

Ardrew, Athy, Co. Kildare
EIA Preliminary Examination Report
to accompany a Part 8 Application for
social housing development

Social Housing Bundle 3 – Kildare County
Council

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1 Introduction

This EIA Preliminary Examination Report has been prepared for Kildare County Council. The Council intends to provide a development of new 73 new social homes, at a site c. 2.43 ha at Andrew, Athy, Co. Kildare. A Part 8 process pursuant to the Planning and Development Regulations 2001 as amended (the Regulations 2001) is being carried out.

1.1 Legislative background

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 The site

2.1 Site and Environs

The townland of Andrew is located c 1 km south east of Athy town centre.

The site consists of c. 2.43 ha of greenfield land. To the south of the site is a social housing estate and a halting site. To the west is agricultural land. Beyond this land to the west is residential housing bounded by Bennettsbridge Stream which flows east to the Barrow. To the east is Forbarrinton Local Road L8990. Along the northern boundary is a narrow strip associated with appears to be a former railway line to the rear of a house that fronts the L8990. This area of land is the location of a planned distributor road. To the north of this strip of land is residential housing. The site is relatively flat at the L8990 and falls away to the west.

A creche and local shop is located opposite the application site and a large housing estate lies east of the local road.

Three electricity poles are located on close to the road frontage.

Figure 1: Site Location (outlined in red). Source EPA mapping



2.2 Environmental sensitivities of the site

2.2.1 Soils

The Soil Group is *“Shallow Brown, Earths/Grey Brown, Podzolics, Rendzinas, Lithosols, Some outcropping rock”*.

Subsoils are categorised Limestone sands and gravels (Carboniferous) with a gravelly texture within a class of glaciofluvial sands and gravels.

The National soils hydrology map indicates, Shallow well drained mineral - Derived from mainly calcareous parent materials

2.2.2 Hydrology

The closest major water feature in the area is the River Barrow, which is located c550 m east of the site.

Bennetsbridge Stream is located c 450 m south-west of the Site.

Under the Water Framework Directive status assessments 2013 – 2018, the River Barrow is of Good status upstream of Athy, but of Poor to Moderate status downstream of the town.

2.2.3 Aquifer

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

2.2.4 Air quality

Air Quality Index Regions indicate that Air Quality Index is 3 – Good (updated Tue 25-May-2021).

2.2.5 Designated sites

River Barrow and Nore Special Area of Conservation (SAC) Site code 002162 c 550 m east.

Qualifying Interests

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Reefs [1170]
- Salicornia and other annuals colonising mud and sand [1310]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation [3260]
- European dry heaths [4030]
- Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]
- Petrifying springs with tufa formation (*Cratoneurion*) [7220]
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) [91E0]
- *Vertigo moulinsiana* (*Desmoulin's Whorl Snail*) [1016]
- *Margaritifera margaritifera* (*Freshwater Pearl Mussel*) [1029]
- *Austropotamobius pallipes* (*White-clawed Crayfish*) [1092]
- *Petromyzon marinus* (*Sea Lamprey*) [1095]
- *Lampetra planeri* (*Brook Lamprey*) [1096]
- *Lampetra fluviatilis* (*River Lamprey*) [1099]
- *Alosa fallax fallax* (*Twaiite Shad*) [1103]
- *Salmo salar* (*Salmon*) [1106]
- *Lutra lutra* (*Otter*) [1355]
- *Trichomanes speciosum* (*Killarney Fern*) [1421]
- *Margaritifera durrovensis* (*Nore Pearl Mussel*) [1990]

2.2.6 Proposed National Heritage Areas

Grand Canal pNHA (2104) c.0.6 km north

Barrow Valley At Tankardstown Bridge pNHA (858)c. 3.8 km south-east

Ballylynan pNHA (857) c. 4.6 km south

2.2.7 Archaeology

The archaeological assessment indicates archaeological features are not visible on the surface of the site. There are no recorded monuments situated within the site boundaries and the closest is c 700 m east from the site. Excavations have not been undertaken within the site but several have taken place in the wider area. The archaeological assessment considers that there is moderate potential for the survival of buried archaeological remains at this site. It is recommended that the site be subject to further assessment prior to development in the form of geophysical survey followed by test excavations informed by the results of the survey.

