



An  
Bord  
Pleanála

# S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

## Inspector's Report ABP-307508-20

---

### Strategic Housing Development

426 no. residential units (237 no. houses, 189 no. apartments) creche and associated site works.

### Location

Cornamagh, Clonbrusk and Coosan, Athlone, Co. Westmeath.  
([www.dunanriathloneshd.com](http://www.dunanriathloneshd.com))

### Planning Authority

Westmeath County Council.

### Applicant

Castlestar (Athlone) Limited.

### Prescribed Bodies

1. Irish Water
2. The Minister for Culture, Heritage, and the Gaeltacht
3. The Heritage Council
4. An Taisce
5. Transport Infrastructure Ireland

6. Local Childcare Committee.

**Observer(s)**

73 observers, as follows:

1. Adrienne Reid
2. Aidan and Anne McGrath
3. Aisling O'Brien
4. Alice Hanley and Damien Morris
5. Amy Kelly
6. Anne Marie Hynes
7. Brendan McNamara
8. Brian and Carmella Gunning
9. Buccaneers RFC
10. Carole Green
11. Catriona Hanevy
12. Chris Forsyth
13. Ciaran Noone
14. Cllr. Frankie Keena
15. Conor Brennan
16. Damien O'Neill
17. Daniel Obikoya
18. David Clarke
19. Deborah Riley
20. Dermot Whelan and Jacqueline Harney
21. Donal and Kathleen Walsh
22. Edel Garavan and Pdraig Dully

23. Eimhin and Renae Griffith
24. Elzbieta and Szymon  
Hemmerling
25. Eoin Divilly
26. Fiona Geoghegan
27. Grainne Timlin and Rod Tierney
28. Hui Ting Chreng
29. Jacqueline and Nik Thaker
30. Janine Nicholson
31. John (Sean) and Liam Dowling
32. John and Patricia Henry
33. John Henry
34. Julie and Tommy
35. Karen Cregg
36. Ken and Stephanie Browne
37. Kristina Hilberta
38. Laura Harrison
39. Lelia Henry
40. Liam and Caroline Downes
41. Lorcan and Carmel McCready
42. Louis and Pauline O'Sullivan
43. Louise Nolan
44. Mairead Mallon and Dylan and  
Fiona McDonnell
45. Marian Heavin
46. Mark Hayden

47. Matthew and Mary Ryan
48. Michael and Emma Guihen
49. Michael Carrigy
50. Michael O'Connor
51. Nuala Heaney
52. Oonagh Mahony
53. Patrick Brophy
54. Patrick Devaney and Shreya  
Pallavi
55. Patrick Morrissey and Ide Rowe
56. Paul and Claire Martin
57. Paul Clarke
58. Realta Geal Montessori School
59. Residents of Church Hills
60. Rita and Mark Hollmann
61. Robert Milton
62. Sara Gibson
63. Shaun and Orlaith McBride
64. Siobhan White
65. Sorca Clarke
66. Stephen and Beatrice McCarthy
67. The Beeches Residents  
Association
68. The Glen Residents Association
69. The Whitebeam Avenue  
Residents Association

- 70. Tony and Audrey Pettit
- 71. Volodymyr Malashnyak
- 72. William and Phyl Staunton
- 73. Yvonne Grehan and James Hardy

**Date of Site Inspection**

22 September 2020.

**Inspector**

Stephen Rhys Thomas.

## Contents

1.0 Introduction .....	7
2.0 Site Location and Description .....	7
3.0 Proposed Strategic Housing Development .....	8
4.0 Planning History.....	9
5.0 Section 5 Pre Application Consultation .....	9
6.0 Relevant Planning Policy .....	12
7.0 Observer Submissions.....	16
8.0 Planning Authority Submission .....	19
9.0 Prescribed Bodies.....	22
10.0 Planning Assessment.....	25
11.0 Environmental Impact Assessment .....	46
12.0 Appropriate Assessment .....	59
13.0 Recommendation .....	68
14.0 Reasons and Considerations .....	68
15.0 Recommended Draft Board Order .....	69
16.0 Conditions .....	78

## 1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application was made by Castlestar (Athlone) Limited and received by the Board on 8 July 2020.

## 2.0 Site Location and Description

- 2.1. The development site is located in the townlands of Cornamagh, Clonbrusk and Coosan, approximately 2km north of the town centre of Athlone in County Westmeath. The lands comprise agricultural fields of approximately 15.6 ha, currently in use for the grazing of horses. The lands are located to the rear of Churchfields and Church Hills estate and the Buccaneers Rugby Club grounds which are accessed off the Coosan Road to the west of the N55 Ballymahon Road.
- 2.2. The site has a portion of road frontage onto the Coosan Road which links the N55 (Athlone to Ballymahon/Cavan Road) in the east to the Hillquarter/Castlequarter Road in the west. The 'Bounty' a restaurant/bar associated with the rugby grounds is located to the south-east of the lands along Coosan Road. The Avondale neighbourhood centre is located approximately 600 metres to the east of the lands which is accessed directly from the N55. This retail park contains inter alia, a 'SuperValu' supermarket, pharmacy, coffee shop and opticians. A church set in a large car park is located beyond Church Hills estate to the west. Arcadia retail park can be reached via an underpass beneath the M4, just over a kilometre to the south west. Coosan National School, a relatively new primary school in the townland of Coosan is located 1.5 kilometres to the north west of the site along Coosan Point Road. Cornamaddy National School is located 1.8 kilometres east of the site along the N55. All of these locations can be accessed using formal pedestrian footpaths.
- 2.3. The lands are approximately 1km south of the Lough Ree Special Area of Conservation and Special Protection Area, 2km to the northeast of the River Shannon Callows Special Area of Conservation and Middle Shannon Callows Special Protection Area. The overall site can be classified as agricultural land with mature hedging and trees along field boundaries. The field adjacent to the Coosan Road is level with the road at the eastern end and rises gently to the west, at which

point there is a significant level difference between field and road. The southern portion of the site is characterised by a couple of raised hillocks, the northern portion of the site being relatively flat.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development comprises the construction of 426 residential units comprising 237 housing units and 189 apartment units in 13 blocks between 3 and 4 storeys in height and a creche, together with open space amenity and a signalised vehicular access point from Coosan Road.

3.2. The details are as follows:

- 4 two bedroom houses
- 207 two bedroom houses
- 26 two bedroom houses
- 15 apartments in Block A (4 one-beds, 10 two-beds, 1 three-bed)
- 20 Apartments in Block B (5 one-beds, 15 two-beds)
- 18 Apartments in Block C (4 one-beds, 14 two-beds)
- 18 Apartments in Block D (4 one-beds, 14 two-beds)
- 15 Apartments in Block E (4 one-beds, 10 two-beds, 1 three bed)
- 16 Duplex Apartments in Block F (8 two-beds, 8 three-beds)
- 11 Apartments in Block G (3 one-bed, 8 two-beds)
- 16 Duplex Apartments in Block H (8 one-beds, 8 three-beds)
- 12 Apartment Units in Block J (4 one-beds, 8 two-beds)
- 12 Apartments in Block K (4 two-beds, 8 three-beds)
- 14 Duplex Apartments in Block K1 (7 two-beds, 7 three-beds)
- 12 Apartments in Block L (4 one-beds, 8 two-beds)
- 10 Duplex Apartments in Block L1 (5 two-beds, 5 three-beds)



- A creche facility (545 sqm).
- Construction of a 430m section of a new distributor road linking Coosan and Cornamaddy.
- Provision of shared communal and private open space, car and bicycle parking, site landscaping and public lighting, services, access with the Coosan Road and new distributor road.

#### Housing Mix

Unit Type	Number of units	% mix
One Bed	33	8
Two Bed	116	28
Three Bed	238	57
Four Bed	29	7
Total	416	100

All on a site of 15.615 Hectares, providing a net residential density of 42.44 units per Hectare.

#### 4.0 Planning History

Subject Site:

File Ref. **063244 / PL.224398** Permission granted on appeal in 2008 for the construction of 106 residential units and 1 no. crèche facility.

File Ref. **00810763** Permission granted for the construction of 71 residential units.

#### 5.0 Section 5 Pre Application Consultation

- 5.1. A section 5 pre-application consultation took place at the offices of Westmeath County Council on the 8 January 2020 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-305981-19. An

Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

Urban Design Response - with particular regard to the creation of distinct neighbourhood areas within the overall site, the creation of active and aesthetically pleasing urban street frontages having particular regard to the site context and proposed changes in levels across the site. Design of the proposed residential units and the interface of the proposed apartment blocks with public realm areas to ensure optimal passive surveillance of streets and public realm areas together with landscape improvements. The creation of a hierarchy of open spaces with a greater sense of enclosure to the areas which serve as semi-private open space. The functionality of open spaces given the topographical changes across the lands should also be considered. Apartment design and consideration should also be given to provision of national guidelines in respect dual aspect apartments in particular SPPR4.

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1. A contextual layout plan which indicates adjoining developments, photomontages and cross section at appropriate intervals including details of how the proposed development interfaces with contiguous lands and adjoining roads in particular Coosan Road.
2. Details of surface water management as set out in the planning authority's opinion.
3. All existing utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
4. A site layout plan indicating pedestrian and cycle connections through the development lands to adjoining lands.
5. A construction waste management plan should be provided.

6. A Building Life Cycle Report as per Section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018.

7. A report identifying the demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.

8. A phasing plan for the proposed development.

9. A site layout plan indicating all areas to be taken in charge.

10. A public lighting scheme for the proposed development and clarity as to what if any public lighting is proposed along Coosan Road.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

1. Irish Water
2. The Minister for Culture, Heritage, and the Gaeltacht
3. The Heritage Council
4. An Taisce
5. Transport Infrastructure Ireland
6. Local Childcare Committee

5.4. Applicant's Statement

5.4.1. Under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the applicant has submitted a statement of the proposals included in the application to address the issues set out in the notice, as follows:

In relation to **Urban Design and Layout**, the applicant has broken up the response into four distinct parts, as follows:

- All street frontages have been reviewed, with revisions to the Coosan Road frontage, east of the north/south main street and the northern boundary of the

site in particular. Blocks located adjacent to open space 1 and 2 have been redesigned to deal with the topography and address the open spaces with more effective passive supervision opportunities. Details of each amendment is described and drawings illustrate the refinements.

- A refined architectural response has been development to address the public realm and specifically to create an improved interface with the streetscape. Existing features are retained where possible and incorporated into the urban design solution for the site. Specifically, Block B has been reduced to 20 units which results in a building with less dominant impact onto the Coosan Road. Other design changes and unit substitution throughout the site seek to address interface issues and are listed in detail.
- The open space strategy is dictated by land use zoning. The large central open space (green lung) aligns with the open space zoning and has been deigned to be of a natural character with woodlands, wetlands and naturalised play areas. Three smaller spaces are more formal in character and allow for informal activities and visual relief.
- A Housing Quality Assessment and detail architectural drawings accompany the application to address the issue of residential amenity. Levels of daylight/sunlight for the apartments and the area south of Block E and F were assessed, acceptable levels of light were confirmed. Blocks will be finished in a combination of brick, render & metal cladding and a building life cycle report has been submitted.

## **6.0 Relevant Planning Policy**

### **6.1. National Planning Framework (NPF)**

- 6.1.1. National Policy Objective 35 - Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-base regeneration and increased building heights.
- 6.1.2. Athlone has been designated to fulfil the role as a regional centre within the midlands. Furthermore, due to strategic location and scale of population,

employment and services, Athlone has an influence that extends to part of all three Regional Assembly areas. The NPF notes that given the importance of regional interdependencies, it will be necessary to prepare a co-ordinated strategy for Athlone at both regional and town level, to ensure that the town and environs has the capacity to grow sustainably and to secure investment, as the key regional centre in the Midlands. The NPF has a number of directly relevant national policy objectives (NPOs) that articulate delivering on a compact urban growth programme, as follows:

- NPO 2b recognises the regional role of Athlone to the Midlands;
- NPO 4 relating to attractive, well-designed liveable neighbourhoods;
- NPO 5 relating to sufficient scale and quality of urban development;
- NPO 6 relating to increased residential population and employment in urban areas;
- NPO 7 strengthening Ireland's overall urban structure, specifically referencing Athlone in the Midlands.

