



An
Bord
Pleanála

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

Inspector's Report ABP-312581-22

Strategic Housing Development

122 no. residential units (60 no. houses, 62 no. apartments) and 283 no. student bedspace accommodation, creche and all associated site works.

Location

Cartrontroiy, Kilnafaddoge, Lissywollen and Ardnaglud (townlands), Athlone, Co. Westmeath.
(www.thegreenquartershd.ie)

Planning Authority

Westmeath County Council

Applicant

Avenir Homes Limited

Prescribed Bodies

Transport Infrastructure Ireland
Irish Water

Observer(s)

Ashgrove Residents Association
Catherine Gallagher and Family
Louise Heavin

Date of Site Inspection

14th May 2022

Inspector

Sarah Moran

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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.

2.0 Site Location and Description

- 2.1. The site is located on the northwestern side of Athlone, nearby to the south of the N6 Athlone Relief Road. The application site is located c. 3 km from the centre of Athlone in County Westmeath and 0.8 km to the north of the Athlone Institute of Technology (AIT) campus. The site comprises a stated gross area of 4.1 ha.
- 2.2. The site is bound to the north, west and east by Blackberry Lane/L40061, an existing public road/boreen, which connects to the R916 further to the east at the Garrycastle roundabout. There is permission to upgrade and extend Blackberry Lane under SHD ABP-309513-21, to be known as Lissywollen Avenue, to serve the permitted SHD on lands to the west of the development site and to link to the Ballymahon roundabout on the R915 to the west. The permitted route is the subject of LIHAF funding as part of the Lissywollen South Framework Plan 2018-2024. The site is bound to the south by the Old Rail Trail Greenway, an existing pedestrian/cycle route, which forms a section of the Galway-Dublin National Cycle Network. There are agricultural lands further to the north and west, on the opposite side of Blackberry Lane. The ESB Regional Supply Headquarters is located to the east of the site, between the eastern site boundary and the R916, also an area of undeveloped lands and a local convenience store.
- 2.3. The site is in greenfield/ agricultural use at present. There are hedgerows at the site boundaries and within the site. The site is lowlying and gently undulating.
- 2.4. The site includes lands at the eastern site boundary that are in the ownership of Westmeath County Council (WCC). The relevant Letter of Consent is submitted. In addition, there is a letter on file from The Housing Agency, which confirms that the Agency is the owner of 0.4 ha of lands in the southwestern part of the development site, and agrees to the subject application.

3.0 Proposed Strategic Housing Development

3.1. The following key points of the proposed development are noted:

Site Area	4.1 ha gross (net 3.75 ha 'developable area')
No. of Residential Units	122 no. residential units and 283 no. student bedspaces
Residential Density	40 units/ha excluding student accommodation
Height	2 – 7 storeys
Amenity Space	Total public open space provision of 7,410 sq.m. (20% of net site area) 658 sq.m. communal open space for apartments/duplex 1,540 sq.m. communal open space for student accommodation
Childcare	Creche 180 sq.m. 20 no. childcare places
Roads	Two new vehicular accesses to Lissywollen Avenue. Modifications to Lissywollen Avenue as permitted under ABP-309513-21. Pedestrian and cycle linkages to the Old Rail Trail Greenway to the south and Blackberry Lane to the west.
Parking	157 no. car parking spaces for the residential units, 1.3 spaces/unit 30 no. car parking spaces for the student accommodation, 0.1 spaces per bedroom 4 no. car parking spaces for the creche 118 no. cycle parking spaces for the residential units 283 no. cycle parking spaces for the student accommodation
Part V	16 no. apartments (6 no. one bed units and 10 no. two bed units)
Site Services	Connection to public foul sewer and water supply. Surface water connection to public sewer.
Ancillary Works	Include bin storage, public lighting, roof mounted solar panels, ESB substation and supporting distribution kiosks.

3.6. The overall development involves 122 no. residential units and 283 no. student bedspaces as follows:

UNIT TYPE	NO. OF UNITS	%
Houses		
4 bed	22	18%
3 bed	38	31%
Total Houses	60	
Apartments / Duplex Units		
1 bed	16	13%
2 bed	36	30%
3 bed	10	8%
Total Apartments / Duplex	62	
Total Residential Units	122	
Student Accommodation		
Unit Type	No. of Units	No. of Bedspaces
3 bed	1	3
4 bed	6	24
4+ bed	39	256
Total Student Acc	46 no. student apartments	283 no. bedspaces

3.7. The apartments/duplex units are provided as follows:

- Block R1 containing 38 no. apartments in a 3-6 storey building
- Block R2 containing 20 no. duplex units in over four storeys with four no. apartments in a fifth floor feature area

3.8. The 283 no. student bedspaces are to be provided in three blocks as follows:

- Block S1 containing 18 no. student apartments with 117 bedspaces over 5-6 storeys
- Block S2 containing 16 no. student apartments with 107 bedspaces over 6-7 storeys
- Block S3 containing 12 no. student apartments with 59 bedspaces over 4-5 storeys

3.9. The development involves minor modifications to the permitted SHD ABP-309513-21 to provide for the proposed two new access points to Lissywollen Avenue, alterations to cycle/pedestrian routes, the removal of a central island to facilitate the south-eastern entrance to the development, and provision of bus stop infrastructure. The development also includes the following works outside the red line site boundary:

- Resurfacing Blackberry Lane along the western site boundary.
- Facilitating works to complete connections to the Old Rail Trail Greenway including completion of pedestrian/cycle route between Blocks R1 and S1 to the surfaced area of the greenway to the south and replacement of existing gated access between the greenway and Blackberry Lane southwest of the site with a revised arrangement and dedicated pedestrian/cycle access (final works to be agreed with WCC).

3.10. The application includes an AA Screening Report, an EIAR Screening Assessment and a Material Contravention Statement.

4.0 Planning History

4.1. There is no recent planning history on file directly relating to the development site.

4.2. SHD ABP-309513-21 Lands to West of Development Site

4.2.1. Relating to 17.64 ha of lands to the west of the development site, also within the Lissywollen South Framework Plan (LSFP) area and within the ownership of WCC. The Board granted permission on 15th June 2021 for 576 no. residential units (285 no. apartments and 291 no. houses), a new east-west link road (Lissywollen Avenue) and associated works. The permitted development also includes two creches, a community hub, public open spaces, pedestrian and cycle connections to the Old Rail Trail Greenway, bin storage and six no. ESB substations.

5.0 Section 5 Pre Application Consultation

5.1. Pre-Application Consultation ABP-311039-21

5.1.1. The pre-application consultation related to a proposal to construct 127 no. residential units (65 no. houses and 62 no. apartments in two blocks) and three blocks of

student accommodation, comprising 46 no. student apartments, with 283 no. bedspaces. A section 5 consultation meeting took place on 14th October 2021 between representatives of ABP, the planning authority, and the prospective applicant. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, the Board issued an Opinion on 28th October 2021 that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.

5.2. The issues raised were as follows:

1. Further consideration/justification of the documents as they relate to the public realm, in particular along Blackberry Lane, pedestrian/cyclist access points onto Blackberry Lane, pedestrian/cyclist connections onto the Old Rail Trail, and urban form along Lissywollen Avenue to the north.
2. Further consideration/justification of the documents as they relate to the internal north-south street alignment and associated parking arrangement, having regard to the Design Manual for Urban Road and Streets 2013 (as updated).
3. Further consideration of the documents in relation to the design and management of the student quarter distinct from the proposed apartments and housing.
4. Further consideration/justification of the documents in relation to surface water management and SUDS measures.

5.3. **Applicant's Response to Pre-Application Opinion**

5.3.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which outlines the information/documentation submitted as specified in the ABP Opinion. The matters addressed in the applicant's documentation may be summarised as follows.

5.3.2. Response to Public Realm / Blackberry Lane / Pedestrian and Cycle Connections

- The development has been refined to develop Blackberry Lane as a key node on the Old Rail Trail Greenway, as detailed in the submitted Architectural Design Statement and landscaping proposals. It is proposed to establish a foraging / biodiversity corridor along the western site boundary with interpretative signage and seating, which will act as a public amenity. The development will have new

laneway connections between the internal site layout and Blackberry Lane, which will function as amenity spaces. The applicant proposes to have back gardens of two storey houses facing the laneway in order to protect its historic character and purpose. It is submitted that Blackberry Lane will benefit from passive surveillance on its western side from the permitted development ABP-309513-21, which includes public open space next to the laneway. Following discussions with WCC, the applicant has agreed a Special Development Contribution for the resurfacing of Blackberry Lane and a scheme of public lighting.

- The applicant has engaged with Iarnród Eireann and WCC regarding connections to the Old Rail Trail Greenway. The lands owned by the applicant stop short of the surfaced greenway. WCC is precluded from providing the applicant with direct consent for works associated with the Old Rail Trail under the terms of their licence agreement with Iarnród Eireann. The Council has confirmed that the terms of the licence allow them to facilitate some of the works themselves to achieve the identified connections. The applicant has agreed two connections with WCC and can agree final details prior to construction. The two connections are:
 - A pedestrian and cycle link between Blocks R1 and S1, connecting to the primary north/south pedestrian/cycle artery through the site from Lissywollen Avenue.
 - A pedestrian/cycle link from Blackberry Lane to the Old Rail Trail, with an amenity area.

The proposed approach is consistent with ABP-309513-21. It provides for the protection and enhancement of existing treelines at site boundaries.

- Urban form at Lissywollen Avenue. The development will retain trees at the eastern/ northeastern part of the site in accordance with the policy of the LSFP to retain key landscape features. The trees will be managed with hard and soft landscaping. The pedestrian/cycle path, bus stop infrastructure and urban form will provide a strong edge along the avenue with a distinct urban character.

5.3.3. Response to DMURS Issue

- North/south street alignment and parking arrangement. The proposed layout has been revised with regard to DMURS. It will not provide perpendicular parking on opposite sides of any internal roads. Where parking is proposed on both sides of the internal access road, it has been designed in accordance with DMURS, as per the submitted DMURS Compliance Statement.

5.3.4. Response to Design and Management of Student Quarter

- Ref. Objective O-LUF10 of the LSFP.
- The student quarter has a distinct character within the development including a central plaza. The provision of defined 0.6m brick walls at the western edge of the student accommodation will contain the area for management purposes. The application includes a Student Accommodation Management Plan. The accommodation will be managed in a proactive manner with liaison with the local community, local authorities, ATI, local emergency services and student bodies via dedicated community liaison officers.

5.3.5. Response to Surface Water Management and SUDS Issue

- The proposed surface water management strategy has been developed in consultation with WCC and has been refined to include additional sustainable drainage measures including green roofs, permeable paving, rain gardens and catchpit manholes.

6.0 **Relevant Planning Policy**

6.1. **Section 28 Ministerial Guidelines**

6.1.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009)
- Design Standards for New Apartments Guidelines for Planning Authorities (as updated 2020)

- Design Manual for Urban Roads and Streets (DMURS) (2013)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- Childcare Facilities Guidelines for Planning Authorities (2001) and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Regulation of Commercial Institutional Investment in Housing - Guidelines for Planning Authorities (May 2021)

6.1.2. The following policy documents are also relevant:

- Dept. of Education and Science ‘Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999’ (1999).
- Dept. of Education and Science ‘Matters Arising in Relation to the Guidelines on Residential Developments for 3rd Level Students Section 50 Finance Act 1999.’ (July 2005)
- National Student Accommodation Strategy, Dept. of Education and Skills, 2018.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.2. **Project Ireland 2040 National Planning Framework**

6.2.1. The National Planning Framework (NPF) supports the development of Ireland’s cities and urban areas to achieve compact growth. The following National Policy Objectives are noted in particular:

- NPO 2b: The regional roles of Athlone in the Midlands, Sligo and Letterkenny in the North-West and the Letterkenny-Derry and Drogheda- Dundalk-Newry cross-border networks will be identified and supported in the relevant Regional Spatial and Economic Strategy.
- NPO 3c: Deliver at least 30% of all new homes that are targeted in settlements other than the five cities and their suburbs, within their existing built-up footprints.

- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 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-based regeneration and increased building heights.

6.2.2. NPF section 6.6 states in relation to student accommodation:

Demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas in particular. In the years ahead, student accommodation pressures are anticipated to increase. The location of purpose-built student accommodation needs to be as proximate as possible to the centre of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport. The National Student Accommodation Strategy supports these objectives.

6.3. **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

6.3.1. The Growth Strategy for the region includes the delivery of targeted growth of the Regional Growth Centres of Athlone, Drogheda and Dundalk as regional drivers. The

Settlement Hierarchy of the RSES identifies Athlone as a Regional Growth Centre at the second tier of the hierarchy, below Dublin City and suburbs, along with Drogheda and Dundalk. Regional Growth Centres are defined as large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area. The Growth Enablers for the Gateway region include support for the continued growth of Athlone, with a focus on quality of life and securing the investment to fulfil its role as a key Regional Growth Centre and economic driver in the centre of Ireland. The RSES Settlement Strategy states in relation to the Regional Growth Centres:

Support significant population and economic growth to drive effective regional development, with a vision for Athlone to act as a lead town for the Midlands growing to around 30,000 by 2031. The vision for Drogheda and Dundalk is for both to reach a target population in the region of 50,000 by 2031.

6.3.2. Section 4.5 of the RSES identifies the following priorities for Athlone:

- Promote the continued sustainable and compact growth of Athlone as a regional driver, with a target population of 30,000 up to 2031, providing for an enhanced public realm and regeneration in the town centre along with significant employment growth linked to the further development of Athlone Institute of Technology (AIT) and building on the town's existing strong economic base and enterprise clusters.
- The preparation and adoption of a Joint Urban Area Plan (UAP) for Westmeath County Council and Roscommon County Council for Athlone town and environs.
- The recommendations for the Athlone UAP include a boundary for the plan area to support the achievement of compact growth targets with a minimum of 30% of new homes to be built within the existing built up area, supported by the large scale delivery of lands at Curragh Lissywollen, Lissywollen South, Cornamagh, Cornamaddy and Monksland / Bellanamullia.

Section 4.5 also states:

The development of lands at Curragh Lissywollen, Lissywollen South, Cornamagh, Cornamaddy and Monksland / Bellanamullia, have the potential to deliver the population targets identified in the RSES. In particular, the development of the

strategic landbank at Lissywollen South, also offers the opportunity to develop a new urban quarter extending from the town centre, while the development of Monksland / Bellanamullia lands supports the continued development of the Athlone West area.

6.3.3. The following Regional Policy Objectives are relevant:

- RPO 4.5: Promote Athlone as a key location for regional economic development supporting the provision of increased employment through the expansion of the existing enterprise ecosystem in Athlone and smart specialisation, that have developed through collaboration with the relevant enterprise agencies including the IDA, Athlone Institute of Technology and the Midlands Innovation and Research Centre and support the provision of physical infrastructure and zoned lands to realise the phased delivery of strategic employment lands in central accessible locations.
- RPO 4.7: Support the development of a cross sectoral approach to promote Athlone as a key tourism destination in the Midlands, building on Fáilte Ireland's Hidden Heartlands brand and the forthcoming Shannon Tourism Masterplan to develop the recreation and amenity potential of waterways including the River Shannon and Lough Ree and the development of a greenway network including the Galway to Dublin Cycleway.
- RPO 4.8: 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 sustainable compact growth targets of 30% of all new homes to be built within the existing built up urban area.

6.4. Westmeath County Development Plan 2021-2027

6.4.1. The Westmeath County Development Plan 2021-2027 came into effect on May 3rd 2021.

6.4.2. Section 2.9 of the Core Strategy addresses the Regional Growth Centre of Athlone. The following points of same are noted:

- Athlone had a total population of 21,349 in 2016 (including growth recorded in Roscommon). The population of Athlone within Westmeath's boundary stood at 16,612. This represents 18.7% of Westmeath's total population.

- It is a policy objective of Westmeath County Council to jointly prepare a Joint Urban Area Plan (UAP) with Roscommon County Council in collaboration with EMRA and NWRA. The Athlone UAP will also identify suitable locations to facilitate higher and increased building heights, also regeneration opportunities, through an integrated master planning approach. A Joint Retail Strategy by Westmeath and Roscommon County Councils will augment the development of Athlone as a regional shopping destination. It is a policy objective of the Council to indicate a boundary for the UAP area to support the achievement of compact growth targets with a minimum of 30% of new homes to be built within the existing built up area.

Core Strategy Policy Objective CPO 2.2 applies:

CPO 2.2. Support the continued growth of Athlone, with a focus on quality of life and securing the investment to fulfil its role as a key Regional Growth Centre and economic driver in the centre of Ireland, with a target population of 30,000 up to 2031.

Extract from development plan Table 2.9 Core Strategy Table:

Table 2.9: Core Strategy Table

Settlements	Population 2016	Population 2027	Population Change 2016-2027	Quantity of Land Area Required (Ha)	Proposed Residential ** (Ha)	Proposed Residential (Brownfield)	Proposed Residential*** (Infill)	Consolidation Sites (Ha)	Equivalent Area Zoned Proposed Residential	Housing Yield*
Tier 1 Regional Growth Centre										
Athlone (Ex. Roscommon)	16,612	22,154	5542	UAP		> 30%	> 30%			2590
Tier 2 Key Town										
Mullingar	20,928	26,003	5075	LAP		> 30%	> 30%			1340-2010
Tier 3 Self-Sustaining Growth Towns										
Castlepollard:	1163	1399	236	5.15	5.65	0.61	1.64	4.90	6.63	133-199

6.4.3. Development plan section 3.6 states in relation to apartment development:

As with housing generally, the scale and extent of apartment development should increase in relation to proximity to core urban centres and other relevant factors in line with the standards, principles and any specific planning policy requirements (SPPRs) set out in the 'Urban Development and Building Heights Guidelines for

Planning Authorities’ (2018) and the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018).

The following Housing Strategy Policy Objectives apply:

CPO 3.2 Ensure that settlements grow in a manner that is self-sustaining with sufficient social and economic infrastructure, and to a scale which aligns with the Settlement Hierarchy prescribed in the Core Strategy.

CPO 3.5 Ensure that a suitable variety and mix of dwelling types and sizes is provided in developments to meet different needs, having regard to demographic and social changes.

CPO 3.7 Apply higher densities to the higher order settlements of Athlone and Mullingar to align with their roles as Regional Growth Centre and Key Town, subject to good design and development management standards being met.

CPO 3.15 To support the development of quality residential schemes with a range of housing options having regard to the standards, principles and any specific planning policy requirements (SPPRs) set out in the ‘Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities’ (2009); ‘Urban Development and Building Heights Guidelines for Planning Authorities’ (2018) and the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018).

6.5. The following placemaking objectives are noted, as set out in development plan chapter 7:

CPO 7.1 Provide for a high-quality public realm and public spaces by promoting quality urban design that accommodates creative patterns of use having regard to the physical, cultural, and social identities of individual settlements.

CPO 7.3 Encourage transition towards sustainable and low carbon transport modes through the promotion of alternative modes of transport and ‘walkable communities’ whereby a range of facilities and services will be accessible within short walking or cycling distance.

CPO 7.31 Facilitate higher and increased building heights at suitable locations and in accordance with settlement hierarchy in line with ‘Specific Planning Policy Requirement’ (SSPR) 1 of the ‘Urban Development and Building Heights Guidelines

for Planning Authorities' (2018). In this regard, the locations for increased building height will be informed by a buildings height study and identified as part of the UAP and LAP to be prepared for Athlone and Mullingar respectively.

6.6. The following development management standards, as set out in development plan chapter 16, are noted:

CPO 16.1 Apply flexibility in the application of development standards with the consideration of performance-based criteria appropriate to general location, which will provide high quality design outcomes, where appropriate. This more dynamic performance-based approach, applicable to town centre locations, will facilitate flexible design solutions in instances where a proposal fulfils specific planning requirements.

CPO 16.2 Achieve the delivery of high-quality built environments ensuring that development is designed to a high standard in line with the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities and Best Practice Urban Design Manual (DoECLG 2009), the 'Urban Development and Building Heights Guidelines for Planning Authorities' (2018) and 'Specific Planning Policy Requirements' (SPPRs) 1 – 4 (inclusive), the Core Strategy for the county and other planning considerations.

CPO 16.10 Residential schemes to provide a range of dwelling sizes and typologies to accommodate emerging demographic trends in line with the Westmeath Housing Strategy and Housing Needs Demand Assessment or other evidence supported methodology. Proposals for residential schemes which are proposed on infill or smaller sites should demonstrate the ability of the proposal to provide a mix of dwelling types within the locality as opposed to within the scheme itself.

CPO 16.15 Apply the recommendations of 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' – Second Edition, (B.R.E.)' in addressing overshadowing of adjoining lands. Overshadowing daylight and shadow projection diagrams may be required to assist in the assessment of applications.

CPO 16.24 Increased residential density within Athlone Regional Centre and Mullingar (key town) in principle where the subject lands are:

- within walking distance of the town centre, or

- are adequately serviced by necessary social infrastructure and public transport and/or
- designated regeneration sites and development lands which comprise in excess of 0.5ha, subject to quality design and planning merit in ensuring compact growth and the creation of good urban places and attractive neighbourhoods.

6.7. **Athlone Town Development Plan 2014-2020 and Lissywollen South Framework Plan 2018-2024**

6.7.1. The development site is within the Lissywollen South area of the Athlone Town Development Plan (ATDP). Variation no. 3 to ATDP incorporated Lissywollen South Framework Plan 2018-2024 (LSFP), adopted on 25th June 2018.

6.7.2. The following objectives of the ADTP are noted in particular:

P-CS7 To ensure a sequential approach to development and promote residential development, prioritisation of infill sites/developments and the occupation of residential units in the town core, in order to promote the achievement of critical mass and protect and enhance town centre function.

P-CS8 To promote the integration of land use and transportation policy and to prioritise provision for cycling and walking travel modes and the strengthening of public transport.

P-H5 To ensure the provision of a suitable range of house types and sizes to facilitate the demographic profile of the town.

P-H6 To have regard to the provisions of the ‘Guidelines on Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual’ in assessing applications for housing development.

P-H7 To require diversity in the form, size and type of dwelling within residential schemes.

P-FH1 To ensure a mix and range of housing types and in particular two bedroom accommodation, to meet the diverse needs of residents of the town.