2.2.8 Development Plan specific objectives

No trees are protected on site and no views or prospects relate to the site. There are no Protected Structures on the site or in the immediate environs.

The landscape designation is southern lowlands sensitivity class 1.

A planning report accompanies the Part 8 process which sets out in detail the applicable planning policies.

2.2.9 Ecology

Tree felling and other site clearance works will take place outside the season of peak breeding activity in birds and mammals, or the area will be surveyed by an ecologist to confirm that no protected fauna are present. *“As a result, the Ecological assessment considers that there will be no impact on local bird or mammal populations, and no legal offence under the Wildlife Act 1976 (as amended). Subject to the successful implementation of this measure, it can be concluded that the proposed development will not cause any significant negative impacts on designated sites, habitats, legally protected species, or any other features of ecological importance.”*

3 Proposed development

The proposed development is fully described in the public notices and consists of residential, and ancillary works.

The construction of 73 social housing units to include:

54 no. houses (50 no. 2-storey and 4 no. bungalows, comprised of 4 no. 1-bed, 24 no. 2-bed, 20 no. 3-bed and 6 no. 4-bed) and 18 no. triplex apartments (3 storey comprised of 18 no. 1-bed) and 1 no 2-bed duplex apartment.

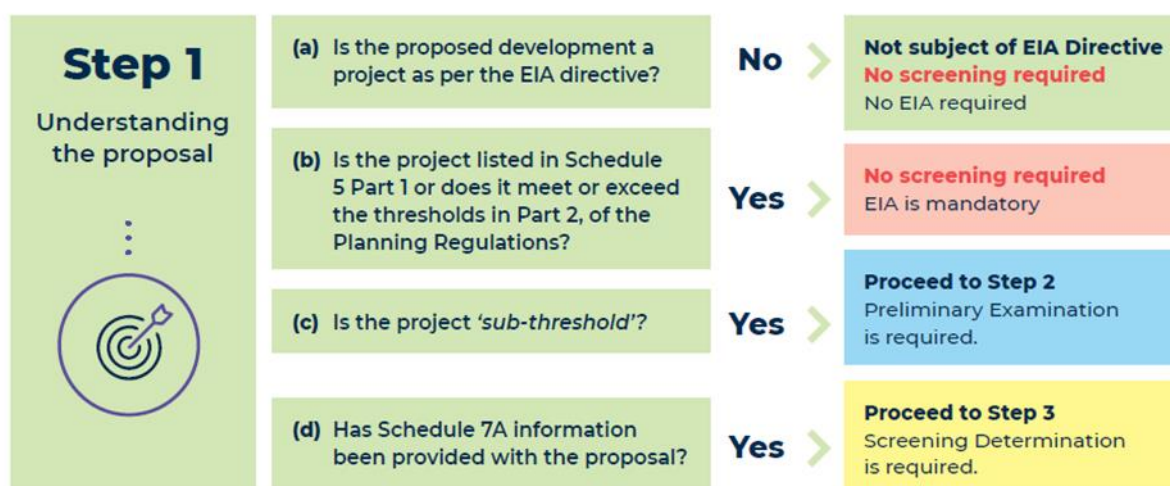
The proposal includes an estate community unit (104.2 sqm), a new access off Fortbarrington Road, on-street car parking (141 spaces), public and private open space, boundary treatments, new pedestrian and cycle connection to south, public lighting, site drainage works, internal road networks and footpath, ESB switchrooms/kiosks, landscaping, play area and all ancillary site services and development works above and below ground.

