



An
Bord
Pleanála

Inspector's Report ABP-318510-23

Development	Amendments to permitted application. Construction of 70 residential units and all associated site works. The planning application is accompanied by an Environmental Impact Assessment Report and Natura Impact Statement.
Location	Drumacon, Cornamaddy, Athlone, Co. Westmeath.
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	22577
Applicants	Marina Quarter Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Stand with Badgers DM Leavy
Date of Site Inspection	26 th April 2024
Inspector	Dolores McCague

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1.0 Site Location and Description

- 1.1.1. The site is located at Ballykeeran and Cornanmaddy Townlands, Athlone, Co. Westmeath, on lands which form part of an urban extension to the north east of the town. The site accessed via a spur off the N55 opposite Cornamaddy primary school from which the existing Drumaconn residential estate is accessed and the first phase of residential development on lands associated with the subject site is nearing completion. Many of the houses are occupied while the development is being completed. Hedges forming field boundaries separate the site from fields to the west and south. To the north there is disturbed ground and mounds of boulders gravel and soil where another development appears to be underway. To the south, west and north west east the site the bounded by greenfield land.
- 1.1.2. The site is to the north-west of the N55 national secondary route which runs north-eastwards from Athlone towards the towns of Ballymahon and Cavan.
- 1.1.3. The residential development to the east (PA Reg Ref 147103) comprises low density semi-detached housing (see drawing 2022-113-030355 submitted with the subject application). The Drumaconn estate, further east, comprises a mixture of semi-detached and terrace type dwellings, and the density is somewhat higher.
- 1.1.4. An esker runs through the northern portion of the site in a roughly southeast-northwest direction, forming a low ridge surrounded by undergrowth.
- 1.1.5. A hedge runs along the entire western boundary, and two others: one at about the mid point of the western boundary runs at right angles eastwards to join a third hedge which runs south, parallel to the western boundary. A number of mature trees are included in these hedgerows. A drain runs along part of the western boundary, within the site.
- 1.1.6. The site is given as 10.87 ha. The area the subject of the proposed housing is 2.17ha.

2.0 Proposed Development

- 2.1.1. The application notice states the intention to apply for a 5-year permission for development at a site of c.10.87 ha on lands located at Cornamaddy, Athlone, Co. Westmeath. The development will comprise of a residential development and public open space comprising the following:

Amendments to permitted application WMCC Reg Ref. 14/7103 ABP Ref.

PL25.244826 for the removal of 38 no. permitted units (not constructed) to be replaced by: Construction of 70 no. residential units comprising: 4 no. 2 bed terraced houses (c.78 sq.m each), 60 no. 3 bed semidetached (c. 96-116 sq.m each) and 6 no. 4 bed semidetached houses (c. 147 sq.m each) with associated private gardens.

The creche facility, public open spaces, landscaping, roads layouts, car parking, boundary treatment works, public lighting and all associated site works associated with the 87 no. remaining units retained as permitted under WMCC Reg Ref.

14/7103 ABP Ref. PL25.244826 will remain unchanged.

All pedestrian and vehicular access roads and footpaths including a section of the planned east/west distributor road connecting to a sections of the distributor road permitted under WMCC Reg. Refs 14/7103 ABP Ref. PL25.244826 and 22/253 to the east of the site.

All associated site development works, services provision, drainage works, public open space (c.1.03ha), landscaping, boundary treatment works, public lighting, associated ESB substation cabinets, bin stores, car and bicycle parking provision.

This development will form part of a larger/future phase of the development.

This planning application is accompanied by an Environmental Impact Assessment Report and a Natura Impact Statement

- 2.1.2. Each dwelling will achieve a minimum energy performance standard as outlined by the SEAI, including NZEB (nearly zero energy building). Adaptability – units have been designed with future adaptability in mind. Universal design – all house types, where possible, follow and exceed where possible the Technical Guidance Document M – access and use in compliance with building regulations. The principles of universal design have been adopted to meet the changing needs of people over time; following the (4) key principles: integrate with the neighbourhood;

be easy to approach, enter and move about in; easy to understand, use and manage; and be flexible, safe, cost effective and adaptable over time.

2.1.3. There will be 3 road types. A section of the envisaged distributor through Cornamaddy lands will be provided. This will connect to the section of the distributor road granted under reg ref 22/253. A local road will traverse the central portion of the site. The remainder of the proposed roads are access roads.

2.1.4. Documents submitted with the application:

Drawings

Planning Report

Verified View Photomontages

Outdoor Lighting Report

Traffic Impact Assessment

Road Safety Audit Stage 1/2

Appropriate Assessment Screening Report

Architectural Design Statement

Natura Impact Statement

Bat Survey Report

Preliminary Bat Survey Report

Badger Survey

Arboricultural Report

Energy Statement

Landscape Design Report

Construction Environmental Management Plan

Construction Waste Management Plan

DMURS Statement of Consistency

Planning Submission Report to Engineering Services

Operational Waste Management Plan

Flood Risk Assessment

EIAR Volume 1 non-technical summary & Volume 2 Environmental Assessment Report

EIAR Volume 3 - Appendices

2.1.5. Documents submitted with the further information response:

Drawings

Archaeological testing report

Botanical survey report

Natura impact statement

Road traffic assessment report

Badger sett mitigation strategy

Further information response report

Qualitative standards compliance matrix

School capacity assessment

Stage 1 quality audit

Further information response

Construction Environmental Management Plan

Arboricultural addendum

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission subject to 22 conditions, including:

1 Compliance with previous permission and its duration: 31st August 2025.

4 Badger Management.

7 Materials to be agreed.

8 Lighting.

16 Landscaping.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first planning report dated 23rd February 2023, recommending further information, which issued, includes:

having regard to the plans and particulars submitted, internal reports received, the content of a public submission and the policy and objectives set out within the ATDP, it is considered that the development proposed is acceptable in principle. However, there are a number of matters which require further assessment. In this regard, further information is recommended:

3.2.2. Other Technical Reports

3.2.3. Environment Section, 8th February 2023 – including - noise mapping carried out by the EPA and TII indicates that the site is not susceptible to significant daytime additional environmental noise predominantly from traffic, of 55-64 db above ambient and night-time additional environmental noise. The applicant has prepared an acoustic design statement for the dwellings which has noted compliance with the (World Health Organisation) WHO's Night Noise Guidelines for Europe. Recommending conditions.

3.2.4. Westmeath National Roads Office, 11th January 2023 – they have evaluated the application with reference to the emerging preferred route corridor for the N55 Athlone to Ballymahon scheme. The site will not impact.

3.2.5. Area Engineer, 23rd February 2023 – further information.

3.3. **Prescribed Bodies**

3.3.1. DAU re archaeology and nature conservation - 2nd February 2023 – conditions.

3.3.2. TII, 25th January 2023 – located in a study area for a future national road scheme.

3.3.3. DAU re. nature conservation – 14th March 2023 – conditions.

3.4. **Third Party Observations**

3.4.1. Third party observations on the file have been read and noted.

3.5. **Further Information**

3.5.1. A Further Information request issued on 9 items:

- 1) Nature conservation – a) oversight of the proposed mitigation measures; b) badger management plan.
- 2) Updated CEMP.
- 3) Quality audit per DMURS.
- 4) Re creche.
- 5) School capacity assessment.
- 6) Internal layouts which proposed direct access to living room space; revised layouts required.
- 7) Western boundary treatment unclear.
- 8) Respond to issues raised re. archaeology.
- 9) Respond to issues raised by observers.