P-FH2 To ensure all new residential schemes are designed so that units are easily adaptable in the future to accommodate housing for life.

P-FH3 To ensure that a suitable variety and mix of dwelling types and sizes is provided in developments to meet different needs, having regard to demographic and social profile of the town's population.

P-SR1 To support the principle of sequential development in assessing all new residential development proposals, whereby areas closer to the centre of the town, including under utilised and brownfield sites, will be chosen for development in the first instance to promote a sustainable pattern of development.

P-SR6 To ensure that new Greenfield residential estate development should be in accordance with the spatial framework established in the relevant Local Area Plan for the subject area.

P-RD3 To apply the residential standards set out in the DEHLG's guidelines Sustainable Residential Development in Urban Areas (2009) as appropriate.

P-RLD1 To achieve attractive and sustainable development and create high standards of design, layout, and landscaping, for new housing development.

P-RLD3 To require that appropriate provision is made for amenity and public open space as an integral part of new residential or extensions to existing developments

P-RLD7 To ensure that all new urban development especially in and around the town centre is of a high design and layout quality and supports the achievement of successful urban spaces and sustainable communities.

P-POS1 To ensure that the provision of public and private open space for new residential development is of a high standard, overlooked and integral to the overall development. Narrow tracts of land or 'left over areas' will not be included within open space provision.

P-SA1 To support the provision of high quality, professionally managed and purpose built third level student accommodation on campus or in appropriate locations close to the main AIT campus or adjacent to high quality public transport corridors and cycle routes, in a manner which respects the residential amenity of the surrounding area.

P-UD2 To require new development to positively contribute to a network of streets and spaces, in terms of positive additions to the streetscape, or by creating links through sites where opportunity exists.

P-CA2 To restrict the development of tall and higher buildings to identified sites within the town centre.

P-PM3 To ensure new development respects the existing streetscape and that taller buildings will only be permitted on identified sites, in compliance with the Building Heights Policy for the town, and subject to meeting the criteria set out in the Development Management standards.

The development management standards set out in Chapter 12 of the ATDP are also noted, in particular section 12.9 in relation to residential development.

- 6.7.3. The Lissywollen South Framework Plan relates to a 78 ha land bank, which is to be developed as an integrated new urban quarter extending from the town centre of Athlone. The development site is within Area 1 at the eastern side of the LSFP lands, described in section 2.2.1 as follows:

Area 1 East end This area comprises approximately 30 ha and is characterised by a landscape typical of the rural countryside, with small, irregular and enclosed field patterns. The limits of the area are clearly defined by roads and the Old Rail Trail (formerly the disused Athlone – Mullingar rail line). There are notable remnant hedgerows and trees enclosing the fields. An old boreen provides access to a former residence in this area and links back to Retreat Road. The ESB Regional Headquarters and Garrycastle stores are located at the eastern end; Athlone Training Centre (formerly known as FAS) lies immediately east of the plan area.

The development site has the zoning objective 'proposed residential' as per Map 4 of the LSFP.

- 6.7.4. The following policies and objectives of the LSFP are noted in particular:

O-LUF10 To promote a variety of residential typologies, including terraced, semi-detached, detached housing, duplexes and apartments with coherent streets and connected open spaces to create distinctive neighbourhoods that will promote adaptable whole life-cycle living.

O-LUF1 To protect and supplement existing landscape features of amenity and biodiversity value such as established field boundaries, significant hedgerows and stands of trees, and to incorporate same into the new urban structure.

O-LUF2 To provide for structural tree lines along both the Lissywollen Avenue and the North South Avenue and appropriate landscaping along new streets, green links and open spaces.

O-LUF5 To promote biodiversity by surveying and protecting existing areas of biodiversity value and provide for new and extended areas of biodiversity, where identified.

O-LUF7 To ensure a continuous frontage and passive supervision over open spaces and green links, in particular, along the Old Rail Trail Greenway.

O-LUF8 To provide a distinctive urban form that responds to the character of the locality and allows for ease of access and navigation.

O-LUF9 To ensure new development proposals respond to the local context and avoid monotonous and repetitive styles of 'volume building' type schemes.

O-LUF10 To ensure a continuous frontage and appropriate massing and scale along new routes and focal spaces.

O-LUF11 To prohibit the siting of rear elevations/gardens onto public open spaces, streets and the N6 national route.

O-LUF13 To consider opportunities for higher buildings where they provide a clear benefit for legibility and identity for the area, and where they are compatible with the skyline and development management standards prescribed in the Athlone Town Development Plan 2014-2020.

O-LUF14 To promote the development of a landmark building within the Student Quarter to denote this important entry point to Athlone.

O-AM1 To provide a new and extended east west Lissywollen Avenue in the form of an urban boulevard linking and unifying all parts of the plan area.

O-AM2 To integrate a secondary network of streets with Lissywollen Avenue and the existing street network.

O-AM4 To promote and support a culture of sustainable travel in conjunction with the local schools and AIT, whilst maximising the user potential of the Old Rail Trail.

O-AM5 To provide an integrated and permeable network of streets with high quality pedestrian and cycle networks, maximising linkages within the area, to the Old Rail Trail and to the wider environs.

O-AM7 To provide for a high quality safe pedestrian and cycle network within the Plan Area with high levels of permeability, passive surveillance and supervision and to ensure that this network will provide attractive, legible and direct links to the Town Centre, AIT, the Regional Sports Centre, Bus Stops and the wider environs.

O-AM11 To prohibit the siting of rear elevations/gardens onto public open spaces, streets and the N6 national route.

6.7.5. There are detailed objectives for the relevant land parcels 2 and 4 within the Framework Plan area. The stated Key Site Objectives for Parcel 2 are:

P2-KS01 To ensure high quality tree lined streetscape is achieved along the new East West Avenue/urban boulevard – Lissywollen Avenue through distinctive high quality street furniture, lighting, paving and public artwork that creates a distinctive character associated with this peri-urban location.

P2-KS02 To promote the creation of a high quality public realm by establishing a high quality of design in architecture and landscape architecture.

P2-KS03 To create and improve a hierarchy of inter-connecting green spaces which link existing public open space with the Regional Sports Centre complex through the provision of safe pedestrian and cycle routes through the area, having regard to the Landscape Framework & Access Strategy.

P2-KS04 To provide a series of pocket parks as informal recreational spaces.

P2-KS05 To provide a childcare facility to serve new residential communities and the adjacent Business Park.

P2-KS06 To provide a public park along the eastern end of Parcel 2 to serve new residential development, the student quarter and adjoining business district.

P2-KS07 Consideration may be given to higher density units adjoining existing public open space area to the east of Parcel 1, provided that the residential amenity of adjacent dwellings is protected

The stated Key Site Objectives for Parcel 4 are:

P4-KS01 To support the provision of high-quality, professionally managed and purpose built third-level student accommodation adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area.

P4-KS02 To promote modern architectural expression in the design of higher density buildings and apartments. In particular where the buildings define public spaces, the design creates architectural individuality, the material choice is varied and includes high quality and durable finishes that complement the public realm.

P4-KS03 To provide satisfactory arrangements for the future management of multiple unit developments as an integral part of a scheme planning proposal to ensure that residential amenities are protected in the management of completed developments.

P4-KS04 To promote Athlone as an international student destination and to support and encourage the provision of necessary infrastructure such as high quality, custom-built and professionally managed student housing.

P4-KS06 To promote, support and capitalise on the opportunities presented by the major public investment in the development of the National Cycle Network running through the plan area.

P4-KS07 To facilitate sustainable transport links between the proposed student quarter, AIT campus and the town centre

P4-KS08 To provide a landmark building in Parcel 4 to signify entry into the Regional Centre of Athlone for users of the National Greenway.

P4-KS09 To conduct a survey for bats and badger setts by a suitably qualified ecologist in advance of any development proposal within this parcel.

6.8. Applicant's Statement of Consistency

- 6.8.1. 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 national and regional planning policy, section 28 guidelines, the current Westmeath County Development Plan 2021-2027, the Athlone Town Development Plan 2014-2020 (as amended) and the Lissywollen South Framework Plan 2018-

2024. The following points are noted in relation to national, regional, and local planning policy:

- The development will promote compact growth in Athlone in accordance with the strategic aims and objectives of the NPF. The location of the site adjoining a greenway and existing pedestrian/cycle infrastructure will promote sustainable mobility and reduce car dependency. The development is in accordance with National Policy Objectives NPO 1a, 1b, 2b, 3c, 4, 5 and 6 which aim to concentrate growth in the EMRA area, with NPO 2b specifically referring to Athlone as a settlement with a central role in the future economic development of the Midlands and where growth should be promoted. The development will enhance the local economy of Athlone and support NPO 7 with regard to Athlone. It is consistent with NPO 11 due to its location within Athlone town. The proposed residential development adjacent to pedestrian / cycle infrastructure is in accordance with NPO 27. It is consistent with NPOs 32, 33 and 36 as it promotes sustainable urban living at a location well served by existing amenities. The site is located c. 1-15 minutes walking distance from the AIT main campus with regard to NPF section 6.6 on student accommodation. It is 30 minutes walk from Athlone railway station and bus station.
- The development will provide purpose built student accommodation (PBSA) and will support the targets in relation to same set out in the National Student Accommodation Strategy.
- The development has been designed to meet the guidance provided in the Guidelines on Residential Development for Third Level Students Section 50 Finance Act 1999 and the Department of Education and Science 'Matters Arising in Relation to the Guidelines on Residential Developments for Third Level Students Section 50 Finance Act 1999' (July 2005).
- The development will support the quality of life aims of the Sustainable Residential Development in Urban Areas Guidelines with regard to prioritisation of sustainable modes of transport, achievement of urban design principles, contribution to sense of place, housing mix and open space. The development provides a cumulative residential density of 70 units/ha (including student accommodation) or 40 units/ ha for the residential development in accordance

with guidance for greenfield sites. The Architectural Design Statement addresses the 12 criteria of the Urban Design Manual.

- The proposed building heights have been informed by the guidance provided in sections 3.4 – 3.7 of the Building Height Guidelines. The development delivers the objectives of SPPR 4 of the Building Height Guidelines. The Architectural Design Statement addresses the development management criteria of the Guidelines.
- The development has been designed to meet the requirements of the Apartment Guidelines, specifically SPPRs 1, 3, 4 5 and 6 and parking guidance.
- The application includes a Statement of Rationale on Childcare Needs Assessment, which addresses consistency with the Childcare Guidelines.
- A Statement of Consistency with DMURS is submitted.
- The submitted Civil Engineering Report addresses potential flood risk with regard to the Flood Risk Management Guidelines.
- The development is in accordance with all of the relevant objectives of the EMRA RSES. It will support the development of Athlone in its role as a Regional Growth Centre with the provision of residential and student accommodation and will facilitate the development of the Lissywollen South lands within the Athlone UAP. It is in accordance with RPOs 4.5, 4.6 and 4.8 regarding the strategic development of Athlone.
- The development is consistent with the settlement hierarchy and strategic vision of the County Development Plan and will contribute towards the realisation of the core strategy housing targets for Athlone. It complies with policy requirements for residential development as set out in development plan Chapter 3 and the development management standards set out in Chapter 16.
- The development will support the core objectives of the ATDP by delivering new residential development on an infill greenfield site within the defined settlement boundary and promote walking and cycling within the wider settlement. The proposed student accommodation will support the long term function of AIT in the town, at a location consistent with Objective P-SA1. The ATDP sets out a density range of 30-35 units/ha in outer suburban/greenfield sites. The LSFP states that,

in general, a residential density of 35 units/ha shall apply across the Framework Plan area. A Statement of Contravention is submitted in regard to the proposed residential density of 35 units/ha.

- The layout, scale and form of the development are consistent with the vision and principles of the LSFP. The location of the student accommodation and apartment/duplex buildings at the southern end of the site reflect the maximisation of the site's location adjacent to the Old Rail Line greenway and AIT to the south. The submitted Architectural Design Statement and landscaping proposals demonstrate that the development is consistent with the guiding principles of the LSFP. The development complies with the land use and function strategy of the LSFP. The most significant landscape features have been retained in line with O-LUF1 and ecological surveys have been undertaken to promote biodiversity value and retention in accordance with O-LUF5. The detailed design of the scheme addresses objectives O-LUF7, O-LUF14, O-AM7. The development incorporates the 'east-west urban boulevard' permitted under ABP-311039-21 to the west, as Lissywollen Avenue. The development will connect to the Old Rail Line Greenway via Blackberry Lane.
- Noting the wording of O-AM11, it is proposed to back housing onto Blackberry Lane. This has been done to maintain the historic character and biodiversity of Blackberry Lane and a rationale for same is outlined in the Architectural Design and Planning Statements. The matter is also addressed in the Statement of Material Contravention.
- The development will achieve the detailed objectives for Land Parcels 2 and 4.

6.9. Applicants Statement of Material Contravention

- 6.9.1. A statement of Material Contravention is submitted with the application in accordance with Section 8(1)(iv)(II) of the Act of 2016. The submitted statement relates to the matters of (i) building height; (ii) residential density and (iii) design and layout, with relevant legal provisions under section 37(2)(b) addressed separately. The main points made in relation to each issue may summarised as follows.

6.9.2. Building Height Material Contravention

- The development has a height range of 2-3 storey housing, 3-6 storey apartment buildings and 4-7 storey student accommodation. Section 5.6.3 and Map ATC_07 Building Height Policy Map of the ATDP designate specific sites in Athlone town centre for buildings over 3-4 storeys in height. The areas designated for higher buildings do not include the development site.
- Policy P-CA2 and Policy P-PM3, which restrict taller buildings to specific sites, are noted in this regard.
- The policies and objectives P4-KS08, O-LUF13 and O-LUF14 are noted in this context.
- SPPRs 1 and 3 of the Building Height Guidelines are noted. The Material Contravention Statement provides a rationale in response to the Development Management Criteria.

6.9.3. Residential Density Material Contravention

- The ATDP sets out a density range of 30-35 units/ha in outer suburban/greenfield sites. The LSFP specifies a general residential density of 35 units/ha, except as where specified otherwise including the student accommodation at Parcel 4. If the student accommodation is excluded, the residential density of the remaining areas is 40 units/ha. The applicant estimates a residential density of 70 units/ha at the overall scheme including the student accommodation, based on a calculation of 2 no. student bedspaces equating to one residential unit. Both of these densities exceed 30-35 units/ha.
- The Key Site Objective P2-KS07 for Parcel 2 is noted in this context. Consideration may be given to higher density units adjoining existing public open space area to the east of Parcel 1, provided that the residential amenity of adjacent dwellings is protected.
- The development is considered to have an 'outer suburban/greenfield' location with regard to the Guidelines for Sustainable Residential Development in Urban Areas, ref. section 5.11 of same and the recommendation of densities of 35-50 units/ha at such locations.

6.9.4. Design and Layout Material Contravention

- Objectives O-LUF11 and O-AM11 prohibit the siting of rear elevations/gardens onto public open spaces, streets and the N6 national route. The proposed houses along the western site boundary back onto Blackberry Lane.
- Objective O-LUF7 is to ensure a continuous frontage and passive supervision over open spaces and green links, in particular along the Old Rail Trail Greenway. The proposed layout allows for passive supervision of the Old Rail Trail Greenway but, in order to protect existing hedgerows, does not provide continuous frontage onto the greenway. Objectives O-LUF1 and 5 are also noted in this regard.

6.9.5. Material Contravention Legal Provisions

- The provisions of section 9(6) of the 2016 Act are noted.
- It is submitted that the provisions of section 37(2)(b)(ii) apply with regard to building height as there appear to be conflicting objectives in the ATDP and LSFP in relation to taller buildings outside the town centre. While not supported in the ADTP, the LSFP allows for increased density/height in the student quarter of the site and specific provision is made for a landmark/gateway building in Parcel 4 (Objective P4-KS08). These objectives are reiterated in O-LUF13 and O-LUF14. In addition, section 37(2)(b)(iii) applies with regard to building height as the increased height is consistent with the Building Height Guidelines and meets the criteria set out in SPPR 3. In addition, section 2.23 of the Apartment Guidelines also advocates greater flexibility and a move away from rigid blanket standards. The ATDP predates the Building Height Guidelines and the Apartment Guidelines.
- It is submitted that section 37(2)(b)(ii) applies in relation to residential density as there are conflicting objectives in the LSFP, which supports higher densities at Parcel 4. In addition, the densities at the site are consistent with the recommendations of the Sustainable Residential Guidelines for 'outer suburban / greenfield sites', therefore section 37(2)(b)(iii) applies in relation to residential density.

- It is submitted that the proposed design and landscaping approach at Blackberry Lane is consistent with O-LUF1, which sets out to protect and supplement existing landscape features of amenity and biodiversity value and O-LUF5, which aims to protect existing areas of biodiversity value. The design approach has been developed on balance of the issues identified. The proposed layout includes two no. east-west residential and student accommodation blocks which provide passive surveillance for the Old Rail Trail Greenway in accordance with O-LUF7, while the existing trees/hedgerows will be primarily retained to preserve key distinguishing character and biodiversity in accordance with O-LUF1. It is submitted on this basis that the development can be considered positively under section 37(2)(b)(ii).

7.0 Third Party Submissions

7.1. There are three no. third party submission on file, which have been submitted by or on behalf of local residents. The main points raised in each of the third party submissions may be summarised as follows.

7.2. Submission of Catherine Gallagher

- The observer's property is located to the south/southwest of the development site, on the other side of the Old Rail Trail Greenway.
- The development includes a six storey/21.05m tall Block R1, which is sited c. 19 m from the observer's property boundary. The development will have significant adverse impacts on the adjacent residential property by way of overbearing, visual obtrusion, overlooking and loss of privacy and overshadowing.
- The Greenway is not wide enough to justify the proposed height relative to the observer's property.
- In addition to Block R1, the overall development will have significant adverse cumulative impacts on the observer's property.
- The existing trees and proposed planting along the intervening site boundary will not adequately screen the development from the observer's property. The screening will be 3-10 m tall and there will be gaps between the trees.

- The scheme has been designed to step down to other boundaries but not to the observer's property. Block R1 is too close to the observer's property.
- The development should be reduced by 2-3 storeys at the west/southwest end, to reduce impacts on adjacent residential properties. Blocks R1 and S1 should be reduced to three storeys and Block S1 should be broken up into two blocks.
- The site plan does not clearly indicate setback distances to the observer's property. Cross sections do not show the relationship between Block R1 and the observer's property. The views of the development in the Architectural Design Statement do include an overview showing the observer's property relative to the development in a view from the south.
- Pre-planning discussions refer to the nearest property as 50m away. The Architectural Design Statement indicates that the nearest property is 53m from Block R1. This is incorrect and misleading.
- Drawings on file indicate misleading planting at the intervening site boundary. The applicant's proposals to enhance hedgerows at this location may not be possible to implement as the hedgerow is located on Council land and proposed planting is located outside the red line site boundary. The observer has not been consulted in relation to any agreement between the applicant and WCC. In addition, many of the proposed trees to the south of Block R1 are too close to the block to grow to height as they will have restricted root protection areas.
- There are several balconies in Block R1 that will overlook the observer's property. The proposed 'louvering' at the Block R1 elevation overlooking the observer's property will not satisfactorily ameliorate overlooking from the development.
- The development will overshadow the observer's private open space and affect their enjoyment of their property. There are several deficiencies in the submitted Sunlight Reception Report. Appendix A of the shadow study provides shadow diagrams for March/September only and not for mid-summer when there will be significant overshadowing of the observer's property at morning time as per submitted analysis. There is no analysis of early morning overshadowing on 21st June. While the analysis is consistent with the BRE Guidelines, the true extent of

overshadowing is underestimated. The VSC assessment only considers the site window of the observer's property but there is no assessment of rear windows to habitable rooms. Block R1 should be omitted or significantly reduced in scale to prevent omit summer overshadowing of the observer's property.

- There is no landscaped setback to Block R1 at the southern end of the site.
- The Landscape and Visual Impact Assessment (LVIA) is biased in favour of the development. The 'Zone of Theoretical Visibility' does not give adequate consideration of the observer's property. There is only one view from the Greenway. Photomontage View 6 does not show Block R1 and is therefore not credible. View 7 includes non-existent trees screening the development and is therefore inaccurate. Photomontage View 11 only shows part of Block R1. Additional photomontages are necessary. There are inadequate details of the number of residents affected by the development. There is no consideration of impacts on private viewpoints notwithstanding the potential serious visual impacts on the observer's property. The LVIA does not adequately demonstrate the likely visual impacts of the development overall.
- The scheme will be overbearing and visually dominant in views from the Greenway.
- The Site Notice does not refer to the material contravention.
- All of the proposed Part V provision is located in Block R1. This is not consistent with the guidance provided in sections 5.2.2 and 6.1 of the Framework Plan and is inconsistent with good practice to distribute Part V housing throughout residential areas.
- The development does not adequately address issues raised at pre-planning stage in relation to density and height, visual impacts / photomontages and shadow assessment. It is submitted that the applicant did not fully demonstrate the potential impacts of the development at pre-planning stage.
- The development contravenes the Building Height Guidelines as it is monolithic, is not appropriate to its context, would overshadow the observer's property.
- The development does not achieve a satisfactory balance between the protection of established character, amenities and privacy and the need to provide

residential development. It will result in significant overdevelopment at the southern end of the overall site. It therefore contravenes the Apartment Guidelines and Sustainable Residential Development Guidelines.

- The development is not in accordance with several aspects of the guidance provided in the Urban Design Manual.
- Blocks R1 and S1 contravene various policies and objectives of the County Development Plan and the ATDP due to poor design, excessive density, height, scale and massing, overdevelopment, adverse impacts on visual and residential amenities, lack of consistency with the established character of the area and excessive proximity to the observer's property.
- The proposed material contravention is not justified due to the excessive height of Block R1 and the excessive density and scale of the southern end of the scheme at Blocks R1 and S1.
- Character Areas A and C have the same contexts and should both be two storey. The scheme is not well integrated into the character of the area. There is no emerging context for tall buildings in the area.
- The development would set an undesirable precedent for the area.
- The development would depreciate the value of the observer's property.
- The development should be refused permission for reasons relating to contravention of objectives of the LSFP; adverse impacts on local amenities; dominant and visually incongruous scheme; adverse and overbearing visual impacts; overlooking and loss of privacy; adverse impacts on residential amenities; poor quality of residential amenity for future residents; significant overdevelopment of the site.
- Otherwise, conditions are recommended to reduce the overall residential density by 30%; maximum height of 3 storeys at the south and southwest end of the site; Block R1 reduced to 2-3 storeys and Block S1 reduced to 3-5 storeys.

