



An
Bord
Pleanála

Inspector's Addendum Report ABP-317280-23

Development

Construction of 71 no. residential units, vehicular access, communal bin stores, bicycle stores. The proposal includes all associated hard and soft landscaping, boundary treatments, footpaths, an ESB substation and all other ancillary works above and below ground.

Location

Ardmore Road, Mullingar, Co. Westmeath

Planning Authority Ref.

Westmeath County Council

Applicant(s)

Shaston Construction Limited

Appeal:

First Party V- Refusal

Appellant:

Shaston Construction Limited

Inspector:

Caryn Coogan

1.0 Introduction

- 1.1 The addendum report follows a request from the Board on the 23rd of August 2023 regarding the matters raised by The Development Applications Units (DAU), Department of Housing, Local Government and Heritage in their submission to the planning authority in respect of Revised Screening for Appropriate Assessment
- 1.2 The Inspectorate Ecologist Dr Maeve Flynn prepared a technical note regarding the Boards request which focused on matters raised by the Department of Housing, Heritage and Local Government (via the Development Applications Unit 19th April 2023) in their submission to Westmeath County Council, which the Board consider may not have been fully addressed in the (revised) AA Screening report submitted with the 1st Party appeal.
- 1.3 The findings of her report stated the AA Screening Report , prepared by Dulra is Duchas, did not wholly address the issues raised in Westmeath Co. Co. reason for refusal on AA grounds and raised in the Department of Housing, Heritage and Local Government. The Board is not restricted to the AA screening report, and the preliminary Construction Environmental Management Plan provides objective information on the construction phase risk of surface water and presents standards measures that will be effective in managing that risk.
- 1.4 The application of standard pollution control measures would reduce the risks of infiltration of silt and potentially construction material into the receiving drainage ditch to a very low level. The potential risks to any sensitive receptors hydrologically connected via the surface water network including the River Brosna catchment and downstream European Sites of Lough Ennell SAC and SPA to a non-significant level.
- 1.5 The report concluded the proposed measures are considered to be effective, and represent good construction site management and pollution presentation regardless of proximity or otherwise to European sites, and can be taken into consideration at the screening stage for Appropriate Assessment.

2.0 Description of the Project

- 2.1 I have considered the construction of 71No. residential units comprising of 30 apartments and 14 two-storey dwellings in light of the request of the Board and the requirements of S177U of the Planning and Development Act 2000 as amended.
- 2.2 The subject site is located on greenfield site on the Ardmore Road, Mullingar, Co. Westmeath. It is not located within or adjacent to a European Site designated SAC or SPA. The closest European Sites are Lough Ennell SAC and SPA and these sites are examined in the revised AA Screening report prepared by Dúla is Dúchas Teoranta (6th June 2023).
- 2.3 The subject site is within catchment of River Brosna which feeds into Lough Ennell SAC and SPA. An open drainage ditch on the southern boundary of the site drains surface water to the east of the site to a closed culvert and is a likely indirect hydrological connection to tributaries of the River Brosna.
- 2.4 The proposed development of 71 no. residential units has integrated management of surface water and wastewater into the overall design via SUDS measures and into the municipal systems. These standard measures will ensure that no operational risks of surface water pollution will arise.
- 2.5 A preliminary Construction Environment Management Plan (CEMP) prepared for the proposed housing development and submitted a spart of the 1st Party appeal describes the proposed works and sets out environmental measures to manage, minimise or mitigate any potential environmental impacts that may arise.

3.0 **Potential Impacts**

- 3.1 The following impacts could occur because of this development:

Construction Phase:

- Surface water run-off containing silt, sediments and/ or other pollutants into nearby waterbodies or surface water network
- Surface water run-off containing silt, sediments and/or other pollutants into local groundwater

Having considered the documentation on the appeal file and the accompanying report by the Inspectorate Ecologist I am satisfied the only potential impact that requires consideration in terms of signifigant effects on European Sites is that related to the surface water discharge during the construction phase in the context of the

drainage channel located inside the site boundary, running along the southern boundary of the site contiguous to the public road/ footpath, and possible connections downstream to the European sites, Lough Ennell SPA and SAC.