## **6.2. Regional Spatial & Economic Strategy for the Northern & Western Regional Assembly (RSES) (2020)**

- 6.2.1. The principal purpose of the Regional Spatial & Economic Strategy for the Northern & Western Regional Assembly (RSES) (2020) is to support the implementation of the National Planning Framework and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the regions.
- 6.2.2. RSES to set out a strategic development framework for the region, leading with the key role of Sligo in the North-West, Athlone in the Midlands and the Letterkenny-Derry cross-border network. Athlone is a designated Regional Growth Centre, identified to absorb growth with a population target of 30,000 for the entire settlement of Athlone up to 2031. Regional Policy Objectives (RPOs) include:
- 6.2.3. RPO 3.7.2 - Support the regeneration of underused town centre and brownfield/infill lands along with the delivery of existing zoned and serviced lands to facilitate significant population growth and achieve the sustainable compact growth target of 30% of all new homes to be built within the existing built-up urban area.

- 6.2.4. RPO 3.7.5 - Support the phased servicing and development of lands identified in the RSES for residential and employment uses.
- 6.2.5. RPO 3.7.16 - Promote Athlone as a sustainable transport hub, of national and regional importance and support the preparation of a joint Local Transport Plan between Westmeath and Roscommon County Councils in collaboration with transport agencies and key stakeholders to improve sustainable mobility in the town.
- 6.2.6. RPO 3.7.17 - The Assembly supports the preparation of a building heights study, a strategy to guide the future development of the regional centre. The study will take into account the historic, cultural and infrastructural features of the area. In developing this strategy, areas of high density will target the minimum density rates of 50 units per hectare (in the town centre area) and a default rate of 35 units per hectare otherwise.

### 6.3. **Westmeath County Development Plan 2014-2020**

- 6.3.1. The Core Strategy is set out in chapter 2 and states the need to accommodate continued population growth, in line with the county's designation as a 'Gateway', in a sustainable manner. Chapter 4 deals with Housing and Chapter 14 sets out development management standards.

### 6.4. **Athlone Town Development Plan 2014-2020 (ATDP)**

- 6.4.1. The subject lands have a land use zoning objective 'O-LZ1: to provide for residential development, associated services and to protect and improve residential amenity'. The ATDP states that residential density for new developments at Outer Suburban/Greenfield locations is 30-35 units per hectare. The DEHLG Guidelines on 'Sustainable Residential Development in Urban Areas' (2009) outline sustainable approaches to the development of urban areas. The Guidelines promote increased densities in appropriate locations where there is necessary infrastructure, compliance with open and private space, undue impact on amenities and is in keeping with the character of the areas. P-RD3 as follows:
  - 6.4.2. P-RD3: To apply the residential standards set out in the DEHLG's guidelines Sustainable Residential Development in Urban Areas (2009) as appropriate.

6.4.3. Approximately 6 Hectares of land are also zoned 'O-LZ8 – To provide for, protect and improve the provision, attractiveness, accessibility and amenity value of public open space and amenity areas.'

6.4.4. There are a number of Roads Objectives contained in the plan including the provision of Cornamaddy – Coosan Link – O-TM20.

#### 6.5. Cornamagh Local Area Plan 2009

6.5.1. The subject lands are located within the Cornamagh LAP study area. The planning authority indicate that this plan has been subsumed within the Athlone Town Development Plan.

#### 6.6. **Applicant's Statement of Consistency**

6.6.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the Development Plan. A Material Contravention Statement has been submitted in respect of residential density.

#### 6.7. **Applicants Material Contravention Statement**

6.7.1. The applicant sets out that the proposed development may materially contravene the Athlone Town Development Plan with respect to residential density. The applicant states that the rationale for increased density at this location goes beyond the specific density range of 30-35 units per hectare set out in the Development Plan and should be considered in terms of the site context, the 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)' and national policies and guidelines to increase residential densities. Specifically, the applicant sets out that the site is located within the Northern suburbs of Athlone some 2km from the town centre. The proposed density of 42.44 units per hectare is considered to align with Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) as they relate to "Outer Suburban/'Greenfield' sites. The site is well connected to public transport networks, respects the design and scale of permitted and existing development in the immediate vicinity and the building design and public realm improvements will benefit the area. All of which meets the advice issue by the 'Urban Development and

Building Heights Guidelines for Planning Authorities’ and ‘Sustainable Urban Housing: Design Standards for New Apartments’.

- 6.7.2. The applicant considers that the proposed development is compliant with all national and regional planning policy and guidance and that the density of 42.44 units per hectare proposed is appropriate. The siting and design of the proposed development have been carefully considered in the context of the site location and the proposed development will deliver a high-quality mixed-use scheme which incorporates high quality public spaces and amenity facilities for residents and the wider community. The proposed density of 42.44 units per hectare is above the maximum standards set out in the ATDP (30-35 no. units/ha), the proposed density is in compliance with national planning policy in relation to density, height and the objective to secure compact growth.

## 7.0 Observer Submissions

- 7.1. 73 valid submissions were received, most were made by individuals containing similar themes and concerns, some were from residents’ associations and businesses. Most observations revolve around the proposal to link the proposed development with Church Hills, this idea is strongly opposed. Traffic congestion and lack of school capacity in the area is also raised as a general all encompassing concern. Some supported the development of the lands in question, but most opposed the scale of the development and provision of four storey apartment blocks. In broad terms the planning issues can be summarised as follows:

LAP compliance – the proposed density of 42 units per hectare is not in compliance with the LAP. The proposed development should be considered along with other planned development in the area. The location of the development site does not follow the sequential growth of Athlone, there are other far more suitable sites within the town itself.

Transport, Roads and Access – the proposed emergency access through Church Hills is not acceptable, an existing creche is located at this point and will result in capacity issues. A pedestrian access through Church Hills Estate is not welcomed, no other housing estates are linked in this way.



The Traffic Impact Assessment submitted by the applicant is criticised on a number of fronts. The volume of traffic that will result from the development will impact upon the amenity of the Cornamagh Road. Existing footpath and cycle path facilities are poor in the area, additional traffic volumes will create problems. The construction phase of the development could cause problems, especially during Covid 19 restrictions.

Existing public transport services are unreliable, additional development will make these problems worse. Additional traffic lights will frustrate road users, roundabouts are preferred. The junction of Coosan Road and Ballymahon Road is problematic. The scale of the development proposed will impact on the existing road network leading to congestion and traffic delays. There is a lack of good pedestrian/cycle paths to the town centre from the area.

There are not enough car parking spaces in the proposed development.

Building Height and design – the proposed four storey buildings are out of character with existing development. In particular blocks 3 and 4, will obstruct the skyline and present opportunities to overlook other properties, particularly at The Glen and along the Coosan Road. The imposition of high rise buildings on the hilly topography of the site is seen as unacceptable. The overall design and layout of housing is criticised with respect to adaptability and wheelchair use (NPO 34). The construction of over 400 houses in an area where each estate is no more than 80, is seen as unacceptable.

Education – the addition of 400 homes will put a strain on already over-subscribed schools in the area. The recently constructed and now full, Coosan National School is cited as an example of where school demand outstrips supply, the proposed development will make matters worse. The location of the proposed creche at the eastern corner of the site is not appropriate.

Drainage and flooding – concerns are raised about the alteration of drainage ditches and the resultant risk of flooding, landowners to the north of site specifically raise issues with the resultant usability of their land for the grazing of sheep. The flood risk assessment does not show how the proposed development would impact lands outside the site. A few observers point to examples of flooded fields in the area as well as local roads at times in the winter. The landowner to the east of the site (rugby

grounds) has raised concerns about both boundary treatments and drainage detail along the shared boundary. The location of a wastewater storage tank and pump station close to Church Hills Crescent is queried and concerns are raised about noise and odour.

The existing services will not be able to handle the increase in wastewater.

Farming activities – concerns are raised by adjacent landowners that farm the land that dangers will result to the livestock. Laneway access to farmlands will be made more difficult if the proposed access road is constructed.

Public Spaces and facilities – the method by which the proposed open spaces are to be managed requires consideration. Overlooking and passive supervision of existing public open spaces, such as at The Glen, will be unsafe for children. The planned water feature in the development will be unsafe for children. The loss of mature trees from the site is opposed. Boundary treatment to planned open spaces is queried, so too is the strip of land to the rear of houses that will provide a route for services. Public open space proposed in the development should happen first, in the initial phase of development. There are not enough local services, such as GP surgeries, churches or shops in the area, more housing will exacerbate this problem. A childcare facility is not permitted on lands zoned for residential purposes.

Population and Climate– the need for the proposed housing as outlined in the EIAR is questioned. The impact upon climate change is also questioned and the loss of wildlife is disappointing. With reference to the NIS, because there is a finding that there is potential for (adverse) effects via water pollution to the Lough Ree SAC, permission must be refused. Concern is expressed at the amount of land reformation that must take place on site and this impacts upon sustainable development.

Health – taking into account global pandemic concerns, the houses should be designed to accommodate home working and the layout should provide greater social distancing.

EIAR – questions are raised in relation to potential information gaps in the EIAR, such as a lack of detailing concerning impacts upon telecommunications infrastructure, access to future development lands and sustainable development.

Other Matters - The development will depreciate the value of property in the vicinity. Lack of consultation and transparency with local community. The ownership of some folios (parcels of land) and rights of way are questioned. The appropriate location of site notices is queried, notices should be at every entrance to the site. Property and boundary damage due to construction works are raised.

A number of signed petitions have been included with observations, in addition to photographs, maps and layouts.

## 8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 1 September 2020. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. The report also included a summary of the views of the elected members of the Special Meeting of the Municipal District of Athlone Moate at a meeting held on the 30 July 2020, and is outlined as follows:

- General criticism of the SHD process and material contravention powers in particular. The development is contrary to the Cornamagh LAP.
- The development is over scaled and there are concerns that there will be impacts to infrastructure and school provision. The housing mix is not satisfactory, not enough family friendly homes.
- Access onto Church Hills is not acceptable, integrating housing estates is not acceptable. Four storey apartment buildings will result in overlooking.
- The route for sewerage connection should be secured from public access. Safety concerns over the proposed pond.
- The development will create additional traffic and cause traffic issues. The proposed distributor road should be completed as part of this development.

8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

Principle of development – the proposed development is in accordance with the Eastern and Midland Regional and Economic Strategy and the core strategy of the development plan.

Zoning and Density – The proposed development is consistent with the 'Residential' and Open Space' zoning for the lands. The proposed development is 42.44 units per hectare, the Athlone Town Development Plan for Outer Suburban/Greenfield locations indicates 30-35 units per hectare. It is noted that guidelines on residential development seek 35-50 units per hectare in these types of locations subject to specific design considerations. The applicant has prepared a material contravention statement. The proposed residential density is appropriate.

Building Height – the proposed heights of between two and four storeys is acceptable. However, further consideration of apartment blocks at Coosan Road is required as the site is elevated at this location.

Architecture and Urban Design – green spaces are well overlooked, the layout has been amended in a number of ways that improve the urban design of the proposal, a number of conditions are recommended.

Residential Amenity – 22.75% single aspect units are proposed and this acceptable. Internal accommodation is in accordance with the relevant guidelines. Access to daylight and sunlight is acceptable, with mostly south facing terraces or balconies. Private open space allocations are acceptable. Public open space is provided as a natural parkland with connections to more formal pocket parks. There is an open space hierarchy, and the variation and provision of public open spaces is acceptable.

Unit Mix – the unit mix is acceptable however; it is noted that there are discrepancies between the schedule of accommodation and the development description/plans submitted.

Car Parking – 756 car parking spaces are provided (424 dwelling houses and 253 to apartments), the quantum of car parking spaces is acceptable to the planning authority.

Impact on neighbouring residents – the access between the development and Church Hills and the objections raised is noted.

Phasing of development – the proposed four phase plan is acceptable.

Access and transportation – a number of technical and standard conditions are recommended. The signalised junction to access the development should be constructed and operational in the first phase of development. Whilst the concerns of statutory consultees should be noted and the issues raised by local residents and elected members about future road connections and traffic volumes, the proposed development is acceptable from a roads and transportation perspective.

Landscape – the landscape character of the site is noted, it is not within a high amenity area and there are no protected views. The proposed development is acceptable, subject to conditions.

Archaeology – the comments of the DAU are noted and condition concerning archaeology should be attached.

Childcare facilities – a creche to accommodate 96 children is proposed, it is centrally located and highly accessible and considered acceptable to the planning authority.

School capacity assessment – the study submitted by the applicant states that there is adequate school capacity in the locality at primary and secondary level. The study shows that 122 primary spaces and 87 post primary spaces will be required. Further studies may be required to assess future need and the concerns expressed by locals and elected representatives is noted.

Services and drainage – the requirements of Irish Water are noted. The proposals to manage surface water are noted and conditions are proposed.

Flood risk – the contents of the Site Specific Flood Risk Assessment are noted and no issues are raised.

Part V Housing – 43 units are proposed in phases one and two, the quantum and mix of unit types is acceptable.

Waste Management – It is noted that up to 11,900 tonnes of cut material may be moved off site, the contents of the Construction Waste Management Plan are noted in this report. No issues are raised and the contents of the EIAR are noted.