7.3. Submission of Ashgrove Residents Association

- The observer does not oppose the development in principle.
- Concerns about the scale of the development, in particular Blocks R1 and S1.

- Adverse visual impacts on the Old Rail Trail Greenway, which is a local tourist attraction.
- Development will result in overlooking and overshadowing of existing residential areas. Higher buildings should be located at Lissywollen Avenue rather than close to residential areas.
- Development materially contravenes the R1 residential zoning as it does not protect existing residential amenities. The Board is therefore precluded from granting permission under section 9(6)(b) of the 2016 Act.
- Some of the student accommodation is located on lands zoned for residential development.
- The development does not address the Development Management Standards in terms of building height and is not compatible with the existing skyline. There is no basis for justifying additional heights at this location under the LSFP and no justification for the proposed material contravention. SPPR 3 and the Development Management Criteria of the Building Height Guidelines, as referenced by the applicant, only applies to cities and urban areas and not to edge of town/greenfield suburban sites. The site does not have a town centre location, as referenced in RPO 3.7.17 of the RSES.
- There is no legal basis for discounting student accommodation from the overall residential density of the development, as proposed by the applicant. The overall density of the site will never drop to 40 units/ha as the student accommodation will be used as tourist accommodation outside the academic terms. There are no conflicting objectives in the ATDP or LSFP in relation to residential densities. There is nothing in the LSFP to indicate that the proposed density would be permissible.
- Blocks S1 and R1 are contrary to the LSFP. There is no justification for seven storey buildings so close to existing residential areas and to the Greenway amenity. There is no similarly scaled development in the area. While the permitted SHD ABP-309513-21 is located along the Greenway, it will not destroy the visual amenity of the Greenway and the Masterplan submitted with that

application indicates houses along the Greenway and one three storey apartment, Block T, which is well set back from the Greenway.

- The submitted LVIA is selective and limited.
- The development will mitigate against Council objectives to promote the Greenway as an example of green infrastructure in Co. Westmeath, a rural amenity and a tourist attraction.
- The applicant's Part V proposals only take account of the houses and apartments and not the student accommodation. There is no legal basis for discounting the student accommodation from Part V requirements.
- The development does not address LSFP Objective P2-KS06 in relation to the provision of a public park at the eastern end of Parcel 2. This matter is not addressed in the Material Contravention Statement. The lack of provision of a public park is not compensated for by the provision of other public open spaces within the development, as submitted by the applicant.
- The development will result in a significant loss of vegetation. Blocks S1 and R1 are close to the root zones of trees. Several apartment blocks are too close to site boundaries to allow for proposed landscaping within the development site boundary. Concerns about impacts on existing hedgerows, particularly along the Greenway. Some of the proposed planting is on lands outside the ownership of the applicant.
- Blackberry Lane is an unsuitable access point for the development due to its narrow width. The laneway will have constant pedestrian and cycle traffic with consequent impacts on residential amenities.
- The current proposal is not consistent with the SHD permitted at Lissywollen under ABP-309513-21, which has a residential density of 40 units/ha and was designed to protect the amenities of the Greenway. There has been no change in planning regulations of standards since that permission.
- The proposed car parking provision is inadequate and will exacerbate existing parking problems and congestion in the area. The car parking provision for the student accommodation is particularly inadequate given the number of students that own cars. The creche parking provision will not cater for the required number

of childcare workers. The development does not meet Objective O-TM6 to seek the provision of off-street car parking in new residential development. The provision of accessible car parking space is queried.

7.4. Submission of Cllr. Louise Heavin

- Blocks R1 and S1 are out of proportion with the current rural appearance of the Greenway. Their construction will likely result in a loss of mature hedgerow at this location. The development will reduce the character of the Greenway and lead to significant biodiversity loss in the area. The photomontages are misleading and do not reflect the loss of vegetation likely to occur as a result of the development.
- The drawings do not clearly indicate where the red line site boundary is located in relation to the hedgerow at the Greenway. There is a risk that several existing trees in the hedgerow will be damaged due to the proximity of Blocks R1 and S1 to their root protection areas.
- Concerns about the quality of residential accommodation provided at Block R1 due to the proportion of single aspect apartments. The daylighting analysis does not consider the extent of existing and proposed planting at the site and the extent of potential overshadowing from same. The BRE methodology does not appear to be followed.
- Submitted section drawings are misleading and inaccurate.

8.0 Planning Authority Submission

8.1. Westmeath County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the elected members at a Special Meeting of the Municipal District of Athlone Moate held on 25th February 2022. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

8.2. Issues Raised by Westmeath County Council Elected Members

8.2.1. The main points raised may be summarised as follows:

- Concerns about the role of Elected Members in the SHD process and related frustration with same. It is submitted that the process is fundamentally flawed and that the comments of the elected representatives and those of the public in the two previously granted SHD permissions were not taken into account by the Board.
- The provision of 122 no. residential units is welcomed during the current housing crisis but all parties need to get it right.
- The level of engagement between the Council and the Board and whether the heights and densities were driven by the Board, in disregard to the ATDP, was queried.
- Concerns regarding adherence to ATDP densities of 35 units/ha, also ATDP building height policy.
- Further concerns regarding the location of 6-7 storey blocks adjacent to the greenway. Particular concerns about the proximity of Block R1 to the greenway. The blocks should be relocated to the opposite end of the site where they would not dominate the greenway.
- It was queried why the density and height of the current proposal are greater than those of the previously granted SHD to the west.
- Building height should be reconsidered.
- Suggestion that the 7 storey blocks should be lowered and that car parking should be underground.
- Issues raised in relation to the design and layout of the development include private balconies opening directly onto public footpaths; overall quantum of dual aspect units and single aspect units facing north;
- Councillors raised the issue of potential impacts on residential amenities including daylight associated with the higher blocks and overshadowing. The shadow/daylight study was conducted in March when it should have been conducted in September.
- Concerns about overlooking of the greenway. The importance of the greenway as a tourist attraction and the need to protect the character and biodiversity of the

area were highlighted. There were particular concerns about impacts on trees at the greenway due to the proximity of the blocks to their root protection areas.

- Concerns about impacts on Blackberry Lane. The proposed boundary to Blackberry Lane is of poor design.
- Development has limited parking provision in an area with existing parking issues.
- The importance of the relationship between the permitted SHD on the adjacent site and the delivery of Lissywollen Avenue was highlighted.
- Queries about traffic impacts associated with Lissywollen Avenue and with the overall development, due to potential negative impacts on the surrounding road network.
- Concerns about the integration of the current proposal with ABP-309513-21.
- Queries about the status of a hotel that was expected to be part of the application.
- It was queried why the development of student accommodation was proposed for lands zoned residential.
- Part V appears to be limited to a single block, it should be distributed throughout the site.

8.3. **Westmeath County Council Planning and Technical Analysis**

8.3.1. The planning and technical analysis comprises the planning report submitted on 16th March 2022, which includes consultations with WCC Roads and Transportation Section, Environment Section, District Engineer Ahlone-Moate Municipal District, Housing Section and Fire Officer, which are all incorporated into the following summary.

8.3.2. WCC Comment on Principle of Development, Zoning and Density

- The Planning Authority is satisfied that the principle of the development proposed, on lands indicated for residential development with a portion on the eastern side designated 'Parcel 4' which provides for student housing under the LSFP will provide for plan-led growth in accordance with the Framework Plan.

- The Planning Authority is satisfied that the development will provide for significant growth and help to address the housing needs of Athlone in accordance with the vision and population projections set out in the RSES and the Core Strategy for Co. Westmeath. The development will also assist in the provision of purpose built student accommodation for AIT.
- The ATDP provides for a density of 30-35 units/ha for new development. Section 5.3.3 of the LSFP outlines that densities greater than 35 units/ha may be permitted in areas adjoining public open spaces or where prescribed in Parcel 4 – Student Quarter and that qualitative form together with the contribution to the receiving environment is an important determinant on appropriate density. Refers to national planning policy on residential density as per the Sustainable Residential Developments in Urban Areas Guidelines and the Apartment Guidelines, also NPO 33. Refers to development plan policy CPO 16.24, which provides for increased residential densities within Athlone Regional Centre where the subject lands are within walking distance of the town centre, or are adequately serviced by necessary social infrastructure and public transport and/or designated regeneration sites and development lands which comprise in excess of 0.5 ha. It is acknowledged that the overall density proposed is reflective of the intended use proposed (i.e. residential and purpose built student accommodation) and provides for the efficient use of the lands in a plan-led manner. The density is considered to comply with national guidelines and local policy.
- The overall unit mix proposed is considered to be in accordance with the provisions of the LSFP.

8.3.3. WCC Comment on Design and Layout

- Considers that the design of the proposed residential units is simple in form and will assimilate into the subject lands. Given the extent of Block R2 and its high profile sighting along Lissywollen Avenue, its architectural treatment could be further enhanced so as to appear less monolithic in form. In addition, the proposed play area and associated boundary treatment of the creche within Block R2 requires further consideration having regard to its prominent location. It

is also suggested that a revised design solution should be considered for balconies which face onto the greenway and Lissywollen Avenue.

- In general, the development accords with the requirements of the LSFP in terms of principle of development, permeable layout, connectivity to existing and permitted developments, high quality public realm and the provision of student accommodation at this strategic location in Athlone.
- The provision of dual aspect units in accordance with the Apartment Guidelines. The submitted Daylight and Sunlight Assessment is noted.
- It is suggested that there should be further consideration of the incorporation of appropriate boundary treatment of ground floor private open space areas serving the apartments which immediately abut footpaths and public open space areas.

8.3.4. WCC Comment on Building Height

- In accordance with Athlone's designation as a Regional Growth Centre, adopted policies on achieving compact urban growth, and the Building Height Guidelines, it is considered that there is significant scope to accommodate the anticipated population growth and development needs for Athlone by building up and consolidating the development of existing urban areas. The LSFP states that due consideration shall be given to the heights of the student blocks, in order to positively impact on the street scene with the opportunity to create a sense of enclosure to public open spaces.
- The concerns of third parties and elected members about building height are noted, in particular the student accommodation blocks and Block R1, also the potential for negative effects on the greenway and existing residential development to the south.
- Given the siting of the development, it is considered that there is potential for increased building heights to be absorbed at this location.

8.3.5. WCC Comment on Visual Impacts

- The development is not located in a High Amenity Area and there are no protected views within the subject lands. It is suggested that further consideration be given to a higher quality boundary finish along the south eastern boundary to replace the proposed 1.8m weld mesh fence.

8.3.6. WCC Comment on Ecology

- Notes concerns of third parties about the treatment of the southern and western site boundaries and the potential to compromise the integrity of the existing mature hedgerow boundaries/trees and associated root system. The protection of the hedgerows along Blackberry Lane should be addressed by condition.

8.3.7. WCC Comment on Access, Movement and Transport, Parking

- WCC Roads and Transportation Section recommends that Lissywollen Avenue should be carried out by the applicant prior to the occupation of any unit within the development.
- WCC District Engineer states no objection subject to conditions.
- Matters raised by the above may be addressed by conditions.
- The incorporation and suitable location of the bus stop proposed on Lissywollen Avenue towards the N55/R915 should be subject to engagement with the NTA and the local authority.
- Recommends a Special Development Contribution towards the improvement and enhancement of public lighting in the vicinity of the development.
- The proposed car parking provision falls marginally below the development plan / ATDP standards. However, objective O-AM4 of the LSFP is to promote and support sustainable travel and the submitted Mobility Management Plan (MMP) is noted. It is suggested that the MMP could be improved by focusing specifically on the pedestrian/cycle route between AIT and the student accommodation to ensure maximum uptake of the student population of these facilities.
- The development provides a high level of permeability.

8.3.8. WCC Comment on Other Matters

- WCC Housing Section requires that Part V units be distributed throughout the site and that a mix of apartments and houses should be provided. It is suggested that further engagement be undertaken on Part V in the event of a grant of permission.
- Site Services are generally acceptable subject to requirements that may be addressed by condition.

- The proposed phasing of development is considered acceptable.

8.4. Westmeath County Council Conclusion and Recommendation

8.4.1. Permission is recommended subject to conditions. The recommended conditions include, inter alia:

- Phasing such that Lissywollen Avenue is delivered prior to occupation of any residential unit / student accommodation
- Submission of a public lighting design for Lissywollen Avenue and Blackberry Lane
- Special development contribution towards the surfacing of Blackberry Lane.

The remaining conditions recommended are considered standard for this type of development.

9.0 Prescribed Bodies

9.1.1. The subject application was referred to the following prescribed bodies, as advised in the section 6(7) pre-application Opinion and as required under section 8(1)(b) of the Act and article 285(5)(a) of the Regulations:

- Irish Water
- The Minister for Housing, Local Government and Heritage
- National Transport Authority
- Transport Infrastructure Ireland
- Coras Iompair Eireann
- Westmeath County Childcare Committee

There were submissions from Irish Water and TII, which may be summarised separately as follows.

9.2. Irish Water

9.2.1. The following points are noted:

- Irish Water is currently upgrading the Athlone WWTP to provide capacity for the development and support growth in the wider area. The existing 315mm HDPE

watermain in the public road (R916) to the east of the development site can facilitate the water connection.

- There is sufficient capacity at the Athlone WWTP to facilitate the development. The existing 225mm and 300mm sewers traversing this development site can both facilitate connections.
- Conditions are recommended.

9.3. **Transport Infrastructure Ireland**

9.3.1. The following points are noted:

- TII considers that the development it is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reason(s):
- The Authority is of the opinion that insufficient data has been submitted with the planning application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- The Authority considers that the Traffic and Transport Assessment (TTA) does not demonstrate sufficiently that the impact on the N6/R916 Junction adjacent to the site will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network. While it may be the case that the RFC does not increase by more than 5%, further analysis similar to that provided for the R916/Moydrum Road should be provided to demonstrate the full impact on the N6/R916 Junction.

10.0 **Oral Hearing Request**

10.1.1. Section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016 provides that An Bord Pleanála may in its absolute discretion hold an oral hearing, and in making its decision, shall have regard to the exceptional circumstances requiring the urgent delivery of housing, as set out in the Action Plan

for Housing and Homelessness and shall only hold an oral hearing if there is a compelling case for such a hearing.

10.1.2. The submission of Ashgrove Residents Association requests an oral hearing. No specific grounds are requested. The submission generally objects to the development on grounds relating to design, height and scale, adverse impacts on visual and residential amenities and traffic and road safety issues, as summarised above.

10.1.3. In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. In addition, having regard to the nature, scale and location of the proposed development, the particular circumstances of the application do not give rise to a compelling case for an oral hearing as set out in section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. I therefore do not recommend that an oral hearing be held in this case.

11.0 **Assessment**

11.1. The following are the principal issues to be considered in this case:

- Legal Issue Regarding Site Notices
- Land Use Zoning and the Principle of Development
- Residential Density
- Building Height
- Design and Layout of Development
- Housing Mix and Quality of Residential Accommodation
- Impacts on Visual and Residential Amenities
- Movement and Transport
- Drainage, Flood Risk and Site Services
- Ecology
- Other Matters

- Material Contravention Issues

These matters may be considered separately as follows.

NOTE: The applicant has submitted a Material Contravention Statement in relation to the matters of residential density, building height and design/layout. The relevant technical matters and related development plan and development plan policies and objectives are addressed in each section, with the legal provisions in relation to Material Contravention dealt with separately below.

11.2. Legal Issue Regarding Site Notices

- 11.2.1. Observers comment that the submitted Site Notice does not refer to the material contravention.
- 11.2.2. Section 8 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and articles 292 and 294 of the Regulations of 2017 set out requirements in relation to site and newspaper notices for SHD applications. Section 8(1)(a) of Act and Article 294 of the Regulations set out the requirements in relation to newspaper notices for SHD applications including section 8(i)(a)(iv), which states that the newspaper notice shall state that the application contains a statement:
- (I) setting out how the proposal will be consistent with the objectives of the relevant development plan or local area plan, and*
- (II) where the proposed development materially contravenes the said plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000,*
- 11.2.3. Article 292 of the Regulations of 2017 requires the applicant to erect a site notice not later than the day of publication of the newspaper notice. Article 292 sets out in the following requirements in relation to site notices:
- (1) A prospective applicant shall, not later than the day of publication of a notice in accordance with section 8(1) of the Act of 2016, give notice of the intention to make an application by the erection or fixing of a site notice in accordance with this article.*
- (2) A site notice erected or fixed on any land or structure in accordance with this article shall be—*

(a) in the form set out at Form No. 12 of Schedule 3,

(b) subject to sub-article (5), inscribed or printed in indelible ink on a white background, affixed on rigid, durable material and secured against damage from bad weather and other causes, and

(c) subject to sub-article (3), securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time.

(3) Where the land or structure to which an application relates does not adjoin a public road, a site notice shall be erected or fixed in a conspicuous position on the land or structure so as to be easily visible and legible by persons outside the land or structure, and shall not be obscured or concealed at any time.

(4) Where the Board considers that the erection or fixing of a single site notice is not sufficient to comply with the requirements of sub-articles (2) and (3), or does not adequately inform the public, the Board may require the applicant to erect or fix such further site notice or notices in such a manner and in such terms as it may specify and to submit to the Board such evidence as it may specify in relation to compliance with any such requirements.

(5) Where—

(a) an application is made in respect of any land or structure and section 8(3) of the Act of 2016 is not applied in relation to it, or

(b) a valid planning application under section 34 of the Planning and Development Act 2000 is made in respect of any land or structure,

and a subsequent application or planning application under the said section 34 is made within 6 months from the date of making the application referred to in paragraph (a) or the planning application referred to in paragraph (b) in respect of land substantially consisting of the site or part of the site to which the first-mentioned application related, in lieu of the requirements of sub-article (2)(b), the site notice for the subsequent application or planning application shall be

inscribed or printed in indelible ink on a yellow background and affixed on rigid, durable material and be secured against damage from bad weather and other causes.

11.2.4. With regard to the above legal requirements, SHD newspaper notices are required to address the matter of material contravention but there is no such requirement in relation to site notices. The applicant's site and newspaper notices are therefore considered to be in accordance with the relevant legal provisions.

11.2.5. This matter was noted when the subject application was validated on 26th January 2022.

11.3. Land Use Zoning and the Principle of Development

11.3.1. The site is zoned 'Proposed Residential' as per Map 4 of the Lissywollen South Framework Plan 2018-2024 (LSFP), which was adopted as Variation no. 3 of the Athlone Town Development Plan 2014-2020 (ATDP) and incorporated into same. The site encompasses two land parcels within the LSFP, namely Parcels 2 and 4. Parcel 2, at the western side of the site, is part of a larger area that also encompasses residentially zoned lands further to the west including the site of the permitted SHD ABP-309512-21. The LSFP envisages a series of residential character areas within Parcel 2, to be connected by a new east/west link Lissywollen Avenue, which connects to the R916 to the east and the R915 to the west. Parcel 4, at the eastern end of the development site, is to be developed as a purpose built student quarter. I note the detailed layout provided in LSFP Figure 11, which outlines the proposed student quarter at the eastern end of the site. The proposed site strategy, as delineated in section 1.4 of the applicant's Architectural Design Statement, provides three blocks of student accommodation generally within the area designated as a student quarter in Parcel 4 under the LSFP. The remainder of the development site, within Parcel 2, is designated for residential development.

11.3.2. The National Student Accommodation Strategy 2017 identified a chronic undersupply of student accommodation and states that demand for student accommodation is likely to outstrip supply until 2024. The Government's Rebuilding Ireland Action Plan notes the importance of providing well designed and located student accommodation to meet growing demand and avoid additional pressures in

the private rental sector (standard housing). In addition, section 6.6 of the NPF states:

Demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas in particular. In the years ahead student accommodation pressures are anticipated to increase. The location of purpose-built student accommodation needs to be as proximate as possible to the centre of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport.

The site is located c. 0.8 km to the north of the Athlone Institute of Technology (AIT) campus. It adjoins the Old Rail Trail Greenway pedestrian and cycle route to and the R2 bus route at Lissywollen Avenue. The site is therefore well connected and proximate to a third level institution and I am satisfied that the location of the proposed student accommodation is broadly compliant with the provisions of the NPF. It will also support ATDP policy P-SA1 regarding the provision of Purpose Built Student Accommodation in appropriate locations close to AIT, adjacent to public transport corridors and cycle routes.

11.3.3. I note observer comments that some of the student accommodation is located on lands zoned for residential development. I am satisfied that the development is generally in accordance with the overall vision for the area as set out in the LSFP and as indicated in the maps within same. Indeed, with regard to LSFP Figure 11, I consider that the proposed residential Block R2 is actually partially within the student accommodation area, where it fronts onto Lissywollen Avenue. I also note that WCC states no objection to the proposed residential development and student accommodation and comments in relation to the principle of development:

The Planning Authority is satisfied that the principle of development proposed, located on lands indicated for residential development with a portion on the eastern side designated 'Parcel 4' which provides for student housing under the LSFP will provide for plan-led growth in accordance with the Framework Plan for this area.

The proposed development is considered to be acceptable in principle on this basis, with regard to the relevant zoning objective and to the LSFP objectives for Parcel 2 and Parcel 4.