4 Preliminary Examination in context of proposed development

4.1 Guidance on Environmental Impact Assessment Screening

The Office of the Planning Regulator has issued guidance in the form of the Environmental Impact Assessment Screening- Practice Note, May 2021 which aids Planning Authorities as the Competent Authority (CA) in this area.

Figure 2: Extract from Guidance Note



This report has had regard to the OPR guidance and methodology.

4.1.1 Project

The proposed application is a project for the purpose of Environmental Impact Assessment (EIA) under Stage1 stage (a) of the OPR guidance.

4.2 Mandatory Threshold Assessment

A list of the types or classes of development that require EIA or screening for EIA is provided in Part 1 and Part 2 of Schedule 5 of the Planning and Development Regulations 2001, (Regulations) as amended. 'Sub-threshold development' comprises development of a type that is included in Part 2 of Schedule 5, but which does not equal or exceed a quantity, area or other limit (the threshold).

The specific nature of the proposed development is not stated in Part 1 of Schedule 5 of the Regulations. In Part 2 of schedule 5, the following is the relevant to assessment of sub threshold development.

10. Infrastructure projects

(b) (i) Construction of more than 500 dwelling units.

(ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.

(iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.

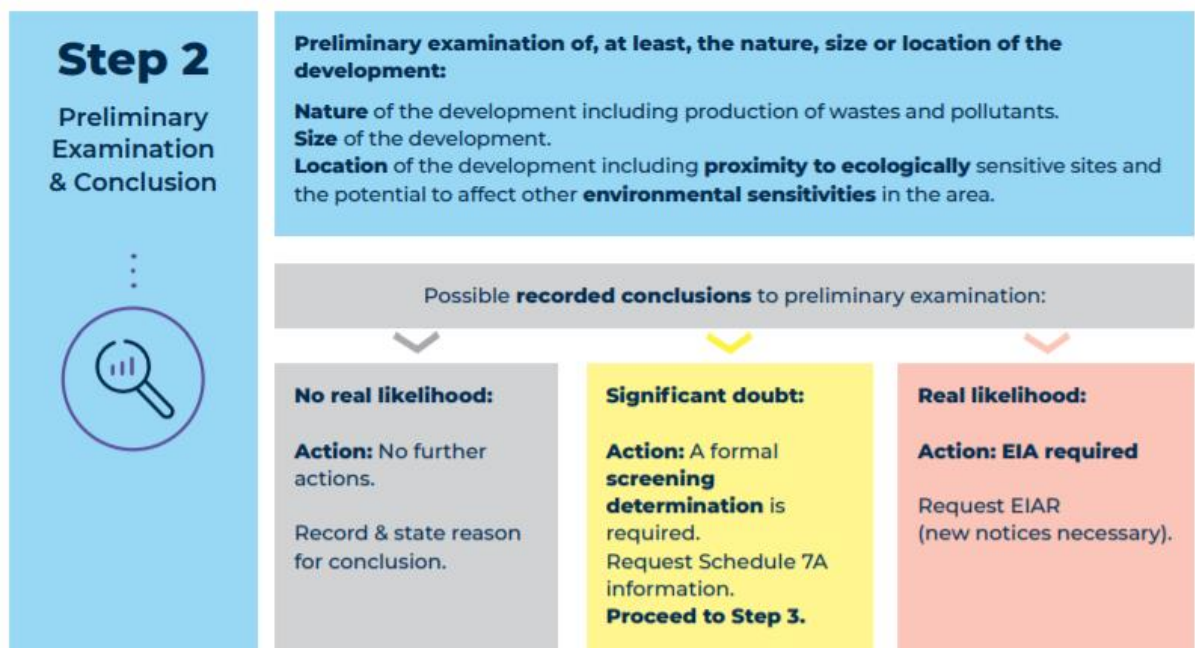
(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

(“business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

In relation to proposed development none of the thresholds above are exceeded.