EIA and AA – it is stated that the competent authority for the purposes of EIA and AA is the Board. A submission from the DAU is noted with respect to AA, specifically, limited field survey results, conservation interests for Lough Ree SAC, impacts to bats and otters and the mitigation measures should be clear and specific.

- 8.3. The planning authority conclude that the proposed development is acceptable subject to the attachment of 39 conditions. In accordance with the requirements of section 8(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the planning authority recommend that permission is granted with conditions. The planning authority recommend standard and technical conditions in common with larger residential schemes. However, the planning authority include specific conditions to address points made in their report as follows: several conditions with regard to sustainable travel, roads/footpaths/junctions, that calls for layout amendments. Environment conditions that call for bat and badger surveys and wetland feature provisions. Standard bond and contribution conditions are also attached in addition to a special condition towards the completion of the Cornamaddy/Coosan Link Road.
- 8.4. An Interdepartmental Report was received from the Transportation section of the Council.

## 9.0 Prescribed Bodies

- 9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:
1. Irish Water
  2. The Minister for Culture, Heritage, and the Gaeltacht
  3. The Heritage Council
  4. An Taisce
  5. Transport Infrastructure Ireland
  6. Local Childcare Committee
- 9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 7 July 2020. A summary of those prescribed bodies that made a submission are included as follows:
- **Irish Water (IW)** confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network

can be facilitated. With regards to wastewater, the rising main from the proposed onsite Pumping Station must discharge to the existing Irish Water network at the Coosan Point Road and Churchfields Road junction, beside the Coosan Church. With regards to the water network, 190 metres of pipe is required to be upsized together with any associated discharge manholes, at the expense of the developer and with the required consents for works not in the public domain. There is sufficient capacity in the Athlone WTP to accommodate the phased delivery of housing.

- **National Transport Authority (NTA)** note the development as proposed and the requirements to ensure the provision for walking and cycling into and within the development; the design of internal road and pedestrian network; and access arrangements from local road network and associated junction design. Amendments are recommended in relation to cycle infrastructure within the development and where it connects with existing facilities. A greater understanding of traffic flows through the development in the context of the distributor road to the north when it is connected to the wider area and appropriateness of providing perpendicular parking along the main north-south road.
- **Transport Infrastructure Ireland (TII)** note the development and comment on the requirement maintain the strategic capacity and safety of the N6 and N55 national roads in the area. It is recommended that the proposed development is undertaken in accordance with the Transport Assessment submitted. Given the location of the site, the proposal is likely to be very car dependent, to safeguard the strategic function of the national road network and associated junctions, public transport provision and options for sustainable transport provision should be explored and provided.
- **Minister for Culture, Heritage and the Gaeltacht (DAU)** –  
Archaeology: the contents of the archaeological assessment are noted. However, given the scale of the site, the level of cut and fill operations and the possibility of a new site (promontory fort-inland) in the vicinity, it is recommended that pre-development test excavations, take place on site, so

that archaeological issues (if any arise), can be resolved well in advance of development works.

Nature Conservation: limitations in the surveys that underpin the NIS are noted and raise issues. Lack of information on wintering species associated with Lough Ree SPA are noted and there are inconsistencies in the documentation relating to habitat classifications in the site. The presence of bats on site is noted and specific mitigation measures are recommended. With regard to Badger Setts, further survey work is required to ascertain a main active sett and the forage area. The creation of a wetland feature, a biodiversity plan should be prepared to ensure that species that colonise the feature are not adversely affected during the maintenance regime to clear vegetation and remove silt. In terms of impacts on fauna, it is stated that conclusions reached in the EAIR regarding badger and otter may be premature.

AA screening found that impacts to species associated with Lough Ree SPA can be excluded and only a deterioration in water quality should be assessed. The NIS does not assess the impact of disturbance on the bird species listed as QIs for the SPA. Potential visual, lighting and noise disturbances to SCI species and the impacts on flight lines for SCI species outside the SPA have not been assessed. Additional surveying with regard to Otter, a QI species of Lough Ree SAC is required, specifically because of a drainage ditch that crosses the site and links with the SAC. The NIS lists mitigation measures to do with drainage proposals across the site, these should be clear and precise. In addition, mitigation measures outlined in both the MKO Hydrological assessment and CEMP should be clearly set out in the NIS and then implemented.



## 10.0 Planning Assessment

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on national policy and the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by the observations on file, under relevant headings. The assessment is therefore arranged as follows:

- Principle of Development
- Residential Density
- Visual Amenity and Open Space
- Traffic and Transport
- Water Services and Flood Risk
- Other Matters

### 10.2. Principle of Development

10.2.1. The Athlone Town Development Plan 2014-2020 is the operative plan for the area and illustrates land use objectives for the overall site and is supportive of residential and public open space development. The application site is subject to two zoning objectives - O-LZ1: To provide for residential development, associated services and to protect and improve residential amenity. The mid-section of the site has the following zoning objective - O-LZ8: To provide for, protect and improve the provision, attractiveness, accessibility and amenity value of public open space and amenity areas. The layout has been designed to assign residential development to O-LZ1 lands and open space and amenity to O-LZ8 lands. The planning authority accept the principle of the proposal at his location.

10.2.2. A number observers highlight that they are supportive of residential development on these lands, however, the scale and design is not supported. One observer queried whether a childcare facility could be permitted on residentially zoned lands. It can, according to the land use zoning matrix of the development plan crèche/nursery use is permitted in principle.

10.2.3. In the broadest possible terms, the principle of residential and amenity uses of these lands cannot be questioned. Subject to meeting residential amenity standards, I am satisfied that the proposed residential accommodation, crèche and open space are compatible with the stated zoning objective for the lands.

### 10.3. Residential Density

10.3.1. The proposed development amounts to 42 dwelling units per hectare, the development plan envisages a range between 30-35 dwellings per hectare in such an outer suburban/greenfield location. A very large proportion of observers are entirely opposed to the scale of development and especially the residential density advanced by the applicant. Local residents want something more in keeping with the prevailing low density housing in the area and at least in compliance with the density parameters outlined by the development plan. The planning authority note the disparity between the proposed residential density and the range required by the development plan. However, the planning authority acknowledge the status of national planning guidelines such as the Urban Development and Building Height guidelines, Sustainable Urban Housing: Design Standards for New Apartments guidelines and the Sustainable Residential Development in Urban Areas guidelines, that seek more efficient use of zoned lands and support increased residential density at this location.

10.3.2. The applicant is aware that the density of development proposed oversteps the range outlined in the operative development plan. The applicant notes that Policy Objective P-RD3 requires the application of residential standards set out in the DEHLG's guidelines Sustainable Residential Development in Urban Areas (2009) as appropriate. Consequently and to be consistent with the relevant guidelines the site is classified as 'Outer Suburban/Greenfield' associated with cities and larger towns, a density in the general range of 35-50 dwellings per hectare as per Section 5.11 of the guidelines should apply. The applicant perceives that it is appropriate to increase density at this location but accepts that such action may materially contravene the development plan with respect to density objectives and has prepared a Material Contravention Statement. Before I deal with the Material Contravention Statement, I will address residential density in general terms.

- 10.3.3. The prevailing character of the area is one of low-density housing comprising a combination of single storey, two storey detached, semidetached and terraced dwellings. Three storey apartment buildings can be found further west along Coosan Road, but for the most part the housing stock in the area is fairly standard and conventional in form and character. This results in quite low residential densities.
- 10.3.4. The development plan steers development towards a range of between 30-35 dwelling units per hectare at this outer suburban/greenfield location. Incidentally, I note that numerous town centre and outer edge locations are highlighted in the local plan and in all cases the upper limit is 35 units per hectare or site specific. In contrast, national section 28 planning guidelines in the form of the Sustainable Residential Development in Urban Areas (2009) advise that suburban/greenfield locations defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities. The greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares. The subject site, as it is configured and laid out, provides a residential density that sits comfortably within the range advised by the guidelines. This is achieved through a variety of house types, again as advised by the guidelines. I am entirely satisfied that the proposed residential density of 42 dwelling units per hectare is appropriate at this location. Such a density is not so out of place with the existing character of the area to cause any concern and at the same time making the best use of zoned and serviced land.
- 10.3.5. In terms of the form and scale of the development proposed I note that the Height Guidelines link building height with achieving higher residential densities. The guidelines observe that newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments deliver medium densities, in the range of 35-50 dwellings per hectare net. Additionally, I note that Specific Planning Policy

Requirement (SPPR 4) of the Height Guidelines requires that in future residential development of greenfield or edge of town locations, planning authorities must secure the minimum residential densities for such locations as set out in the Sustainable Residential Development in Urban Areas guidelines.

- 10.3.6. Material Contravention Statement - The location of the site is noted, so too are the policies and objectives of the operative Town Development Plan, together with national guidelines, which apply in this instance. Section 3.8 of the operative Athlone Town Development Plan deals with the topic of residential density and identifies that the Cornamagh Local Area Plan makes provision for lower and medium density housing. I note that the applicant has submitted a material contravention statement in relation to the matter of density and has advertised same within their newspaper notice, as required under the legislation.
- 10.3.7. Reference is made within the statement to the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) as the main justification for the density proposed over and above that stipulated in the operative Town Development Plan. It is stated that the proposed density of 42.44 units per hectare is considered to align with these guidelines. The applicants contend that the site, the subject of this SHD application, shares the rationale for increased residential density because of its location. In addition, the site is well connected to public transport networks, respects the design and scale of permitted and existing development in the immediate vicinity and the building design and public realm improvements will benefit the area. All of which meets the advice issue by the ‘Urban Development and Building Heights Guidelines for Planning Authorities’ and ‘Sustainable Urban Housing: Design Standards for New Apartments’.
- 10.3.8. Under the Planning and Development Act 2000, the Board is precluded from granting permission for development that is considered to be a material contravention of the Development Plan, except in four circumstances. These circumstances, as outlined in Section 37(2)(b) of the 2000 Act, are strategic or national importance; conflicting objectives in the development plan or the objectives are not clearly stated; regard to the RSES for the area, section 28 guidelines, ministerial policy objectives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government or minister; and the pattern of development and

permissions in the vicinity since the making of the development plan. The current application has been lodged under the strategic housing legislation and the proposal is considered to be of strategic importance. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 which fully support and reinforce the need for increased residential density in settlements such as that proposed on infill development sites, National Policy Objective 35 of the NPF refers. I consider this to be one such site.

10.3.9. Specifically, I refer directly to the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) that states for outer suburban/’greenfield’ sites, section 5.11 that states:

*These may be defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities.*

*Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.*

The subject site fits well within these parameters and the proposed density of just over 42 units per hectare is entirely reasonable and in accordance with national guidelines. In addition, as I have already outlined, Specific Planning Policy Requirement (SPPR 4) of the Height Guidelines requires adherence to the residential density targets for such areas as outlined above.

10.3.10. I am of the opinion that given its zoning, the delivery of residential development on this well located and serviced site, in a compact form comprising well-designed, medium density units comprising houses and apartments would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in an accessible location; it is within easy walking

distance of public transport in an existing serviced area. The proposal seeks to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. The principle of a slightly higher residential densities is considered acceptable. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands.

10.3.11. Finally, I consider that the higher densities proposed have been accompanied by high qualitative standards of design and layout and these are addressed in the remainder of my planning assessment. I therefore consider that the development is in accordance with the provisions of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) as is required by the Height Guidelines and permission could be granted by the Board.

#### 10.4. Residential Amenity

10.4.1. The applicant has submitted a variety of architectural drawings, computer generated images and photomontages. I am satisfied that an appropriate level of information has been submitted to address issues to do with residential amenity.

10.4.2. Dwelling Houses - The applicant has submitted a Housing Quality Assessment, that outlines the floor areas associated with the proposed dwellings. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. The applicant has provided internal living accommodation that meets or exceeds the best practice guidelines. In most cases, at least 22 metres separation distance between opposing first floor windows has been provided and in some cases, more. In some locations separation distances between rear and side elevations are just over 9 metres, however, narrow plan house types (such as C and C1) provide landing and bathroom windows on the rearward facing first floor. To preserve privacy, bathroom windows should be fitted with obscure glazing.

10.4.3. In terms of private open space, garden depths are provided at between 8 and 20 metres, and according to the schedule provided by the applicant result in a minimum

of 60 sqm across all house types and up to 143 sqm in one case. In reality, the rear gardens associated with dwellings vary in shape and area and provide an ample amount of private amenity space. The scale of the proposed dwellings and the large garden spaces are generous. The proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.