11.4. Residential Density

- 11.4.1. The Elected Members of WCC and the observer submissions state concerns about the density of the proposed development, commenting that it is much higher than that of surrounding residential areas and will result in overdevelopment of the site. The matter of residential density is also raised in the applicant's Material Contravention Statement.
- 11.4.2. The development has a stated residential density of 40 units/ha excluding the student accommodation or an estimated density of 70 units/ha including the student accommodation. The applicant has calculated the density of the student accommodation on the basis of two student bedspaces equating to one residential unit. I shall consider the density of the proposed residential development and that of the student accommodation separately as follows.
- 11.4.3. Density of Student Accommodation

I note that residential density parameters are not readily applicable to student accommodation proposals, given the nature and format of same. Dwellings per hectare can provide a broad indication of the intensity or form of development on a site, although other tools such as planning standards or plot ratio are more effecting in predicting or controlling built form on a site. In this instance the student units/apartments provided are in 3-8 bedroom clusters with shared kitchens/living areas, and clearly these cannot be equated to standard residential houses or apartments (which for the most part are one, two, three, four or possibly five bed units – larger units than this are the exception rather than the rule and are not generally incorporated within larger scale residential schemes). The Sustainable Residential Development Guidelines and the accompanying Urban Design Manual are silent in relation to student accommodation. I am not of the opinion it is possible or desirable to apply the density standards therein to student accommodation proposals, given the limited usefulness in providing a density figure for student accommodation proposals, as discussed above. However, given that student accommodation is defined as 'residential' within the 2016 Act, the general guidance contained within these documents are applicable to student accommodation, in my view, and where relevant, I have referred to this guidance in the following assessment.

The Apartment Guidelines apply to apartment developments and set out standards for same. Given the specific format of student accommodation, with bedrooms clustered around a shared living/kitchen area with open space provided in the form of communal areas, the application of the standards within the Apartment Guidelines is not feasible, nor is it intended. In relation to locational requirements, the guidelines consider specific locations (i.e. central and/or accessible urban locations, intermediate urban locations and peripheral and/or less accessible urban locations) that are suitable for particular type and/or densities of development. In relation to same, even it were considered that the Apartment Guidelines apply to student developments when considering locational criteria, it is not possible nor desirable to apply the density criteria within the guidelines to student developments. Moreover, when considering the appropriate mix of units to be provided within a particular scheme (SPPR 1 of the guidelines refer), Section 2.21 of the guidelines notes that the parameters as set out in SPPR 1 do not apply to purpose-built student accommodation and note that development plans may specify appropriate standards for student accommodation. Section 3.5 of the guidelines also states that the floor area parameters as set out in SPPR 3 of the guidelines do not apply to purpose built and managed student housing. Section 5.19 also states that the guidelines pertaining to shared accommodation/co-living developments do not apply to student accommodation developments.

Having regard to all of the above, I consider that the quantum of student accommodation at the site is more appropriately assessed having regard to general planning standards including, but are not limited to, considerations of height, daylight/sunlight/overshadowing impacts on existing and future residents, visual impacts and open space provision as considered in detail in the remainder of this assessment below.

11.4.4. Density of Residential Development

The development site is located on zoned, serviced land at the edge of the built up area of Athlone, which is designated as a Regional Growth Centre under the RSES and at the top tier of the settlement hierarchy for Co. Westmeath under the County Development Plan. The site is c. 3 km from the centre of Athlone and c. 0.8 km from the AIT campus. It immediately adjoins the Old Rail Trail Greenway pedestrian/cycle route and a bus route at Lissywollen Avenue.

Section 5.11 of the Sustainable Residential Development Guidelines recommends net residential densities of between 35-50 units/ha at outer suburban/greenfield sites, which are defined as open lands on the peripheries 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.

I consider the development site is consistent with the definition of an 'intermediate urban location' in the Apartment Guidelines. Section 2.4 of the Apartment Guidelines states:

Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net).

Objective CPO 16.24 of the Westmeath County Development Plan 2021-2027 promotes increased residential density in principle within Athlone Regional Centre/a key town where the subject lands are:

- within walking distance of the town centre, or
- are adequately serviced by necessary social infrastructure and public transport and/or
- designated regeneration sites and development lands which comprise in excess of 0.5 ha, subject to quality design and planning merit in ensuring compact growth and the creation of good urban places and attractive neighbourhoods.

Section 3.8.3 of the ATDP specifies a residential density of 30-35 units/ha at outer suburban/greenfield sites, following on from the Sustainable Residential Development Guidelines. Section 12.9.4 of the ATDP states that a density of 30-35 units/ha generally applies at outer suburban sites but also states:

Higher densities may be considered in respect of all sites in urban areas, but particularly those developments in excess of 0.5 ha. When considering proposals for housing developments the Councils will give first priority to design quality and to securing a good environment for residents, having regard both to the individual characteristics of the site and the character of the surrounding area. Subject to this,

development should make the best use of land and new dwellings should be constructed at an appropriate density. In some special circumstances, e.g. in areas of environmental or architectural merit, the appropriate density may need to be lower.

The LSFP states that the entire Framework Plan area has an indicative development capacity of c. 600 residential units. LSFP section 5.2.3 states:

In general, a residential density of 35 units per hectare shall apply across the Framework Plan; higher densities may be permitted in areas adjoining public open spaces or where prescribed in Parcel 4 – Student Quarter. In determining the appropriate density, consideration shall be given to sustainable development principles whereby the density of development shall be in response to site specific characteristics with particular regard to location and ease of access to sustainable transport options. Notwithstanding same, the overriding determination shall be on the quality and sustainability of the proposed new neighbourhoods to be created. Higher densities will only be acceptable where the qualitative standard of the proposed development, together with the contribution to the receiving environment, is of an acceptable and high quality standard. As such, while higher residential density generally presents a more sustainable form of development, it may not be appropriate in every circumstance and qualitative built form shall be a more important determinant. Higher densities should have regard to surrounding dwellings, the existing character of development and should be achieved in tandem with the protection of the amenity of the existing and future residents in the area.

LSFP Objective P2-KS07 applies at Parcel 2:

Consideration may be given to higher density units adjoining existing public open space area to the east of Parcel 1, provided that the residential amenity of adjacent dwellings is protected.

LSFP Objective P4-KS02 applies at Parcel 4:

To promote modern architectural expression in the design of higher density buildings and apartments. In particular where the buildings define public spaces, the design creates architectural individuality, the material choice is varied and includes high quality and durable finishes that complement the public realm.

Having regard to the above policies and objectives, I consider that there is some scope for flexibility in the consideration of residential density at the development site and that the proposed net residential density of 40 units/ha is generally acceptable on a 4.1 ha site within a strategic landbank zoned for residential development. In addition, the provision of higher residential densities at the development site will support several key objectives of the NPF, including NPO 3c to deliver at least 30% of all new homes within the existing built-up footprints of settlements other than the five cities and their suburbs; NPO 13 which stipulates that 'in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth'; NPO 32 which sets a target of 550,000 no. additional homes to 2040; NPO 33 which prioritises the provision of residential development at appropriate scales within sustainable locations and NPO 35 which notes the aim to increase residential density in settlements through a range of measures including (amongst others) in-fill development schemes and increased building heights. I also consider that the residential development will support the priorities identified for Athlone in section 4.5 of the EMRA RSES, which seek to promote the continued sustainable and compact growth of Athlone as a regional driver, with a target population of 30,000 up to 2031, including the development of lands at Lissywollen South.

While the established residential areas to the south of the development site are generally characterised by low density housing, the SHD permitted under ABP-309513-21 has a stated net density of 42 units/ha (excluding student accommodation). I therefore consider that the proposed residential density of 40 units/ha would not be out of keeping with the established pattern of development in the area and that it represents a reasonable response to the need to achieve optimum development this strategic land bank of zoned and serviced urban lands. The density of 40 units/ha is lower than that recommended for intermediate urban areas in the Apartment Guidelines and, subject to the landscape, visual and residential amenities of the area not being significantly adversely impacted, as considered further below, I do not consider that this density would be inappropriate for these lands. I also note in this regard that WCC notes and is supportive of the proposed residential density.

While I consider that the relevant policies of the ATDP and LSFP allow some scope for flexibility in the consideration of residential density at the development site, I note that the Board considered a proposed residential density of 42 units/ha on the residentially zoned lands to the west, also within the LSFP area, to be a material contravention under ABP-309513-21. Section 10.3.23 of the Inspector's Report of ABP-309513-21 considered that section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended) applied in that case due to a discrepancy between ATDP policies to (i) apply the residential density standards of the Sustainable Residential Development Guidelines and (ii) to deliver densities of 30-35 units/ha on outer suburban/greenfield sites as per Table 3.3. of the ATDP, along with the LSFP, where it is anticipated that an average residential density of 35 units/ha would prevail and which also, in that instance, allowed for the consideration of higher densities at certain locations in Parcel 1 (noting that the LSFP also allows for higher densities at certain locations in Parcel 2, as set out above). I consider that similar issues apply in this case and, in the interests of consistency, I conclude that the proposed residential density of 40 units/ha is also a material contravention, noting also that the matter is addressed in the applicant's Material Contravention Statement and it is therefore open to the Board to invoke the provisions of section 37(2)(b) in this instance.

11.5. Building Height

- 11.5.1. Observers and the Elected Members of WCC state concerns that the development will contravene policies of the ATDP and LSFP relating to building height and will contravene the Building Height Guidelines due to its design and layout and due to the potential adverse impacts on visual and residential amenities. The observer submissions and Elected Members also comment that the development is excessive in height, particularly in the context of the Old Rail Trail Greenway and the adjacent two storey residential areas. The following assessment considers the principle of building height at the proposed development, with regard to relevant local and national planning policy. Potential impacts on visual and residential amenities associated with building height and the quality of the proposed residential accommodation and its interaction with surrounding residential areas are considered separately elsewhere in this report.

11.5.2. The residential blocks R1 and R2 are 3-6 storeys and the student accommodation blocks S1, S2 and S3 are 4-7 storeys. Section 5.6.3 and Map ATC_07 Building Height Policy Map of the ATDP identifies specific sites in the town centre that are deemed to be suitable for buildings over 3-4 storeys but do not include the development site. ATDP Policy P-CA2 restricts the development of tall and higher buildings to the designated sites within the town centre. Policy P-PM3 also applies:

To ensure new development respects the existing streetscape and that taller buildings will only be permitted on identified sites, in compliance with the Building Heights Policy for the town, and subject to meeting the criteria set out in the Development Management standards.

Several policies of the LSDF are also relevant in relation to building height. Policy P4-KS08 states:

To provide a landmark building in Parcel 4 to signify entry into the Regional Centre of Athlone for users of the National Greenway.

Also:

O-LUF13 To consider opportunities for higher buildings where they provide a clear benefit for legibility and identity for the area, and where they are compatible with the skyline and development management standards prescribed in the Athlone Town Development Plan 2014-2020.

O-LUF14 To promote the development of a landmark building within the Student Quarter to denote this important entry point to Athlone.

There are, therefore, no specific provisions in the ATDP that allow for building heights above 3-4 storeys at the development site, noting that the reference to a 'landmark building' within the Student Quarter does not specify any particular building height. The applicant's Statement of Consistency and Material Contravention Statement seek to justify the proposed building height on the grounds that it is in accordance with SPPRs 3 and 4 of the Building Height Guidelines. However, given that the development is not at a location where specific development plan provisions apply in relation to building height and that the proposed height of 2-7 stories would exceed the relevant provisions outlined above, I consider that the

development materially contravenes the ATDP in relation to the matter of building height.

11.5.3. The development site has an 'intermediate urban location' as per the Apartment Guidelines. Sections 2.11 and 2.12 of the Building Height Guidelines discuss locations where increased building height 'is not only desirable but a functional policy requirement' including intermediate urban locations where medium density residential development in excess of 45 units/ha would be appropriate. I am satisfied that the development site is such a location with regard to the following matters:

- The site has an accessible location adjoining the Old Rail Trail Greenway and c. 3 km from the centre of Athlone. The development also includes two new bus stops on Lissywollen Avenue.
- The overall site area of c. 4.1 ha, the undeveloped nature of the lands, their zoning for development and the scope for comprehensive development, as envisaged in the EMRA RSES, ATDP and LSFP.
- The strategic importance of the site and the potential of the development to contribute to several NPOs and RPOs, as discussed above in relation to residential density.

11.5.4. Section 3 of the Building Height Guidelines sets out principles and criteria for planning authorities and the Board to apply when considering individual applications. SPPR 3 of the Guidelines states:

It is a specific planning policy requirement that where;

- 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and*
- 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise ...*

The development may be considered with regard to the principles and criteria set out in section 3 as follows, with regard to the rationale submitted by the applicant, to the analysis provided in the CE report and to third party comments. I am satisfied that

there is adequate documentation on file, including drawings, layouts, design details, Landscape and Visual Impact Assessment (LVIA), photomontages and CGIs and a Daylight Reception Report, Effects on Daylight Reception Report, Sunlight Reception and Shadow Report to enable due consideration on the following matters and I have had regard to same. The assessment is also based on my site inspection dated 14th May 2022.

11.5.5. I have considered the development with regard to the development management principles set out in section 3.1 of the Building Height Guidelines as follows:

Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?

The development site is undeveloped zoned and serviced lands adjoining the built up area of Athlone, which is designated as a Regional Growth Centre under the EMRA RSES. The strategic importance of the site and the potential of the development to contribute to several NPOs and RPOs, is summarised above. The development is therefore considered to support the above principle.

Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?

The development exceeds the building height parameters set out in the ATDP for this location. The ATDP identifies key locations where taller buildings are to be accommodated, generally in accordance with SPPR 1 of the Building Height Guidelines. The ATDP predates the Building Height Guidelines.

Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

I am satisfied that the ATDP is generally consistent with and supports the policies and objectives of the NPF. However, I note the provisions of NPF NPO 13, which

provides that planning standards for building height in urban areas will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth and states:

These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

I also note NPO 35, which seeks to increase residential density in settlements through a range of measures including infill development schemes, site-based regeneration and increased building heights. The ATDP has been superseded by the NPF in relation to these matters.

11.5.6. Having regard to the applicant's rationale for the proposed building height, to the planning's authority's assessment of the matter as set out in the CE Report and to my detailed analysis of the documentation on file and site inspection, I have considered the development with regard to the development management criteria set out in section 3.2 of the Building Height Guidelines as follows:

At the scale of the relevant city/town

- The site is a substantial area of undeveloped zoned and serviced lands in an emerging residential area where new development is envisaged under the RSES, ATDP and LSFP.
- The site is c. 3 km from the centre of Athlone and c. 0.8 km from the AIT campus. It adjoins the Old Rail Trail Greenway and includes two new bus stops on Lissywollen Avenue.
- The site is not immediately adjacent to any designated Architectural Conservation Areas or protected structures. While the site adjoins the Old Rail Trail Greenway and the biodiversity corridor at Blackberry Lane, I am satisfied with regard to the submitted Architectural Design Statement, Landscape Rationale and LVIA that the development will not have any significant adverse visual impacts and that no key landmarks or views will be unduly impacted.
- Having considered the LVIA, along with comments of the third parties and the planning authority and with regard to my inspection of the development site and

the surrounding area, I conclude that the proposed development at the site will not have any significant adverse visual impacts.

- I consider that the development will integrate into the area with new pedestrian and cycle connections and will enhance the public realm, particularly at Blackberry Lane and improved permeability to the Old Rail Trail Greenway. The development will also contribute to place-making in the vicinity.
- Having regard to the analysis of impacts on residential amenities elsewhere in this report, I am satisfied that the development responds to the adjoining existing and permitted residential areas and will not result in significant adverse impacts on residential amenities by way of overlooking or overshadowing. I am therefore satisfied that the development responds to the scale of adjoining developments.

At the scale of the district/neighbourhood/ street

- The development incorporates existing hedgerows at site boundaries, in accordance with relevant objectives of the ATDP and LSFP.
- The development integrates with surrounding residential areas and provides new pedestrian/cycle connections and two new bus stops. I am satisfied that it will not have any significant adverse impacts on residential amenities or sensitive receptors.
- The issue of potential flood risk is assessed below, which concludes with regard to the Flood Risk Management Guidelines that the site is entirely located in Flood Zone C and that no significant flood risk arises at or as a result of the development.
- The development will provide landscaped public open spaces for the wider area facing Lissywollen Avenue and at Blackberry Lane and therefore will provide an enhanced public realm. I therefore consider that it will contribute to placemaking in the area.
- The proposed housing mix and student accommodation will improve the diversity of housing typologies available in this area, which is generally characterised by low density two storey housing.

At the sale of the site/ building

The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.

The attention of the Board is drawn to the below assessment of potential overshadowing impacts on adjacent residential properties in detail and concludes that the development will not have significant adverse impacts on residential amenities by way of overshadowing.

Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.

The applicant's Daylight Reception Analysis considers access to daylight and sunlight within the proposed apartments and student accommodation as well as overshadowing of amenity spaces within the development, with regard to BS 8206-2:2008 recommendations, as summarised below. I am satisfied that the submitted Daylight Reception Report, Effects on Daylight Reception Report, Sunlight Reception and Shadow Report are sufficient to assess a development of the scale proposed. Overall, I consider that compliance with BRE 209 and BS2008 is achieved, and that the amenity of existing residents and future residents is satisfactorily addressed and maintained.

Specific Assessments

- The development is not of sufficient height or scale to require a specific assessment of microclimate impacts.

- The application includes an EIA Screening Report, a Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 – 202, AA Screening Report, Ecology Impact Assessment (EclA) and Archaeological Assessment which consider ecological impacts including birds and bats, as well as impacts on archaeology in the vicinity of the development.
- The application includes a Telecommunication Signal Interference Report, which considers potential interference within a 3 km radius of the development site. The report concludes that there appears to be no telecommunications signals directly crossing the development site and that it is very unlikely that the development will interfere, disturb or block any existing licenced telecommunications signal. The proposed 6-7 storey block may provide a possible aerial location for a telecommunications service for the area.
- The development will not impact on air navigation.

11.5.7. Having regard to the applicant's rationale, to the WCC CE Report, to the comments of third parties and prescribed bodies and to my above assessment and in view of other national policies, I consider that proposed development satisfies the criteria set out in section 3.2 of the Building Height Guidelines. The proposed building heights are therefore considered acceptable in principle, notwithstanding that they materially contravene ATDP policies and objectives.

11.6. Design and Layout of Development

11.6.1. As discussed above, the development is generally laid out according to the guidance provided in the LSFP for Parcels 2 and 4, with regard to the provision of residential development and student accommodation. It also facilitates the delivery of Lissywollen Avenue, as provided for under the LSFP and as previously permitted under ABP-309513-21. The overall development has two separate accesses from Lissywollen Avenue to the east, one of which serves the student accommodation and the other the residential development. There is also a bus stop at Lissywollen Avenue at the northern end of the site, and another at the eastern site frontage to Lissywollen Avenue, which are included within the red line site boundary. The Architectural Design Statement details that the development comprises four Character Areas as follows:

- **Character Zone A**
The central neighbourhood east of Blackberry Lane and west of Lissywollen Avenue. The Character Area comprises two storey terraced houses with a new landscaped pedestrian connection to Blackberry Lane. Houses have individual rear gardens. There are shared circulation spaces with communal parking areas. Beyond the site boundary, Blackberry Lane is to be resurfaced with a reinstated biodiversity corridor, seating and interpretative signage.
- **Character Zone B**
The northern part of the site including a bus stop at Lissywollen Avenue. This Character Area comprises two storey terraced, detached and semi-detached houses fronting onto the 'North Parkland' public open space to the south of the bus stop with amenity areas, wildflower meadow and seating. Shared circulation spaces and communal car parking.
- **Character Zone C**
The southern end of the site at the junction of Blackberry Lane and the Old Rail Trail Greenway. This area includes apartment Block R1 (3-6 storeys) facing the Old Rail Trail Greenway and three storey houses facing the 'South Parkland' public open space to the north of Block R1 with a community picnic area, passive open space and a pedestrian/cycle circulation route. There is also a public open space at the junction of Blackberry Lane and the Old Rail Trail Greenway with biodiversity area and community orchard, which will serve the wider area. Character Zone C also includes Block R2 (4-5 storeys) at the eastern side of the site, facing Lissywollen Avenue, and the intervening central public open space located to the east of Character Zone A, with a play area, kickabout area, passive open space and seating. The creche and associated external play area are located at the northern end of Block R2, adjacent to the vehicular access from Lissywollen Avenue and the bus stop. Block R2 is designed to present active frontages to both Lissywollen Avenue to the east and the central public open space to the west. It also has associated communal open spaces to the east, at the frontage to Lissywollen Avenue.
- **Character Zone D**
Three blocks of student accommodation at the south-eastern corner of the site, S1 (5-6 storeys) facing the Old Rail Trail Greenway and S2 and S3 (6-7 and 4-5

storeys respectively) to the north of S1, with intervening areas of communal open space and surface car parking. The central open space between Blocks S1 and S2 has hard and soft landscaping and large areas of public seating. There is a separate vehicular access from Lissywollen Avenue to the east, serving the student accommodation car parking.

- 11.6.2. The material palette for the development comprises brick and render with areas of metal cladding. The finishes are designed to provide continuity throughout the development rather than to distinguish between the Character Areas.
- 11.6.3. The applicant's Architectural Design Statement provides analysis of the development with regard to the 12 Criteria of the Sustainable Residential Development Guidelines. The application also includes a Statement of Consistency with DMURS such that the development will provide a high level of pedestrian and cycle connectivity, with the creation of new linkages to Lissywollen Avenue, Blackberry Lane and the Old Rail Trail Greenway, supporting related objectives in the ATDP and LSFP and generally in accordance with DMURS. Individual streets are laid out as shared spaces and there is communal car parking provision. Enclosed cycle parking and bin storage are provided adjacent to the apartment and duplex blocks and to individual houses.
- 11.6.4. The Architectural Design Statement and landscaping proposals indicate that the development will provide a hierarchy of interlinked public and private open spaces with a high standard of public realm, including the provision of new public spaces at the interface with Lissywollen Avenue and Blackberry Lane. The proposed public open space provision is stated as 7,410 sq.m. (19.7% of the net site area) comprising:
- North Parkland open space to the south of the bus stop at Lissywollen Avenue.
 - Central area to the west and south of Block R2.
 - Central open space between the student accommodation Blocks S1 and S2
 - South Parkland open space to the north of Block R1
 - Open space at the junction of Blackberry Lane and the Old Rail Trail Greenway.
- In addition, communal open spaces are provided for apartment Blocks R1 and R2 (combined area 658 sq.m.) and for each of the student accommodation blocks (combined area 1,540). The individual house types and apartment blocks will present

active frontages with passive surveillance to all public and communal open space areas.

