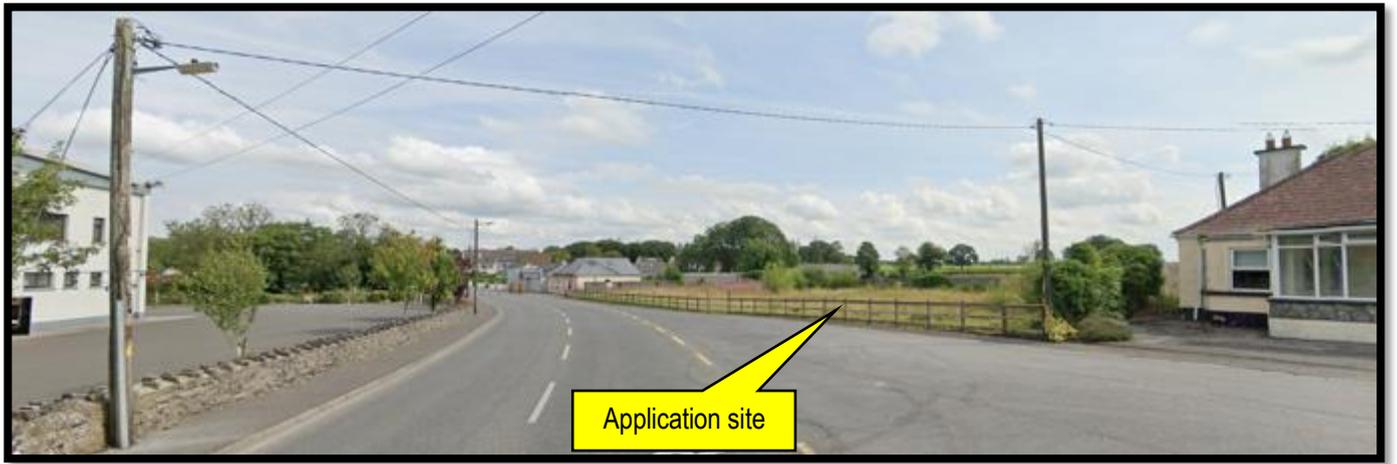
### 2.1 SITE LOCATION & CONTEXT

The subject site is located within the village of Ballymoe to the north-east of Co. Galway. The subject site (c.0.51ha in size) is located the built environment of Ballymoe Village, within the 50kmph urban speed limit on the eastern edge of the R360 Williamstown to Ballymoe Regional Road, which forms part of the Main Street of the village. The site of the proposed housing development currently consists of an underutilised urban infill site (See Figure 1). The subject site is bounded by a residential unit to the north, with a former supermarket and old roadside petrol station building located further to the north. The subject site is bounded by the R360 Regional road and hard shoulder with an unsurfaced footway to the west, with the Fr. Flanagan Community Centre located across the road further to the west. To the south the subject site is bounded by another residential unit, and a derelict 2 storey flat roof building further to the south. The lands directly to the east are undeveloped and are currently in pastoral agricultural use. The topography of the area is generally flat.



**Figure 1:** Aerial Photo extract showing Location of subject site within the village of Ballymoe (Source: Google Maps).

The site of the proposed housing development is generally bounded by a blockwork wall (along the northern and eastern perimeter), with timber fencing along the western roadside frontage (See Figure 2 below).



**Figure 2:** Photo looking north of subject application site within the village of Ballymoe (Source: Google Street).

## **2.2 ENVIRONMENTAL SENSITIVITIES OF THE SITE**

### **2.2.1 Soils**

The Soil Group is “*Acid Brown Earths, Brown Podzolics & Made/Built land*”. Subsoils are categorised as Sandstone till along with Man Made which is well drained. The National soils hydrology map indicates, Shallow well drained mineral - Derived from mainly calcareous parent materials. Based off the information provided by the Trial Pit Record prepared by IGSL, from the reports the soil on site is of a good quality, there is no iron pans or barriers for drainage.

### **2.2.2 Hydrology**

The closest major water feature in the area is the Island River, which is located c.200m to the north west of the site. Under the Water Framework Directive status assessments 2013 – \_2018, the Island River (Island\_030) is of Good status,EPA Code- IE\_SH\_26I030400. Downstream, the Island River flows into the River Suck to the north of Ballymoe Village.

There are there are no notable surface water features onsite and no direct hydrological pathways to offsite surface water bodies.