- 10.4.4. Apartments - The proposed development comprises 189 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments that include duplex units are arranged in 13 blocks, between three and four storeys in height, with surface car parking. The apartments are provided with external balcony spaces or private gardens, all to an acceptable space standard. The unit mix of apartments are uniformly distributed throughout the site and are provided with adequately sized public and semi-private open space and play areas.
- 10.4.5. Appendix 4 of the applicant's Statement of Consistency deals with national and regional planning policy and in this regard, apartment design and compliance with the relevant standards is evaluated. The applicant states that all of the apartments exceed the minimum area standard. The applicant has also submitted an Accommodation Schedule, that outlines a full schedule of apartment sizes, that indicates proposed floor areas and required minima.
- 10.4.6. Apartment units are a combination of triple, dual and single aspect units. Single aspect apartments account for 23% of the units in across all blocks, generally have favourable orientations, with those receiving north light alone facing across large areas of open space. The proposed development provides 10% one bedroom units, which is less than the upward amount of 50% allowed for in the guidelines. All ground floor, floor to ceiling heights are 2.7 metres (upper floors are 2.4 metres) in height and a maximum of 8 units are served per core. Specific Planning Policy Requirements (SPPRs) 1, 4, 5 and 6 are therefore met.
- 10.4.7. Under the Guidelines, the minimum GFA for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m, the standard for a 2 bedroom (four-person) apartment is 73 sq.m, while the minimum GFA for a 3

bedroom apartment is 90 sq.m. The applicant states that this has been achieved in all cases and has been demonstrated in the Accommodation Schedule for apartments submitted with the application. Apartments larger than the minimum standards by 10% amount to most of units provided, with all in excess of the minimum. The proposed apartments are therefore in excess of the minimum floor area standards (SPPR 3), with very few close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. In broad terms, I am satisfied that the location and layout of the apartments are satisfactory from a residential amenity perspective.

10.4.8. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application and details long term maintenance and running costs. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

10.4.9. The applicant's Architectural Design Statement outlines the proposed materials for the duplex units and the apartment blocks. The predominant material choice will consist of brick, render, glazing, and pressed metal. The majority of the finishes proposed are durable, attractive and suitable for the area in terms of visual amenity, in broad terms the finishes proposed are acceptable.

10.4.10. Local Residents – I note that local observers have expressed concerns about the development of the site at the scale envisaged, and some strong opposition in relation to the creation of linkages between the development and existing housing estates. I shall deal with the matter of connections under the transport and traffic section below.

10.4.11. There are very few concerns raised from local observers about direct residential amenity concerns to residences such as at Church Hills or Churchfields housing estates. However, some concerns about the location of a pumping station and what will happen to the land that provides the route for piped services to the



back of homes raises the question of antisocial behaviour. According to the Engineering Services Report prepared by the applicant the proposed pumping station is to be underground with 24 hour storage capacity for catchment B (294 units). The report goes on to state that following consultation with Irish Water and Westmeath County Council, the pumping station is to be located at a distance greater than 15m from any existing or proposed residential unit, in order to mitigate potential noise and odour pollution. Drawings detail that the facility will be located in public open space approximately 30 metres north east of the nearest residential property at 11 Church Hills Crescent. The EIAR does not list the proposed pumping station as having an impact upon the receiving environment, it simply forms part of the proposed wastewater treatment for the site. However, if the pumping unit is properly installed, maintained and serviced in accordance with the requirements of Irish Water, I can see no adverse affects from its proposed location.

10.4.12. The concerns expressed over the outfall route along the laneway to the rear of houses at Church Hills and Churchfields is not problematic either. The applicant has no plans for these lands other than the laying of a 150mm diameter wastewater rising main. At present the space is not well supervised and provides overflow grazing for the agricultural lands to the east. I would anticipate that any antisocial behaviour would already be in existence and the development will not alter this state of affairs. In any case to minimise the possibility of antisocial behaviour at this location in the future, the applicant should erect a suitable boundary treatment to deter access.

10.4.13. For the most part residential amenities impacts such as overlooking, overbearing appearance and overshadowing are the principle concerns of residents at The Glen, a residential estate across the Coosan Road and to the south of the subject site. The planning authority show some concern about the height and scale of apartment units along Coosan Road and the way in which level changes are managed. In this respect, apartment units A and B will be a little over 40 metres from the front face of houses 1-12 at The Glen. Two roads and two wide grass margins will separate the front building lines of each estate. Further west, even greater separation distances will be provided. Some residents of The Glen fear that because houses and apartments planned along the Coosan Road will be higher than their houses, issues of overlooking will result. Given that the proposed houses and

apartments will be located in excess of 40 metres away from existing houses, I do not anticipate any unacceptable levels of overlooking. In fact, the level of front facing houses and apartments planned for will provide a safe and well overlooked public realm along Coosan Road. In addition, given that the proposed units are located to the north of existing houses I do not anticipate any levels of overshadowing either. However, there will be a change of outlook along Coosan Road, as new dwellings will be located at a level above the existing road, up to three metres at apartment block D. I do not consider that the change in outlook along Coosan Road will be so severe as to injure residential amenities to any great extent, the findings of Chapter 10 of the EIAR with respect to landscape and visual impacts, the photomontage images, cross sections and landscape plans all lead me to this conclusion.

10.4.14. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing Church Hills, Churchfields and The Glen housing estates.

#### 10.5. **Visual Amenity and Open Space**

10.5.1. The applicant has proposed a residential development that comprises of a combination of houses and apartments. The apartment units are interspersed throughout the scheme with four three storey blocks addressing the Coosan Road and for the most part dwelling houses and duplex units on the flatter northern portion of the site. There are no protected views in the vicinity and the landscape is not protected in the development plan. At present, the visual importance attached to the site is one of an open agricultural landscape characterised by an undulating topography with mature trees and hedges. Many observers have raised a concern that this visual amenity will disappear and be replaced with excessively tall apartment buildings. The planning authority are not too concerned about the overall visual impact of the development but do query the position of apartment units on ground that rises upwards from the Coosan Road.

- 10.5.2. There are three aspects to address that concern the visual impact of the development. Firstly, the majority of the site is relatively flat and the bulk of houses, apartments and the crèche are located in this northern portion. This site is not located in an area of protected views or landscape, it is zoned land and the visual impact of development from the wider area is minimal. The applicant has prepared a photomontage report that includes a number of long range views and these images (view 8, 9 and 10) confirm the limited visual impact of the development, chapter 10 of the EIR assesses landscape and visual impacts. I am satisfied that visual impact of the development will be extremely limited from the wider area and if viewed at all will appear as the logical extension of the town.
- 10.5.3. Secondly, the greatest visual impact of the development will be from along and in the area of Coosan Road, this includes views from The Glen and Two Mile Round. The streetscape here will change from an open agricultural aspect to a more urbanised character comprising houses, apartments, new junction, footpaths and amenity areas. I note that the site rises from the eastern corner to western corner adjacent to large one off houses set well back from the road. According to contextual elevation A-A, the existing ground level will be reduced to provide a flat platform for the houses and apartments, notably apartment blocks D and C. These apartment blocks will be set back from the road edge by 20 metres with a landscaped margin in front. Apartment blocks A and B will be set further forward to road edge because the site is flatter and more level with Coosan Road at this point. Specifically, apartment block B will act as a gateway corner building effectively announcing the entrance to the estate. The applicant has prepared an Architectural Design Statement to explain their design rationale for the development and the photomontage report illustrates the visual impact of the development on the streetscape of the Coosan Road. It is inevitable that the character of Coosan Road will change, because it is zoned for residential uses. Given the design, scale and positioning of the houses and apartments that face onto the Coosan Road I am satisfied that the character of the road will change for the better. Drawings and photomontage images show that the higher portion at the western end of the site has been treated adequately and I am satisfied that the applicant has demonstrated an appropriate urban design response to this portion of the site from a visual amenity perspective.

10.5.4. Lastly, observers have raised issues at the scale and height of apartments proposed and are disappointed that high rise buildings are proposed in an area where there are none. The applicant has proposed a variety of home types, none of which are taller than four storeys or 13.5 metres in height. It is true to say that this type of building would be the first of its type in the immediate area, although I note three storey homes at both The Glen and Glenatore and a three storey crèche at Church Hills Crescent. However, though the apartment units proposed are a new departure for residential units in the area, they are not high rise. The Athlone Development Plan defines tall buildings as 3-4 storeys and only appropriate as high quality development in certain locations. An upper height limit is not expressed in the development plan. Recent national guidelines have identified that some development plans are conservative in their approach to both density and height, the two are connected. The Building Height Guidelines explain that such concerns have resulted from local-level concerns, like maintaining the character of an existing built-up area. The guidelines go on to explain that if much of the future development in and around existing urban areas, where two- storey development is currently the norm, was of four-storey form as the default objective, it would be possible to provide substantially more population growth within existing built-up areas where there is more infrastructure already in place. This is such a case. As a precaution to ensure good design and amenities are not eroded, the guidelines set out standards for building height in suburban/edge locations and this is underpinned by SPPR4 that states

*It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:*

*1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;*

*2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*

3. *avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.*

This is such a case, and I am satisfied that high levels of individual building design in terms of apartment and duplex types and broadly in terms of urban design have been achieved by the applicant. The proposed development will not adversely impact upon the visual amenities of the area and in fact I am satisfied that the approach taken by the applicant to create a new streetscape will be beneficial to the area.

10.5.5. Open Space – The proportion, design and layout of the public open spaces proposed by the applicant are satisfactory. Mature trees and hedgerows are retained and supplemented along the spine of the large and defining main open space that divides the development site. This large open space is well overlooked by proposed dwellings and individual pocket parks are well located throughout the scheme. Specific concerns raised by observers refer to the constructed wetland that I have considered in the *Water Services and Flood Risk* section below, security and boundary treatments.

10.5.6. One landowner is concerned about insufficient detail regarding boundary treatments and the resultant disruption of their farming activities. In addition, a number of local residents are generally concerned about the design and treatment of boundaries to the rear of their properties along the western portion of the site. Boundary treatments are illustrated in the Landscape Masterplan submitted by the applicant and shown on the overall layout. I would agree that more specific details regarding boundary treatments would be useful and should be submitted for agreement with the planning authority prior to the commencement of development. Specifically, a landscape plan should clearly set out the location and extent of particular boundary treatments and these should be robust and landscape appropriate at the margins of the development. The planning authority raise no significant concerns with regard to the landscape strategy subject to standard and technical conditions.

## 10.6. **Traffic and Transport**

10.6.1. The development proposed by the applicant amounts to 426 units and a creche, the resultant amount of car parking spaces is set at 756 or around 1.7 per unit. The

applicant has prepared a Traffic Impact Assessment, Mobility Management Plan and Road Safety Audit. Local residents are unhappy at the density of development proposed and fear that the generation of additional traffic will make an already bad traffic situation even worse. The lack of good public transport and walking/cycle facilities is also raised as a concern and local residents do not believe that the local road network can sustain the likely traffic generated. The planning authority raise no significant concerns and require works to be up to the technical standard of the Council for roads and junction infrastructure. The National Transport Authority (NTA) highlight the need to improve walking and cycling facilities within the scheme and amendments are suggested. In addition, the NTA query aspects of design around the proposed distributor road to the north and parking along the main north/south road. Transport Infrastructure Ireland (TII), seek to protect national road infrastructure and require that the recommendations of the TIA are implemented in full and that use of more sustainable transport methods are encouraged.

- 10.6.2. The most consistently expressed opposition from observers however is raised in relation to the proposed linkage between the subject site and Church Hills to the west. Opposition is raised from all quarters including, residents and elected representatives. The planning authority note the weight of opposition to this linkage. Local observers are under the impression that the linkage could be vehicular in the future and that pedestrian/cyclist incursions will be dangerous and create antisocial behaviour hotspots. A very large landscaped buffer of public open space will separate the proposed housing from existing housing at Church Hills. The applicant has designed this space to be overlooked by proposed houses and therefore this space will be passively supervised and safe. Through this large open space, a number of footpaths are proposed, and two footpaths in particular suggest a linkage at two locations with Church Hills. None of the drawings that I have inspected detail vehicular or dedicated cycle connections between housing estates.
- 10.6.3. From the outset I support the intention to link existing and proposed housing developments, its simply good urban design even if that linkage is only pedestrian. In this instance, a pedestrian linkage would provide a direct route westwards through Church Hills and onto Our Lady Queen of Peace church and grounds. In the other direction, it would also allow access from Church Hills eastwards towards Buccaneers Rugby grounds and Avondale Neighbourhood Centre. Permeability

generally and pedestrian connections in particular are good things and should be encouraged. However, the delivery of such connections are contingent on agreement between parties and this may well turn out to be a legal matter. I am satisfied that the intention to connect housing estates has been made by the applicant and an appropriate condition should be attached to ensure no ransom strip is left between footpath edge and boundary wall.

