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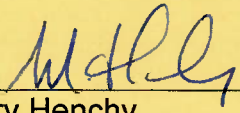
**Direction**  
**CD- 022141-26**  
**ACP-323932-25**

The submissions on this file and the Inspector's report were considered at a meeting held on 29/04/2026.

The Commission decided to approve the proposed development generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

**Planning**

**Commissioner:**

  
Mary Henchy

**Date:** 30/04/2026

**DRAFT WORDING FOR ORDER**

**Reasons and Considerations**

In performing its functions in relation to the making of its decision, the Commission was consistent with Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set

out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

The Commission also had regard to the following in coming to its decision:

1. European legislation, including of particular relevance:

- (a) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
- (b) Directive 2011/92/EU (The Environmental Impact Assessment Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule Six (paragraphs one and two) of the Planning and Development Regulations 2001, as amended, and
- (c) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive.

2. National and regional planning and related policy, including:

- (a) national policy with regard to targeted growth in appropriate locations, particularly the National Planning Framework First Revision April 2025 and National Policy Objectives 42 and 43, and
- (b) the objectives and targets of Ireland's 4th National Biodiversity Action Plan 2023-2030.

3. Regional and local planning policy, including:

- (a) The Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 including Regional Policy Objectives 4.4 – 4.10, and
- (b) Westmeath County Development Plan 2021-2027 and the Athlone Town Development Plan 2014-2020.

4. Other relevant national policy and guidance documents.

5. The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
6. The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites.
7. The Natura Impact Statement submitted.
8. The submissions and observations made in connection with the planning application.
9. The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment.

**Appropriate Assessment: Stage 1:**

The Commission noted that the proposed development is not directly connected with or necessary for the management of a European Site. The Commission completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the screening report for appropriate assessment submitted with the application and the report and screening assessment completed by the Inspector. The Commission agreed with the Inspector's assessment and conclusion that the European Sites for which there is potential for significant effects are Lough Ree Special Protection Area (Site Code: 004064) and Lough Ree Special Area of Conservation (Site Code: 000440).

The Commission concluded, in agreement with the Inspector, that appropriate assessment is required for those European Sites.

**Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the conservation objectives for Lough Ree Special Protection Area (Site Code: 004064) and Lough Ree Special Area of Conservation (Site Code: 000440). The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment and to allow it to reach complete, precise and definitive conclusions for appropriate assessment:

In completing the assessment, the Commission considered, in particular, the likely direct and indirect impacts arising from the proposed development, both individually and in combination with the other plans and projects and taking into account any mitigation measures which are included as part of the current proposal, in view of the conservation objectives for the European Sites.

The Commission accepted and adopted the appropriate assessment carried out in the Inspector's report with respect to the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites, in view of the Sites' conservation objectives of those Sites and there is no reasonable scientific doubt as to the absence of such effects.

The conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects of relevance and took into account all submissions received during the course of the application.

#### **Environmental Impact Assessment Screening:**

The Commission completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report and other documents and drawings submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- (b) (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- (c) (b) the location of the site on lands zoned residential with an objective 'O-LZ1 To provide for residential development, associated services and to protect and improve residential amenity' under the Athlone Town Development Plan 2014-2020.
- (d) (c) The pattern of development in surrounding area.
- (e) (d) The availability of mains water and wastewater services to serve the proposed development.
- (f) (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).
- (g) (f) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003).
- (h) (g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and
- (i) (h) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment Report, Natura Impact Statement, Arboricultural Report, Pre-Construction CEMP, Archaeology Report, Housing Quality and Design Statement and Services Design Report.
- (j)

It considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not required

### **Proper Planning and Sustainable Development/Likely effects on the environment**

The proposed development is in accordance with aims and objectives of the Westmeath County Development Plan 2021-2027 and the Athlone Town Development Plan 2014-2020, is therefore acceptable in principle. In particular, the proposed development accords with Core Strategy Policy Objective 2.2 concerning the growth of Athlone, Core Strategy Policy Objective 3.3 concerning the provision of social and affordable housing and Core Strategy Policy Objective 3.14 concerning provision of universal design units. Subject to conditions, the Commission concludes that the residential development, is in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where they consider that the continuation of the works is likely to result in a significant pollution or siltation incident or impact on protected habitats or species, and on-site works will cease until authorised to continue by the local authority. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the local authority at the end of the main construction period.