11.6.5. Section 12.9.12 of the ATDP requires a minimum public open space provision of 15% of gross site area (6,150 sq.m. in this instance), which is met by the proposed development. LSFP Objective P2-KS06 is to provide a public park at the eastern end of Parcel 2 to serve the new residential development and student quarter and the adjoining business district. Observers comment that the development does not meet this requirement. The applicant's Landscape Rationale proposes an interconnected series of open spaces at the eastern side of the site to meet Objective P2-KS06, primarily comprising (i) the North Parkland at the interface with Lissywollen Avenue; (ii) a pedestrian/ cycle loop connection between Lissywollen Avenue and the Old Rail Trail Greenway and (iii) the central public open space to the west of Block R2, as described above. The Landscape Rationale notes that the Regional Sports Centre less than 1 km from the development site includes facilities such as a basketball court and all-weather pitches. This rationale is accepted with regard to objective P2-KS06 and I consider that the proposed public open space provision is satisfactory overall in terms of quantity and quality. Having regard to the Architectural Design Statement and Landscape Rationale, Arborist's Report and Public Lighting Plan, I consider that the development provides a hierarchy of open spaces that will serve various purposes including play areas, active and passive open spaces that are well designed and laid out and will all benefit from passive surveillance. The open spaces are well connected and, along with the overall pedestrian and cycle connectivity of the development, will support LSFP Objective O-LUF4 to provide a hierarchy of linked urban and open spaces across the plan area. In addition, the landscaping scheme retains the significant hedgerows along the Old Rail Trail Greenway and at the site frontage to Lissywollen Avenue which, along with the proposed planting, will support biodiversity objectives of the ATDP and LSFP including objective O-LUF1 to protect and supplement existing landscape features of amenity and biodiversity value. I also note from the Sunlight Reception Report that all the proposed external amenity spaces achieve well in excess of the BRE.209 criterion of achieving at least two hours potential sunlight on March 21st to the majority of its area. The proposed public open space provision is considered satisfactory on this basis.

11.6.6. LSFP objectives O-LUF14 and P-KS08 are to promote the development of a landmark building within the Student Quarter to denote this important entry point into Athlone. I am satisfied that the design of Blocks S1, S2 and S3 will result in a distinctive appearance that will enhance the legibility of the wider area. I also consider, with regard to the detailed design and materiality and landscaping proposals, that the eastern elevations of Blocks S2 and S3 and the intervening open spaces will support objective P4-KS02 for Parcel 4:

To promote modern architectural expression in the design of higher density buildings and apartments. In particular where the buildings define public spaces, the design creates architectural individuality, the material choice is varied and includes high quality and durable finishes that complement the public realm.

This matter is considered further below with regard to visual impacts and the interface with Lissywollen Avenue and at the Old Rail Trail Greenway.

11.6.7. The interfaces at site boundaries may be considered separately as follows:

Interface with Lissywollen Avenue

Lissywollen Avenue is to be developed as the main spine route through the Lissywollen South lands, as provided for under the LSFP and as permitted under ABP-309513-21, with pedestrian and cycle facilities and a bus route. The seven storey gable of student accommodation Block S2, the six storey gable of student accommodation Block S3 and the eastern façade of the 4-5 storey Block R2 will all provide a strong urban edge at this location and will give the area a distinctive appearance, in line with LSFP objectives O-LUF14 and P-KS02. The Arboricultural Impact Assessment states that 75% of 'hedgerow 7' along the eastern site frontage to Lissywollen Avenue will be retained, which will also enhance the communal area at the eastern side of Block R2. Mature trees and seating areas will also be provided at the communal open space. Further to the northwest, the North Parkland public open space with amenity areas, wildflower meadow and seating will enhance the public realm at the bus stop and contribute to place making in the area. The remainder of the northern boundary along Lissywollen Avenue will be heavily landscaped, as far as the junction with Blackberry Lane. I am therefore satisfied that the proposed treatment of the frontage to Lissywollen Avenue will support objective O-LUF2 to provide for structural tree lines along Lissywollen Avenue and objective

P2-KS01 to ensure a high quality streetscape along Lissywollen Avenue and that the development will present a strong frontage with good legibility and a high standard of public realm at this location. There are several pedestrian/cycle connections from Lissywollen Avenue, which will link through the development to Blackberry Lane and the Old Rail Trail Greenway, improving connectivity in the area.

The WCC CE Report comments that, given the extent of Block R2 and its high profile location at Lissywollen Avenue, its architectural treatment could be further enhanced so as to appear less monolithic in form. I consider that the curved eastern façade of Block R2 has a satisfactory scale, rhythm and materiality and a distinctive appearance that will enhance the area and improve legibility, in accordance with relevant ATDP and LSFP objectives, as discussed above. WCC also suggests a revised design solution for the play area and boundary treatment of the creche due to its prominent location adjacent to the vehicular access from Lissywollen Avenue. A revised treatment for this area may be required by condition if permission is granted, to the satisfaction of the planning authority.

Interface with Blackberry Lane

The rear elevations of terraced two storey houses and their associated rear gardens will back onto Blackberry Lane at the western site boundary. The laneway is to be resurfaced as a pedestrian and cycle route, to connect Lissywollen Avenue with the Old Rail Trail Greenway and with new pedestrian connections to the western side of the proposed development. It is submitted that, following discussions with WCC, the applicant has agreed a Special Development Contribution towards the resurfacing of the laneway and a scheme of public lighting and seating. I note that the CE Report recommends such a condition. The Arboricultural Impact Assessment indicates that the existing hedgerow along the eastern side of Blackberry Lane would be removed, stating that the hedgerow is category C2, low quality, is coarsely managed and is compromised by drainage. The landscaping proposals include the development of a biodiversity corridor along the eastern side of Blackberry Lane, with foraging and edible plants. This area of the development is designed to be compatible with ABP-309513-21 to the west, which provides two storey housing and a public open space on the western side of Blackberry Lane. As per the Landscaping Rationale of ABP-309513-21, the existing hedgerows on the western side of Blackberry Lane are to be

retained with an open space area with pedestrian linkages to the laneway within that development.

The proposed layout of this part of the development is not in accordance with LSFP objectives O-LUF11 and O-AM11, which prohibit the siting of rear elevations/gardens onto public open spaces, and this matter is addressed in the Material Contravention Statement. The Architectural Design Statement submits that the proposed layout will facilitate the provision of a biodiversity corridor on the eastern side of Blackberry Lane and that there will be passive supervision of the laneway from the first floor rear windows of the adjacent houses, as well as several landscaped pedestrian connections between the laneway and the development. In addition, ABP-309513-21 will overlook Blackberry Lane from the west, also providing passive supervision. These points are accepted, and I consider that the development will have a satisfactory interaction with Blackberry Lane, notwithstanding the lack of ground floor passive supervision from the western side of the development. The non-compliance with objectives O-LUF11 and O-AM11 is addressed in the applicant's Material Contravention Statement.

Observers comment that Blackberry Lane is unsuitable for use by a substantial amount of pedestrian and cycle traffic and that there will be adverse impacts on residential amenities due to constant pedestrian and cycle traffic at this location. I do not consider that the use of the laneway by pedestrian and cycle traffic will result in any significant adverse impacts on adjoining residential amenities, noting the landscaping proposals discussed above.

Interface with the Old Rail Trail Greenway

The Old Rail Trail Greenway along the southern site boundary is a well-established pedestrian/cycle route with mature hedgerows on both sides. The Arboricultural Impact Assessment indicates that the existing hedgerow along the southern site boundary is category B1/B2, good quality, and is to be retained, along with the existing timber stiles at this location. Blocks R1 (3-6 storeys) and S1 (5-6 storeys) mark the southern extent of the development to the immediate north of the greenway. The new public open space at the junction of Blackberry Lane and the greenway will include a biodiversity area and community orchard and will contribute to place making in the wider area. There is also a new landscaped pedestrian/cycle

connection to the greenway between Blocks R1 and S1, which ultimately connects to Lissywollen Avenue to the north via the series of interlinked open spaces at the eastern side of the development.

Observers and WCC Elected Members raise several concerns regarding the interface at the Old Rail Trail Greenway. They comment that the hedgerow at the southern site boundary facing the greenway is located on lands owned by Westmeath County Council and that it may not be possible for the applicant to implement proposed planting/hedgerow enhancement at this location. Observers and elected members also comment that Block R1 is located too close to the greenway and it is submitted that many of the proposed trees to the south of Block R1 are too close to the southern façade of the block and therefore will not grow, and that the southern façade and private terraces/balconies of Block R1 will impinge on the root protection areas of existing trees in the hedgerow bordering the greenway.

Having regard to the detailed design and elevations of Blocks R1 and R2, I consider that they present a high quality of facades to the Old Rail Trail Greenway, and that the proposed landscaping, public open space and new pedestrian/cycle connections will generally enhance the public realm and contribute to place making at this location. The blocks will also provide passive supervision of the greenway, enhancing public safety. However, the location of balconies and ground floor terraces at the southern elevation of Block R1 may also conflict with tree/hedgerow retention and enhancement and the footprints of Blocks R1 and S1 may impinge on the existing hedgerow or associated root protection areas (RPAs). The Arboricultural Impact Assessment addresses this matter and includes specialist construction methodologies for works within the RPAs to prevent negative impacts on trees. Notwithstanding these proposals, I consider that there is a case for relocating Blocks R1 and S1 3m northwards, such that there is adequate private open space for individual apartments at the southern façade of Block R1 and with regard to the need to protect trees at this location. This measure would also reduce impacts on the visual and residential amenities of adjacent residential properties on the southern side of the greenway, as discussed further below. While this would reduce the size of the South Parkland open space somewhat, the overall provision of public open space at the development is well in excess of the 15% development plan requirement and the revised layout would still achieve an acceptable intervening

distance to the three storey townhouses on the northern side of the South Parkland. The central open space at the student accommodation would also be reduced but could still achieve a c. 22 m separation distance between Blocks S1 and S2 and provide a satisfactory standard of communal open space. With regard to the matter of planting at the site boundary, I consider that the retention of the existing well established hedgerow outside the site boundary, along with additional planting inside the boundary, at the southern end of the site, as proposed in the landscaping scheme, would be sufficient to enhance the hedgerow and provide a satisfactory treatment for the communal space within the site boundary. Details of the private open spaces of the ground floor apartments, as well as associated boundary treatments, may also be resolved by condition.

Objective O-LUF7 is to ensure a continuous frontage and passive supervision over open spaces and green links, in particular along the Old Rail Trail Greenway. The proposed layout supports this objective as it allows for passive supervision of the greenway. Subject to the recommended relocation 3m northwards of Blocks R1 and S1, I am satisfied that the development will allow for the retention and enhancement of all of the existing hedgerow along the greenway frontage, except for the removal of minimal areas to facilitate the creation of a new pedestrian/cycle connection between Blocks R1 and S2 and a small area at the junction of the greenway and Blackberry Lane, to facilitate a new pedestrian connection and the development of a new public open space at this location. I consider on this basis that the development is generally in accordance with Objective O-LUF7.

The proposed interface with the Old Rail Trail Greenway is therefore considered satisfactory subject to amendments, which may be required by condition.

11.6.8. To conclude, I consider that the proposed design and layout are generally in accordance with relevant development plan objectives and are within the parameters required by the ATDP and LSFP and that they will provide for satisfactory pedestrian/vehicular/cycle connections and public open space provision in accordance with development plan requirements and national planning policy, such that the development will provide a high quality environment and public realm that represents a positive contribution to this emerging residential area at a strategic land bank adjacent to the Old Rail Trail Greenway at the edge of Athlone. I also note in

this regard that the planning authority does not state any significant concerns about the layout or appearance of the development. I am satisfied that the development generally achieves a high quality of design and finish, while making optimum use of this zoned and serviced site at a strategic land bank at the edge of Athlone. I consider that it provides a high standard of amenity and public realm which will complement the adjacent permitted SHD ABP-309513-21 and that it will also contribute to place making in the wider area with new public open spaces and new pedestrian/cycle connections between Lissywollen Avenue, the Old Rail Trail Greenway and Blackberry Lane.

11.7. **Quality of Residential and Student Accommodation**

11.7.1. Housing Mix

LSFP objective O-LUF10 is to promote a variety of residential typologies, including terraced, semi-detached, detached housing, duplexes and apartments with coherent streets and connected open spaces to create distinctive neighbourhoods that will promote adaptable whole life-cycle living. The LSFP guiding principles for Land Parcel 2 also include:

To provide for an adequate level of diversity in the building form, tenure and layout to contribute to successful living and working environments.

The proposed residential development comprises 22 no. four bed houses (18%), 38 no. three bed houses (31%), 16 no. one bed apartments (13%), 36 no. two bed apartments (30%) and 10 no. three bed apartments (8%). I consider that the proposed housing mix achieves the above objectives having regard to the proposed provision of three and four bed houses and one, two and three bed apartments and duplex units, and having regard to the above discussion of design and layout. The development is also consistent with SPPR 1 of the Apartment Guidelines. The planning authority considers the housing mix to be acceptable. I am satisfied that the proposed mix will provide a balanced contribution to the overall housing mix at the LSFP lands.

11.7.2. Quality of Residential Accommodation

The application includes a Housing Quality Assessment. The apartments and duplex units are designed to meet or exceed the relevant quantitative requirements of the

Apartment Guidelines with regard to minimum floor areas as per SPPR 3 and section 3.8 and floor to ceiling heights as per SPPR 5. A total of 66% of the units in Block R1 and all of the units in Block R2 are dual aspect such that 79% of all apartments are dual aspect, exceeding the requirements of SPPR 4 for suburban/intermediate locations. While I note that there are single aspect north facing apartments in Block R1, as raised in observer submissions and by the WCC Elected Members, these units are facing the 'South Parkland' public open space to the north of Block R1, which has a community picnic area, passive open space and a pedestrian/cycle circulation route. They are considered acceptable on this basis, noting that section 3.18 of the Apartment Guidelines states:

North facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature.

The individual private amenity spaces and communal open spaces of the apartments and duplex units all exceed the quantitative requirements of Appendix 1 of the Apartment Guidelines. The application includes a Building Lifecycle Report, as required by the Apartment Guidelines, which states that a property management company will be established in accordance with the Multi-Unit Developments Act 2011.

The proposed houses are designed to be consistent with the guidance provided in the Quality Housing for Sustainable Communities Best Practice Guidelines. The private open spaces for individual houses are in accordance with development plan objective CPO 16.20, which requires 48 sq.m. for 1-2 bed houses and 60-75 sq.m. for 3/4/5 bed houses, also meeting the required minimum separation distances of 22 m between directly opposing first floor rear windows.

I am satisfied on this basis that the proposed houses and apartments will provide a high standard of accommodation for future residents.

11.7.3. Quality of Student Accommodation

The student accommodation may be considered with regard to the standards provided in the Dept. of Education and Science Guidelines on Residential Development for Third Level Students (1999 and 2005). The student units are laid out in clusters of 3-8 bedrooms, each including a kitchen/communal area. The layout

and floor areas of the clusters comply with the above Guidelines. The student accommodation provides communal amenities and facilities comprising student management office and reception suite; communal amenity spaces; laundry; gym; yoga space; TV lounge and events lounge. There are also shared communal external amenity spaces between the blocks, which provide seating areas and circulation spaces. The submitted Student Accommodation Management Strategy provides details of the ongoing management and maintenance of the accommodation including security, onsite management and community liaison. I am satisfied that the student accommodation will be managed such that there will be no potential adverse impacts on existing or permitted residential amenities by way of noise, anti-social behaviour, etc. and I am satisfied overall that it will provide an acceptable standard of accommodation overall with regard to the above Guidelines.

11.7.4. Daylight Reception Analysis

Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing, and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and/or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards. Section 6.7 of the Apartment Guidelines states that where an applicant cannot fully meet all of the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design

solutions must be set out, which planning authorities should apply their discretion in accepting, taking into account issues such as design constraints associated with the site or location and the balancing of the assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.

Section 12.9.10 of the ATDP states the following in relation to new residential development:

Overshadowing

This may be a problem with significantly high buildings or when new buildings are located close to adjoining structures. Daylight and shadow projection diagrams should be submitted for such proposals. The recommendations of 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', (B.R.E. 1991) or B.S. 8026 'Lighting for Buildings, Part 2 1992: Code of Practice for Day lighting' should be followed in this regard.

While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK), I consider that this updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Apartment Guidelines.

The applicant's Daylight Reception Analysis considers daylight availability to habitable rooms within the proposed apartments, duplex units and student accommodation with regard to the above guidance. The internal daylight analysis examines internal daylight and sunlight within the proposed apartments and student accommodation based on Average Daylight Factor (ADF) of habitable rooms. In general, ADF is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values of ADF that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley type kitchen is inevitable, it should be directly

linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined living/kitchen/dining (LKD) layout. It does, however, state that where a room serves a dual purpose the higher ADF value should be applied.

The applicant's Sunlight and Daylight Analysis applies the following targets:

- > 2.0% for Living/Kitchen/Dining Areas (LKD)
- >2.0% for Kitchen/Dining Areas
- >1.5% for Living Rooms
- > 1.0% for Bedrooms
- >1.5% for living/bedrooms (student accommodation)

I note that the 1.5% standard for living rooms is applied to individual student rooms. This is acceptable on the basis that these rooms will function as living rooms as well as bedrooms. The analysis examines selected rooms on the ground and first floors of the development, on the basis that rooms at upper floors would achieve higher levels of daylight. Section 5.1 of the report states that a total of 67 no. room locations have been selected for analysis on the basis that these rooms are perceived to receive less daylight, i.e. ground floor rooms and rooms facing close-by large obstacles. I am satisfied that the targets chosen are the appropriate targets for each of the spaces assessed and I am satisfied that the rooms on the floors above first and second floors will also achieve BRE targets, as relates to daylight. I note that the layout of the student accommodation differs from that of standard residential units, in that the bedroom areas are clustered around a shared living/kitchen/dining areas. However, I am satisfied that the standards set out in BRE Guidelines are equally applicable to this type of accommodation, notwithstanding the guidance does not specifically consider 'student' or similar accommodation layouts. The applicant's Daylight Reception Analysis also notes that receptors with privacy screens/louvers have been incorporated into the ADF calculations. This is acceptable. The findings of the Daylight Reception Analysis may be summarised as follows.

Apartments in Blocks R1 and R2:

- All selected habitable rooms at R1 Levels 00 and 01 have achieved an ADF in excess of the recommended BRE guideline. All floors above the first floor apartments in Block R1 are further deemed compliant as they naturally would

have an improved vertical daylight impact angle thus increasing the daylight reception factor typically 0.3%-0.5% per floor level.

- All selected habitable rooms at R2 Level 00 have achieved an ADF in excess of the recommended BRE guideline. All floors above the ground floor apartments in Block R2 are further deemed compliant as they naturally would have an improved vertical daylight impact angle thus increasing the daylight reception factor.

Residential Housing:

- All selected ground floor habitable rooms have achieved an ADF in excess of the recommended BRE guideline. All floors above the ground floor dwellings are further deemed compliant as they naturally would have an improved vertical daylight impact angle thus increasing the daylight reception factor.

Student Accommodation:

- There is no accommodation on the ground floors of Blocks S1 and S2. All selected habitable rooms at S1 and S2 level 01 have achieved an ADF in excess of the recommended BRE guideline. All floors above the first floors are further deemed compliant as they naturally would have an improved vertical daylight impact angle thus increasing the daylight reception factor.
- All selected habitable rooms at S3 Levels 00 and 01 have achieved an ADF in excess of the recommended BRE guideline. All floors above the first floor apartments are further deemed compliant as they naturally would have an improved vertical daylight impact angle thus increasing the daylight reception factor.

Having regard to these findings, I am satisfied overall that a high percentage of units within the overall development exceed the BRE targets and that the overall level of residential amenity is acceptable and is considered to be in reasonable compliance with the BRE standards, in particular noting that the BRE standards allow for a flexible and reasonable alternative for ADFs.

In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. The APSH criteria involves an assessment of the level of sunlight that reaches the main living room window to determine the number of windows with an APSH level greater than 25% on an annual basis or 5% on a winter basis. The submitted assessment does not provide

analysis in this regard; however, I note that the Building Height Guidelines do not explicitly refer to sunlight in proposed accommodation. The Building Height Guidelines state in criteria 3.2:

The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.

Therefore, while daylight and overshadowing are explicitly referenced, there is no specific reference to sunlight, and reference is only to daylight, overshadowing or more generally 'light'. Overall, given the orientation and layout of the proposed blocks, I am satisfied that the acceptable levels of sunlight will be achieved to most 'living/kitchen/dining areas' in the proposed development in recognition of BRE criteria.

The applicant also submits a Sunlight Reception Report, which considers selected private amenity spaces within the development with regard to the BRE minimum criteria that at least 50% of the amenity space should receive at least two hours of sunlight on the 21st March, such that all of the private amenity spaces analysed met the criteria. This is satisfactory.

11.7.5. External Noise Issues

The application includes an External Noise Impact Analysis Report, which considers impacts from traffic noise associated with the N6 nearby to the north of the development site and the R916 to the east. Noise levels are predicted at selected representative residential units and amenity spaces using EPA noise mapping and noise survey data and compared to the maximum recommended noise data for residential units published by the European Environmental Noise Regulations 2018 (S.I. No. 549), the National Planning Framework 2040, the British Standard BS 8233, the World Health Organisation (WHO) and the EPA NG4 guide. The Noise Impact Analysis notes that only the most northern units, closest to the N6, will be subject to higher noise levels. The predicted external noise exposure at facades and internal ambient predicted noise levels are all comfortably within the maximum guidelines of the WHO/CIBSE/BS8233 and the relevant internal ambient day time and night time noise levels according to the WHO category table 4.2 is deemed to be "Very Good/ Good". Predicted noise levels at external amenity spaces are within the

recommended parameters except for the most northern (closest to the N6) amenity space 10, which is marginally outside the EPA NG4 recommendations. The Noise Impact Analysis states that, by introducing dense vegetation barriers, noise levels at the space are improved to the extent that all external amenity spaces fall within the maximum recommended guidelines of the WHO/CIBSE/BS8233/EPA. I note in this regard that the proposed landscaping scheme includes planting along the northern site boundary facing Lissywollen Avenue. The Noise Impact Analysis concludes on this basis that the internal and external noise exposure within the residential units and student apartment block and at external amenity spaces are within the guidelines as set out under the WHO/CIBSE/BS8233/EPA. This is satisfactory.