10.6.4. Traffic volumes generated by the development are cited by observers to be an issue that will become problematic in the future, leading inevitably to greater congestion. Section 12 of the EIAR assesses traffic and transport impacts arising from the proposed development, the conclusion of which is that the proposed development will have no significant negative impact on the local road network. The applicant has also prepared a Traffic Impact Assessment (TIA) that surveys the existing traffic environment and models for the planned development. The TIA concludes that the local road network can absorb the projected levels of traffic and that the proposed new junction onto the Coosan Road will operate well within capacity in future years. The report notes that interaction between signalised junctions in the vicinity would be useful and that the planned entrance to the development site could simply be a priority cross roads junction. The planning authority raise no serious concerns with regard to the traffic impact of the proposed development but specify that the new signalised junction should be a Microprocessor Optimised Vehicle Actuation (MOVA) junction and that a signalised junction should form the first phase of development. I note that the EIAR states that the proposed development entrance junction (junction 5) could operate effectively as a simple priority junction and a signalised pedestrian crossing could be installed for convenience. The TIA states that the development entrance was modelled as both a signalised junction and as a priority cross roads junction. The results of analysis show that the junction could operate well within capacity as a priority junction in future years. I note the concerns raised by observers about the likelihood of traffic congestion, but I am satisfied that the effect of additional traffic has been satisfactorily modelled and will not be problematic. It is preferable to create a better and more suitable environment for vulnerable road users, in that respect I agree with the planning authority that a fully signalised junction at the development entrance (junction 5) should be constructed from the outset.

10.6.5. The Coosan Road is a busy road and at times the volume of traffic such as school drop off/collection coincide with peak commuting times and this leads to congestion. It is clear that current commuting habits based on the private motor car are unsustainable and even a low density residential development would not improve matters and in fact damage the economic viability of public transport or make more sustainable modes unattractive. It is likely that the objective to complete Cornamaddy-Coosan Link Road, from the Coosan Point Road to the L8048 northwest of the roundabout on the N55, will improve matters. However, as the applicant has pointed out, though it is their intention to complete 430 metres of the link road at the north of the site, it formed no part of modelling and traffic impact assessment. The Cornamaddy-Coosan Link Road remains an objective of the development plan but has not been the subject of any statutory design process. In this regard, I note that the planning authority seek a special development contribution towards the completion of the remainder of the Cornamaddy/Coosan Link Road. This seems a little excessive in the context of the applicant's proposal to construct a significant portion of the road on their lands at no cost to the Council. I do not recommend the attachment of a special contribution in this instance.

10.6.6. In terms of the wider area, I am conscious of the concerns raised by the NTA with respect to the lack of off-site facilities and services in terms of walking and cycling. In terms of internal networks, amendments are suggested to the proposed cycle network, in order to make them more effective and usable. In relation to the internal road network, the NTA are concerned about future road volumes and the provision of perpendicular parking along the north/south spine road. It is noted that the TIA does not model the future volumes anticipated for the Cornamaddy-Coosan Link Road (which the applicant proposes to build part of). This is a fair observation, however, the new east/west link road remains an objective of the local plan and not a permitted road scheme. I take the point that the future traffic volumes and use of the internal road network of the proposed scheme has not taken into account a significant future traffic scenario. However, the proposed development has been designed according to the principles of the Design Manual for Urban Roads and Streets and as such the pedestrian and cyclist should be placed at the top of the road user hierarchy. I am satisfied that this is the case and elements such as perpendicular parking can act to moderate driver behaviour and slow traffic speeds.



This is especially the case along the main spine street and the parkland street that subdivides the overall site. In this instance I am satisfied that an appropriate condition to ensure accordance with DMURS design principles and compliance with the National Cycle Manual, will result in an acceptable form of development.

10.6.7. On balance, the proposed development is located at a well-served suburban location close to a variety of amenities and facilities. Current public transport options are limited to low frequency bus services (once an hour) without defined bus corridors. In addition, there are few if any cycle facilities in the area though footpaths are present. The proposed development will add significant improvements to the public realm in terms of pedestrian and cyclist facilities. It is inevitable that traffic in all forms will increase as more housing comes on stream, this is adequately modelled for in the TIA and traffic and transport effects are not seen as problematic in the EIAR, section 12 Material Assets refers. Consequently, I am satisfied that most of the ingredients are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the mobility management plan submitted by the applicant.

#### 10.7. **Water Services and Flood Risk**

10.7.1. The Engineering Services Report submitted with the application outlines in detail the surface water management strategy, wastewater drainage and potable water supply proposed for the site. In addition, the applicant has prepared a site specific Flood Risk Assessment, the site is located in flood zone C. The FRA concludes that the site is located in flood zone C for both fluvial and coastal flooding and is not at apparent risk of flooding due to pluvial or groundwater flood events. The EIAR also assessed impacts arising from the development with regard to Water and Other Services, section 12.2 refers. The surface water management strategy comprises a gravity pipe network, with significant Sustainable Drainage Systems implemented, where practicable and a constructed wetland feature.

10.7.2. A number of observers have raised safety concerns with regard to the proposed constructed wetland feature. The applicant states that the wetland feature will comprise a vegetated basin with a permanent depth of water, no greater than 500mm in its natural state. Passive preventative measures, to discourage entry to the pond area is provided through the described vegetated damp / wet benches and

sloped embankments. The proposed vegetation is to comprise low-level shrubs and reeds that do not obstruct visibility, but simultaneously provide a safe deterrent and barrier to access. Further mitigation may be considered through provision of toddler fencing, placed at strategic locations, particular at headwall locations and parallel to the development's road carriageway. Separately, the applicant has prepared a Wetland Health and Safety Risk Assessment that outlines mitigation and safety measures. With the appropriate dissuasion measures outlined by the applicant I am satisfied that the proposed wetland feature will be an asset to the public open space and support sustainable drainage measures. In addition, the constructed wetland proposed by the applicant is integral to reducing or mitigating the impact to the environment, ecology and biodiversity of the site and wider area.

10.7.3. Some concerns have been raised from local landowners about the threat to their lands from flooding. I note the findings of the site specific Flood Risk Assessment and the sustainable urban drainage systems proposed by the applicant and the findings contained in section 7.4.3 of the EIAR that states no significant impacts in terms of flooding are expected due to the proposed development. Based upon the documentation submitted I am satisfied that the proposed development will not pose a flood risk and that on site attenuation measures will reduce or eliminate the risk of flooding. On the whole, the planning authority concur with the surface water and flood risk strategy proposed by the applicant. However, the planning authority do set out some requirements with regard to technical standards. I am satisfied that detailed aspects to do with surface water drainage can be managed by way of an appropriate condition.

10.7.4. With regard to water services, I note the comments made by Irish Water and the upgrades required to be made to the wastewater network in the vicinity, specifically upsized pipework. With regard to the location specified by the applicant for an underground pumping station in the western portion of the site, I am satisfied that details to do with exact location can be specified prior to the commencement of development. All other matters to do with water services may require agreement between developer and Irish Water. At present there is sufficient capacity in the Athlone Water Treatment plant to cater for the development proposed, subject to the phased delivery of housing. I am satisfied that the site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed

this. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.

## 10.8. Other Matters

- 10.8.1. Legal matters – an observer has raised queries in relation to land ownership and rights of way at the boundary of the site. In terms of the legal interest, I am satisfied that the applicant has provided sufficient evidence that they have sufficient legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter, and are outside the scope of this application. The Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about title to land or rights over land and these are ultimately matters for resolution in the Courts. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act, as amended, which states, a person is not entitled solely by reason of a permission to carry out any development.
- 10.8.2. Local engagement - I note the submissions received in relation to a lack of pre-application consultation with local residents and the SHD process. While I acknowledge that this may have been beneficial to both sides, there is no requirement in the legislation for such consultation to take place. Consultation has been undertaken at application stage in compliance with SHD legislation.
- 10.8.3. Archaeology – I note the submission made by the DAU and If the Board are minded to grant permission, I would recommend that a condition is attached requiring pre-development testing in advance of the commencement of any construction. I note that paragraph 11.5.4 of the EIAR refers to archaeological mitigation measures, but that the DAU are not satisfied that these measures will be enough, mainly due to the scale of the proposed development. In addition, the possibility of a new site in the vicinity means that the archaeological potential for the overall lands could be increased and so a more effective suite of pre-development testing is required. A suitable condition can address this matter.
- 10.8.4. Construction Period - I note the concerns raised by some observers regarding construction stage impacts. I note that section 4.5 of the EIAR specifically deals with human health and the construction phase of the development. A Construction and

Environmental Management Plan as an appendix to the EIAR, that includes traffic management proposals, has been submitted by the applicant. Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction management and practice. I recommend a condition requiring the preparation of a detailed Construction Management Plan and Traffic Management Plan prior to commencement of development.

10.8.5. School Capacity and Local Services – Concerns have been raised by some observers regarding the impact of the development on local schools and social infrastructure. The applicant provides a School Capacity Assessment, section 7.12 of the Planning Report and Statement of Consistency refers. The school capacity assessment was prepared to establish if there is an adequate provision of school places in Athlone to accommodate the proposed development. A survey was completed of the capacity of the existing primary and secondary schools respectively within 3km of the application site. In total there are 5 primary schools and 3 secondary schools within the study area. The primary school places amount to 1,062 spaces and 2,373 secondary school spaces. The report concludes that there is adequate primary and secondary school capacity in the vicinity to cater for new demand created by the proposed scheme. The report states that in 2016, the total population of the catchment area was 5,814 people. 1,124 persons of school going age within the subject area were identified, which comprises 19.33% of the total population. The average household size for Athlone as stated in the Athlone Town Development Plan 2014 -2020 was circa 2.4 persons. Applying that average to the proposed development of 426 residential units equates to a potential population of 1,022.4 persons. Based on Department of Education and Skills (DES) future demand assumptions and the likely population increase derived from the development, the demand for places equates to 122 primary and 87 secondary level places. The Cornamagh Local Area Plan 2009 also makes provision for a 16 classroom school on a 1.14 hectare site. The planning authority are not convinced that enough research has been conducted to fully conclude that capacity is assured. However, the planning authority advise that they regularly consult with the DES to determine school place demand in relation to completed developments. In this context, I am satisfied that there is likely to be sufficient capacity existing and coming

on stream at both primary and secondary level to meet the demand generated by the proposed development. I base this assumption upon the phased completion of development that will allow the planning authority and the Department to assess demand as it arises.

10.8.6. In terms of other community and commercial facilities, I note the location of a church and its grounds to the west of the site, schools already mentioned above, the Avondale Neighbourhood Centre, Athlone GAA and Athlone Regional Sports Centre, all within walking distance of the site. I am satisfied that there is sufficient community and commercial facilities in the vicinity to sustain the development and vice versa.

10.8.7. Adequacy of EIAR - Observers have concerns that the EIAR is deficient because it does not explain the need for more housing in the area and the impact upon climate has not been addressed. I am satisfied that the EIAR has addressed the issue of housing need, section 2.3 sets out the strategic and local need for housing in and around Athlone. This sets out the background for basic principles around land for housing and the EIAR consequently assesses any environmental factors that need to be addressed. I am satisfied that the EIAR assesses the correct environmental impacts, such as they are, in the context of zoned and serviced land. Chapter 8 of the EIAR sets out the issues in relation to Air and Climate. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of my report above.

## 11.0 Environmental Impact Assessment

### 11.1. Environmental Impact Assessment Report

11.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The development provides for 426 residential units, 430m section of a new distributor road, a crèche and public open space on a site area of 15.615 ha. The site is located within the area of Westmeath County Council. A number of the topics and issues raised by observers that concern environmentally related matters have already been addressed in the planning assessment above, however, where relevant I have cross-referenced between sections to avoid unnecessary repetition.

11.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

*i) Construction of more than 500 dwelling units*

*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.*

11.1.3. The current proposal is an urban development project that would be in the built-up area of a town but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and the submission of an environmental impact assessment report is mandatory because the area of the proposed urban development exceeds 10 Hectares. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Chapter 14 of the main volume provides a summary of the mitigation measures described throughout the EIAR. Section 1.9 and the introduction to each subsequent chapter describes the expertise of those involved in the preparation of the EIAR.

11.1.4. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive

2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

11.1.5. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

## **11.2. Vulnerability of Project to Major Accidents and/or Disaster**

11.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned.