### **2.2.3 Aquifer**

The GSI Bedrock Aquifer code is Rkd which is a Regionally Important Aquifer - Karstified (diffuse).

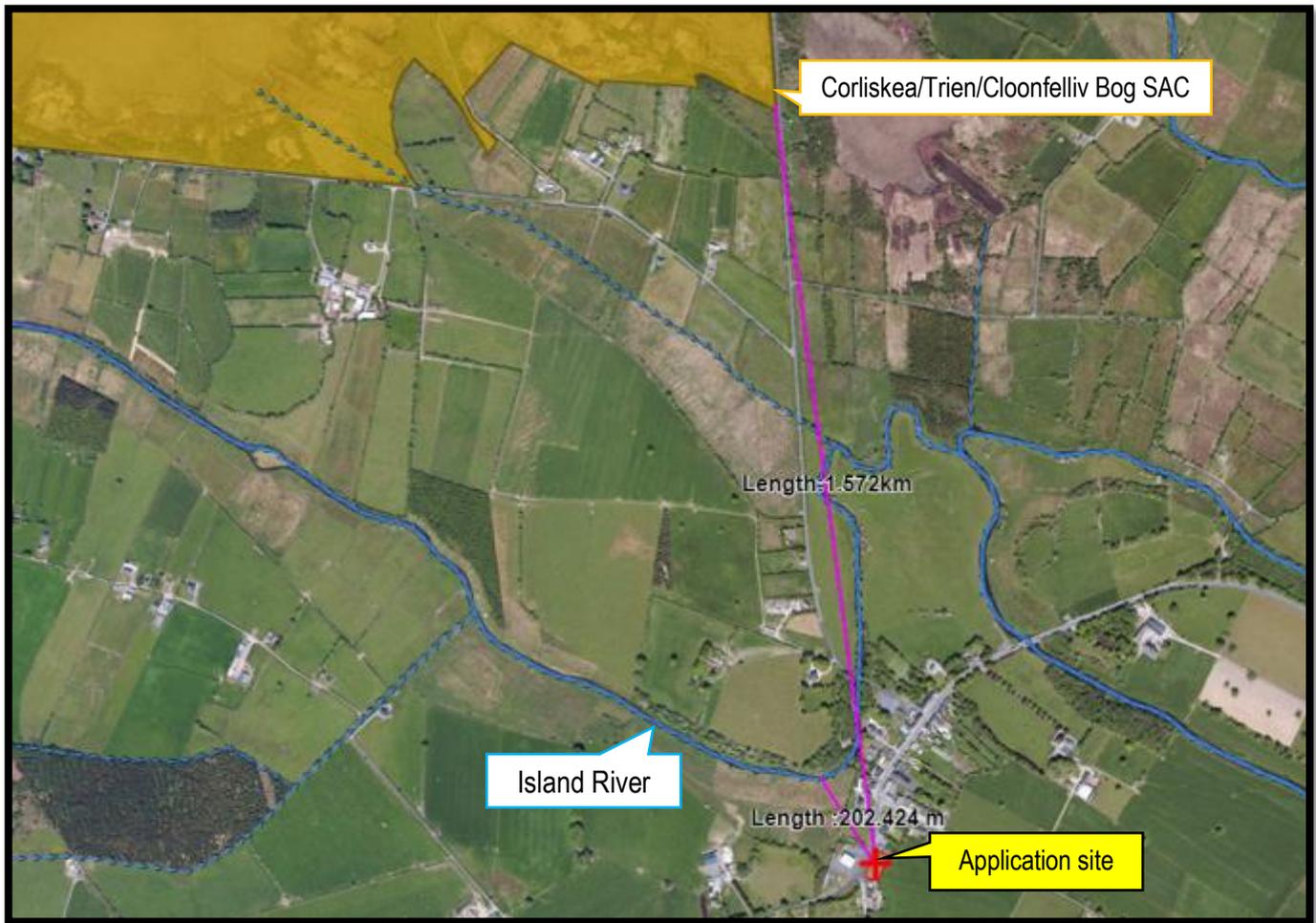
### **2.2.4 Air Quality**

The Air Quality Index Regions indicate that Air Quality Index is 3 – \_Good ( updated Tue 25-May-2021). The Area is listed at Rural West, Region 6

### **2.2.5 Natura 2000 Network**

There are no Natura 2000 Environmental Designations i.e. (European Sites) on or in close proximity to the subject site. There are no water courses within the site. The “Island River” is located approximately 200m to the north-west of the application site, with the regional road and residential development in between. This river flows northwards (away from the subject) into the River Suck to the north of Ballymoe village. There is no discernible hydraulic pathway or receptor to connect the proposed development site and the Island River.