3.5.2. A response to the Further Information request was received on 15th June 2023.

3.6. **Further Responses**

3.7. **Prescribed Bodies**

3.7.1. DAU nature conservation, 27 July 2023 – various mitigations of impact on badgers are described, both in the EIAR and the badger report. However, the two sets of mitigations are not cross referenced to ensure that badger mitigation is clear e.g. by way of overarching mitigation table, and that it is specific and timetabled, in terms of:

- Provision of an artificial sett, including drawings of the specific design and timing of completion of construction if artificial sett (in advance of sett excavation),
- Details of measures for protection of the artificial sett from disturbance, including specific details of bunding, avoidance of lighting, planting (noting that the EIAR reference to signage but the badger report refers to confidentiality of sett location).
- Connectivity of artificial sett to clearly identified foraging area, including identification and management of connective landscape features for retention, such as suitably managed hedgerows,
- Provisions in case of accidental badger injury during works,

- Post works monitoring of the artificial sett to confirm that badgers have taken up residence, at a minimum at 6 months and 12 months,
- Provision for a mitigation monitoring report, along with the provisions for any corrective measures required.

3.7.2. The second planning report dated 15th August 2023, recommending clarification of further information, which issued, includes:

Satisfied with response except for one item - re badgers.

3.8. **Third Party Observations**

3.8.1. Further third party observations have been read and noted.

3.9. **Clarification of further information**

3.9.1. A clarification of further Information request (undated) issued on 1 item: badgers.

3.9.2. Clarification of further information was received 1st September 2023.

3.9.3. The third planning report dated 31st October 2023, recommending permission includes:

Satisfied with the clarification of further information response, in particular the relocation of the proposed artificial sett.

3.10. **Prescribed Bodies**

3.10.1. TII, 12th September 2023 – as previous letter.

3.11. **Third Party Observations**

3.11.1. Further third party observations have been read and noted.

4.0 **Planning History**

PA Reg. Ref. 22/253: Permission granted (26/10/2022) to Marina Quarter Ltd. for construction of 75 no. residential units 51 x 2 storey semi-detached and terraced

houses (4 x 2 bed and 47 x 3 bed) and 24 x 3 storey apartment / duplex units (12 x 2 bed and 12 x 3 bed) and all associated site development works.

PA Reg Ref. 22/340 – Permission granted for a childcare facility.

PA Reg Ref. 17/7224 – 7 dwellings to include 3 no. 5 bedroom detached houses and 2 no 4 bedroom detached houses with optional fifth bedroom/study and 2 no. 4 bedroom semi detached houses with optional fifth bedroom/study and all associated site development works including road networks, services, landscaping, and boundary treatments. A ten year permission was sought.

ABP244826, PA Reg Ref. 14/7103, planning permission granted for the construction of housing (95 houses sought, increased to 125 houses and a crèche facility, on foot of additional information), 98 granted: 11 no. 4/5 bedroom detached houses, 28 no. 4/5 bed semi-detached houses, 8 no. 3 bedroom detached houses, 34 no. 3 bedroom semi-detached houses, 8 no. 2/3 bedroom terraced houses, 3 no. 2 bedroom houses and 6 no. 2-bedroom bungalow houses. The development to include the provision of all associated site development works including road networks, services, landscaping and boundary treatments.

PA Reg. Ref. 10/3006 planning permission was granted for further revisions under Reg. Ref. 06/3087: relocation of 2 existing car parking spaces and the provision of 4 additional car parking spaces.

PA Reg. Ref. 09/3080 planning permission was granted for further revisions to 06/3087: house type C1 on site no. 22 (previously C2) house type C2 on site 28 (previously C1) 2 detached dwellings on site no's 13 and 14 (previously semi-detached) and 8 additional car parking spaces.

PA Reg. Ref. 08/3105 further alterations were granted to the permission 06/3087 (deletion of 14 no. 3 bed 2 storey terraced dwellings, 1 no. 3 bed 2 storey end of terrace dwelling, 1 no 4 bed 3 storey wide fronted terrace dwelling, 1 no. 4 bed 3

storey wide fronted end of terrace dwelling and 2 no. 3 bed 2 storey semi-detached dwellings and replacement with 14 no. 3 bed 2 storey terraced dwellings, 1 no. 3 bed 2 storey end of terrace dwelling, 1 no. 4 bed 3 storey wide fronted terrace dwelling, 1 no. 4 bed 3 storey wide fronted end of terrace dwelling and 2 no. 3 bed 2 storey semi-detached dwellings (no increase in dwelling numbers).

PA Reg. Ref. 07/3162 planning permission granted for a creche.

PA Reg. Ref. 07/3161 planning permission granted for the demolition of one disused three-storey dwelling adjacent to the site where planning permission was granted for 94 dwellings.

PA Reg. Ref. 07/3160 planning permission granted for alterations to the parent permission under 06/3087, (replacement of 4 no. 3 bed 2 storey semi-detached units with 4 no. 4 bed 3 storey semi-detached units).

PA Reg. Ref. 07/3123 planning permission granted for primary school and 171 residential units; with access to a new distributor road

PA Reg. Ref. 06/3087 planning permission was granted to McInerney Homes Limited for 94 dwellings onto a section of the new distributor road off the new junction to the N55. (Drumacom Housing Estate).

To the north:

ABP 316928 - Inclusion of the land on the Residential Zone Land Tax Draft map; decision: confirm the determination of the local authority.

ABP 318736-23, PA reg ref 2360074 permission granted for:

Development consisting of a 10 year permission for the provision of a total of 332 no. residential units along with provision of a creche. Particulars of the development comprise as follows:

- (a) Site excavation works to facilitate the proposed development to include excavation and general site preparation works.
- (b) The provision of a total of 172 no. 2 storey residential dwellings which will consist of 152 no. 3 bed units and 20 no. 4 bed units.
- (c) The provision of a total of 160 no. apartments/duplex units consisting of 36 no. 1 bed units, 99 no. 2 bed units and 25 no. 3 bed units. The apartment blocks range in height from 2 storey to 4 storey and the duplex blocks range from 2 storey to 3 storey in height.
- (d) Provision of a 2 storey creche.
- (e) Provision of associated car parking at surface level via a combination of in-curtilage parking for dwellings and via on-street parking for the creche, duplexes and apartment units.
- (f) Provision of electric vehicle charge points with associated site infrastructure ducting to provide charge points for residents throughout the site.
- (g) Provision of associated bicycle storage facilities at surface level throughout the site and bin storage facilities.
- (h) The provision of a new link road via adjacent lands to the west to provide for vehicular, pedestrian and cyclist access.
- (i) The provision of internal culverts and associated bridges along with a realignment of a section of an existing drainage channel within the site to facilitate internal access roads along with associated crossing points across the drainage channel (to facilitate pedestrian, cyclist and vehicular crossing points).
- (j) The creation of a pedestrian footpath alongside the local road which will connect to the existing footpath aligning the N55 national road.
- (k) Provision of associated open space areas, residential communal open space areas to include formal play areas along with all hard and soft landscape works for private gardens and amenity spaces along with public lighting, planting and boundary treatments to include boundary walls, railings & fencing.
- (l) Provision of 2 no. ESB substations.
- (m) Internal site works and attenuation systems.
- (n) All ancillary site development/construction works to facilitate foul, water and service networks for connection to the existing foul, water and ESB networks.

An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared in respect of the proposed development.

5.0 Policy Context

5.1. The National Planning Framework – Project Ireland 2040, (2018).

This document sets out the Government's strategic national plan for shaping the future growth and development of Ireland for the period up to 2040, it includes: National Strategic Outcome 1 (Compact Growth), which sets out the focus on pursuing a compact growth policy at national, regional, and local level.

5.2. Housing for All – A New Housing Plan for Ireland to 2030, 2021.

The government's housing plan to 2030. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price.
- Built to a high standard in the right place.
- Offering a high quality of life.

5.3. National Energy and Climate Plan (NECP), 2021-2030

This Plan outlines Ireland's energy and climate policies in detail for the period from 2021 to 2030 and looks onwards to 2050. The NECP is a consolidated plan which brings together energy and climate planning into a single process. It envisages a target of at least 55% renewable energy in electricity by 2030.

5.4. Climate Action Plan, 2023

This plan seeks to tackle climate breakdown and it commits Ireland to a legally binding target of net-zero greenhouse gas emissions by 2050, implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres,

a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

5.5. Climate Action and Low Carbon Development (Amendment) Act, 2021

This establishes a framework to develop the transition towards a low carbon economy.