11.2.2. The EIAR addresses this issue in chapter 4 Population and Human Health of Volume I of the EIAR. I note that the development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential for impacts from this source. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. Chapter 7 of the EIAR addresses the issue of flooding and the site is not in an area at risk of flooding. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

## **11.3. Alternatives**

11.3.1. Article 5(1)(d) of the 2014 EIA Directive requires:

*(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;*

Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

*2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.*

11.3.2. Chapter 2 of volume I of the EIAR provides a description of the main alternatives (4 alternate layouts in total) studied by the applicant and the reasons for their choice. The permissible uses on the site are prescribed by its zoning under the development plan. The alternatives that were considered were therefore largely restricted to variations in layout and building design and processes. In the prevailing circumstances this approach was reasonable, and the requirements of the directive in this regard have been met.

#### **11.4. Likely Significant Direct and Indirect Effects**

11.4.1. The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

#### **11.5. Population and human health**



- 11.5.1. Population and Human Health is addressed in Chapter 4 of the EIAR. The methodology for assessment is described as well as the receiving environment. Recent economic and demographic trends are examined. The principle findings are that human population and job opportunities will increase as a result of the proposal. In terms of human health, the most likely impact will be the construction phase of the development and observers have concerns around construction phase traffic.
- 11.5.2. Chapter 9 of the EIAR refers to noise and vibration. The occupation of the development would not give rise to noise or vibration that would be likely to have a significant effect on human health or the population, as it would be a residential scheme that formed part of the built-up area of the town. The impact of additional traffic on the noise levels and character of the surrounding road network would be insignificant having regard to the existing traffic levels on roads in the vicinity and the marginal increase that would occur as a result of the proposed development.
- 11.5.3. The use of heavy vehicles and machinery during a prolonged construction period would have the potential to give rise to effects due to noise and vibration. However given the phased duration of the works and the control of activity on site by the developer at that time, these can be avoided through the use of management measures as set out in the EIAR and in the draft construction management plan submitted with the application, and the imposition of limits by conditions on any grant of permission. Subject to these measures the main significant direct and indirect effects of the proposed development on the environment are addressed, it is concluded that the proposed development would not be likely to have significant adverse effects on human health.
- 11.6. **Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC**
- 11.6.1. Chapter 5 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that an Appropriate Assessment Screening Report and Natura Impact Statement was prepared as a standalone document. As assessed in section 12 of this report, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

- 11.6.2. A desk study was undertaken and included review of available ecological data. Field surveys were carried out on the 16 November 2018 and 14 May 2019 and included consideration of semi-natural habitats, terrestrial mammals, birds and bats. The large majority of the site consists of agricultural land currently laid out as grassland, which does not contribute to biodiversity to any substantial extent. The north western portion of the site is characterised as wet grassland and scrub. The proposed development would result in the loss of this habitat, but this would not have a significant effect on the environment. The application site is open grassland with hedgerow boundaries. There are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants. Hedgerows and individual mature trees provide habitat for a wide range of common plants and animals including breeding birds and commuting bats although no bat roosts are present. An outlier Badger sett is located within a central section of the site, but it is assumed that it forms part of a larger Badger territory centred on lands to the north of the site. The loss of this sett is unavoidable. The presence of Otter was not detected nor was there any evidence of favourable habitat for same. However, given the existence of a watercourse on site and therefore connection downstream to more favourable Otter habitats, the existence of Otter on the site could not be ruled out.
- 11.6.3. A submission was received from the NPWS and they are concerned about the limitations of reliance on data from just two field survey visits. No information is provided in terms of surveys carried out for wintering species and conflicting terminology in relation to habitat classification. However, these matters can be corrected and in relation to Bats, mitigation measures are recommended. In relation to Badgers and an outlier sett located on the site, additional protection measures to compensate/mitigate for loss of the sett and foraging area could be outlined. A management plan should be put in place for the constructed wetland feature. Finally, and in relation to Otter, the NPWS recommend additional surveying due to the proximity to Coosan Lough and Lough Ree because of the hydrological connection provided by the drainage ditch that crosses the site. These are all matters that can be addressed by appropriate mitigation measures.
- 11.6.4. The project will see some clearance of habitat features away from the boundaries. The site, including site boundaries, contains approximately 540 metres of treeline habitat. Approximately 300 metres of treeline habitat located within the south of the

site, identified as a townland boundary, will be lost during the site regrading works due to the undulating topography on site. Such loss of linear habitats, in the absence of mitigation, has the potential to impact commuting and foraging bat species locally. This extent of the potential impact would be reduced by the retention and augmentation of the landscape features throughout the site. It would also be mitigated by the proposed linear landscaping and planting, the design of public lighting in the proposed development and the provision of bat boxes where appropriate. The residual impact on mammals and bats is likely to be minor and would not have a significant impact on the species concerned.

11.6.5. The proposed development has been designed in order to retain existing mature treelines and hedgerows features both within the site and along the site boundary and minimise the loss of such linear landscape features. This will retain connectivity to the wider landscape for species such as commuting and foraging bats and birds. In addition, the Landscape Master Plan for the site provides for supplementary planting of native tree and shrub species that will create and enhance hedgerows and treelines. It also provides for the creation of wildflower meadows and wetlands, which will enhance the overall biodiversity within the site.

11.6.6. Section 5.5 of the EIAR describes measures to minimise the impact of the development on habitats and biodiversity that includes the preparation of a biodiversity management plan for the management of the created wetlands, trees and grasslands throughout the site. These and other measures are standard and would represent good construction and maintenance practice. Subject to their implementation, it can be concluded that the proposed development would not be likely to have significant adverse effects on biodiversity. The proposed development would introduce areas of new planting, and the landscaping and planting proposals submitted with the proposed application are satisfactory in that context.

11.6.7. Having regard to the foregoing, it is not likely that the proposed development would have significant effects on biodiversity.

## 11.7. Land and soil

11.7.1. The proposed development would result in the loss of just over 15 Hectares of agricultural land, zoned for residential and amenity purposes. Given the extent of such land that would remain available in the overall region, this is not considered to

be a significant effect. The proposed development would require some changes in the levels of site. Excavation of existing fill, topsoil, subsoil and bedrock will be required for site levelling and for the installation of drainage and services (wastewater, water supply, electricity, etc.) infrastructure. This will result in a permanent removal of subsoil and bedrock at most excavation locations. All excess material will be used for reinstatement and landscaping works around the site during and at the end of the construction phase. Storage and handling of hydrocarbons/chemicals will be carried out using best practice methods which will break potential pathways to ground. Measures to prevent subsoil erosion during excavation and reinstatement will be undertaken to prevent water quality impacts.

11.7.2. It is therefore unlikely that the proposed development would have significant effects with respect to soil and land.

## 11.8. **Water**

### *Surface Water and Flood Risk Assessment*

11.8.1. The majority of the site slopes towards a local drainage ditch that crosses diagonally through the site from the eastern boundary to the northern boundary. This drainage ditch discharges to a stream which in turn discharges to Coosan Lough, and ultimately Lough Ree and the River Shannon. There is an existing ditch alongside the eastern boundary of the site, which is a continuation of the shared ditch with the adjacent Rugby Club, and also receives the natural runoff from the existing field. There are similar ditches along the northern boundary and traversing the site, in a north-westerly direction from midway of the eastern boundary of the site. The natural runoff to these ditches is to be interrupted, as a result of the proposed development. The local rainfall runoff will be collected by the proposed gravity surface water network. A perforated land drain / filter trench is proposed along the eastern boundary, in place of the open ditch. Two separate catchment areas are proposed for surface water management purposes.

11.8.2. It is proposed to provide a sustainable urban drainage solution to the surface water drainage for the site in the form of underground attenuation tanks, to discharge surface water generated by the development at greenfield run off rates to an existing watercourse on site. Given the size of the development rainwater storage will be split up into areas incorporating attenuation tanks and will pass through a series of

constructed wetlands before discharging to the watercourse. There will also be a new surface water pipe connection to an existing public sewer at the south of the site.

11.8.3. A site specific Flood Risk Assessment (FRA) for the development has been completed and is included with this application as a standalone report. The information presented within the FRA indicate that the proposed site is located within 'Flood Zone C' and is therefore considered Appropriate, for a residential development. The FRA assesses in detail the site setting and its potential flood risk and concludes that there is no flood risk on the site and that when the surface water attenuation infrastructure is installed there will be no negative impact or increased flooding risk to the local drainage regime. I note that a number of observers, owners of adjacent lands, had some concerns about the possibility of off-site flooding as a result of the development. I am satisfied that this will not be the case and section 10.7 of my report refers.

11.8.4. A potential for an effect to arise during the construction of the proposed development from the emission of sediments or hydrocarbons to surface water is described in section 7.3.14 of the EIAR. The potential for such effects arises in projects that involve building on suburban infill sites. It is therefore commonplace. There are standard measures that are used to avoid such effects which are described in section 7.4 of the EIAR. The efficacy of such measures is established in practice. Subject to the implementation of those measures, the construction of the proposed development would be unlikely to have significant effects on the quality of water.

#### *Water Supply*

11.8.5. The water supply for the proposed development would be from a new connection from the public network which Irish Water advises is feasible subject to minor upgrade works to the pipe network.

#### *Foul drainage*

11.8.6. The proposed on-site foul sewers will discharge by gravity where possible to the adjacent public (Irish Water) foul sewer network. It is considered that some of the development may require a foul water pump station due to the topography of the site. Irish Water have confirmed the necessity for a pump station to be installed by the developer. Observers have raised the possibility of noise and odour nuisance in

relation to the proposed pump station, I am satisfied this will not be the case and section 10.4 Residential Amenity responds to these issues. The proposed effluent generated by the scheme combined with the separation and attenuation of storm flows is predicted to have a minimal impact on the receiving drainage infrastructure.

11.8.7. It can therefore be concluded that, subject to the implementation of the measures described in the EIAR, the proposed development would not be likely to have a significant effect on water.

### **11.9. Air quality and climate change**

11.9.1. Air Quality and Climate Change area outlined in chapter 8 of the EIAR. The proposed housing and open spaces would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality. There is a potential for dust emissions to occur during construction but standard means are proposed to mitigate this potential as set out in Table 14.2 of the EIAR. They are likely to be effective. It is therefore concluded that the proposed development is unlikely to have significant effects on air.

11.9.2. Observers have raised issues in relation to climate change. Impacts with regard to climate change are examined under the construction phase and operational phase of the development. During construction, there is the potential for a number of greenhouse gas emissions to atmosphere. In addition, houses will be constructed to high energy saving standards, the likely overall magnitude of the changes on climate in the operational stage of the proposed development is negative, imperceptible and long-term. The impact of the proposed development on the climate would be negligible.

### **11.10. Material assets**

11.10.1. Material assets have been divided into; traffic and transportation and services, infrastructure and utilities (chapter 12). The proposed development would have a significant positive effect on the material assets available in the area through the provision of additional housing, the provision of public open space and public realm improvements. Occupiers of the development would place additional demands on public transport and road infrastructure. But this should lead to increased investment in improvement and further provision. The scheme will separate foul and surface water before entry into the existing public system, reducing unnecessary additional

treatment requirements. The cumulative effects of the development on the foul, surface water, watermain and waste management systems are anticipated to be short term, neutral, and imperceptible. No significant impacts are anticipated.

#### **11.11. Archaeological, Architectural and Cultural heritage**

11.11.1. The site has been the subject of desk and walk over surveys. There are no recorded archaeological sites located within the proposed development site while there are five examples in the surrounding study area and the nearest example is a Standing stone - pair (WM029-002---) located approximately 35m to the south west. Table 11.1 of the EIAR details these five sites. The Development Application Units of the Department (DAU) note the possibility of a new archaeological site in the vicinity. The applicant acknowledges that to the scale of the development, there is a possibility that previously unrecorded features or monuments lie at subsurface on the subject site, however given the site walkover and relatively benign archaeological nature of the site it is unlikely that any features exist on the site. The DAU highlight that this possibility is magnified because of recent evidence pointing to a likely new site nearby. The site does not contain any recorded monuments or protected structures and there is no formal cultural significance attached to the site. Specific measures are highlighted in section 14.2 of the EIAR. It is therefore concluded that the proposed development would not have significant effects on cultural heritage. However, I note the submission made by the DAU and given the possibility of a new archaeological site in the vicinity, more rigorous pre-development testing is required.

#### **11.12. The landscape and visual impact**

11.12.1. Chapter 10 outlines landscape and the visual impacts that would arise from the development. The lands are not recorded as a high value landscape but have elevated portions along the southern boundary, there are hedgerows across the site and some of these will be retained. The Lough Ree high amenity area and protected views of the lough are in the vicinity of the site. Observers have highlighted concerns about the visual impact of the development and this will change their outlook. The EIAR highlights the construction impacts on the visual amenity of the area and positive impacts of the completed estate on the urban expansion of the town. The construction phase is considered short-term. The layout of the site and positioning

higher buildings at low points together with landscaping proposals and objectives to retain hedgerows aim to minimise the visual impact of the development.