The nearest European site to the Proposed Development is Corliskea/Trien/Cloonfelliv Bog SAC, situated 1.53km to the north (See Figure 3 below).



**Figure 3:** Extract from “EPA Mapviewer – Appropriate Assessment tool”, showing location of subject site relative to Island River c. 200m to the north-east and the nearest Natura 2000 site c. 1.5km to the north.

Note: The flow direction of the Island river does not flow into the Corliskea/Trien/Cloonfelliv Bog SAC.

As per the “Appropriate Assessment Screening Report” prepared by Moore Group Environmental Services, there are no pathways and no connectivity to any European Sites considered in the assessment. This report concludes, inter alia that *“It can be excluded, on the basis of objective information, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on a European site.”*

### 2.2.6 Natural Heritage Areas

There are no Natural Heritage Areas (NHA’s) or proposed Natural Heritage Areas (pNHA’s) on or in close proximity to the subject site. The nearest NHA to the Proposed Development is Bracklagh Bog NHA which is located 3.9km to the west, and the nearest pNHA is Corliskea/Trien/Cloonfelliv Bog pNHA located c. 1.6km to the north. It should be noted that the nearest watercourse to the subject site i.e. “Island river” does not flow into the latter designations.



Figure 4: Extract from [www.myplan.ie](http://www.myplan.ie) showing location of subject application site relative to NHA's and pNHA's in the wider area.

## 2.2.7 Ecology

As part of the Appropriate Assessment Screening report, this confirms that;

- *“the main habitats on site comprise rush dominated rank grassland and patches of Willow and Bramble Scrub”,*
- *“There are no Third Schedule Invasive species on the site.”*
- *“There are no Annexed habitats on site, no rare or protected Flora on site and no signs of mammals.”* And that;
- *“The site is considered of Low Local Ecological value and does not require an Ecological Impact Assessment.”*

Therefore, the subject site is not ecologically sensitive.

## 2.2.8 Built Heritage

No recorded archaeological monuments exist on or adjacent to the subject site. No Protected Structure (RPS) exists on site and the subject site is not located within the curtilage of a Protected Structure. There is no structure as listed under the NIAH directory located on or in close vicinity of the subject site. In addition, the subject site is not located within an Architectural Conservation Area (ACA).

## 2.2.9 Development Plan Specific Objectives

Currently, the Statutory Land Use Plan for the area is the Galway County Development Plan 2015-2021 (CDP). This does not identify any zoning plan or specific planning objectives for Ballymoe village. However, it is noted that Objective UHO

10 of the CDP entitled “sequential Development” states, inter alia that *“In un-zoned towns and villages, the presumption shall be in favour of sequential development emanating from the town/village core outwards, subject to compliance with the principles of proper planning and sustainable development and the County Development Plan.”* In response, the proposed residential development on this serviced infill site within the built environment of the village is consistent with the principles of urban consolidation and sequential development.

### **3.0 PROPOSED DEVELOPMENT**

The extent of this proposed Part 8 development is best described in the public notices. The proposed development consists of an;

*“8no. unit housing development comprising of; 2no. single storey two-bed dwellings, 6no. two-storey two-bed dwellings and all ancillary site development works, including road enhancement works along the R360 Regional Road ”* at Durrow & Ballaghymurry, Ballymoe, Co. Galway.

### **4.0 PRELIMINARY EXAMINATION REVIEW**

#### **4.1 GUIDANCE ON ENVIRONMENTAL IMPACT ASSESSMENT SCREENING**

Advice on this matter is set out in the recent publication prepared by the Office of the Planning Regulator (OPR) entitled *“OPR Practice Note PN02 – Environmental impact Assessment Screening”* (May 2021). This practice note provides useful information and guidance in relation to the requirement for Environmental Impact Assessment, which aids Planning Authorities as the Competent Authority (CA) in this area.

Section 3.0 of the OPR First Practice note PN02 sets out a *“Step-by-step Approach”* to EIA Screening. This includes;

- Step 1: Understanding the proposal, and,
- Step 2: Preliminary Examination and Conclusion

See Figures 5 & 6 below.



Figure 5: Extract from OPR Guidance showing Step 1 of “Step-by-step approach to EIA Screening for Development Proposals.”