11.7.6. Quality of Residential Accommodation Conclusion

To conclude, I consider that the development will provide an acceptable standard of residential accommodation for future occupants, subject to conditions, and is generally satisfactory with regard to national and development plan guidance for residential development.

11.8. **Impacts on Visual and Residential Amenities**

11.8.1. Observer submissions and the WCC Elected Members raise concerns about potential adverse impacts on residential amenities associated with overlooking and overshadowing of established residential areas, due to the scale of the development and to its proximity to adjacent individual residential properties to the south of the site, on the opposite side of the Old Rail Trail Greenway. It is submitted that the southern end of the development is excessive in scale, is monolithic and is too close to adjacent residential properties and that the scheme should step down to the southern site boundary, as it does to the western and northern site boundaries. In addition, observers and WCC Elected Members comment that the development will be overbearing in views from the Old Rail Trail Greenway and will therefore have adverse impacts on this important local amenity and tourist attraction and will mitigate against Council objectives to promote the greenway as an example of green infrastructure in Co. Westmeath.

11.8.2. The nearest extant residential properties to the development site are to the south, beyond the Old Rail Trail Greenway. There is an existing house to the northwest of the site, on the opposite site of Blackberry Lane, which lies outside the boundary of

ABP-309513-21, however, it is disused and derelict. There are no other existing residential properties in the immediate vicinity. I note that observer submissions comment that the application, including the Architectural Design Statement, photomontages and drawings on file, does not clearly indicate distances to adjacent residential properties or the full extent of potential impacts on residential and visual amenities, particularly to the south of the development. It is also submitted that the photomontages are misleading as the development is obscured by planting which currently does not exist and which may not be present in the future. I am satisfied, based on the drawings on file including existing and proposed site layouts, elevations, cross sections, floor plans, Architectural Design Statement, landscaping proposals, Arboricultural Report, Public Lighting Report, Daylight Reception Report, Effects on Daylight Reception Report, Sunlight Reception and Shadow Report, Landscape and Visual Impact Assessment, as well as my inspection of the development site and vicinity on 14th May 2022, the submissions of the observers, the CE Report, and comments of the WCC Elected Members, that there is ample information available on which to base a comprehensive assessment of impacts on visual and residential amenities.

11.8.3. Overlooking Impacts on Residential Amenities

Observers submit that the southern facades of Blocks R1 and S1 will overlook residential properties to the south of the site, on the opposite side of the Old Rail Trail Greenway. There are several submissions on file from residents of properties at this location. The nearest directly opposing façade to the southern elevation of Block R1, is a house c. 53 m to the south. The intervening distances between the southern elevation of Block S1 to adjacent facades are greater at c. 65m minimum. While I note that there is a window in the side elevation of no. 1 Ashgrove estate, this does not directly face the southern elevation of Block R1, with the nearest directly opposing elevation to that façade within the proposed development being the gable of a two storey house c. 47 m to the north, with the intervening space occupied by the Old Rail Trail Greenway and the proposed public open space at the junction of the greenway and Blackberry Lane.

I am therefore satisfied that Blocks R1 and S1 will not directly overlook habitable rooms within adjacent residential properties. However, their southern elevations will overlook the private open spaces associated with residential properties to the south

of the greenway. Section 1.4 of the Architectural Design Statement addresses the detailed relationship between the southern part of the development and these residential properties. It is clear from the cross sections on file, from aerial photographs and from the site inspection that there is a substantial hedgerow currently present on both sides of the greenway, which will screen the lower levels of Blocks R1 and S1, notwithstanding the success or otherwise of any future landscaping implemented as part of the proposed development. While I accept that the upper floors of both blocks would look towards the residential properties to the south, I note that this overlooking impact would be reduced somewhat by the proposed 'louvering' to balconies at Blocks R1 and S1 (albeit not entirely, as submitted by observers). I also note that the private open spaces directly overlooked by Blocks R1 and S1 are extremely large, such that the presence of Blocks R1 and S1 would have a limited impact on their amenity over a large area. In addition, as discussed above, it is recommended that a condition is imposed requiring the relocation of Blocks R1 and S1 3m to the north if permission is granted. This would increase intervening distances and further mitigate overlooking.

On balance, with regard to all of the above matters, I consider that the proposed 5-6 storey facades of Blocks R1 and S1 would not result in undue overlooking of residential properties to the south of the site such as would warrant a refusal of permission or a substantial revision to the proposed development, beyond the recommended relocation of Blocks R1 and S1 3m further to the north. I do not consider that any potential for adverse impacts on residential amenities by way of overlooking arises at any other location.

11.8.4. Overshadowing Impacts on Residential Amenities

Observers submit that the development will overshadow residential properties and private open spaces to the south of the development site, on the other side of the Old Rail Trail Greenway. I consider that limited potential for overshadowing arises given the orientation of the development site to the north of these adjacent residential properties.

The submitted Effects on Daylight Reception Analysis considers potential effects of the development on daylight Vertical Sky Component (VSC) at adjacent residential properties, with regard to the BS 2008 Code of Practice for Daylighting and the BRE

209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011). As discussed in relation to daylight levels within the proposed apartments, the applicant's analysis also refers to the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK), however this updated guidance does not have a material bearing on the outcome of this assessment and the relevant guidance documents in this case remain those referred to in the Urban Development and Building Heights Guidelines, i.e. BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I have used these guidance documents to assist in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within an area identified for residential development/compact growth, and to increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

The Effects on Daylight Reception Analysis considers impacts on daylight at habitable rooms adjacent to the development. The VSC assessment has been targeted to neighbouring windows/rooms/dwellings that are perceived to be in challenging locations, i.e., basement rooms, ground floor rooms and dwellings/rooms in the near vicinity of the development on the basis that if these rooms pass the minimum requirements all rooms at higher levels will definitely pass the minimum recommendations as a result of the improving vertical sky view angle. I note observer comments that not all rooms at adjacent residential properties have been analysed, however I am satisfied that the locations selected are the residential properties/habitable rooms most likely to experience effects on daylight and sunlight with regard to their orientation and proximity to the development and with regard to the BRE guidance and that the individual rooms tested are representative of the dwellings in general.

In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. The results of the Effects on Daylight

Reception Analysis at each location may be considered separately as follows. All are habitable rooms apart from the ESB office.

Receptor	Address	Existing VSC %	Predicted VSC %	% change
A	Kilnafaddoge, Athlone	36%	32%	0.88%
B	51 Bóthar an Díthribh, Ardnaglug, Kilnafaddoge	36%	36%	0.99%
C	52 Bóthar an Díthribh, Ardnaglug, Kilnafaddoge Residential	36%	35%	0.99%
D	Ashgrove, Cartrontroiy, Athlone	36%	34%	0.95%
E	1 Ashgrove, Kilnafaddoge, Athlone	36%	31%	0.87%
F	2 Ashgrove, Kilnafaddoge, Athlone	36%	31%	0.87%
G	Kilnafaddoge, Athlone	36%	34%	0.93%
H	Shelmalier House, Cartrontroiy, Kilnafaddoge, Athlone	35%	33%	0.94%
I	Appledoe, Cartrontroiy, Kilnafaddoge, Athlone	34%	31%	0.92%
J	Cartrontroiy, Kilnafaddoge	35%	32%	0.91%
K	Garrycastle, Athlone Residential	34%	32%	0.95%
L	ESB Networks, Athlone	36%	34%	0.96%

All of the above results meet the BRE recommendations, being greater than 27% and greater than 80% of the former value. These results are consistent with expectations given the relative orientation of the development and the intervening distances between the development and the adjacent dwellings/ESB offices.

The submitted Sunlight Reception Report examines overshadowing of adjacent external amenity spaces by the development. The calculation results of the one hourly sunlight and shadow status of each external amenity space before and after the introduction of the proposed development, as presented in the Sunlight Reception Report, may be summarised as follows:

Receptor	Address	Existing Sun Hours on 21 st March @ 50% area	Predicted Sun Hours on 21 st March @ 50% area	% change
A	Kilnafaddoge, Athlone	10	10	0.96
B	Part of the Old Rail Trail Greenway Public amenity space	10	10	1.00
C	1 Ashgrove, Kilnafaddoge, Athlone	6	6	1.00
D	Garrycastle, Athlone	9	9	1.00
E	ESB Network	9	8	0.91

The above results currently exceed the relevant BRE criteria both before and after the development, such that at least 50% of the amenity space receives at least two hours of sunlight on the 21st March. In addition, the % change in each instance is well below the BRE guidance that any loss of sunlight should not be greater than 0.8 (20% reduction) times its former size. These results are supplemented by Appendix A of the Sunlight Reception Report, which provides hourly shadow analysis for March 21st, indicating that there will not be significant additional overshadowing of adjacent residential properties. I accept that the shadow analysis is limited in scope, as per observer comments, as it does not examine overshadowing in the summer and winter months. However, with regard to the above analysis of impacts on habitable rooms and private amenity spaces and given the relative orientation of the development and the intervening distances to adjacent residential properties, I am satisfied overall that the development will not have any significant overshadowing impact on adjacent residential properties.

11.8.20. Landscape and Visual Impacts

The site is located between the built up area at the northern side of Athlone and the N6 Athlone Relief Road. The area around the site is characterised by existing established residential areas and the Old Rail Trail Greenway to the south, Blackberry Lane and the permitted SHD ABP-309513-21 to the west and by the permitted Lissywollen Avneue, the ESB Regional Supply Headquarters and mixed used zoned lands to the east, as well as a local convenience store. There are no

protected structures, designated conservation areas or protected views or prospects in the vicinity.

The LVIA considers impacts on views to the north, south, east and west, in the immediate vicinity of the site, as well as further to the south, east and west. While I note the concerns of observers that the applicant's LVIA does not give adequate consideration to potential views of the site from residential areas or individual residential properties to the south, I consider that there is adequate information on file, including the drawings, elevations and cross sections, as well as the Architectural Design Statement, CE Report and observer submissions, and the site inspection carried out on 14th May 2022, on which to base a comprehensive assessment of the visual impacts of the development. Based on the site inspection and on my knowledge of the area, I am satisfied that the viewpoints chosen in the LVIA are representative of views in the wider area. Potential visual impacts at each relevant location may be considered separately as follows.

Old Rail Trail Greenway Landscape and Visual Impacts:

Observers and Elected Members state concerns that the development will have an adverse impact on the setting of the greenway, with consequent impacts on its amenity and quality as a tourist attraction. Having regard to the above detailed consideration of the interface of the development with the greenway and of the relationship between Blocks R1 and S1 with residential areas to the south of the greenway, I consider that the development generally allows for the retention and enhancement of the existing hedgerow on the northern side of the greenway and that it will result in several improvements to the public realm including new pedestrian/cycle connections and a new public open space at the junction with Blackberry Lane. Viewpoints and photomontages nos. 5, 7, 11 and 12 represent existing and proposed views from the greenway. Viewpoint no. 4 is an overview of the development site and the greenway. The LVIA states that, due to the retention of the hedgerow at the greenway, there will be only partial views of the development. Visual impacts the viewpoints nos. 4, 5, 7, 11 and 12 are assessed as neutral, negative and positive.

I note and accept the contention of observers that the hedgerow on the northern side of the greenway may not screen the completed development to the same extent as

that indicated in the photomontages, particularly in the winter months. However, while the development will change the outlook from this stretch of the greenway, along with the permitted SHD to the west ABP-309513-21, this is to be expected at an emerging urban location on the edge of Athlone and would be the case for any residential development of these zoned and serviced lands. I therefore concur with the LVIA assessment of impacts on the greenway as generally neutral and I do not consider that the development would have any significant adverse impacts on the amenity of the greenway or on its value as a tourist attraction. Indeed, as discussed elsewhere in this report, the development will enhance the greenway with additional landscaping, improvements to the public realm and the provision of new pedestrian and cycle connections, as well as enhanced passive surveillance of the pedestrian/cycle route. The predicted visual impacts at the greenway are considered acceptable on this basis, subject to the retention of the existing hedgerow, and also noting the recommended relocation 3m northward of Blocks R1 and S1 and the proposed landscaping to enhance the hedgerow and improvements to the public realm, which will further mitigate visual impacts at the greenway.

Residential Areas South of the Site Landscape and Visual Impacts:

There are several submissions by residents of the area to the immediate south of the site, on the opposite side of the greenway, including the Ashgrove estate, which state concerns that the development will have an overbearing visual impact on residential properties to the south of the site, on the opposite side of the greenway. LVIA viewpoints nos. 6 and 8 represent the residential area to the immediate south. I accept that the LVIA could have included more views from the south, including views from individual properties, however, as discussed above, I am satisfied that there is adequate information available on which to base a comprehensive assessment of visual impacts. The LVIA assesses visual impacts at viewpoints nos. 6 and 8 as moderate neutral and slight, negative respectively. I consider that the assessment of impacts on views to the south generally underestimates the visual impact and that the development is likely to have a greater impact on residential properties to the south than stated in the LVIA. However, as per the above discussion of overlooking impacts, the southern facades of Blocks R1 and S1 are a satisfactory distance from adjacent residential elevations and the private open spaces directly overlooked are extremely large, with consequent mitigation of impacts on residential amenities. In

addition, the recommended relocation northwards of Blocks R1 and S1 will reduce visual impacts at residential properties to the south of the site.

Wider Area Landscape and Visual Impacts:

Viewpoints nos. 1, 2, 8, 9 and 10 represent views of the development from the wider area. Based on the site inspection and on my knowledge of the area, I am satisfied that the viewpoints chosen are representative of views in the wider area. The development will have limited visibility in the landscape and will read as a continuation of the existing built up environment in wider views of the site from the N6 and surrounding areas of Athlone. The development will not be visible from the Lough Ree overlook, which is protected under the Westmeath County Development Plan (LVIA view no. 1). The LVIA does not identify any significant adverse visual impacts, noting the site has no visual relationship with the River Shannon, the town centre, or historic sites/protected structures, and concluding that the proposed level of visual change is mitigated and reasonable in an urban context. This conclusion is accepted, given that any development of this zoned and serviced site at a strategic landbank will be visible in the wider area. I note in this regard that WCC does not state any concerns about visual impacts on the wider area.

11.8.21. Impacts on Visual and Residential Amenities Conclusion

Observers submit that the southern end of the development should be reduced in scale by 2-3 storeys, or that the higher elements of the development should be relocated to the northern end of the site, in order to ameliorate impacts on residential and visual amenities. It is also submitted that Block S1 is monolithic and should be broken up into two blocks. I consider that the southern end of the site and the eastern frontage to Lissywollen Avenue are the appropriate locations for higher density development within the overall lands, due to their adjacency to the Lissywollen Avenue bus route and the Old Rail Trail Greenway and to their relative proximity to Athlone Town Centre and to the AIT campus. In addition, having regard to the above assessment, I am satisfied the development would not have any significant adverse impacts on visual or residential amenities such as would warrant a refusal of permission or the requirement by condition of substantial changes.

11.9. Movement and Transport

11.9.1. Existing and Proposed Roads, Pedestrian and Cycle Infrastructure

The site is located c. 800m north of the AIT campus and c. 3 km from Athlone town centre. It is adjacent to established residential areas, employment locations and several schools. It also immediately adjoins the Old Rail Trail Greenway pedestrian and cycle route and the permitted new pedestrian and cycle facilities at Lissywollen Avenue. Lissywollen Avenue, as permitted under ABP-309513-21, will be funded under the Local Infrastructure Housing Activation Fund (LIHAF) and is due to be delivered in conjunction with that development. As discussed above, the development provides for two new vehicular accesses to Lissywollen Avenue, along with nine no. dedicated pedestrian entrances and three no. shared pedestrian/cycle accesses, including several additional pedestrian and cycle connections between Lissywollen Avenue, Blackberry Lane and the Old Rail Trail Greenway, along with minor modifications to the permitted layout of Lissywollen Avenue to facilitate these connections. The proposed layout indicates two new bus stops on Lissywollen Avenue, one at the northern end of the site and one to the east, which are both included within the red line site boundary. The TTA states that the locations of the bus stops have been agreed with WCC and the NTA. The stops will be served by the existing A2 bus service, which connects with Athlone town centre and railway station. The proposed works to Lissywollen Avenue also include works at the junction of Lissywollen Avenue and the R916, which are outside the red line site boundary, to facilitate the development. The applicant also proposes a special contribution towards the upgrading of Blackberry Lane as a pedestrian and cycle route between Lissywollen Avenue and the Old Rail Trail Greenway, as agreed with Westmeath County Council. I am satisfied on this basis that the site has a highly accessible location in this emerging urban area in Athlone and will facilitate further development of vehicular, pedestrian, cycle and public transport infrastructure. The submitted Mobility Management Plan is also noted in this regard.

The internal roads layout of the development has been designed to meet DMURS standards as per the submitted Statement of Consistency with DMURS, with a street hierarchy, tight corner radii, shared spaces and a reduction of vehicular speed by design measures such as good legibility, a strong sense of enclosure and passive

surveillance, to create a 'self-regulating' environment. The submitted Road Safety Audit (RSA) raises some minor issues, which may be resolved by condition to the satisfaction of the planning authority. I note that the comments of WCC Roads and Transportation Section, as incorporated into the WCC CE Report, do not raise any significant concerns regarding the proposed roads, pedestrian and cycle layout, or the proposed works to Lissywollen Avenue and Blackberry Lane. WCC recommends conditions relating to the phasing of development subject to the delivery of Lissywollen Avenue and the agreement of further details of the proposed roads, pedestrian and cycle infrastructure, including the works to the junction of the R916 and Lissywollen Avenue.

I consider that the proposed roads, pedestrian and cycle layout is generally acceptable subject to conditions, as recommended by WCC. In particular, I consider that a condition should be imposed to require phasing of development such that the works to Lissywollen Avenue, including the bus stops and the works at the junction of Lissywollen Avenue and the R916 outside the red line site boundary, and the works to Blackberry Lane, are carried out prior to the occupation of any units within the development. In addition, WCC recommends special development contributions towards the proposed works to Blackberry Lane and towards the provision of public lighting infrastructure, it is stated that these have been agreed with the applicant. I note that the applicant states no objection to these special development contributions and, given that the works in question will facilitate the development and will enhance place making in the wider area, I consider that the recommended special development contribution should be required by condition if permission is granted. The proposed roads, pedestrian and cycle layout is considered satisfactory on this basis.

11.9.2. Traffic Impacts

The applicant's Traffic and Transport Assessment (TTA) states:

Following consultation with Westmeath County Council, it was agreed that this traffic assessment would focus mainly on the junction between R916/Moydrum Road, as it is the immediate junction from the proposed Green Quarter SHD, and for the purpose of a robust assessment, it is assumed that all traffic associated with the development will make use of this junction.

I note that the TTA incorporates previous traffic counts carried out for the traffic assessment of ABP-309513-21, which were undertaken in May 2019, prior to Covid 19 restrictions. I am satisfied that this provides a robust basis for the assessment of future traffic impacts. The projected trip generation rates take into consideration total traffic generated by the proposed development as well as a potential future hotel development on the adjoining zoned site to the east. Section 4.5 of the TTA states that, with regard to projected future traffic flows for the assessment year of 2028, the expected year of completion of the development, only the R916/Moydrum Road junction is within the TII threshold of 5% traffic increase, therefore only this junction is further analysed in the assessment. The detailed analysis of the R916/Moydrum Road junction is a 'worst case scenario' assuming 100% of traffic from the development travels through that junction and taking into account the development permitted under ABP-309513-21 and the completion of Lissywollen Avenue and related works at the R916/Moydrum Road junction (identified as 'Analysis A'). The scenarios provided for the 2021 base year and the 2024, 2026, 2028 and 2029 future years of development find that projected RFC figures are above the generally accepted parameter of 0.85 (85%) for both scenarios with and without the proposed development. The TTA includes a second analysis based on a revised traffic split 75% eastwards and 25% westwards on Lissywollen Avenue (identified as 'Analysis B'), which found a reduction in the overall RFC and queue length at the R619/Moydrum Road junction, however figures are still generally above the 0.85 (85%) parameter. The impact on the R916/N55 roundabout to the west in Analysis B was calculated to be 1.7% for both AM and PM peaks, below the TII threshold of 5% for further analysis. The TTA comments that future traffic flows in the area are likely to be less than projected, due to the implementation of public transport measures including the new bus route at Lissywollen Avenue. It is also submitted that, while traffic associated with the student accommodation was assumed to travel during the AM and PM peaks, it is more likely to be distributed throughout the day.

I note the submission of TII, which comments that the TTA does not demonstrate sufficiently that the impact on the N6/R916 Junction adjacent to the site will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network. TTA Table 4.14 provides a summary of traffic impacts on neighbouring junctions such that, aside from the R916/Moydrum Road junction, the remainder of

the junctions analysed, including the R916/N6 junction eastbound and westbound, are below 5% for the AM and PM peaks. The TII submission comments that, while it may be the case that the RFC does not increase by more than 5%, further analysis similar to that provided for the R916/Moydrum Road should be provided to demonstrate the full impact on the N6/R916 Junction. I consider that, given that projected increases in traffic flows at the R916/N6 junction are less than 5%, it is not necessary for the applicant to provide further analysis, noting also that the projected traffic increases from the proposed development are considered to be typical of those that would be generated by any development of these zoned and serviced lands at the edge of Athlone. Therefore, while the development will result in increased traffic flows in the area, and while I note that observers and the WCC Elected Members state general concerns in relation to traffic congestion, I consider that, subject to the implementation of the proposed works to Lissywollen Avenue, which may be required by condition, the development would not have adverse traffic impacts such as would warrant a refusal of permission. The applicant's preliminary Mobility Management Plan, and the accessible location of the development, as well as the proposed improvements to pedestrian, cycle and public transport infrastructure, are also noted in this regard.

11.9.3. Car and Cycle Parking

Observers and WCC Elected Members comment that the proposed car parking provision is inadequate, particularly at the student accommodation and creche, and that this lack of parking at the development will exacerbate existing parking problems and congestion in the area.