5.6. Climate Action and Low Carbon Development Act 2015

Section 15 requires a relevant body to have regard to the approved national mitigation plan, adaptation framework and sectoral adaptation plans, national transition objectives, and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

5.7. Regional Spatial & Economic Strategy for the Northern & Western Regional Assembly (RSES) (2020)

The RSES to set out a strategic development framework for the region, with a key role for Athlone, designated a Regional Growth Centre and identified to absorb growth with a population target of 30,000, for the entire settlement of Athlone, up to 2031.

Regional Policy Objectives (RPOs) include:

RPO 3.7.16 - Promote Athlone as a sustainable transport hub, of national and regional importance and support the preparation of a joint Local Transport Plan between Westmeath and Roscommon County Councils in collaboration with transport agencies and key stakeholders to improve sustainable mobility in the town.

5.8. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

3.3 relates to Settlements, Area Types and Density Ranges

- (iv) Table 3.3 - Areas and Density Ranges – Metropolitan Towns and Villages
- Regional Growth Centres (3.3.2)

Suburban/Urban Extension, Suburban areas are the low-density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and edge locations of Regional Growth Centres, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban/urban extension locations (as defined in Table 3.8).

Policy and Objective 3.1

It is a policy and objective of these Guidelines that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications...

5.9. **Westmeath County Development Plan 2021-2027**

The Core Strategy is set out in chapter 2 and states the need to accommodate continued population growth, in line with the county's designation as a 'Gateway' region, in a sustainable manner.

The NPF abolished the linked Gateway status which was attributed to the gateway towns of Athlone, Tullamore and Mullingar under the NSS. Athlone has now been designated as a 'Regional Centre' and has been identified as a focal point within the region and neighbouring regions in economic and employment, transport, education and public service delivery and retailing terms. Given the importance of regional interdependencies, the NPF directs that it will be necessary to prepare a co-ordinated strategy for Athlone at both regional and town level, to ensure that the town and environs has the capacity to grow sustainably and to secure investment as the key regional centre in the Midlands.

In the same way that the NPF requires Metropolitan Area Strategic Plans to be prepared for each of the five cities, a strategic plan that responds to the lead role of each of the five identified regional centres is also required. These

consolidated plans will address a high-level strategy approach to the future of each centre. Where these regional centres straddle local authority boundaries, the preparation of these plans must be jointly and collaboratively undertaken. This is the case for Athlone – with collaborative efforts required by Westmeath County Council and Roscommon County Council.

Section 2.9 Regional Growth Centre – Athlone:

Key priorities outlined in the RSES are to promote the continued sustainable and compact growth of Athlone as a regional driver, with a target population of 30,000 up to 2031.

Policy Objective 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.

Table 2.9 indicates that 2,590 houses will be provided for 2014-2020 (excluding Roscommon).

Chapter 3 Housing

CPO 3.1 Reserve sufficient lands to facilitate and implement the Housing Strategy and its policies, as informed by the HNDA undertaken as part of this Development Plan.

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.

Policy Objective 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.

Policy Objective CPO 7.29 facilitate the delivery of sustainable, compact, sequential growth and urban regeneration in the town core of Key Towns by consolidating the built footprint through a focus on regeneration and development of identified key town centre infill/brownfield/backland sites promoting sustainable higher densities.

5.10. Athlone Town Development Plan 2014-2020

The zoning objectives under the ATDP are:

Residential: 'To provide for residential development, associated services and to protect and improve residential amenity.'

Open space: 'To provide for, protect and improve the provision, attractiveness, accessibility and amenity value of public open space and amenity areas.'

Chapter 2 – Core Strategy

The subject site is located within the Cornamaddy Local Area Plan (LAP) area.

Section 2.6 Spatial Planning Framework states that 'this Local Area Plan consists of a number of residential development cells set within a landscaped framework of linear parks and open spaces. It also provides for a neighbourhood centre to serve the area. This LAP was subsumed into the Athlone Town Plan 2008-2014'.

Section 2.15 - Population Estimates and Projections to Meet Regional Planning Guidelines (Rpg) Targets.

Table 2.2 provides details of areas in hectares which have been reserved in the Zoning Objectives Map for different categories of use in Athlone. In total an area of 129.2ha of residential zoned land, in addition to a small area of Mixed Use, is available for residential development, to a scale consistent with RPG targets.

Section 2.17 Core Strategy Policies

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.

Chapter 3 - Housing

The ATDP states that residential density for new developments at Outer Suburban/Greenfield locations is 30-35 units per hectare (Figure 3.3).

Chapter 6 – Transport and Movement

A proposed strategic link road is indicated along the northern boundary.

Transportation objectives refer:

O-TM2 To carry out specific road improvement/maintenance works as outlined in Table 6.1, subject to environmental and habitats protection requirements.

Table includes: Cornamaddy - Coosan Link Provision of Cornamaddy - Coosan Link.

5.11. Natural Heritage Designations

- 5.11.1. The Natura sites nearest the site are Lough Ree SAC (site code 000440) and Lough Ree SPA (site code 004064) at Ballykeeran Bay, part of the Inner Lakes, located c1.2km, straight line distance at the closest point, to the north of the subject site, and hydrologically linked thereto.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Two third party appeals against the planning authority's decision have been received.
- 6.1.2. Ruairí O'Leochain has submitted an appeal on behalf of Stand with Badgers, which includes: the existing development was carried out within 50m sett, during breeding season December to June. Impacts of development to date – the multiple plans, with in-combination effects, are not adequately dealt with. The proposed mitigation will fail. A bait marking survey should have been undertaken to inform the entire mitigation strategy.

1 The proposed location of the artificial sett is 50m from a road, yet to be constructed. This is contrary to the guidelines quoted by Enviroguide. It is unlikely that there is a suitable site for an artificial sett within the confines of the site.

2 The proposed road will block a significant area of remaining forage area. The forage is already reduced by up to 70%; further loss would question the viability of these lands as a badger habitat.

3 The distance from the stream to the artificial sett entrances is 50m. Enviroguide have not shown it. There is a likelihood of flooding.

4 The scale of sett; according to the guidelines quoted by Enviroguide, it must have adequate chambers and tunnels, which replicate the bulk of the natural set it replaces. A minimum radius of 30m is required. The original badger setts, which are at least 120 years old, cover an area of 80m. The proposal is 15m x 15m and is worrying. Like for like mitigation is expected.

5 The primary source of forage for badgers is earthworms. On average a badger consumes 200 earthworms per night. They will also eat insects, beetles, larvae, small mammals and amphibians. When season allows, berries fruits and nuts may supplement their diet. Historically, at Cornamaddy, the badgers main forage areas extended well beyond the site; with evidence of multiple trails across land, covered in snuffle holes as they forage for worms. The drastic reduction in forage due to building, has meant at least one badger lost to roadkill. The field next to Cornamagh Cemetery was once Cornamagh Lough and is a marshy field, not suitable foraging ground. The area at the top of the site, through which the road is planned, is also used for forage, where supplementary feeding happens. The planned road would cut this area off completely. If this were to go ahead the viability of the area as a badger habitat would have to be questioned. When the badgers decide to move on, because of these restrictions, they would be compromised by surrounding roads, beyond which are rival badger territories. There is nowhere for them to go. It would be years before the mitigation planting produced any significant amount of berries and it wouldn't have any significance in the medium term. It would not encourage them to stay where 90% of their worm foraging areas have been removed.

6.1.3. DM Leavy has submitted an appeal, which includes:

There is currently no development plan in place for Athlone Town. The 2014-2022 plan expired over three years ago. The site is unzoned. This means the zoning defaults to agriculture. There is no provision in the Westmeath County Council Development Plan 2021-2027 that apply a residential zoning to this site. The proposal is premature pending the publication of a new development plan and should be refused.