Accordingly, the projects is **sub threshold development** and under Step 1(b) of the OPR guidance a preliminary examination is required under Step 2.

Figure 3: Extract from Guidance Note



4.3 Preliminary Examination considerations

Preliminary examinations must consider at least the following:

The nature of the development including the production of wastes and pollutants;

The size of the development; or

The location of the development including the potential to impact on certain ecologically sensitive sites and the potential to affect other environmentally sensitive sites in the area.

This overlaps with submitted Appropriate Assessment (AA) and consideration to hydrological and other connections to European sites.

The OPR guidance states a number of questions to assist the preliminary examination.

4.4 Nature of the development:

4.4.1 Is the nature of the proposed development exceptional in the context of the existing environment?

The nature of the development (73 social housing units and an estate community unit) is not exceptional in any way in the existing environment of residential use on zoned land (currently used for agriculture) where residential use has been developed opposite and low-density residential uses are located to the south off the local road. The proposed development is c 31 units per ha (net). The proposed development as described in section 3 above is below the threshold for mandatory EIA as stated in section 4.2 above.

Will the development result in the production of any significant waste, or result in significant emissions or pollutants?

The nature of the proposed use is primarily residential. The proposed residential development by its nature will not cause any significant emissions or pollutants during construction or when operational. During the construction stage, the proposed 31.9 per ha density residential development will not cause any significant emissions or pollutants owing to the nature of the proposal. Standard construction methods will be applied for the development with standards construction waste (type and quantum) expected. When operational, the homes will avail of the waste disposal provision in the area.

4.5 Size of the development

4.5.1 Is the size of the proposed development exceptional in the context of the existing environment?

The size of the development is not exceptional in any way in the existing environment. It consists of 73 residential units and an estate community unit. The existing environment is that of agricultural lands beside residential with a shop and creche in the vicinity. The site is on serviced zoned lands. While the proposed development will transform the existing open field into a built environment, this has been planned in the Local Area Plan in the applicable zoning.

4.5.2 Are there cumulative considerations having regard to other existing and/or permitted projects?

The new Athy Southern Distributor Road is under construction to the north of the site. This was permitted pursuant to ABP Case reference: HA09.HA0050. That application to An Bord Pleanála was accompanied by an EIAR and is a consented development. The proposed development is on a small site in the vicinity of the new road and the application has taken consideration of possible noise impacts in the design of the buildings by setting back the development from existing and proposed roads.

There are no other significant developments permitted in the vicinity which would bring this development cumulatively with others above the mandatory EIA threshold. There are a number of minor modifications granted planning permission in the general area.

Foul water will be discharged to a local authority foul sewer and conveyed to the Athy Waste Water Treatment Works (WWTW). See drawing SHB3-ATY-CS-RPS-DR- DA002 for details.