The proposed car parking provision may be considered with regard to relevant development plan car parking standards as follows:

Land Use	Development Plan Car Parking Standard	Proposed Provision
Residential	1 space per unit = 122 spaces 1 visitor parking space / 3 units = c. 41 spaces Total requirement = c. 163 spaces	157 spaces (incl 8 no. accessible spaces)
Creche	Not Specified	4 spaces
Student Accommodation	Not Specified	39 no. spaces (incl 2 no. accessible spaces)
Total		200 spaces (10 accessible)

The proposed car parking provision therefore falls slightly short of development plan requirements. The provision for the houses and apartments, which is laid out in communal areas, represents a ratio of c. 1.3 spaces per unit. This ratio is considered satisfactory given the accessible location of the site and noting that section 4.2 of the Apartment Guidelines states that, in suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 units/ha, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. Similarly, the proposed provision of 39 no. spaces for the 283 no. bedspaces of student accommodation is considered adequate, particularly in the context of managed student accommodation where there is scope to manage car parking to ensure the most efficient use of the parking provision. While I note observer concerns regarding the limited number of creche parking spaces, the proposed creche parking provision is considered acceptable given that most of the vehicular movements generated by the creche will be short term drop off or collection, which will not generate parking demand, and that there is scope for complementary usage of the adjacent communal parking area by creche staff during the day when there will be less demand for residential car parking, and also having regard to the accessible location of the site and to the likelihood that most of the creche users will live in close proximity. The proposed car parking provision is therefore considered acceptable overall and I note that WCC states no objection to the car parking provision with regard to LSFP objective O-AM4 to promote and support a culture of sustainable travel.

The development provides 519 no. cycle parking spaces across the site with 118 no. spaces to serve the apartments and 283 no. spaces to serve the student accommodation. The provision for the apartments meets the standards set out in section 4.17 of the Apartment Guidelines, which specify a general minimum standard of 1 cycle storage space per bedroom, and is therefore satisfactory. The cycle parking for the apartments is to be provided in secure, covered areas at surface level, full details of same may be required by condition. The cycle parking provision for the student accommodation amounts to one space per bedspaces, which is also satisfactory.

The proposed car and cycle parking provision is considered to be satisfactory subject to conditions on this basis.

11.10. Drainage, Flood Risk and Site Services

11.10.1. Surface Water Drainage and Flood Risk

The development will connect to the existing surface water drainage infrastructure in the area. There is an existing surface water gravity drainage pipe running diagonally across the north of the site. It is proposed to divert this surface water drainage pipe between proposed housing units in the northwest of the site. The proposed surface water strategy will attenuate surface water discharge to greenfield runoff rates prior to outfall into the diverted surface water drainage sewer. The drainage design includes SuDS including the use of green roofs, rain gardens and permeable paving, with an attenuation tank at the northern end of the site. The site is divided into two main catchments. The first catchment includes runoff from all individual houses, Block R2, roads and paved areas directed into below ground drainage which outfalls to the attenuation system to the north of the site. The second catchment includes the collection of roof runoff from Blocks R1, S1, S2 and S3, which will be collected locally and directed into rain gardens for treatment and infiltration.

There is no watercourse in the immediate vicinity of the site. The site is not in an area of defined flood risk under the OPW mapping, is within Flood Zone C, and there is no indication of any likely past or future flood incidences in the vicinity of the site. It is submitted that the development will not result in any significant increase in flood risk either within the site or downstream of the site as surface water runoff will be limited to greenfield runoff rates via flow control measures.

Having regard to the above, I note that the development will connect to existing surface water infrastructure and that discharge will be attenuated to greenfield run off rates. I note that the planning authority states no concerns in relation to flood risk at the site or in relation to the proposed surface water drainage system. I am satisfied that the development is not located in an area at risk of flooding and will not result in any increased risk of downstream flood impacts.

11.10.2. Site Services

The development is to connect to a watermain to be provided at Lissywollen Avenue to the east and north of the site. There is an existing wastewater drainage sewer running across the southern end of the development site, which is to be diverted through the site to connect to an existing drainage sewer downstream. I note the submission on file by Irish Water, which states that the Athlone Waste Water Treatment Plant (WWTP) is currently being upgraded to provide capacity for the development and to support growth in the wider area, and that there is sufficient capacity at the Athlone WWTP to facilitate the development. IW has issued a Statement of Design Acceptance and states no objection to the proposed watermain and wastewater connections. The proposed water supply and wastewater connections are considered acceptable on this basis.

11.11. **Ecology**

11.11.1. The application includes an Ecological Impact Assessment (EclA) by Ecology Ireland, dated January 2022, which is based on field surveys carried out at the site on the 8th and 16th July 2021, as well as a bat survey carried out through the nights of 8th – 15th July 2021. The main findings may be summarised as follows.

11.11.2. There are no watercourses on or adjacent to the development site. The closest watercourse, the Shannon (Upper) is located approximately 904m south of the development site boundary. The development site is not located within or near to any designated wildlife conservation site. The nearest designated site is Crosswood Bog SAC (site code 002337), located 1.6 km from the site boundary. Crosswood Bog is located at significantly higher elevation than the development site and is not at risk from any hydrologically mediated impacts. It is not designated for the protection of any qualifying interest faunal species. There is no concern in relation to hydrologically mediated effects on any of the other nationally or European

designated conservation sites in the wider hinterland area. There are three NHAs within 15 km of the site; Carrickynaghtan Bog NHA (3.9 km), Clonydonnin Bog NHA (8.8 km) and Ballygrenia and Ballinderry Bog NHA (12.9 km). Given the distances between the development and these designated sites, there is no concern in relation to potential direct impacts upon these sites, in relation to disturbance or displacement effects. There is a potential link between the study site and the River Shannon and associated designated site through post-construction connections to municipal drainage and wastewater, this matter is addressed below in the context of AA.

11.11.3. The site surveys did not record any habitats listed on Annex I of the EU Habitats Directive or any species protected under the Flora Protection) Order 2015, listed in Annex II or IV of the EU Habitats Directive (92/43/EEC), or Red listed in Ireland. The following habitats were recorded within the development site:

- Agricultural grassland (Semi-improved)
- Neutral grassland
- Dry calcareous and neutral grassland
- Dry meadows and grassy verges
- Recolonising bare ground/Semi-natural grassland
- Hedgerows
- Scrub

The ecological evaluation of the semi-improved agricultural grassland, neutral grassland, dry meadows and grassy verges and scrub habitats are considered to be of local (lower value) importance. The ecological evaluation of the dry calcareous and neutral grassland habitat and hedgerow habitats are considered to be of local (higher value) importance. The development site is assessed as of lower local importance to biodiversity overall.

11.11.4. No legally protected or species classified as threatened (Critical, Endangered and Vulnerable) and so included on the Ireland red list of vascular plants were recorded within the development site. No invasive alien plant species of European Union concern were recorded within the development site. Non-native, potentially

invasive plant species were recorded within the site, notably 'risk of medium impact' Traveller's Joy as well as Snowberry and Montbretia. The diversity and abundance of bird species recorded is considered typical of the habitats present on the study site and in the immediate vicinity of the study site. Similar habitats are also present to a much greater extent in the wider landscape (e.g. hedgerows/wooded areas, arable crop, pastures, buildings and artificial surfaces and mature suburban gardens/amenity spaces). The nature of the site is such that it provides extremely limited foraging and no suitable breeding habitat for badger at present. Ongoing/regular human disturbance (e.g. residential and nearby construction activity) may deter mammals such as badger for using the site on a regular basis. The study site contains extremely limited foraging, commuting, breeding and resting habitats for the mammal species recorded in general and is of lower local importance for most fauna overall. The vegetation along the field boundaries was visually assessed as having low potential for roosting bats and no potential roost features were identified. There are no permanent/transient roosting opportunities for bats at the site due to the lack of suitable structures such as metal sheds and buildings and to a lack of mature trees. The bat survey at the site recorded relatively limited activity for foraging and commuting bats. In all five species were confirmed present, three of which are the most common and widespread of the Irish bat species: Common Pipistrelle, *Pipistrellus pipistrellus*, Soprano Pipistrelle, *Pipistrellus pygmaeus* and Leisler's Bat, which made up the majority of registrations detected. There were also a limited number of records of a Pipistrelle and Brown Long Eared Bat. The site currently provides some feeding opportunities for bats through the presence of linear/edge hedgerow habitat features on the southern site boundary. While the site does not currently support roosting opportunities for bats, such existing linear/edge features will support commuting/feeding bats associated with roosts in the wider area also. The site is therefore considered to be of low-moderate local value for bats overall.

11.11.5. The potential ecological impacts identified in the EclA may be summarised as follows:

- The development will result in the permanent loss of grassland habitats that have been modified for agricultural land use value (i.e. northern and southwestern fields) and/or have subsequently been abandoned with no evidence of recent management (western side of eastern small field). These habitats have been

evaluated as being of lower local value. The small area of dry calcareous grassland has been evaluated as higher local value will also be permanently lost due to the development. Existing hedgerow habitat along the western, northern and eastern site boundaries along with much of the internal field boundaries will be permanently removed to facilitate the development. This habitat has been evaluated as being of higher local value. The permanent loss of these habitats will result in a moderate, negative effect. The southern boundary hedgerow will be retained along the greenway, apart from two access points. Part of the central hedgerow separating the large field from the smaller southern fields will also be retained, as well an existing Ash tree in the western boundary

- The development includes landscaping proposals, which will mitigate the impact of the development and provide opportunities for native wildlife including birds and pollinating insects. The proposed landscaping includes a biodiversity and public foraging corridor along the western site boundary, which will consist of native species such as Hazel, Crab Apple and Elder. Green buffers will be provided along the eastern boundary which will include a verge of avenue tree planting and a stormwater swale, which will provide rich linking habitat. The proposed urban tree planting schedule will result in the establishment of c. 275 no. trees. There will also be a 3-6 m wide native damp meadow/wildflowers area and a section of verge with mown grass. In addition, a native hedgerow will also be planted at the eastern site boundary. The proposed landscaping plan will provide linear habitats and connectivity around and through the site (e.g. for bats and birds) and will link up with existing linear habitats in the surrounding area.
- The predicted overall impact on habitats is a moderate, negative effect. The residual impact on habitats following the implementation of the landscaping proposals landscaping plan is a slight, negative effect.
- It is recommended that a suitably experienced contractor is employed to undertake an invasive species eradication programme at the site in line with best available methods of control and eradication to ensure that non-native, potentially invasive plant species are not spread across the site during development and/or to surrounding areas due to construction activities.

- The development will result in a slight permanent increase in modified habitat, buildings and artificial surfaces. This increase will have a imperceptible-neutral impact on general fauna, where the extent of suitable habitat is already relatively limited, given the overall size of the site and that most of the site area is already comprised of similar modified habitats. Similar habitats are also available in the surrounding suburban/rural/agricultural environment in the wider area such that any affected fauna can move into the hinterland.
- The construction phase of the development may lead to disturbance/displacement of fauna at and close to the site. However, the site is already adjacent to a modified and/or built environment and as such fauna may already be relatively tolerant of human disturbance. In addition, similar and potentially more suitable habitats are available in the surrounding landscape so that affected fauna, including bats, can disperse into the wider area if disturbed/displaced during the construction phase.
- The development site does not currently support roosting opportunities for bats, existing linear/edge features will support commuting/feeding bats associated with roosts in the wider area. The linear habitats present will be maintained such that impacts on bat species are not anticipated. Bats may be disturbed or displaced by artificial lighting during construction. The site will not be lit at night during the construction phase, apart from low-level switchable safety lighting. Lighting will be focussed on the access roads and pathways and away from neighbouring sites. The proposed public lighting for the development has been designed to minimise nuisance through light spillage. Lights will be controlled via light sensors and will be turned off at a pre-determined time using photocell and time clock control.
- There will be ongoing human activity/vehicular disturbance during the operational phase of the development which may lead to a slight increase in noise and night-time lighting levels at the site due to the proposed increase in residential occupancy. However, fauna species confirmed present at the site are likely to be already relatively tolerant of noise and other human disturbances due to the location of the site and there is no predicted significant effect on faunal species as a result of disturbance associated with the operational phase of the

development. The implementation of the landscaping proposals will result in a neutral impact on existing semi-natural habitat and flora present at the site and the surrounding locality and may result in a slight positive or net gain in biodiversity in the longer term.

11.11.6. The EclA concludes that the development will have neutral residual impacts on biodiversity overall and states that the proposed landscaping will in time enhance the ecological connectivity of the site with the surrounding area. These conclusions are noted and accepted, given the limited ecological value of the habitats present and with regard to the measures proposed in the submitted CEMP and the proposed landscaping scheme. If permission is granted, I recommend a condition that requires an Invasive Species Management Plan to be submitted to the planning authority for agreement and for the agreed plan to be implemented prior to any works progressing on the site.

11.12. Other Matters

11.12.1. Part V

The applicant's Part V proposal notes that the development site is in two separate land ownerships. The majority of the lands are owned by the applicant, who purchased them subsequent to the 1st September 2015. A portion of lands in the southwestern part of the site in the ownership of the Housing Agency and were purchased on 27th February 2014, before the 1st September 2015. Having regard to the provisions of the Affordable Housing Act 2021, it is submitted that:

- 10% Part V provision is required for the northern (applicant's) land parcel, eight no. units in this instance
- 20% Part V provision is required for the south western (Housing Agency) land parcel, eight no. units in this instance.

The proposed units to be transferred comprise six no. one bed apartments and ten no. two bed apartments, all located in Block R1.

Observers and WCC Elected Members comment that the Part V units should be distributed throughout the development rather than concentrated in one location. The comments of WCC Housing Section, as incorporated into the CE Report, state that the Part V units should be distributed across the site and that a mix of houses and

apartments should be provided. Section 3.2.10 of the CE Report also states concern that the apartments and duplex units offered are concentrated on one part of the development. I consider that there is scope within the development for this issue to be addressed by the applicant to the satisfaction of the planning authority if permission is granted. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

The applicant's Part V proposals only take account of the houses and apartments and not the student accommodation. Observers submit that there is no legal basis for discounting the student accommodation from Part V requirements. I am of the view that the proposal meets the standards as set out within the Guidelines for Residential Developments for 3rd Level Students, Section 50 of the Finance Act 1999 and, as such, qualifies for an exemption to Part V.

11.12.2. Archaeology

The submitted Archaeological Assessment is based on a desktop assessment, with no testing carried out at the development site. There are no recorded archaeological sites at or adjacent to the development site. There is one such site within 500m, SMR no. WM029-023, a children's burial ground c. 310m to the southwest of the development site, to the south of the Old Rail Trail Greenway. Historic cartographic sources and OSI arial survey images of the site dating to 1995, 2000, 2005 and 2018 show no indication of unrecorded archaeological features within the development site and indicate that it has been largely undisturbed pastureland. The Archaeological Assessment concludes that the site has remained undeveloped agricultural land since at least the mid 19th century and that it has moderate archaeological potential. It is considered that the development will have no impact on the recorded archaeological heritage resource. Archaeological monitoring conditions are recommended. These findings are accepted, given the lack of recorded archaeological sites in the vicinity.

11.12.3. Childcare

The Childcare Facilities Guidelines for Planning Authorities generally recommend a minimum provision of 20 no. childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix

of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with two or more bedrooms.

The exclusion of the proposed 16 no. one bed apartments within the development results in an estimated demand for c. 28 no. childcare places for the residential development. If one and two bed units are excluded, the development would generate a demand for c. 19 no. childcare places. The submitted Childcare Rationale examines demographic data on Athlone and the likely occupants of the development. It notes that there are 16 no. existing childcare facilities in close proximity to the development site, with approx. 380 no. available childcare places in these facilities. There are also two no. childcare facilities within the development permitted to the west of the site under ABP-309513-21, which have a combined capacity of 145 no. childcare places. It is submitted that these permitted facilities meet LSFP objective P2-KS05 relating to Parcel 2:

To provide a childcare facility to serve new residential communities and the adjacent Business Park.

The childcare facility within the proposed development is to provide 20 no. childcare places, in accordance with the requirements of the Childcare Guidelines. This provision is considered satisfactory and I note that WCC states no objection to the proposed childcare provision.

11.13. Material Contravention Issues

- 11.13.1. The applicant's Material Contravention Statement refers to three separate grounds of material contravention, namely (i) building height; (ii) residential density and (iii) design and layout with reference to relevant ATDP and LSFP policies and objectives. In addition, observer submissions comment that the development materially contravenes the residential zoning of the site as it does not protect residential amenities, and that the development materially contravenes LSFP objective P2-KS06, which requires the provision of a public park at the eastern end of Parcel 2 and objective O-LUF7 to ensure a continuous frontage and passive

supervision over open spaces and green links, in particular along the Old Rail Trail Greenway.

11.13.2. While I have addressed these matters separately in the relevant sections above, I shall also address the issue of material contravention here in the interests of clarity and with regard to the relevant legal provisions. The extent to which the development materially contravenes the development plan in relation to each of these matters may be considered separately as follows. Having regard to the above planning assessment, I am satisfied that there is no potential material contravention in relation to any other matters and I note in this regard that neither the planning authority nor any third party submissions raise any other potential material contravention issues.

11.13.3. Residential Zoning Material Contravention

Having regard to the above discussion of impacts on residential amenities, I am satisfied that the development will not have significant adverse impacts on residential amenities and I therefore consider that it does not contravene the residential zoning of the development site.

11.13.4. Building Height Material Contravention

As per the above assessment, I consider that the proposed building height does materially contravene relevant policies and objectives in the ATDP relating to building height. This matter is addressed in the applicant's Material Contravention Statement and it is therefore open to the Board to invoke the provisions of section 37(2)(b) in relation to this matter.

11.13.5. Residential Density Material Contravention

As per the above discussion, development plan policies on residential density are not considered to apply to the proposed student accommodation. I consider that the density of the proposed residential development does materially contravene relevant policies and objectives in the ATDP and LSFP relating to residential density. This matter is addressed in the applicant's Material Contravention Statement and it is therefore open to the Board to invoke the provisions of section 37(2)(b) in relation to this matter.

11.13.6. Design and Layout Material Contravention

Objectives O-LUF11 and O-AM11 prohibit the siting of rear elevations/gardens onto public open spaces, streets and the N6 national route. The proposed houses along the western boundary back onto Blackberry Lane will contravene these objectives. This issue has been raised in the applicant's Material Contravention Statement and the Board therefore can invoke the provisions of section 37(2)(b) in relation to the matter.

As per the above assessment, I am satisfied that the proposed interlinked series of landscaped public open spaces on the eastern side of the development meet the requirement of P2-KS06 for a public park at the eastern end of Parcel 2. I therefore consider that the development does not materially contravene the ATDP in relation to this matter. Consistency with objective P2-KS06 is not addressed in the applicant's Material Contravention Statement.

As discussed above, I am satisfied that the development is in accordance with Objective O-LUF7 to ensure a continuous frontage and passive supervision over open spaces and green links, in particular along the Old Rail Trail Greenway. Consistency with objective O-LUF7 is not addressed in the applicant's Material Contravention Statement.

11.13.7. Material Contravention Legal Provisions

I shall now address the issue of material contravention with regard to the relevant legal provisions. The Material Contravention Statement refers to three separate grounds of material contravention comprising (i) building height; (ii) residential density and (iii) design and layout. I consider that the development materially contravenes the development plan in relation to all three matters. I consider 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 County Development Plan and Local Area 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 and national 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)(ii):

There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, in relation to:

- With reference to residential densities, there are conflicting objectives between the Athlone Town Development Plan 2014-2020 and the Lissywollen South Framework Plan 2018-2024, that lead to a disconnect between target residential densities for the site.
- Objective O-LUF1 of the Lissywollen South Framework Plan 2018-2024, to protect and supplement existing landscape features of amenity and biodiversity value such as established field boundaries, significant hedgerows and stands of trees, and to incorporate same into the new urban structure, and objective O-LUF5 to promote biodiversity by surveying and protecting existing areas of biodiversity value and provide for new and extended areas of biodiversity, where identified conflict with objective O-LUF7 of the Framework Plan, to ensure a continuous frontage and passive supervision over open spaces and green links, specifically in relation to the provision of a biodiversity corridor at Blackberry Lane and the layout of the proposed residential units in this area of the development site.

In relation to section 37(2)(b)(iii):

Permission for the development should be granted having regard to guidelines under section 28 of the Act and the National Planning Framework, specifically:

- In relation to the matter of building height, SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2 of the Guidelines, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040

National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the development conforms with the development management criteria in section 3.2 of the Urban Development and Building Height Guidelines.

- In relation to residential density, regard is had to the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031, Project Ireland 2040 National Planning Framework and in particular National Policy Objectives 3c and 35, and the provisions of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December 2020.

The provisions of section 9(3) of the SHD Act are also noted in this regard, i.e., that where SPPRs of section 28 guidelines differ from the provisions of a development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.

11.13.8. **Planning Assessment Conclusion**

Having regard to the above assessment, I conclude that permission should be granted for the proposed development subject to the conditions set out below.

12.0 **EIA Screening**

12.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report and I have had regard to the same. The report concludes that the proposed development is below the thresholds for mandatory EIA and that a sub threshold Environmental Impact Assessment Report (EIAR) is not required in this instance as the proposed development will not have significant impacts on the environment.

12.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha

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

Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that an EIA is required for:

Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

The proposed development involves 122 no. residential units and 283 no. student bedspaces on a site with a stated area of c. 4.1 ha. The site is serviced and zoned for residential development. The development is therefore sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b)(i) and (iv) of the Planning and Development Regulations 2001 (as amended), in that it is less than 500 units and is below 10 ha (that would be the applicable threshold for this site, being outside a business district but within an urban area).