The density of 25 units per ha is too low and should be at least 35 units per ha.

6.2. Applicant Response

- 6.2.1. Brock McLure, Planning and Development Consultants have responded on behalf of the applicant (21st December 2023) to the Stand with Badgers appeal and separately (21st December 2023) to the DM Leavy appeal, with an attached legal opinion referring to the latter appeal, in relation to the Board's discretion under section 138 of the Planning Acts.
- 6.3. The response to the Stand with Badgers appeal includes:
- 6.3.1. The site has been earmarked for new residential development since the early 2000's. The applicant has begun construction on the Cornamaddy lands, granted as part of previous phases of the project. Transport links are listed. Figure 1 of the response, shows the layout as permitted under ABP244826, PA Reg Ref. 14/7103; figure 2 shows the layout per the planning authority decision.
- 6.3.2. At every stage of the project, appropriate consideration was given to flora and fauna on the site. It is clear that mitigating any impacts to badgers has been a priority from initial application stage through to receipt of the decision.
- 6.3.3. In-combination effects – an EIAR was submitted with the subject application which assessed the overall development of the lands. A second EIAR was submitted with Ref Ref 2360074.
- 6.3.4. They have divided the grounds into 5 items.
- 6.3.5. Responding to item 1 - The artificial sett 50m from the road yet to be constructed. Response - the legal requirement in Ireland is a 50m buffer from any sett entrance from December to June (breeding season), and 30m outside this period. The 50m buffer is considered sufficient per TII guidance for sites without blasting / piling.
- 6.3.6. Responding to item 2 – the road will block significant areas of forage (already reduced by up to 70%) and lead to road kill; and consideration should be given to installing tunnels beneath this road. Response - tunnels to accommodate badger transit are not feasible on roads of this nature and are more appropriate to roads which facilitate motorway speeds of 100-120 kmph. The proposed speed limit is 60 kmph. It would be more suitable to propose tunnels beneath the N55 to the east, outside the control of the applicant. There is no evidence to support the figure of

70% loss of foraging area. Badger trails between the site and the area to the west were identified, so they are using the area to the west for foraging.

6.3.7. Responding to item 3 – stream 50m from proposed sett entrances, with an increased likelihood of flooding, given that water has been displaced from nearby developments once designated bogland. The guidelines quoted by Enviroguide, state that the sett and sett entrances should not be located near flowing water. They have always avoided this side of the esker. Response - the artificial sett is located near a drainage ditch, not a river. The drainage ditches may have some flow during excessive rainfall events but are also stagnant or even dry in some locations. A 50m buffer between the artificial sett and the drainage ditch was deemed appropriate, striking a balance between keeping the artificial sett close to the original, while being outside of disturbance distances and away from watercourses. Quoting from NatureScot Standing Advice for Planning Consultations ‘the most successful setts have been located less than 100m from the original natural sett’. SuDS measures will preclude flooding at or in the vicinity of the site. The flood Risk Report provides for a climate change +20% flood level.

6.3.8. Guidance for the Creation of Artificial Setts (NatureScot 2018) states:

Badgers must be able to locate the replacement sett without any difficulty. A site must be selected as close to the existing sett(s) and/or area of badger activity as is practicable. However, the site must not be so close to the new development that disturbance could distract badgers from using it.

It is important that there is sufficient drainage to avoid the artificial sett becoming flooded. Soil type plays a part in this. However, it is also important to ensure that tunnels slope away from the sett chambers such that water flows towards the sett entrances. It is also important to ensure a depth of at least one metre of soil above the chambers. There are two ways this can be achieved. The preferred way is to build the sett on or into a sloping site with the pipes emerging at the lowest point. If this is not possible, the whole sett can be covered with a mound of soil.

6.3.9. The proposed artificial setts will comply.

6.3.10. Responding to item 4 – according to the guidelines quoted by Enviroguide re artificial sett size: that it should have adequate chambers and tunnels which replicate the bulk

of the natural sett it replaces, a minimum of 30m radius. The proposed artificial sett would be 15m x 15m.

6.3.11. Response – 15m x 15m is the minimum proposed size outlined in the artificial sett report. The artificial sett will have a minimum of 3 chambers and 5 entrances with a minimum buffer zone radius of 30m to prevent disturbance. Monitoring will be undertaken every 3 months for 2 years, with uptake of the artificial sett encouraged through baiting, provision of nesting material etc. Expansion of the artificial sett will be undertaken if necessary. The guidelines state that the bulk of the artificial sett should be replaced. They do not require a like for like replacement. As 3 entrances are to be removed (2 active, 1 inactive) and replaced by 5 entrances and 3 chambers, this is determined to be a suitable replacement. One active sett, sett 4 within the esker, is to be retained.

6.3.12. The age of the sett does not equal increased protection.

6.3.13. As noted in the EIAR NPWS were consulted in relation to closure of sett entrances and replacement artificial sett and they met an ecologist on site. They refer to WCCs satisfaction with the proposal. An overall negative impact on badgers is noted in the EIAR.

6.3.14. Responding to item 5 – loss of forage. The entire site, including all forage areas outside of this proposed site, provided adequate short grass forage for badgers. Comparing this to the potential foraging habitat, on map 2; the tiny extent of area for foraging is questioned. The surrounding development and road would limit badgers to this enclosed area. When the badgers decide to move because of these restrictions, they would be compromised by surrounding roads, beyond which are rival badger territories. Re. plans for planting to provide cover, shelter and foodplants, they question if the proposed planting would encourage badgers to stay where 90% of their worm foraging areas have been removed. Response – there is no suggestion that berries would be a primary food source, merely a supplementary one. The proposed planting is primarily for cover and shelter, particularly around sett entrances.

Badger trails between the site and the area to the west were identified so they are using the area to the west for foraging. Per NPWS, badgers are opportunistic foragers that exploit a broad range of prey. Earthworms are common in the diet but

account for little of the bulk. Other food sources include invertebrates, fruit, amphibians, small mammals, birds, reptiles etc.

They refute the claim that 90% of badger foraging areas are being removed.

6.3.15. Conclusion

6.3.16. All the reasons for appeal were addressed in the application, further information and clarification of further information.

6.3.17. The Badger Mitigation Strategy was sent to and approved by NPWS.

6.3.18. As recommended in the Badger Report & Biodiversity Chapter, pre-construction surveys are to be conducted at the site to ensure no alterations from the baseline recorded during initial site surveys. ECoW supervision is recommended during vegetation removal, sett destruction, artificial sett construction etc.

6.3.19. All badger surveying, reporting, mitigation recommendations, artificial sett design and post construction monitoring proposed for phase 3 are in line with or exceed expectations laid out by Ireland's legal requirements in relation to the protection of badgers, their setts, cubs and habitats.

6.4. The response to the DM Leavy appeal includes:

6.4.1. The site has been earmarked for new residential development since the early 2000's. The applicant has begun construction on the Cornamaddy lands, granted as part of previous phases of the project. Transport links are listed. Figure 1 of the response shows the layout as permitted under ABP244826, PA Reg Ref. 14/7103; figure 2 shows the layout per the planning authority decision.

6.4.2. They quote S 138 (1) of the Planning Acts and state that the appeal is targeted towards the applicant and not the development.

6.4.3. They list submissions made by the appellant and another party of the same address, against developments by the applicant:

310884, and PA Reg Ref. 21304 Meath

314242, and PA Reg Ref. 22612 Meath

314744 and PA Reg Ref. 22924 Meath

317374 and PA Reg Ref. 221558 Meath

318535 and PA Reg Ref. 2360366 Laois

313094 and PA Reg Ref. 21139 Westmeath

317923 and PA Reg Ref. 23513 Kildare

318403 and PA Reg Ref. 235707 Cork

318678 and PA Reg Ref. 23930 Meath

6.4.4. They refer to High Court proceedings they have brought against these appellants.

6.4.5. They request the Board to refer to the McCann Fitzgerald report, attached as an appendix to the response, and to dismiss the appeal.