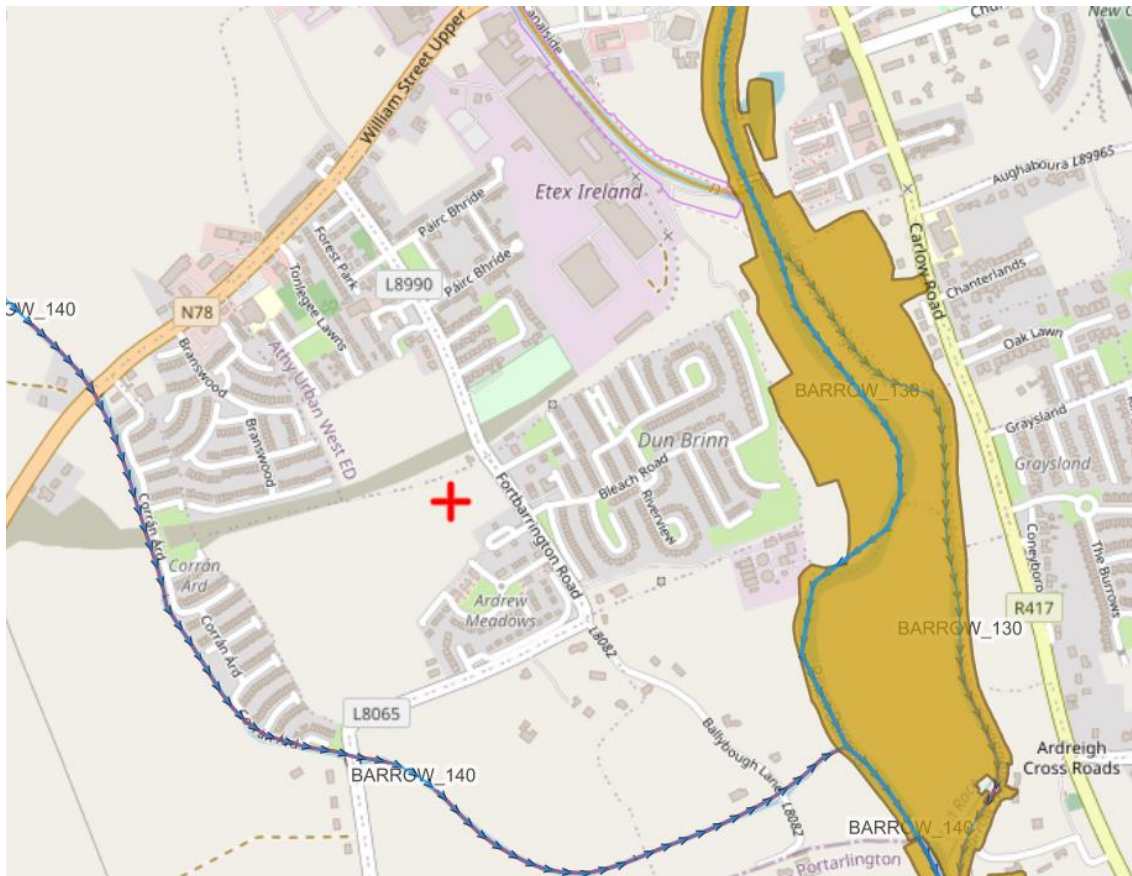
4.6 Location:

4.6.1 Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?

The proposed development is not located on, in, or an ecologically sensitive site or location.

The site is located c 0.5 km from the River Barrow and River Nore SAC (2162).

Figure 4: Extract from EPA mapping, site marked with cross and River Barrow and River Nore SAC (2162) in brown.



4.6.2 Does the proposed development have the potential to affect other significant environmental sensitivities in the area?

The detailed sensitivities of the site are outlined in section 2.2 above.

There are no rivers, streams or drainage ditches linking the development site with the River Barrow or the Bennetsbridge Stream. Groundwater could theoretically provide a pathway due to the permeability of underlying soils and bedrock. The AA screening report has considered this and states but “any pollutants generated at the Site would be filtered by at least 500 m of intervening soils prior to reaching the river, which would reduce their concentrations to negligible levels. Therefore, groundwater is not considered to be a feasible pathway. Pathways via land or air can also be ruled out due to distance.”

In summary, no potential pathways were identified to the River Barrow and River Nore SAC or any other Natura 2000 site.

No archaeological monuments are located on the site. An Archaeological report accompanies the Part 8 development with pre-construction recommendations.

The site is surrounded by residential development / agricultural land.

There are no protected structures on the site.

An ecological assessment has been carried out. There are no buildings or mature trees within the site that could be suitable for roosting bats. The ecological assessment concludes no significant ecological issues arise.

The proposed development is not considered to be development located on, in, or adjoining an ecologically sensitive site or location and does not have the potential to impact on an ecologically sensitive site or location. There are no particular environmental sensitivities per the available information.

5 Preliminary Examination Conclusion

Following preliminary examination, the planning authority is recommended to conclude that an EIA is not required based on the preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development.