11.12.2. The proposed development would change the site from agricultural fields to a medium density housing and apartment scheme. This would significantly alter its character. The site provides an open aspect to what is otherwise low density suburban housing. The context is already urban. The changes that would arise from the proposed development would not, therefore, have a negative effect on the landscape, such as it is.

### **11.13. The interaction between the above factors**

11.13.1. The potential impact of the development on land, soil, water and biodiversity interact, due to the need to avoid the emissions of sediments to the existing combined public sewer system in order to protect water quality and the aquatic habitats there. The potential impact on land and soil interacts with that on air due to the need to control dust emissions during ground works and construction. The potential impact of the development on material assets interacts with that on the population due to the provision of a substantial amount of housing for the area. The various interactions were properly described in the EIAR, table 13.1 provides a matrix of interactions and section 13.2 properly describes the interactions and have been considered in the course of this EIA.

### **11.14. Cumulative Impacts**

11.14.1. The proposed development could occur in tandem with the development of other sites that are zoned in the area, including several permitted housing developments in the vicinity. Such development would be unlikely to differ from that envisaged under the county development and local area plans which have been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans. The proposed development is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is therefore concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to



significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

#### **11.15. Reasoned Conclusion on the Significant Effects**

Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of former agricultural land to residential. Given the location of the site within the built up area of suburban Athlone and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.

- A positive effect on the streetscape because the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

The proposed development is not likely to have significant adverse effects on human health, biodiversity or cultural heritage.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or the making of substantial alterations to it.

## 12.0 Appropriate Assessment

12.1.1. The subject site is not located within any Designated European site, however the following Natura 2000 sites are located within a likely zone of impact of 15 kilometres:

Site Name and Code	Distance from Dev Site
Lough Ree SAC [000440] Lough Ree SPA [004064]	1km
River Shannon Callows SAC [000216] Middle Shannon Callows SPA [004096]	2km
Crosswood Bog SAC [002337]	3.4km
Carn Park Bog SAC [002336]	5.4km
Ballynamona Bog and Corkip Lough SAC [002339]	9.6km
Castlesampson Esker SAC [001625]	9.7km
Pilgrim's Road Esker SAC [001776]	10.9km
Mongan Bog SAC [000580] Mongan Bog SPA [004017]	11.3km 11.5km
Lough Funshinagh SAC [000611]	12.1km
Fin Lough (Offaly) SAC [000576]	12.9km

12.1.2. An NIS was submitted with the application. Appendices to the NIS include an Appropriate Assessment Screening Report, detailed design drawings, Engineering Services Report and a Construction Environmental Management Plan. It is noted that the primary pathway to European sites during the construction phase is hydrologically via a watercourse that traverses the site. No other pathways or connections are identified.

12.1.3. The Stage One screening conclusions note that applying a precautionary principle, it is not possible to exclude the following sites:

Site Name	Site Code
Lough Ree SAC [000440]	1km

Lough Ree SPA [004064]	
River Shannon Callows SAC [000216]	2km
Middle Shannon Callows SPA [004096]	

12.1.4. I agree with the conclusions of the Screening Assessment that, if a Stage 2 AA is being undertaken, it can be confined to these four sites listed above. The remaining nine sites identified above are considered not to be affected by the proposal, having regard to the nature of the proposal and the distance involved. I have examined the conservation objectives and QIs/SCIs for all sites within the zone of influence on the [www.npws.ie](http://www.npws.ie) and I refer the Bord to same.

12.1.5. The Qualifying Interests/SCI for the four designated sites which it is not possible to exclude are as follows:

Lough Ree SAC	Lough Ree SPA	River Shannon Callows SAC	Middle Shannon Callows SPA
Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]	Little Grebe ( <i>Tachybaptus ruficollis</i> ) [A004]	Molinia meadows on calcareous, peaty or clayey-silt-laden soils ( <i>Molinia caerulea</i> ) [6410]	Whooper Swan ( <i>Cygnus cygnus</i> ) [A038]
Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco-Brometalia</i> ) (* important orchid sites) [6210]	Whooper Swan ( <i>Cygnus cygnus</i> ) [A038]	Lowland hay meadows ( <i>Alopecurus pratensis</i> , <i>Sanguisorba officinalis</i> ) [6510]	Wigeon ( <i>Anas penelope</i> ) [A050]
Active raised bogs [7110]	Wigeon ( <i>Anas penelope</i> ) [A050]	Limestone pavements [8240]	Corncrake ( <i>Crex crex</i> ) [A122]
Degraded raised bogs still capable of natural regeneration [7120]	Teal ( <i>Anas crecca</i> ) [A052]	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0]	Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]
Alkaline fens [7230]	Mallard ( <i>Anas platyrhynchos</i> ) [A053]	<i>Lutra lutra</i> (Otter) [1355]	Lapwing ( <i>Vanellus vanellus</i> ) [A142]
	Shoveler ( <i>Anas clypeata</i> ) [A056]		Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156]
	Tufted Duck ( <i>Aythya fuligula</i> ) [A061]		Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179]
			Wetland and Waterbirds [A999]

Limestone pavements [8240]	Common Scoter (Melanitta nigra) [A065]		
Bog woodland [91D0]	Goldeneye (Bucephala clangula) [A067]		
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	Coot (Fulica atra) [A125]		
Lutra lutra (Otter) [1355]	Golden Plover (Pluvialis apricaria) [A140]		
	Lapwing (Vanellus vanellus) [A142]		
	Common Tern (Sterna hirundo) [A193]		
	Wetland and Waterbirds [A999]		

12.1.6. The Conservation Objectives for the four sites are to maintain or restore the favourable conservation condition of each qualifying species/habitat. The AA Screening Report states that the European sites with the potential to be significantly affected by the proposed development have been restricted to four sites Lough Ree SPA and SAC, the River Shannon Callows SAC and the Middle Shannon Callows SPA. The AA Screening Report identifies that because of the connection between the site to European sites via a watercourse that traverses the lands, the potential for effect has been limited to the following:

**Lough Ree SAC [000440]**

- Otter Lutra lutra [1355]
- Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]
- Alkaline fens [7230]

**River Shannon Callows SAC [000216]**

- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae)\* [91E0]
- Otter *Lutra lutra* [1355]

**Lough Ree SPA [004064]**

- Wetlands and Waterbirds [A999]

**Middle Shannon Callows SPA [004096]**

- Wetlands and Waterbirds [A999]

12.1.7. The screening report states that the likely cumulative impact of the proposed works on European sites, in-combination with other plans and projects will require further assessment within a Natura Impact Statement.

12.1.8. It is my opinion, given the existence of a watercourse that drains to the European sites, together with the type of development proposed, the carrying out of a Stage 2 AA is warranted in this instance. In addition, the distance of the four designated sites which it is not possible to exclude is noted, being nearer the development site than those excluded.

12.1.9. At this point it is worth noting the submission made by the National Parks and Wildlife Service (NPWS) with respect to the applicant's Screening Report for AA and the NIS. The NPWS note that that while specific SCIs and QIs have been identified as likely to be significantly affected by the proposed development, the procedure for excluding the SCI's has not identified or assessed all the likely impacts on SCI's. With reference to the Lough Ree SPA, the NPWS specifically note page 13 of the applicant's screening report that states

*There will be no direct impact on the SPA given that the proposed development is located entirely outside the boundary of the European Site.*

*No pathway for effect (potential disturbance/displacement) was as the proposed development site does not provide suitable habitat for these aquatic SCI species, due to the built-up nature of the surrounding area, the separation in distance between the proposal and the SPA and the nature of the proposed development.*

12.1.10. The NPWS go on to note that none of the SCI species listed for Lough Ree SPA: Whooper Swan, Wigeon, Teal, Mallard, Shoveler, Tufted Duck, Common Scoter, Goldeneye, Little Grebe, Coot, Golden Plover, Lapwing and Common Tern and the Middle River Shannon Callows SPA SCI species: Whooper swan, Wigeon, Golden plover, Lapwing, Black-tailed Godwit, Black-headed Gull were excluded because the AA Screening conclusion was that they would not be impacted on by the proposed development. The NPWS also note that the identified likely impact is deterioration in water quality to the Lough Ree SAC habitats and species and for the Lough Ree SPA SCIs for 'Wetland and Waterbirds'. This observation is accurate, and it leads to the NPWS conclusion that disturbance has not been assessed in the NIS, this is also true. However, I note that the applicant's Screening Report discounts the potential for disturbance/displacement because of the already built-up nature of the surrounding area, the separation distances involved and the nature of the proposed development. Consequently, the applicant selected to exclude the SCI species listed for Lough Ree and Middle River Shannon Callows SPA in the NIS specifically because disturbance, in their opinion, is not a factor that they considered to be likely.

12.1.11. The NPWS are concerned about the potential for adverse disturbance effects on SCI species for the SPA in the context of the proposed development near to the Lough Ree SPA. Issues such as potential visual, lighting and noise disturbances to SCI species are highlighted. So too is the impact on flight lines outside the SPA because of the scale of the development and height of the proposed buildings. I take a different view. The site is large, more than 15 Hectares and is zoned for residential development and open space. The development accords with the land use zoning and proposes a combination of two, three and four storey buildings across the site. The tallest buildings are the apartments, of which there are nine at just over 13.5 metres. The site adjoins the already build up area of Athlone town, with residential development on the western and southern sides of the site and flood lit playing pitches to the east. At a macro level, I note that the land is zoned in the statutory plan, and was subject to Appropriate Assessment that concluded the Plan as adopted will not have an adverse effect on the integrity of a Natura 2000 site or sites. I should point out that the Plan envisaged a residential density of between 30-35 units per hectare for this site, the proposed development amounts to 42 units per

hectare. In my view the proposed development would result in much the same type and form of development planned for and so I am satisfied that there is nothing unusually different in this proposal that would warrant a greater examination of disturbance factors or flight line analysis. It is therefore reasonable that the applicant's Screening Report chose to exclude the SCIs species for the SPAs because of the type of development planned for and the surrounding development that already exists.

12.1.12. It is for all of the reasons above, that I would come to the same conclusion as the applicant and exclude SCIs species listed. To recap, the site is zoned for residential and open space uses, adjoins the built up area of Athlone town and the scale and form of development proposed is not unusual or significantly different to that envisaged for the in the statutory plan for the area.

12.1.13. Although, the NPWS submission is informative and useful in so many other respects, it is less clear to me why certain Special Conservation Interests (SCIs) and Qualifying Interests (QI's) listed for the SPAs should be included. Whilst onsite surveys have not been conducted and flight lines identified and understood, the reasons for their inclusion has not been expressly explained by the NPWS. The applicant points out that no pathway for effect (potential disturbance/displacement) was identified as the proposed development site does not provide suitable habitat for these aquatic SCI species, due to the built-up nature of the surrounding area, the separation distances involved and the nature of the proposed development. Athlone is an existing urbanised area spread over a large footprint and that includes tall buildings, streetlights and human activity. In the absence of reasoned evidence from the NPWS that the planned extension of Athlone would be likely to cause a significant impact to the SCIs species, I think they can be screened out.

12.1.14. It is my opinion that the likelihood of significant impacts to SCIs species for the SPAs from disturbance is extremely low or minimal. I base this on the conclusions published in the Appropriate Assessment of the development plan and its land use zonings undertaken by Westmeath County Council that stated the preferred alternative was that of the 'Consolidation of Urban Core and Plan led expansion of inner edge and environs'. This is such a case; the development of this site would not pose a significant risk of fragmentation or destruction of existing habitats and not result in the further loss or damage to the integrity of Natura sites. It



is this underlying assumption that the subject lands would be developed for housing that I can exclude the SCIs listed by the NPWS because the potential for significant effects by the proposed development can be ruled out.

12.1.15. To be clear, I draw the same conclusion as the applicant and agree that because of the existence of a watercourse through the site the potential for effect can be restricted to those factors listed in section 3.2 of the Appropriate Assessment Screening Report prepared by the applicant.

12.1.16. Within the Stage 2 Natura Impact Statement (NIS), the following is noted:

- Otter, a species occurring in the SAC (Lough Ree and River Shannon Callows) was not recorded on the site but may occur. Main impact may result from deterioration in water quality and so standard mitigation measures are proposed. No loss to habitats listed, though deterioration in water quality can be mitigated through standard construction practices.
- Wetlands and Waterbirds are noted as the water dependent SCIs of the Lough Ree SPA and Middle Shannon Callows SPA, they were identified in the form of deterioration of water quality resulting from pollution associated with construction activities. It was concluded, in view of best scientific knowledge and based on objective information, that the Proposed Project will not adversely affect wetlands and waterbirds associated with Lough Ree SPA and Middle Shannon Callows SPA in light of best scientific knowledge and the conservation objectives of the site which relate to those species.
- In Combination/cumulative Assessment – the proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is therefore no potential for the proposed development to contribute to any in-combination adverse effects on any European Site when considered in-combination with other plans and projects. Taking into consideration the reported residual impacts from other plans and projects in the area and the predicted impacts with the current proposal, there will be no adverse impacts on any European Sites as a result of the Proposed Project, when it is considered in combination with other plans or projects in light of best scientific knowledge and the conservation objectives of the relevant European sites.