6.4.6. They respond to the appeal grounds:

6.4.7. Development Plan – the Athlone Town Development Plan 2014-2020 is the most recent relevant statutory planning policy document that presents specific land zonings and development objectives for the subject lands.

6.4.8. They refer to the Joint Urban Area Plan, in preparation and expected to be put on public display this year.

6.4.9. The Cornamaddy lands have been earmarked for development for c. 20 years.

6.4.10. The residential zoning for the lands is included in the plans:

Cornamaddy Area Action Plan 2005

Athlone Town Development Plan 2008-2014

Athlone Town Development Plan 2014-2020

6.4.11. Should development be governed by the principle that lands should be deemed agricultural lands, it would deem the entirety of the lands within Athlone as undevelopable.

6.4.12. The development granted was subject to an extensive pre-planning and master planning process where the Council were consulted. The expiry of the Athlone Town Development Plan 2014-2020 was not raised as a concern.

6.4.13. The applicant and design team had careful consideration of the Westmeath County Development Plan 2021-2027 and, where there was a conflict between policies and objectives, between Athlone Town Development Plan 2014-2020 and those of the Westmeath County Development Plan 2021-2027, the standards of the Westmeath County Development Plan 2021-2027 were adopted.

6.4.14. The application proposes to increase the number of units on the site from the previous permission, increasing the density from 20 units per hectare to 25 units per hectare.

6.4.15. The planner's report is referred to.

6.4.16. The draft Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities is quoted:

It is a policy and objective of these Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and edge locations of Regional Growth Centres, Key Towns and Large Towns and that densities of up to 80 dph (net) shall be open for consideration at accessible urban extension locations (defined in Table 3.7).

6.4.17. The subject development is not a stand alone development. Phases granted planning permission:

Phase 1 (Reg Ref 22/253 – 75 units on 1.95ha.

Phase 2 (Reg Ref 22/340 – creche.

Phase 3 (Reg Ref 22/577 – The subject application, an amendment of Reg Ref 14/7103. In combination with the original application provide for 157 units. A further amendment to Reg Ref 14/7103 was Reg Ref 2360047 (phase 5) to provide 6 additional residential units, total 163 units on 6.40ha.

6.4.18. The permissions granted represent a total of 238 units on 8.35ha, at a density of c29 units per ha.

6.4.19. There is currently an LRD (Reg Ref 2360374) for 177 units on 5.27ha, (phase 4). This represents 415 units on 13.67ha at an overall density of 30.5 units per hectare.

6.4.20. The overall development is generally compliant with the Sustainable Residential Development and Compact Settlements Guidelines guidance of 30-50 units per hectare.

6.4.21. The amendment area as granted represents a density of c 35units per hectare providing 70 units on a net site area of 2.01ha, this is illustrated in figure 3 of the response.

6.4.22. Attached to the response is a legal opinion on behalf of the applicant, from McCann Fitzgerald, in relation to the Board's discretion under section 138 of the Planning Acts.

6.5. Planning Authority Response

6.5.1. The planning authority has not responded to the grounds of appeal.

6.6. Further Responses

6.6.1. Following Board correspondence a further response was submitted on behalf of the appellant DM Leavy, by from FPLogue Solicitors, which refers to Board procedures and correspondence.

6.6.2. In relation to planning issues, under paragraph 32, it states that the Athlone Town Development Plan was adopted in 2014 and remained in force following the dissolution of the Town Council whose functional area was amalgamated with those of Westmeath and Roscommon. The effect of sections 11A to 11C of the Act was that this plan remained in force until the adoption of new development plans in Westmeath and Roscommon. When Westmeath County Council adopted its new development plan it did not adopt zoning policies for land within Athlone. Nevertheless, when the new development plans were adopted the Athlone Town Development Plan ceased to have effect, including in relation to its zoning. Athlone is a town for which an LAP is mandatory. RPO 4.4 of the EMRA RSES requires a Joint Urban Area Plan to be prepared by Westmeath and Roscommon County Councils. This Joint Urban Area Plan has yet to be adopted. It is not for their client or the Board to fill the gap left by a failure of a planning authority to comply with its statutory obligations to make a Local Area Plan.

6.6.3. The further response refers to legal cases and states that the Board is bound by the High Court's finding that the legal consequences of the failure to adopt a Joint Urban Area Plan is a substantial ground and therefore not frivolous or without substance or foundation; and that, having regard to an expired plan, is a substantial ground and therefore not frivolous or without substance or foundation.

6.6.4. Under paragraph 35 they state that their client is fully entitled to argue for higher densities.

7.0 Assessment

- 7.1.1. I consider that the main issues which arise in relation to this appeal are: validity of DM Leavy appeal, appropriate assessment, the principle of the development, density / compact settlement guidelines, climate change, impact on protected species, duration of permission, and environmental impact assessment, and the following assessment is dealt with under those headings.

7.2. Validity of DM Leavy Appeal

- 7.2.1. The applicant requests the Board to use its discretion under section 138 of the Planning Acts to dismiss this appeal. This discretion would be based on forming the opinion that the appeal is:

vexatious, frivolous or without substance or foundation, or

is made with the sole intention of delaying the development or the intention of securing the payment of money, gifts, consideration or other inducement by any person,

or

the Board is satisfied that, in the particular circumstances, the appeal should not be further considered by it having regard to—

the nature of the appeal (including any question which in the Board's opinion is raised by the appeal), or

any previous permission which in its opinion is relevant.

- 7.2.2. I am satisfied that the stated grounds of appeal have substance. I have no knowledge of the intention of the appellant in making the appeal. I note the applicant's reference to a forthcoming court case, but I have no knowledge of particular circumstances relating to the appeal which would indicate that the appeal should not be further considered.

7.3. Appropriate Assessment

- 7.3.1. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site,

there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision.

Screening for Appropriate Assessment & Appropriate Assessment Stage 2

- 7.3.2. An Appropriate Assessment Screening Report and a Natura Impact Statement accompanied the application. Appendix 2 to this report details my assessment under this heading.

7.4. Appropriate Assessment Conclusion

- 7.4.1. Having reviewed the documents, submissions and consultations with the NPWS etc, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

Lough Ree SAC, site code 000440, and

Lough Ree SPA site code 004064

The proposed development of residential units and public open space has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Lough Ree SAC and

Lough Ree SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites 000440 or 004064, or any other European site, in view of the site's Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is based on:

A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of Lough Ree SAC and Lough Ree SPA, including the detailed proposals for the management of surface water during construction and operation.

Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.

No reasonable scientific doubt as to the absence of adverse effects on the integrity of Lough Ree SAC.

No reasonable scientific doubt as to the absence of adverse effects on the integrity of Lough Ree SPA.

7.5. The Principle of the Development

- 7.5.1. The current Westmeath County Development Plan 2021-2027 refers to the status Athlone, as a gateway towns under the NSS, a 'Regional Centre' identified as a focal point within the region and neighbouring regions in economic and employment, transport, education and public service delivery and retailing terms. Given the importance of regional interdependencies, the NPF directs that it will be necessary to prepare a co-ordinated strategy for Athlone at both regional and town level, to ensure that the town and environs has the capacity to grow sustainably and to secure investment as the key regional centre in the Midlands.
- 7.5.2. The settlement hierarchy for Westmeath 2021-2027 gives a 2016 population of 21,349 for Athlone in both Westmeath and Roscommon and a target growth rate of 40.5%, taken from the RSES, by 2031, which envisages growth of 14% or 3,460 people in total between 2021 and 2027. Proportional intervention, ie. a proportional division of the projected national and regional population, as a target rather than a projection, gives a 2031 population of 30,000 of which 23,343 will be in Westmeath. The Westmeath proportion of Athlone's target additional population to 2027 is 2,768 people.
- 7.5.3. The Westmeath County Development Plan 2021-2027 sets out a core strategy and a housing strategy which identify significant growth for Athlone as a regional growth

centre in the gateway region, following the Settlement Hierarchy for the Eastern and Midland Regional Assembly Region of the RSES.