As per Step 1 (a) of the OPR Guidance, the proposed application is a project for the purpose of Environmental Impact Assessment (EIA).

## 4.2 MANDATORY THRESHOLD ASSESSMENT

As per Step 1(b) of the OPR Guidance, an assessment as to whether a Mandatory EIA is required, needs to be carried out.

Schedule 5 of the Planning & Development Regulations 2001 (As amended) prescribes the classes and scale of development which require EIA.

There is no class set out under Part 1 of Schedule 5 in relation to the provision of “Housing”.

It is noted that class 10(b)(i) refers to;

*“Construction of more than 500 dwelling units.”*

In response, the proposed development is for no. 8 dwelling units and therefore is sub- threshold in this regard.

*“Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.”*

In response, the proposed site area is 0.51 ha, and therefore is sub- threshold in this regard.

Finally, it is noted that class 13 refers to;

*“(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would: -*

*(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and*

(ii) result in an increase in size greater than –

- 25 per cent, or

- an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.”

In response, owing to the modest scale of the proposed development, it would not result in the development being of a Class listed in Parts 1 or 2 of Schedule 5.

Having regard to the above, the project is not of a class of development in Schedule 5, Parts 1 and 2. Accordingly, there is no mandatory requirement for EIA in this case.

### 4.3 IS THE PROJECT SUB-THRESHOLD?

As per Step 1(c) of the OPR Guidance, a review as to whether the project is sub-threshold is required, needs to be carried out. As none of the thresholds set out in Step 1(b) have been exceeded, the project is sub-threshold development. As such, Step 1 (c) advises to proceed to Step 2 (explained in Figure 6 below) which requires a Preliminary Examination.