12.1.17. It is concluded within the submitted assessment that where the potential for any adverse effect on any European Site has been identified, the pathway by which any such effect may occur has been robustly blocked through the use of avoidance, appropriate design and mitigation measures as set out within the NIS report and its appendices. The measures proposed in the Engineering Services Report seek to ensure that the construction and operation of the proposed development does not adversely affect the integrity of European sites. The applicant states that it can be objectively concluded that the Proposed Development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European Site.

12.1.18. With respect to the NIS, I note that the NPWS made a number of detailed comments in relation to the conclusions reached in screening for AA. The NPWS noted that while specific SCIs and QIs have been identified as likely to be significantly affected by the proposed development, the procedure for excluding the SCI's has not identified or assessed all the likely impacts on SCI's. In broad terms the NPWS question the exclusion of disturbance/impact to flight lines of bird species recorded in nearby SPAs, I have assessed this matter in my screening for AA and I am satisfied that the such factors can be screened out. I therefore find the NIS to have sufficiently documented and presented the relevant information.

12.1.19. Though the methodological approach to site surveys were acceptable, the NPWS do have some concerns that the survey work to understand the impacts to Otter was not as thorough as it could have been. It is therefore recommended that additional surveying is necessary due to the proximity of the site to Coosan Lough and Lough Ree via the hydrological connection provided by the drainage ditch on site. Mitigation measures contained in the CEMP are noted by the NPWS. However, with reference to the constructed wetland feature, greater clarity in relation to water quality and mitigation measures are required. In this regard the NPWS suggest that monitoring of water quality in the hydrological connection to Lough Ree SAC post construction, along with implementation of the maintenance plan for the wetland feature should be included to ensure that the mitigation measures outlined are effective in avoiding or reducing the impact on the nearby Natura 2000 sites during the operational phase of the development. These are all reasonable considerations and can be incorporated by appropriate conditions.

12.1.20. In light of the above assessment, I am of the opinion, on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the relevant European sites Lough Ree SAC [000440], River Shannon Callows SAC [000216], Lough Ree SPA [004064] and Middle Shannon Callows SPA [004096], or any other European site, in view of the site's Conservation Objectives.

## 13.0 Recommendation

13.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

## 14.0 Reasons and Considerations

Having regard to the:

- (a) The site's location on lands with a zoning objective for residential development;
- (b) The policies and objectives in the Athlone Town Development Plan 2014-2020;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (2019);
- (e) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (f) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (g) 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' prepared by the Department of Housing, Planning and Local Government in March 2018;
- (h) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (i) the nature, scale and design of the proposed development;
- (j) the availability in the area of a wide range of educational, social, community and transport infrastructure,

- (k) the pattern of existing and permitted development in the area,
- (l) The Report of the Chief Executive of Westmeath County Council received from the planning authority;
- (m) the submissions and observations received;
- (n) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 15.0 Recommended Draft Board Order

### **Planning and Development Acts 2000 to 2019**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars lodged with An Bord Pleanála on the 8<sup>th</sup> day of July 2020 by Castlestar (Athlone) Limited care of McCarthy Keville O’Sullivan Ltd, Tuam Road, Galway.

### **Proposed Development**

A planning permission for a strategic housing development on lands at Cornamagh, Clonbrusk and Coosan, Athlone, Co. Westmeath.

The proposed development comprises the construction of 426 residential units comprising 237 housing units and 189 apartment units in 13 blocks between 3 and 4 storeys in height and a creche, together with open space amenity and a signalised vehicular access point from Coosan Road, details are as follows:

- 4 two bedroom houses
- 207 two bedroom houses
- 26 two bedroom houses
- 15 apartments in Block A (4 one-beds, 10 two-beds, 1 three-bed)
- 20 Apartments in Block B (5 one-beds, 15 two-beds)
- 18 Apartments in Block C (4 one-beds, 14 two-beds)
- 18 Apartments in Block D (4 one-beds, 14 two-beds)
- 15 Apartments in Block E (4 one-beds, 10 two-beds, 1 three bed)
- 16 Duplex Apartments in Block F (8 two-beds, 8 three-beds)
- 11 Apartments in Block G (3 one-bed, 8 two-beds)
- 16 Duplex Apartments in Block H (8 one-beds, 8 three-beds)
- 12 Apartment Units in Block J (4 one-beds, 8 two-beds)
- 12 Apartments in Block K (4 two-beds, 8 three-beds)
- 14 Duplex Apartments in Block K1 (7 two-beds, 7 three-beds)
- 12 Apartments in Block L (4 one-beds, 8 two-beds)
- 10 Duplex Apartments in Block L1 (5 two-beds, 5 three-beds)
- A creche facility (545 sqm).
- Construction of a 430m section of a new distributor road linking Coosan and Cornamaddy.
- Provision of shared communal and private open space, car and bicycle parking, site landscaping and public lighting, services, access with the Coosan Road and new distributor road.

## **Decision**

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

## **Matters considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) The site's location on lands with a zoning objective for residential development;
- (b) The policies and objectives in the Athlone Town Development Plan 2014-2020;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (2019);
- (e) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (f) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (g) 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' prepared by the Department of Housing, Planning and Local Government in March 2018;

- (h) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (i) the nature, scale and design of the proposed development;
- (j) the availability in the area of a wide range of educational, social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) The Report of the Chief Executive of Westmeath County Council received from the planning authority;
- (m) the submissions and observations received;
- (n) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the nature, scale and location of the proposed development, the documentation including submissions on file, and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and



assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following nine European sites:- Crosswood Bog SAC [002337], Carn Park Bog SAC [002336], Ballynamona Bog and Corkip Lough SAC [002339], Castlesampson Esker SAC [001625], Pilgrim's Road Esker SAC [001776], Mongan Bog SAC [000580], Mongan Bog SPA [004017], Lough Funshinagh SAC [000611] and Fin Lough (Offaly) SAC [000576] in the light of their conservation objectives, having regard to the nature of the proposed development and the distances from the site to these European sites.

### **Appropriate Assessment**

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment in respect of the subject development, in relation to the remaining European sites identified by the Inspector, that is, Lough Ree SAC [000440], Lough Ree SPA [004064], River Shannon Callows SAC [000216] and Middle Shannon Callows SPA [004096].

The Board completed an Appropriate Assessment in relation to the potential effects of the proposed development on these four designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Natura Impact Statement submitted with the application, and the Inspector's report and submissions on file.

In completing the assessment, the Board considered, in particular:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal,
- (iii) the conservation objectives for these European sites, and

In completing the Appropriate Assessment, the Board adopted the report of the Inspector and concluded that, subject to the implementation of the proposed mitigation measures contained in the Natura Impact Statement, that the proposed

development, individually or in combination with other plans or projects would not adversely affect the integrity of the relevant European sites Lough Ree SAC [000440], Lough Ree SPA [004064], River Shannon Callows SAC [000216] and Middle Shannon Callows SPA [004096], or any other European site, in view of the site's Conservation Objectives.

### **Environmental Impact Assessment**

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the prescribed bodies and the public in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment.

The Board completed an environmental impact assessment in relation to the proposed development and, in doing so, agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report, associated documentation submitted by the applicant, and submissions made in the course of the planning application, and adopted the Inspector's assessment in this regard.

### **Reasoned Conclusions on the Significant Effects:**

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, provided information which is

reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the environmental impact assessment report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan (CEMP) is the overarching general mitigation relevant to the project design and delivery for the construction stage.

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- a) Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- b) A significant direct effect on land by the change in the use and appearance of a relatively large area of former agricultural land to residential. Given the location of the site within the built up area of suburban Athlone and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- c) Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- d) Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- e) Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- f) Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to

the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.

- g) A positive effect on the streetscape because the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

The proposed development is not likely to have significant adverse effects on human health, biodiversity or cultural heritage.

The likely significant environmental effects arising as a consequence of the proposed development have, therefore, been satisfactorily identified, described and assessed.

The Board concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

### **Conclusion on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible suburban location, would not-seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the Athlone Town Development Plan 2014-2020 in relation to residential density. The

Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Athlone Town Development Plan would be justified for the following reasons and considerations.

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended):

An assessment of the proposed development was carried out to determine that the proposed development conforms with guidelines in relation to density in larger towns, as set out in section 5 of the Sustainable Residential Development in Urban Areas guidelines. It is a requirement of SPPR 4 of the Urban Development and Building Height Guidelines that in future residential development of greenfield or edge of town locations, planning authorities must secure the minimum residential densities for such locations as set out in the Sustainable Residential Development in Urban Areas guidelines. Thus, permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically section 5.11 of the Sustainable Residential Development in Urban Areas guidelines which states that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, the proposed development may be approved, even where specific objectives such as Section 3.8

of the operative Athlone Town Development Plan 2014-2020 may indicate otherwise and diverge with national policy set out in Project Ireland 2040 National Planning Framework (in particular objective 35).

## 16.0 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. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 14 of the Environmental Impact Assessment Report 'Schedule of Mitigation', shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. An Ecological Management Scheme including reference to phasing/construction timing and landscaping for the proposed development, with an objective of maintaining a habitat of mature trees and hedgerows present within the site, shall be prepared and deal with specified by points (a) to (c), unless otherwise submitted to, and agreed in writing with, the planning authority prior to commencement of development. The site shall be managed in accordance with the agreed scheme.

(a) The developer shall carry out further survey work in relation to Badger to determine the extent of use of an on-site sett. Additional protection measures to compensate/mitigate for loss of the sett and foraging area shall be outlined.

(b) With regard to the constructed wetland feature, a Biodiversity Management Plan shall be prepared in order to demonstrate that impacts to protected species will be mitigated for, when maintenance such as vegetation removal, dredging and silt removal are required.

(c) The developer shall carry out further survey work on the site in relation to Otter, in order to inform any additional protection measures to mitigate for loss of habitat during construction shall be considered.

The site shall be managed in accordance with the agreed scheme.

Reason: To ensure the preservation and protection of flora and fauna within the site.

4. Bat roosts shall be incorporated into the site after the conclusion of an appropriately detailed survey to the written satisfaction of the planning authority and in accordance with the details submitted to An Bord Pleanála with this application unless otherwise agreed in writing with the planning authority

Reason: To ensure the protection of the natural heritage on the site.

5. (a) The development shall be carried out on a revised phased basis. In Phase 1, the proposed signalised junction shall be completed and operational before the occupation of any units, the junction shall be Microprocessor Optimised Vehicle Actuation (MOVA) controlled or similar and have the capability to be linked to the MOVA controlled junction at the Ballymahon Road.

(b) The delivery of the Cornamaddy/Coosan Link Road shall take place prior to the occupation of any unit completed in Phase 3 and 4. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, An Bord Pleanála.

Work on any subsequent phases shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

6. The proposed development shall be amended as follows:

a) Along the northern and eastern boundary of the site with farmland and sporting grounds a two metre high concrete block wall shall be placed inside the existing boundary hedge/wall/ditch which shall be retained where possible and shall be supplemented by additional planting where necessary.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

7. All roads and footpaths shown connecting to adjoining lands shall be constructed up to the boundaries with no ransom strips remaining to provide access to adjoining lands. These areas shall be shown for taking in charge in a drawing to be submitted and agreed with the Planning Authority.

Reason: In the interest of permeability and proper planning and sustainable development.

8. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.



9. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

10. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

11. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of legibility and to ensure the use of locally appropriate place names for new residential areas.

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

14. The internal road and cycle network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety

15. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the childcare facility of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

16. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date.

Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

17. a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

b) The wetland feature shall incorporate all the design measures outlined in the Wetland Health & Safety Risk Assessment submitted with the application.

Reason: In the interest of public health and surface water management.

18. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity

19. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed

before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

20. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) and hedges and identified as 'to be retained' on landscape drawings, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees and hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of the trees on the site.

22. (a) All windows and roof lights shall be double-glazed and tightly fitting.

(b) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

23. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal

of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

24. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

25. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

26. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

28. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

29. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

30. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,



(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

31. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

32. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads,

footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

---

Stephen Rhys Thomas  
Senior Planning Inspector

12 October 2020