7.5.4. The plan states that 2,590 houses will be provided in Athlone over the plan period.

7.5.5. In the Athlone Town Development Plan 2014-2020, the zoning states:

Residential: 'To provide for residential development, associated services and to protect and improve residential amenity.' and

Open space: 'To provide for, protect and improve the provision, attractiveness, accessibility and amenity value of public open space and amenity areas.

The lands designated open space have been reserved for open space, and the proposed housing is located within the land to which residential zoning applies.

7.5.6. The subject site is located within the Cornamaddy Local Area Plan (LAP) area, which envisages residential development in this area, and was subsumed into the Athlone Town Plan 2008-2014.

7.5.7. It is a grounds of appeal that there is no development plan in place for Athlone Town; that the 2014-2022 plan expired over three years ago; and that the site is unzoned and defaults to agricultural use. A further submission in response to Board correspondence states that Athlone Town Development Plan 2014-2020 remained in force following the dissolution of the Town Council and that the effect of sections 11A to 11C Planning and Development Act 2000 as amended was that this plan remained in force until the adoption of new development plans in Westmeath and Roscommon and then ceased to have effect, including in relation to its zoning. A legal case, which involved the Board, is referred to in support of this assertion, which they state means that the Board is bound by the High Court's finding regarding reliance on an expired development plan.

7.5.8. It is my understanding that the Board has previously considered the matter of the Athlone Plan and has concluded that the zoning remains in force pending the making of a Local Area Plan.

7.5.9. The proposed development is compatible with all plans and policies insofar as they relate to the site. If the residential zoning were not to currently apply, which I understand not to be the case, the site would continue to enjoy an existing

permission for residential development, for a lower density, less sustainable form of residential development.

7.6. Density / Compact Settlement Guidelines

7.6.1. Chapter 3 of the Westmeath County Development Plan 2021-2027 – ‘Housing’ states that higher densities will be applied 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. The Athlone Town Development Plan 2014-2020 sets general density parameters of 30-35 per ha for outer suburban/greenfield lands.

7.6.2. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) outlines the densities required for such areas.

Regional Growth Centre – Suburban/Urban Extension

Suburban areas are the low density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and edge locations of Regional Growth Centres, and that densities of up to 100 dph (net) shall be open for consideration at ‘accessible’ suburban/urban extension locations (as defined in Table 3.8).

7.6.3. Car parking standards are associated with density. In the Westmeath County Development Plan 2021-2027 standards are expressed as maximum spaces per unit. The parking standards in the Athlone Town Development Plan 2014-2020 are expressed as minimum standards (1 space per dwelling and 1 visitor space for every three dwellings), per SPPR 3 of the guidelines – reference to car parking provision should be to maximum rates, where such provision is justified to the satisfaction of the planning authority. Adherence to minimum parking requirements is in conflict with SPPR 3.

7.6.4. A grounds of appeal states that the density is too low and not compliant with guidelines.

- 7.6.5. The applicant's response identifies the net area the subject of the proposed development. The site was originally given as 10.87 ha. The area the subject of the proposed housing is 2.17ha, including a link road, and 2.01ha with the link road area omitted. It argues that the resulting density is 35 units per hectare, which is within the density range set in the guidelines for such areas.
- 7.6.6. Appendix B of the guidelines set out the parameters for calculating net site area. Table 1 shows that local streets, as defined by section 3.2.1 DMURS, are included. In DMURS roads are defined with reference to their function. The application identified three road types within the site: a section of the envisaged distributor through Cornamaddy lands to connect to the section of the distributor road granted under reg ref 22/253, a local road traversing the central portion of the site and access roads. In the response to the grounds of appeal the local road is termed a link road and removed from the site area for the purposes of calculating density. In my opinion the removal of this area in the density calculation is not as envisaged in the guidelines. It provides direct access to proposed housing units, although it also serves lands to the west. It is more appropriate to use the area of 2.17 ha in the calculation, for 70 units this would represent a density of 32.25 units per ha. To achieve a density of 35 units per ha would require the provision of 76 units, achievable with little amendment to the proposed site layout.
- 7.6.7. The proposed development represents a considerable increase in density by comparison with the existing permission attaching to the site. The description of the development states that 38 permitted units (not constructed) are to be replaced by 70 units. The Board could take the view that this is sufficient reason to grant permission for the proposed development. It is also a consideration that the subject application was made prior to the making of the guidelines, published 15 January 2024. The applicant response to the grounds of appeal correctly refers to the draft Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, which includes an objective that residential densities in the range 30 dph to 50 dph (net) be achieved. It is also worth noting that the adopted Guidelines state that residential densities in the range 35 dph to 50 dph (net) shall generally be applied.
- 7.6.8. Taking the above into account, in my opinion the density of development proposed should not be a reason to refuse or modify the proposed development.

7.7. Climate Change

- 7.7.1. The Board's obligation to have regard to climate change is largely discharged by the process of adherence to the hierarchy of plans and guidelines, which have directed relatively high density residential development to this urban extension to Athlone: a regional growth centre. Modern, low energy demand housing is proposed. The planned development will involve reduced travel distances and will facilitate the use of more sustainable modes of transport, although also providing for private car ownership.

7.8. Impact on Protected Species

Badgers

- 7.8.1. A Report of a Badger Survey, carried out in November 2022 was submitted with the application. It identified 4 badger setts, mammal trails and areas to be cleared under supervision. Badgers are referred to in 8.5.1.6 of the EIAR. A confidential Badger Sett Mitigation Strategy was submitted in response to the further information request. Badger protection was further addressed in the clarification of further request and response.
- 7.8.2. Two active badger setts within the site, a main sett and an annex sett, are to be removed as part of the proposed development. Two outlier setts have also been identified within the site. The provision of an artificial sett is proposed 'within the lands made available for the housing development', but outside any areas proposed for development.
- 7.8.3. The impact on badgers arose as an issue in submissions to the planning authority and has been raised as a grounds of appeal. The grounds of appeal expresses concerns regarding the impact of development carried out to date at this location, pointing out that the proposed development is part of a larger overall development, and considers that the in-combination effects have been inadequately addressed. The grounds of appeal considers that the proposed mitigation will fail; that it is unlikely that there is a suitable site for an artificial sett within the confines of the site; and it critiques the proposed location and design of the proposed artificial sett. The grounds of appeal is concerned that the proposed development, in-combination with

adjoining developments, will impact significantly on the foraging area available to the badgers resident on the site.

- 7.8.4. The applicant response includes that the site has been earmarked for new residential development since the early 2000's. The applicant has begun construction on the Cornamaddy lands, granted as part of previous phases of the project. At every stage of the project appropriate consideration was given to flora and fauna on the site. Mitigating any impacts to badgers has been a priority from initial application stage through to receipt of the decision.
- 7.8.5. Regarding in-combination effects, an EIAr was submitted with the subject application which assessed the overall development of the lands, a second EIAr was submitted with Reg. Ref. 2360074.
- 7.8.6. Responding to the adequacy of the artificial sett, located 50m from a road yet to be constructed. They point out that the legal requirement in Ireland is a 50m buffer from any sett entrance from December to June (breeding season), and 30m outside this period. The 50m buffer is considered sufficient per TII guidance for sites without blasting / piling.
- 7.8.7. Responding to the concern that there is a stream 50m from proposed sett entrances, with an increased likelihood of flooding, given that water has been displaced from nearby developments once designated bogland; that a sett and sett entrances should not be located near flowing water; and that the badgers have always avoided this side of the esker. They state that the artificial sett is located near a drainage ditch, not a river. The drainage ditches may have some flow during excessive rainfall events but are also stagnant or even dry in some locations. A 50m buffer between the artificial sett and the drainage ditch was deemed appropriate. It keeps the artificial sett close to the original, while being outside of disturbance distances and away from watercourses. NatureScot advice is quoted: 'the most successful setts have been located less than 100m from the original natural sett'. They further state that SuDS measures will preclude flooding at or in the vicinity of the site and that the flood Risk Report provides for climate change +20% flood level. They refer to NatureScot 2018 'Guidance for the Creation of Artificial Setts' which states:

Badgers must be able to locate the replacement sett without any difficulty. A site must be selected as close to the existing sett(s) and/or area of badger

activity as is practicable. However, the site must not be so close to the new development that disturbance could distract badgers from using it.