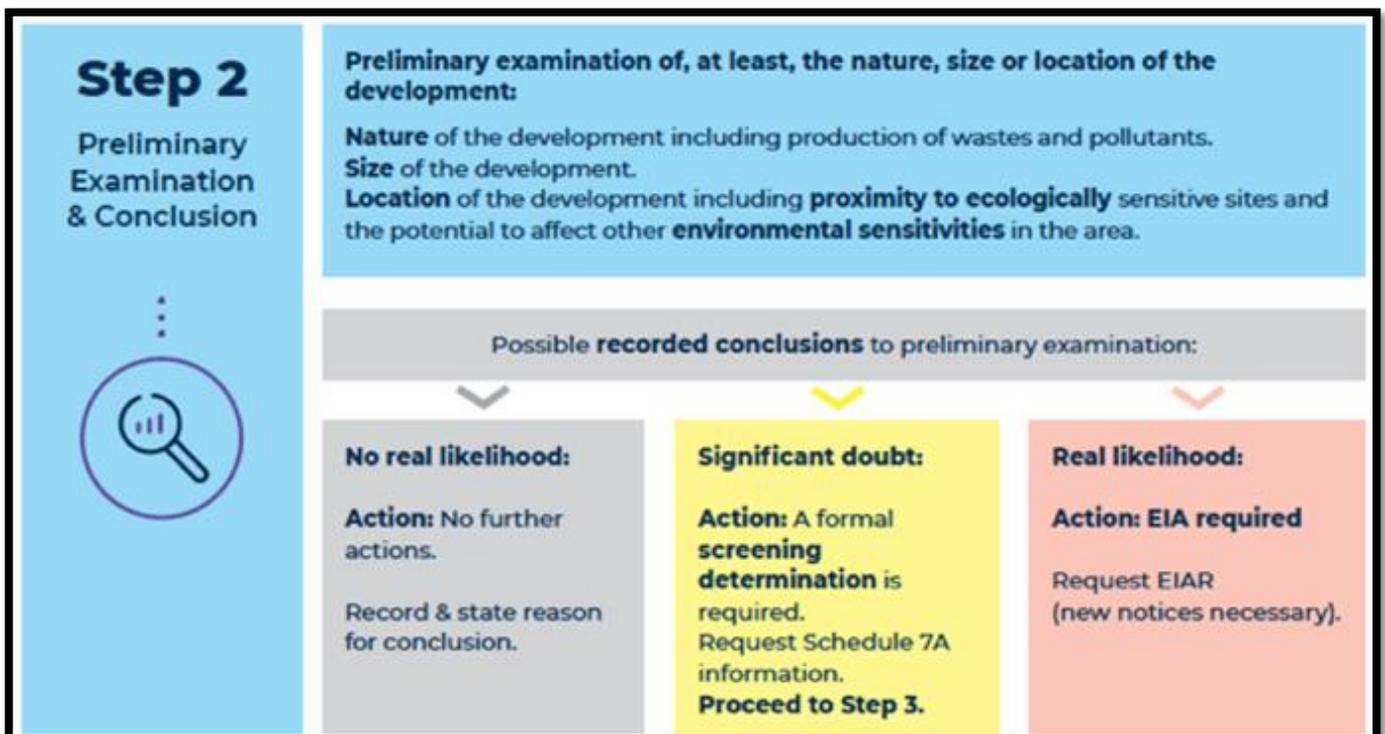


Figure 6: Extract from OPR Guidance showing Step 2 of “Step-by-step approach to EIA Screening for Development Proposals.”

### 4.4 PRELIMINARY EXAMINATION CONSIDERATIONS

In accordance with the legislation and OPR Guidance<sup>3</sup>, this section of the report will review at the least, the nature size and location of the development.

<sup>3</sup> This section of the report responds to standard questions set out in Form 2 of the OPR Practice Note PN02.

#### 4.4.1 Nature of the development

The existing environment of the proposed site is an underutilised infill urban site. The topography of the site and the surrounding area is generally flat.

As per the Appropriate Assessment Screening report, this confirms that;

- *“the main habitats on site comprise rush dominated rank grassland and patches of Willow and Bramble Scrub”,*
- *“There are no Third Schedule Invasive species on the site.”*
- *“There are no Annexed habitats on site, no rare or protected Flora on site and no signs of mammals.”* And that;
- *“The site is considered of Low Local Ecological value and does not require an Ecological Impact Assessment.”*

Therefore, the subject site is not environmentally sensitive.

**Table 1: Compliance with “Nature of the Development” criteria set out in Form 2 of the OPR Practice Note PN02, with respect to Preliminary Examination**

OPR “Nature of the Development” Criteria	Comment
<p><i>“Is the nature of the proposed development exceptional in the context of the existing environment?”</i></p>	<p>The site of the proposed housing development is located at a vacant underutilised urban infill site within the village of Ballymoe, bounded by residential buildings directly to the north and south. As such, the subject site is located in an established residential area. In addition, permission was previously granted on this site for 8 No. 2 storey dwelling houses under Pl. Ref. No. 04/5576 as extended under Pl. Ref. No.’s 10/656 and 15/7. Therefore, the proposed development is not considered to be exceptional in the context of the existing environment.</p>
<p><i>“Will the development result in the production of any significant waste, or result in significant emissions or pollutants?”</i></p>	<p>The proposed development seeks to connect to public main water supply and the public sewer network. In this regard, a Confirmation of Feasibility has been received from Irish Water.</p> <p>The Engineers report sets out surface water drainage proposals, including the provision of petrol interceptors.</p> <p>The topography of the site is generally flat. Whilst minor levelling works and site drainage works are proposed, large scale excavation works are not required to facilitate the development.</p> <p>The “Engineers Report” also confirms the removal of topsoil and Construction and Demolition Waste will be managed in accordance with the Waste management Acts. Local construction impacts are envisaged to be temporary.</p> <p>In the light of the foregoing, it has been demonstrated that the proposed development will not result in the production of any significant waste, or result in significant waste and pollutions, which would adversely affect the environment.</p>

Owing to the Nature of the proposed development on this site, consisting of a small infill residential development within the urban area of the village of Ballymoe, there is no real likelihood of significant effects on the environment arising from the proposed development.

#### 4.4.2 Size of the development

The site size amounts to c. 0.51 hectares, to accommodate 8 no. residential units. This is made up of 6 no. two storey house and 2 no. bungalows. The gross floor area of the proposed development amounts to 652sqm.