3.1.2 Table 1

Could the Project undermine the Conservation Objectives ‘alone’			
	Conservation Objective	Could the Conservation Objectives be undermined	
European Site and Qualifying feature			
Lough Ennell SPA (0040044)	<p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p> <p>A059 Pochard Aythya ferina</p> <p>A061 Tufted Duck Aythya fuligula</p> <p>A125 Coot Fulica atra A999 Wetlands</p>	No	No
Reason	<p>The Conservation Objective s will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed measures on site as outlined in the CEMP.</p>		

Lough Ennell SAC (000685)	<p>A site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at that site.</p> <p>3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.</p> <p>7230 Alkaline fen</p>		
Reason:	<p>The Conservation Objectives will not be undermined due to the separation distance and dilution effect in the case of drainage. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed measures on site as outlined in the CEMP.</p>		

3.1.3 The drainage ditch within the site boundaries is not a stream or a mapped watercourse. It appears to serve the drainage of the field which is flatter and wetter on the southern portion. It flows into a piped culvert at the eastern boundary of the site. The River Brosna, which has a direct hydrological link to the European sites, is to the west of the site. There is no clear pathway for where the culvert eventually discharges as the flow is eastwards away from the receiving tributaries to the west of the site. Although there is no direct link to River Brosna from the site, there is a hydrological connection with the River Brosna because the site is located within the catchment.

3.1.4 The Construction Environmental Management Plan considers potential surface water mechanisms that could occur during the construction phase, including risks of pluvial flooding mobilising silt into the adjacent drainage channel and the risk of encountering a high water table and de-watering management. The measures proposed are standard in construction practice and are set out in section 5 and

section 6 of the preliminary CEMP. The risk of encountering a high water table during construction works is noted on page 10 of the CEMP, and the management of same is detailed in section 2.6 of the report including diagrams of an onsite temporary settlement lagoon, which will hold and settle the excess water for a 24hour period before been allowed to discharge into adjacent water courses.

- 3.1.5 The preliminary CEMP includes standard 'good house keeping' policies in Section 5 of the report. In particular measures associated with the concrete/ mortar washout, fuel, oil and chemical storage, spill control measures and response mechanisms to extreme weather are outlined. A number of the measures are relevant to European site because they area associated with run-off or prevention of leakages into watercourses. These are normal practices associated with construction sites. It also states there will be no discharge of site run off or water without the agreement from the appropriate authorities and an appropriate discharge licence if relevant.
- 3.1.6 The construction management measurements relating to the protection of surface water are outlined in Section 6 under the section relating to Biodiversity. The risk of water pollution will be minimised by the implementation of good construction, such as adequate bunding for silos, wheel washers and dust suppression on site roads. There are measures relating to protection of habitats, ecology, flora and fauna, invasive species, protection of soil and groundwater practices included in the section.
- 3.1.7 I consider that application of the standard pollution control measures detailed in the preliminary CEMP would reduce the risks of infiltration of silt and potentially polluting construction into the receiving drainage ditch to a very low level, thereby reducing the potential for effects to any sensitive receptors hydrologically connected via the surface water network including the River Brosna catchment and downstream European Sites to non-significant levels. I have recommended a condition (No. 16 of the schedule) to ensure the measures outlined in the CEMP are implemented.
- 3.1.8 The possibility of in combination effects can be excluded because the residential development site to the west of the proposed site is complete and occupied. The field to the east is a greenfield with no pending planning permissions.

4.0 AA Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that that the proposed housing development would not give rise to likely significant effects on Lough Ennell SAC, Lough Ennell SPA or any other European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the (revised) Screening Report and the preliminary Construction Environment Management Plan
- Indirect hydrological connection to the River Brosna and the downstream receiving waterbody of Lough Ennell (SAC and SPA)
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same

Caryn Coogan

Planning Inspector

09/10/2024