- 7.8.8. They refer to the need to avoid the artificial sett becoming flooded and the need to ensure a depth of at least one metre of soil above the chambers. Building the sett on or into a sloping site with the pipes emerging at the lowest point or covering with a mound of soil are recommendations. They are satisfied with the proposed artificial sett's compliance.
- 7.8.9. They state that like for like mitigation is not a requirement. The guidelines state that the bulk of the artificial sett be replaced. The artificial sett will have a minimum of 3 chambers and 5 entrances with a minimum buffer zone radius of 30m to prevent disturbance. Monitoring will be undertaken every 3 months for 2 years, with uptake of the artificial sett encouraged through baiting, provision of nesting material etc. Expansion of the artificial sett will be undertaken if necessary. The 15m x 15m quoted in the grounds, is the minimum proposed size outlined in the artificial sett report. NPWS were consulted in relation to closure of sett entrances and the replacement artificial sett and they met an NPWS ecologist on site.
- 7.8.10. Responding to concerns regarding loss of foraging area that the road will block significant areas of forage (already reduced by up to 70%) and lead to road kill and cumulative loss of forage. They state that tunnels to accommodate badger transit are not feasible on roads of this nature and are more appropriate to high speed roads. There is no evidence to support the figure of 70% loss of foraging area. Badger trails between the site and the area to the west were identified, so they are using the area to the west for foraging.
- 7.8.11. Concern is stated in the grounds of appeal that surrounding development and the road would limit badgers to an enclosed area and when they decide to move because of these restrictions, they would be compromised by surrounding roads, beyond which are rival badger territories. They ground of appeal questions the efficacy of the proposed planting as a food source where 90% of their worm foraging areas have been removed. The applicant response is that there is no suggestion that berries would be a primary food source, merely a supplementary one; the proposed planting is primarily for cover and shelter, particularly around sett entrances. Badger trails between the site and the area to the west were identified, so they are using the

area to the west for foraging. They refute the claim that 90% of badger foraging areas are being removed.

7.8.12. I am satisfied that the impact on badgers is adequately documented on the file. The impact is identified as a negative impact. The proposed mitigation will reduce the impact, but a residual negative impact will remain. Areas, which correspond to the esker and existing recreational uses to the north - west of the site, are zoned open space, in the Athlone Town Development Plan 2014-2020. There are some grassy areas also, at Cornamagh cemetery to the west. However, residential development on this site, on lands already developed, and future development of other zoned lands, will reduce potential foraging areas. Foraging area requirements for badgers, or the extent of a foraging territory, are not stated on the file. The subject site is not far removed from the edge of the development plan boundary, beyond which are agricultural lands and ribbon development, where suitable foraging areas are likely to be available. I am satisfied that none of the road types to be provided as part of the subject development, including the section of the distributor road, which is part of the proposed development, are such as to require an underpass to accommodate badgers. I accept that a negative impact on badgers is likely, from a reduction in nearby foraging area as a result of the proposed development, however, in my opinion, in the context of the permitted development on the subject site, potential reduction in foraging area should not be a reason to refuse or modify the proposed development.

7.8.13. It is stated in the EIAR that destruction of the setts is required due to spatial constraints and the footprint of the proposed development. It appears to me that the proximity of the active sett and annex sett, to the development currently being carried out and nearing completion, requires the removal of the setts. The subject development is well removed from the sett locations. Nevertheless, in my opinion the removal of the setts is reasonable in these circumstances, due to them being unduly close to the access road already developed at this location and the yet to be developed footpath. The selection of the proposed location of the artificial sett appears to have included being a reasonable distance from the other active sett, which is not being removed. It is also proposed at a reasonably elevated level with reference to the drain to the west. On the date of inspection, the drain had water but little flow. The proposed surface water drainage for the subject development outfalls,

via an attenuation basin, north-eastwards from the site and will not contribute to flow in this section of drain. However, development lands to the west will discharge to this drain and increase flow and water level. I am satisfied with the location of the artificial sett.

7.8.14. Pathways are proposed across the open space and are shown encircling the base of the elevated section of the esker. Public access involves the potential for human disturbance to resident badgers. In particular the proposed pathway to the west of the esker appears to be unduly close to the proposed artificial sett. Further consultation with NPWS should be engaged in prior to the development of any pathways in the vicinity of the esker. The suitability for limited use by the public, of the esker area, and the detailed measures, including detailed landscaping proposals to deter access, which may be required to avoid disturbance to the resident badgers, should be agreed in writing with the planning authority, following consultation with NPWS, prior to development in the vicinity of the esker.

7.8.15. I am satisfied that an artificial is suitably located and can be of such a scale as to provide reasonable mitigation for the loss of the existing sett, I note that expansion of the artificial sett will be undertaken if necessary. The provision of the artificial sett can be carried out at a time which will allow the transition from the existing sett prior to its destruction.

7.8.16. I accept that the proposed development, in combination with residential development in the area will negatively impact on badgers. Nevertheless, in my opinion, in the context of the permitted development on the site, the impact on badgers should not be a reason to refuse or modify the proposed development.

7.8.17. Mitigation as recommended in the Badger Report & Biodiversity Chapter, should be a condition of any permission. Condition no. 3 also refers.

Bats

7.8.18. A preliminary bat survey report (October 2021), and a bat survey report for a residential scheme (August 2022) included as appendix 6.4 of the EIAr, were submitted with the application.

7.8.19. The preliminary bat survey report was for a larger area than the subject site and identified treelines and hedgerows, considered moderate for commuting and foraging bats; treelines containing trees with moderate and high roosting potential; trees with

bats emerging; and bat recordings in various locations; shown in figure 4 of the report.

7.8.20. The 'bat survey report for a residential scheme' states that three species of bat were detected during surveys in September 2021 and July 2022: common pipistrelle, soprano pipistrelle and Leisler's bat. Figure 4 of appendix 6.4 shows locations. Figure 6 of the bat survey report shows the areas of interest, including the treeline with tree T914, the category U¹ tree for removal, identified as a bat roost and for which a derogation licence will be required. Tree T922, from which bats were also recorded emerging, will be retained. Tree T915 with high bat roost potential, which is to be removed, requires a further dedicated survey to assess if there is bat usage. The removal of 24 trees in total, is referred to.

7.8.21. Section 4 of appendix 6.4 contains recommendations on tree removal, lighting and providing future roosting opportunities, including:

Trees along the field boundaries contained the areas with most bat activity and these trees should therefore be retained for commuting, foraging and potentially roosting bats.

It details how and when trees may be felled, the need for a pre-felling bat survey and, if appropriate, a derogation licence.

Trees used for future landscaping should comprise a high percentage of semi-mature native Irish species.

Noting positive impacts via the supplementary planting of native Irish species and the erection of bat boxes around the site.

In order to preserve the roost potential of the treelines/hedgerows to be retained and to minimise disturbance to bats utilising the site in general, the lighting and layout of the proposed works will be designed to minimise light spill onto habitats both within and adjacent to it that are used by the local bat population foraging or commuting.

7.8.22. In my opinion impact on bats should not be a reason to refuse or modify the proposed development.

¹ category U trees are trees in such a condition that any existing value would be lost within 10 years or being recommended for removal for sound arboricultural practice.

7.9. Duration of Permission

- 7.9.1. The application, made in December 2022, sought a permission of 5 years duration. Condition no 1 of the planning authority's decision tied the duration of the permission to that of the existing permission ABP 25.244826, PA Reg Ref 14/7103, which is due to expire on the 31st August 2025. In my opinion, having regard to the time which has elapsed since the decision was made, the duration set in the PA's decision is unduly limited.
- 7.9.2. Taking account of further in-built delays, including the construction of the artificial sett and destruction of the existing setts, a duration of 5 years is considered reasonable.