**Reason:** To ensure compliance with mitigation measures and to protect biodiversity.

4. The proposed development shall be amended as follows:
  - (a) Bicycle spaces to be provided in accordance with table 16.3 'Cycle Storage Standards' of the Westmeath County Development Plan 2021-2027: one private secure bicycle space per bed space (with a minimum provision of two spaces per dwelling, and design ensuring access does not require bicycles to pass through living areas) and one visitor bicycle space per two housing units.
  - (b) Car parking to reflect the maximum levels set out in table 16.2 under Core Strategy Policy Objective 16.36 of the Westmeath County Development Plan 2021-2027 (including provision of visitor, disabled and Electric Vehicle bays).
  - (c) Bathroom windows to be obscured.

Revised drawings showing compliance with these requirements shall be placed on the file and retained as part of the public record. The proposed development to be carried out in accordance with these specifications.

**Reason:** In the interest of residential amenity.

5. Artificial lighting shall be designed in accordance with the 2023 Bat Conservation Trust Lighting Guidance (GN08/23 Bats and Artificial Lighting at Night). A lighting plan shall be placed on the file prior to commencement of development. Lighting to meet the following specifications:
- (a) Colour temperature (less than 2,700 Kelvins),
  - (b) Light distribution (luminaire's beam less than 80 degrees).
  - (c) Illuminance (less than five lux for pedestrian and decorative surfaces).
  - (d) Luminance (100 cd/m<sup>2</sup> (candelas per square meter) or less).
  - (e) Colour rendering index (CRI) (exterior lighting should not exceed CRI Ra90).
  - (f) Energy efficiency (40 lumens per watt or greater).
  - (g) Use low and fully shielded/cowled downward-pointing lights, smart sensors and trimming (part-night lighting) schemes.
  - (h) Avoid upward and horizontal facing lighting.
  - (i) Conserve dark areas, particularly around native vegetation and any areas that may be in use by bats, birds and nocturnal mammals.

**Reason:** To minimise disturbance-related impacts on protected species.

6. Prior to the commencement of development activity, protective fencing in accordance with best practice, shall be installed to protect all trees identified to be retained. The fencing shall be installed in such a manner as to provide protection to the critical root zone of trees to be protected and it shall be retained on site until all construction works are completed. No soil, spoil, construction material or waste will be stored or tipped within the fenced off area and no construction plant or vehicles will be parked within the spread of trees/hedgerows identified to be retained. The fencing shall be retained until such time as works are completed.

**Reason:** To the interest of protecting biodiversity value within the site.

7. The local authority shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts, 1930) to carry out pre-development archaeological testing in areas of proposed ground disturbance and prepare an Archaeological Impact Assessment Report to be submitted to the local authority to be held on file, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record (archaeological excavation) and/or monitoring may be required. Any further archaeological mitigation requirements following consultation with the National Monuments Service, shall be complied with by the local authority. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to the local authority. The local authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

8. Prior to commencement of works, the local authority shall prepare a final Construction Environmental Management Plan, which shall be adhered to during construction. This plan shall reflect all required mitigation for the project and provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste. The Construction

Environmental Management Plan shall be placed on the file and retained as part of the public record, prior to the commencement of works.

**Reason:** In the interest of public safety and amenity.

9. Prior to the commencement of development, the local authority shall enter into a connection agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and/or wastewater collection network.
  - (a) All development to be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice.
  - (b) Where build over of Uisce Éireann assets is proposed, confirmation of feasibility of diversion(s) from Uisce Éireann is required prior to works commencing.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.