- 12.3. Therefore, in order to determine whether the proposed development requires EIA, the criteria set out in Schedule 7 of the regulations, and those at Annex III of the EIA directive 2011/92/EU as amended by 2014/52/EU, should be applied with regard to the characteristics and location of the proposed development, and with regard to the type and characteristics of its potential impact. The EIA Screening Report addresses the Schedule 7 criteria such that that the uses proposed are in keeping with land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. In relation to habitats or species of conservation significance, the AA set out below concludes that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites.
- 12.4. The criteria at Schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of EIA. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The submitted EIA

Screening Report does not directly address the information under Schedule 7A. Notwithstanding this, it is my view that sufficient information has been provided within the documentation to determine whether the development would or would not be likely to have a significant effect on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts regarding other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Planning Statement
- EIA Screening Report
- Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021
- AA Screening Report
- Ecological Impact Assessment Report
- Landscape Design Strategy, Masterplan and Drawings
- Landscape and Visual Impact Assessment and Photomontages
- Statement of Rationale on Childcare Provision
- Statement on Material Contravention
- Architectural Design Statement
- Civil Engineering Services Report
- Construction Environmental Management Plan
- Traffic and Transport Assessment
- DMURS Compliance Statement

- Mobility Management Plan
- Stage 1/ 2 Road Safety Audit
- Daylight Reception Report, Effects on Daylight Reception Report and Sunlight Reception & Shadow Report
- Telecommunication Signal Interference Report
- External Public Lighting Analysis
- External Noise Impact Analysis
- Archaeological Assessment
- Building Lifecycle Report
- Student Property Management Plan

12.5. In addition, I have taken into account the SEA of the Development Plan. Noting the requirements of Article 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union Legislation other than the EIA Directive have been taken into account, I would note and have considered that the following assessments / reports have been submitted:

- The AA Screening Statement and EcIA report (which includes bat assessment) have been submitted with the application, in support of the Habitats Directive (92/43/EEC), the Birds Directive (2009/147/EC) and the Water Framework Directive (2000/60/EC)
- An Ecological Impact Assessment in support of the SEA Directive (2001/42/EC).
- A Flood Risk Assessment (within the Engineering Services Report), has been submitted, which ensures effective management of flood risk, and which has had regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (DoEHLG & OPW, 2009), and was undertaken in response to the EU Floods Directive (2007/60/EC).
- External Noise Impact Report in support of the Environmental Noise Directive (2002/49/EC).

12.6. The EIAR Screening Report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purposes of EIA Screening. I have completed a screening assessment as set out in Appendix A of this report and recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report (EIAR) would not therefore be required. The conclusion of this assessment is as follows.

Having regard to:

- (a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- (b) The location of the site on lands zoned 'Proposed Residential' under the Athlone Town Development Plan 2014-2020 incorporating the Lissywollen South Framework Plan 2018-2024 and the results of the Strategic Environmental Assessment of the plan;
- (c) The pattern of development in surrounding area.
- (d) The availability of mains water and wastewater services to serve the proposed development, via extension of the network.
- (e) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).
- (f) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003).
- (g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and
- (h) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment, Construction and

Environmental Management Plan, the Traffic and Transport Impact Assessment, the External Noise Impact Analysis, and the Flood Risk Assessment included in the Engineering Services Report.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required. I recommend that a screening determination be issued accordingly, confirming that no EIAR is required.

13.0 Appropriate Assessment

13.1. AA Introduction

13.1.1. This assessment is based on the submitted AA Screening Report dated January 2022, the site visit of 14th May 2022, the submissions of the planning authority and prescribed bodies and the documentation on file. I have had regard to the contents of same. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development.

13.2. The Project and Its Characteristics

13.2.1. See the detailed description of the proposed development in section 3.0 above.

13.3. The Development Site and Receiving Environment

13.3.1. See site description in section 2.0 above and summary of EclA in section 11.11 above. There are no designated sites within or immediately adjacent to the development. No Annex I habitats for which European Sites within 15 km have been designated were recorded within the development site or in the immediate vicinity.

13.4. Stage I Appropriate Assessment

13.4.1. In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the development site to the European Sites, and any potential pathways which may exist from the development site to a European Site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie).

13.4.2. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). There are no designated sites within or immediately adjacent to the development. The applicant's Stage I screening assessment identifies the following designated sites within 15 km of the development:

European Site (code)	Minimum Distance	Qualifying Interests/ Conservation Objectives
SAC		
Crosswood Bog SAC 002337	1.6 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p>
River Shannon Callows SAC 000216	2.0 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Lutra lutra (Otter) [1355]</p>
Lough Ree SAC 000440	2.5	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of

		<p>the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</p> <p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Bog woodland [91D0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
Carn Park Bog SAC 002336	3.9	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p>
Pilgrim's Rd. Esker SAC 001776	9.8	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitat, as defined by specific attributes and targets:</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p>

Mongan Bog SAC 000580 10.2	10.2	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p>
Castlesampson Esker SAC 001625	11.0	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Turloughs [3180]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p>
Ballynamona Bog & Corkip Lough SAC 002339	11.4	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Turloughs [3180]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Bog woodland [91D0]</p>
Fin Lough SAC 000576	11.9	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</p> <p>Alkaline fens [7230]</p> <p>Vertigo geyeri (Geyer's Whorl Snail) [1013]</p>

Lough Funshinagh SAC 000611	14.3	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Turloughs [3180]</p> <p>Rivers with muddy banks with <i>Chenopodium rubri</i> p.p. and <i>Bidenton</i> p.p. vegetation [3270]</p>
SPA		
Middle Shannon Callows SPA 004096	2.0	<p>The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA:</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Corncrake (<i>Crex crex</i>) [A122]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
Lough Ree SPA 004064	2.5	<p>The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA:</p> <p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Tufted Duck (<i>Aythya fuligula</i>) [A061]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p>

		Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]
Mongan Bog SPA 004017	10.4	The conservation objectives for the SPA relate to the maintenance of the bird species listed as the Special Conservation Interest for the SPA: Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]

13.4.15. I do not consider that any other European Sites fall within the zone of influence of the project, having regard to the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

13.5. Potential Effects on Designated Sites

13.5.1. The following points are noted in relation to potential effects on designated sites, with regard to the submitted AA Screening Report:

- There are no watercourses on or adjacent to the development site. The nearest designated site, Crosswood Bog SAC, c. 1.6 km from the development site, is located at a significantly higher elevation than the development site and is not at risk from any hydrologically mediated impacts as there is no hydrological connection.
- There is no hydrological link to the River Shannon Callows SAC. In addition, Otter are unlikely to occur within or near the development site due to the nature of the habitats present.
- Lough Ree SAC is located upstream and does not have any direct hydrological links to the development site.
- There are no direct hydrological links between the site and Carn Park Bog SAC, Pilgrim's Rd. Esker SAC, Mongan Bog SAC, Castlesampson Esker SAC, Ballynamona Bog and Corkip Lough SAC, Fin Lough SAC or Lough Funshinagh SAC and, noting the intervening distances, no potential for significant effects on these Natura 2000 sites is identified, with regard to their conservation interests.
- The development site contains limited attractive habitat for any of the listed bird species of the Middle Shannon Callows SPA. The open nature and regularly

disturbed, rank, bare substrates within the agricultural fields with limited woody vegetation and/or linear features, is such that the development site is of low local importance for the local avian community. In addition, there are no direct hydrological links between the proposed works and the SPA.

- The site is c. 2.5 km upstream of Lough Ree SPA, with no direct hydrological link. The special conservation interests of waterbirds and waders are highly unlikely to occur at or in the immediate vicinity of the site given the nature of the habitats and the local land use.
- There is a significant distance between the development site and Mongan Bog SPA and the SPA has no direct hydrological links with the development site. In addition, the habitats present at the development site are unattractive for the species listed as conservation interests of the SPA.
- The development will connect to the surface water network and includes SuDS measures. The surface water network will be attenuated in the north of the site and flow controlled at greenfield runoff rates and bypass interceptor, prior to outfall into the diverted 1050mm diameter surface water drainage sewer to the north. Wastewater from the development will ultimately discharge to Athlone WWTP, which has capacity to cater for the development and is currently compliant with the ELV's in the wastewater discharge licence.
- Given the distances between the development and the designated sites (>1.6km away), there is no concern in relation to potential direct impacts relating to disturbance or displacement effects. The waders and waterbirds species listed as Qualifying Interests of the Middle Shannon Callows SPA c. 2 km to the southwest are very unlikely to occur, with any regularity, or in any significant numbers within the agricultural fields in the suburban part of Athlone. Similarly, Otter, *Lutra lutra*, the only Qualifying Interest of the River Shannon Callows SAC, located 2.0km southwest, is very unlikely to occur within or near the development site due to the nature of the habitats present. The conservation objectives/interests of the remaining designated sites in the wider hinterland of the development site relate to habitats and/or flora that have no likelihood of being subject to disturbance/displacement impacts as a result of the construction of the development.

- The development site is not within any Flood Zone and there is no historical record of flooding occurring in proximity to the site. The submitted Flood Risk Assessment does not demonstrate any potential flood risk impacts.
- The AA Screening Report identifies a potential link between the development site and the River Shannon through post-construction connection to municipal drainage and wastewater connection. Neither has the potential for likely significant effects upon these designated sites due to the design of the drainage system and operational performance of the Athlone WWTP, which is operating within the licence limits and has adequate additional design capacity.

13.5.2. Having regard to these matters, I am satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.

13.6. In Combination Effects

13.6.1. The development is not associated with any loss of semi-natural habitat or pollution which could act in a cumulative manner to result in significant negative effects to any SAC or SPA. I note the permitted SHD on adjacent lands ref. ABP-309513-21. Both that development and the subject proposal are located on lands zoned for development under the Athlone Town Development Plan 2014-2020, which was subject to AA prior to adoption with consideration of the impact of identifying sites suitable for development. With regard to the above discussion, I am satisfied that the proposed development is not likely to lead to any cumulative impacts on the integrity of any designated site, when considered in combination with other developments.

13.7. AA Screening Conclusion

13.7.1. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations outlined above, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant

effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.7.2. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

14.0 Conclusion and Recommendation

14.1. The proposed residential and student accommodation development is considered to be compatible with the residential zoning objective that applies at the subject site and with the relevant policies and objectives of the Athlone Town Development Plan 2014-2020 and the Lissywollen South Framework Plan 2018-2024, in particular the Framework Plan provisions for land Parcels 2 and 4. It will deliver a high-quality residential and student accommodation development on a serviced site at a strategic land bank in Athlone, adjoining the R2 bus route and the Old Rail Trail Greenway, and c. 0.8 km from the Athlone Institute of Technology campus. The overall layout includes good quality amenity space and provides opportunities for an enhanced public realm and improved pedestrian and cycle connectivity at Lissywollen Avenue, Blackberry Lane and the Old Rail Trail Greenway, as well as new public transport infrastructure. I am satisfied that, subject to the recommended conditions, the development will not result in significant adverse impacts on residential or visual amenities such as would warrant a refusal of permission. The design and quality of residential and student accommodation provided is of a high standard and is satisfactory. I am satisfied that the development will not result in a traffic hazard or in undue adverse traffic impacts. Drainage, access, and parking arrangements are acceptable subject to conditions. I am satisfied that the development will not be at risk of flooding and will not increase the risk of flooding elsewhere.

14.2. 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.

15.0 Recommended Order

Planning and Development Acts 2000 to 2020

Planning Authority: Westmeath County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 25th day of January 2022 by Avenir Homes Limited, Block C, N4 Axis Centre, Longford, Co. Longford.

Proposed Development comprises of the following:

Construction of 122 number residential units (60 number houses, 62 number apartments) and 283 number student bedspaces in 46 number student apartments, creche and all associated site works on a site at Cartrontroiy, Kilnafaddoge, Lissywollen and Ardnuglug, Athlone, Co. Westmeath.

The development includes 60 number houses comprising 38 number two-storey three bedroom townhouses, seven number two-storey four bedroom townhouses, seven number three-storey four bedroom townhouses, six number two-storey four bedroom semi-detached and two number two-storey four bedroom detached houses.

The proposed 62 number apartments / duplex units comprise:

- Block R1 containing 38 number apartments (16 number one bed units and 22 number two bed units) in a three to six storey building, and
- Block R2 containing 20 number duplex units (10 number two bed units and 10 number three bed units) over four storeys with four number apartments (four number two bed units) in one fifth storey feature area.

The proposed student accommodation comprises 283 number bedspaces in three number blocks to be provided as follows:

- Block S1 containing 18 number student apartments with 117 bedspaces over five to six storeys,
- Block S2 containing 16 number student apartments with 107 bedspaces over six to seven storeys, and
- Block S3 containing 12 number student apartments with 59 bedspaces over four to five storeys.

The development also includes:

- Two new vehicular accesses as well as pedestrian entrances onto Lissywollen Avenue east-west access road (as permitted under An Bord Pleanála Reference ABP-309513-21).
- Minor modifications to ABP-309513-21 to cater for these access points, alterations to cycle/pedestrian paths, the removal of a central island to facilitate the south-eastern entrance, and provision of bus stop infrastructure, all at Lissywollen Avenue.
- Ancillary site works including public and communal open spaces, hard and soft landscaping, pedestrian / cycleways, car parking, cycle parking, bin storage, public lighting, roof mounted solar panels, ESB substation and supporting distribution kiosks, and all other ancillary works above and below ground.
- The proposal includes pedestrian and cycle linkages onto the Old Rail Trail Greenway to the south and Blackberry Lane (L40061) to the west.

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 location of the site at the edge of the built-up area of Athlone, within the area of the Athlone Town Development Plan 2014-2020 incorporating the Lissywollen South Framework Plan 2018-2024 and on lands zoned 'Proposed Residential' under the Athlone Town Development Plan 2014-2020;
- (b) The policies and objectives of the Westmeath County Development Plan 2021-2027 and the Athlone Town Development Plan 2014-2020 incorporating the Lissywollen South Framework Plan 2018-2024;
- (c) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (e) The provisions of Project Ireland 2040 National Planning Framework which identifies the importance of compact growth;
- (f) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;
- (g) The provisions of the National Student Accommodation Strategy issued by the Department of Education in July 2017;
- (h) The provisions of 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;

- (i) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (j) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in December 2020;
- (k) The provisions of 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 2019, as amended;
- (l) The provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of the Environment, Heritage and Local Government in 2009;
- (m) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (n) The pattern of existing and permitted development in the area;
- (o) The provisions of section 37(2)(b) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan or a Local Area Plan;
- (p) The submissions and observation received;
- (q) The Chief Executive Report from the Westmeath County Council; and
- (r) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

The Board 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, and would be acceptable in terms of pedestrian and traffic 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 completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

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

Having regard to:

- (i) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- (j) The location of the site on lands zoned 'Proposed Residential' under the Athlone Town Development Plan 2014-2020, incorporating the Lissywollen South

Framework Plan 2018-2024 and the results of the Strategic Environmental Assessment of the plan;

- (k) The pattern of development in the surrounding area.
- (l) The availability of mains water and wastewater services to serve the proposed development, via extension of the network.
- (m) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).
- (n) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003).
- (o) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and
- (p) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment, Construction and Environmental Management Plan, the Traffic and Transport Impact Assessment, the External Noise Impact Analysis, and the Flood Risk Assessment included in the Engineering Services Report.

The Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions 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 and would provide an acceptable form of residential

amenity for future occupants. 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 that incorporates the Lissywollen South Framework Plan 2018-2024 in relation to residential density and building height and design and Objective O-AM11 to prohibit the siting of rear elevations/gardens onto public open spaces, streets and the N6 national route. 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 2014-2020 and Lissywollen South Framework Plan 2018-2024 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 and national 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)(ii):

There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, in relation to:

- With reference to residential densities, there are conflicting objectives between the Athlone Town Development Plan 2014-2020 and the Lissywollen South Framework Plan 2018-2024, that lead to a disconnect between target residential densities for the site.
- With reference to design and layout, Objective O-LUF1 of the Lissywollen South Framework Plan 2018-2024, to protect and supplement existing landscape features of amenity and biodiversity value such as established field boundaries,

significant hedgerows and stands of trees, and to incorporate same into the new urban structure, and objective O-LUF5 to promote biodiversity by surveying and protecting existing areas of biodiversity value and provide for new and extended areas of biodiversity, where identified conflict with objective O-LUF7 of the Framework Plan, to ensure a continuous frontage and passive supervision over open spaces and green links, specifically in relation to the provision of a biodiversity corridor at Blackberry Lane and the layout of the proposed residential units in this area of the development site.

In relation to section 37(2)(b)(iii):

Permission for the development should be granted having regard to guidelines under section 28 of the Act and the National Planning Framework, specifically:

- In relation to the matter of building height, SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2 of the Guidelines, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the development conforms with the development management criteria in section 3.2 of the Urban Development and Building Height Guidelines.
- In relation to residential density, regard is had to the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031, Project Ireland 2040 National Planning Framework and in particular National Policy Objectives 3c and 35, and the provisions of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December 2020.

Conditions

1. The 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall 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 Ecological Impact Assessment, the Outline Construction Environmental Management Plan shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

3. Prior to commencement of any works on site, the developer shall submit and agree in writing with the planning authority a comprehensive Invasive Species Management Plan, and dispose of any contaminated material by either its destruction or burial in sealed cells on site, or its removal off site under licence from the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage for its disposal or destruction in an approved facility.

Reason: To ensure the eradication from the development site of invasive plant species and to protect biodiversity.

4. The proposed development shall be amended as follows:
 - Blocks R1 and S1 shall be relocated 3 metres northwards, away from the southern site boundary to the Old Rail Trail Greenway.
 - A revised design solution for the play area and boundary treatment of the creche shall be agreed to the satisfaction of Westmeath County Council.

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 amenities and in order to ensure the protection of the existing trees and hedgerow at the greenway.

5. Details of works to the public road to facilitate the proposed development, including the detailed design of the proposed pedestrian, vehicular and cycle access to Lissywollen Avenue and the works to the junction of Lissywollen Avenue and the R916, as well as the proposed works to Blackberry Lane, shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development and shall be completed prior to the occupation of any unit within the development. All works to the public roads / footpaths shall be completed to the satisfaction of the Planning Authority. A finalised Road Safety Audit shall be submitted to the planning authority for agreement.

Reason: In the interests of proper planning and development and to ensure the timely provision of roads, pedestrian and cycle infrastructure.

6. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

7. The student accommodation within the proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended), and shall not be used for any other purpose without a prior grant of planning permission for change of use.

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

8. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interests of clarity and public health.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

11. The site shall be landscaped (and earthworks carried out) in accordance with the detailed scheme of landscaping, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The scheme shall include provisions for hard and soft landscaping within the site and details of children's play features and boundary treatments. Full details of the treatment of the ground floor private open spaces shall be submitted to the planning authority for agreement in writing prior to the commencement of development.

Reason: In order to ensure the satisfactory completion of the development.

12. The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths, kerbs and the lower ground level car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. 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.

13. 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 commercial element 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.

14. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage 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, 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.

15. Proposals for a development naming and unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

16. 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 installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

17. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

18. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. The management and maintenance of the proposed development following its completion (save for areas that are to be taken in charge) shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

20. 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.

21. 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 compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;
- (b) 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; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to the matters outlined in the submission received from Inland Fisheries Ireland. 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.

22. 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.

23. The applicant shall submit proposals for noise mitigation measures to address noise impacts on residential amenities from adjacent roads to the planning authority for agreement in writing prior to the commencement of development, due to the proximity of the N6 Athlone Relief Road. The proposed mitigation measures shall be based on a noise risk assessment and an Acoustic Design Statement (ADS). The detail of the ADS should be commensurate with the level of risk identified in the noise risk assessment.

Reason: In the interests of residential amenities.

24. 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.

25. 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.

26. 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.

27. The developer shall pay the sum of € 29,078 euro (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of works to Blackberry Lane. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

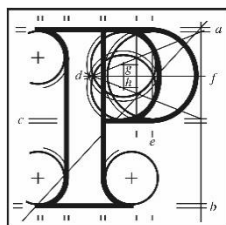
28. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

Sarah Moran
Senior Planning Inspector

7th June 2022

ABP-312581-22 Appendix 1: EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-312581-22
Development Summary		122 no. residential units (60 no. houses, 62 no. apartments) and 283 no. student bedspace accommodation, creche and all associated site works
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and an AA Screening Report were submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Westmeath County Development Plan 2021-2027
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of residential units on lands zoned 'Proposed Residential ' under the Athlone Town Development Plan 2014-2020 and is in keeping with the existing residential development in the vicinity.	No
1.2 Will construction, operation, decommissioning, or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposal involves the development of a greenfield site previously used for agricultural purposes. The proposed residential / student accommodation development is not considered to be out of character with the	No

		pattern of development in the surrounding area.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling, or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters, or the sea?</p>	<p>No</p>	<p>No significant risk is identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy, or electromagnetic radiation?</p>	<p>Yes</p>	<p>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in an increase in residential units of 122 no. units and 283 no. student bedspaces</p>	<p>No</p>
<p>1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>Standalone development, with developments in the immediately surrounding area permitted or built.</p>	<p>No</p>

2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	<p>No conservation sites located on or in the vicinity of the site.</p> <p>The AA Screening report concluded that Stage 2 NIS was not required. This has been addressed in Section 12 of the Inspector's Report. The measures in question are not 'mitigation' measures for the purposes of Appropriate Assessment. I carried out a Stage 1 AA Screening and concluded no significant adverse impact on any European Sites and a Stage 2 NIS was not required.</p>	No
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No		No
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	No	<p>There are no protected structures or Architectural Conservation Areas at or in the immediate vicinity of the development site.</p> <p>The Archaeology Report states that there are no Recorded Monuments at the development site or within 300m of the site.</p>	No

2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are no areas in the immediate vicinity which contain important resources.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	The site is not adjacent to any watercourse and is not at risk of flooding.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence in the submitted documentation that the lands are susceptible to landslides or erosion and the topography of the area is flat. Ground works and works to the existing site boundaries will be subject to best practice.	No
2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is served by a local suburban road network.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	There are no existing sensitive land uses or substantial community facilities which could be affected by the project.	No

3. Any other factors that should be considered which could lead to environmental impacts

3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	
Real likelihood of significant effects on the environment.	No		

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- b) the location of the site on lands zoned 'Proposed Residential' under the Athlone Town Development Plan 2014-2020 incorporating the Lissywollen South Framework Plan 2018-2024 and the results of the Strategic Environmental Assessment of the plan;
- c) The pattern of development in surrounding area.
- d) The availability of mains water and wastewater services to serve the proposed development, via extension of the network.
- e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).
- f) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003).
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and
- h) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment, Construction and Environmental Management Plan, the Traffic and Transport Impact Assessment, the External Noise Impact Analysis, and the Flood Risk Assessment included in the Engineering Services Report.

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

Inspector: _____ **Sarah Moran**

Date: 7th June 2022