**Table 2: Compliance with “Size of the Development” criteria set out in Form 2 of the OPR Practice Note PN02, with respect to Preliminary Examination**

OPR “Size of the Development” Criteria	Comment
<p><i>“Is the size of the proposed development exceptional in the context of the existing environment?”</i></p>	<p>The site of the proposed housing development located at a vacant underutilised urban infill site, within an overall site size of c. 0.51 ha. The size of the development is not exceptional in the context of the existing built-up urban environment. In fact a residential development of 6 no. single storey semi-detached units are located along the L-6409 county road c. 68m to the north east, with 7 no. 2 storey detached houses on the opposite side of the latter county road, further to the north. (See Figure 1). In addition, permission was previously granted on this site for 8 No. 2 storey dwelling houses under Pl. Ref. No. 04/5576 as extended under Pl. Ref. No.’s 10/656 and 15/7. Therefore, the size of the proposed development is not exceptional in the context of the existing environment.</p>
<p><i>“Are there cumulative considerations having regard to other existing and/or permitted projects?”</i></p>	<p>No development of any significance has taken place in recent years within immediate vicinity of the site. Furthermore, with the exception of the previously permitted housing development on the subject site, no projects of note have been permitted within immediate vicinity of the site. As such there is no real likelihood of significant cumulative effects on the environment alone or in combination with other projects in the area.</p>

Owing to the modest size of the proposed development, within the built-up area of the village of Ballymoe, there is no real likelihood of significant effects on the environment arising from the proposed development.

#### 4.4.3 Location

The application site currently consists of a serviced and underutilised urban infill site, within the built environment and urban envelope of the village of Ballymoe.

The site of the proposed housing development is located within the 50kmph urban speed limit on the eastern edge of the R360 Williamstown to Ballymoe Regional Road, which forms part of the Main Street of the village. The subject site is bounded by a residential unit to the north, with a former supermarket and old roadside petrol station located further to the north. The subject site is bounded by the R360 Regional road and hard shoulder to the west, with the Fr. Flanagan Community Centre located across the road further to the west. To the south the subject site is bounded by another residential unit, and a derelict 2 storey flat roof building further to the south. The lands directly to the east are undeveloped and are currently in pastoral agricultural use.

There are no Environmental Designations on or in close proximity to the subject site. There are no water courses within the site. The “Island River” is located approximately 200m to the north-west of the application site, with the regional road and residential development in between. This river flows northwards (away from the subject) into the River Suck to the north of Ballymoe village. There is no discernible hydraulic pathway or receptor to connect the proposed development site and the Island River. Furthermore, there are no identifiable hydraulic or ecological connections between the proposed development site and any Environmental Designations in the wider area.

**Table 3: Compliance with “Location” criteria set out in Form 2 of the OPR Practice Note PN02, with respect to Preliminary Examination**

OPR “Location” Criteria	Comment
<p><i>“Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?”</i></p>	<p>The location of the proposed development is not located on or in an ecologically sensitive location. This is a serviced urban infill site within the built environment of Ballymoe village. Furthermore, owing to the distance between the subject site and nearest Natura 2000 site (c.1.5km), and in the absence of identifiable hydraulic and ecological connections therein, it is considered that the proposed development does not have the potential to impact on the Natura 2000 Network. In addition, the subject site is located 1.5km from the nearest Natural Heritage Area, again with no hydraulic or ecological connection identified.</p>
<p><i>“Does the proposed development have the potential to affect other significant environmental sensitivities in the area?”</i></p>	<p>The proposed development is accompanied by a Stage 2 Site Specific Flood Risk Assessment. This concludes that; <i>“The subject site is not located in an area identified by OPW mapping (PFRA, NIFM, CFRAM) as liable to fluvial, pluvial, groundwater or coastal flooding in an extreme event, including considerations for climate change.”</i></p> <p>And</p> <p><i>“As the developable area is located outside predicted flow paths and floodplain extents, and surface water arising at the site will be managed by a dedicated stormwater drainage system designed in accordance with SuDS limiting discharge from the site to greenfield runoff rates, it is predicted the development will not increase flood risk elsewhere.”</i></p> <p>In this regard, it can be concluded that the proposed development would not have the potential to affect any flood risk environmental sensitivities in the area.</p>

Therefore, owing to the location of the proposed development, and the absence of any identifiable pathways and/or ecological connections to watercourses and/or European sites, there is no real likelihood of significant effects on the environment arising from the proposed development.

Accordingly, a Schedule 7A EIA Screening Determination is not required in this instance.

## **5.0 PRELIMINARY EXAMINATION CONCLUSION**

This Environmental Impact Assessment Preliminary Examination report confirms that the project is not of a class of development in Schedule 5, Parts 1 and 2. Accordingly it does not require mandatory EIA. In addition, having reviewed the nature, size and location of the proposed development, it can be concluded in this Preliminary Examination that there is no real likelihood of significant effects on the environment arising from the proposed development. In these circumstances, neither a Schedule 7A EIA Screening Determination nor an Environmental Impact Assessment Report is required in this case.