7.10. Environmental Impact Assessment

- 7.10.1. An Environmental Impact Assessment report accompanied the application. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the appeal / application. In my opinion the information contained in the EIAR and supplementary information provided by the developer, has been prepared by competent experts and adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with the relevant legislative provisions.
- 7.10.2. Appendix 3 to this report details my assessment under this heading.
- 7.10.3. I consider the direct and indirect significant effects of the development against the factors set out under Article 3(1) of the EIA Directive 2014/52/EU, which include:
- a) population and human health;
 - b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
 - c) land, soil, water, air and climate;
 - d) material assets, cultural heritage and the landscape;
 - e) the interaction between the factors referred to in points (a) to (d).
- 7.10.4. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, the assessment by the planning authority, and the submissions from prescribed

bodies, appellants, and observers in the course of the application and appeal, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Biodiversity:
 - impact on badgers, which will be mitigated by the provision of an artificial sett and relocation of a proposed path.
 - impact on bats, which will be mitigated by following protocols for tree removal, by provision of bat boxes, by replacement planting and by careful lighting design.
- Land, Soil, Water, Air and Climate
 - Potential contamination of watercourses from runoff of surface water during construction impacting on protected sites; to be mitigated by control of sediment in runoff, set out in chapter 9 and the CEMP.
 - Potential contamination of watercourses from runoff of surface water during operation impacting on protected sites; to be mitigated by the provision of a petrol interceptor and attenuation prior to discharge.
 - Potential impact of dust and noise during construction; to be mitigated by measures to minimise and monitor construction dust and noise, set out mainly in chapter 9 of the EIAR and in the CEMP.

7.10.5. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures and through ongoing consultation as appropriate. Following mitigation, no residual significant negative impacts on the environment would remain as a result of the proposed scheme. The positive benefits of the scheme would outweigh any remaining minor negative impacts. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that the proposed development be permitted, for the following reasons and considerations, in accordance with the following conditions.

9.0 Reasons and Considerations

- 9.1.1. The proposed development comprising residential development and public open space, providing for amendments to permitted development, would not unduly impact on the natural environment or the amenities of the area, would align with national policy to achieve higher density compact settlements, would align with policy objectives for the area and would, subject to the following conditions, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 15th June 2023 and 1st September 2023 and in accordance with conditions of the parent permission ABP Ref. PL25.244826 PA Reg Reg 14/7103, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. This permission shall have a duration for implementation of five years from the date of grant.

Reason: In the interest of clarity.

2. Prior to the commencement of any development, in the vicinity of the esker, the applicant shall consult NPWS, detailing measures to safeguard the badgers on site, including:

- developing detailed drawings of the specific design (related to the location, slope etc) and timing of completion, of construction of the artificial sett;
- measures as may be required to avoid disturbance to badgers: detailed landscaping proposals to deter access, specific details of bunding, the relocation or omission of pathways near the western end of the esker, etc;
- measures to enable connectivity of the artificial sett and remaining natural sett to clearly identified foraging area, including identification and management of connective landscape features for retention;
- provision in case of accidental badger injury during works;
- post works monitoring of the artificial sett to confirm that badgers have taken up residence, at a minimum at 6 months and 12 months; and
- provision of a mitigation monitoring report, which will include proposals for any corrective measures required.

The outcome of these consultations together with the measures proposed shall be submitted for the written agreement of the planning authority.

Reason: To better provide for the resident badgers on the site.

3. All mitigation measures detailed in the Badger Mitigation Strategy (May 2023) shall be implemented. All works in the vicinity of the esker shall be undertaken under the supervision of a suitably qualified and experienced ecologist.

Reason: To better provide for the resident badgers on the site.

4. Prior to the commencement of development a revised Construction Environmental Management Plan (CEMP) shall be submitted for the written agreement of the Planning Authority to address surface water protection, which shall include the measures listed in section 9 of the NIS and in section 9 of the Construction Environmental Management Plan.

Reason: In the interest of environmental protection.

5. All mitigation measures detailed in section 9 of the Natura Impact Statement complied by Enviroguide Consulting Ltd shall be implemented.

Reason: In the interest of orderly development.

6. Prior to the commencement of development a revised boundary treatment plan shall be submitted for the written agreement of the Planning Authority which shall provide for a 1.8m high block wall which shall run along the shared boundary of all back-to-back dwellings.

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

7 Notwithstanding plans and particulars submitted, full details of all materials, colours and textures of external finishes to the proposed dwellings shall be as submitted for the written agreement of the planning authority prior to commencement of development. The development thereafter shall be carried out strictly in accordance with the agreed details.

Reason: In the interest of visual amenity.

8. The applicant is to ensure all public lighting, using LED or similar approved, is designed by a suitably qualified lighting designer in accordance with the provisions of the Midland Counties Public Lighting Specification.

Reason: In the interest of orderly development and the visual amenities of the area.

9. a) All public services for the proposed development including electrical, television, telephone cables and equipment shall be located underground throughout the development.

b) During the construction phase of the development, site roads and access road shall be kept clean.

c) Any damage to existing roads or footpaths as a result of this development to be repaired by the developer.

d) Commercial vehicles transporting materials from the site shall not be loaded over the free water level of the container body and the wheels and the external body shall be maintained free of clay deposits.

e) The developer shall apply to the Roads Authority for a Road Opening Licence for all works on the public road/footpath.

Reason: In the interest of proper planning and orderly development.

10. a) The applicants shall implement the findings/suggestions in the quality audit as per submitted DMURS advise note 4 – Quality audit.

b) Prior to the commencement of the development the developer shall submit a Stage 1 & 2 Road Safety Audit for the development.

c) Prior to first occupation of the development the developer shall submit to the Planning Authority a Stage 3 Road Safety Audit for the proposed development.

d) All dished crossings, tactile paving, street furniture, lamp standards etc shall be in accordance with the Traffic Management Guidelines and The Design Manual for Urban Roads & Streets published by the Department of Transport.

e) All road signage and line markings shall be in accordance with the Traffic Signs manual published by the Department of Transport.

Reason: In the interest of proper planning and traffic safety.

11. a) All uncontaminated surface water, including roof water, shall be separately collected and discharged, and shall not in any circumstances be allowed discharge to foul sewage network.

b) The diameter of all manholes shall be 1200mm complete with step irons.

c) All surface water sewers with cover to ground level, less than 1.2m on carriageway and 0.9m on footway or verge, shall be encased in concrete.

d) Upon completion of the development the developer shall provide the following details to Westmeath County Council with respect to the surface water sewer within the public road/footpath:-

- Written certification from a suitably qualified competent person with Professional Indemnity Insurance that the surface water network has been installed in accordance with the surface water design report.
- Details of water and air tests carried out on storm drainage networks.
- Infiltration test for manholes.
- CCTV survey to the Planning Authorities specification including location map and condition report of the proposed system in the public realm.

e) Record drawing of all underground services including storm sewer survey shall be provided in Mapdrain or Autocad Format.

Reason: In the interests of public health and orderly development.

12. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

13. Site development and building works shall be carried out only between the hours of 08:00 to 19:00 Mondays to Fridays inclusive, between 08:00 to 14:00 on Saturdays 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 by the Planning Authority.

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

14. (a) Prior to the commencement of development, the developer shall submit and obtain the written agreement of the Planning Authority, a plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.

(b) The development shall make provision for a 3-bin waste collection system.

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

15. a) Prior to the commencement of works, an updated Construction Environmental Management Plan shall be submitted to the Planning Authority for agreement. Details shall be provided of the location and nature of waste segregation and storage facilities on site. The updated CEMP shall also identify how they will prevent the importation and spread of Invasive Alien Species. The revised CEMP shall also identify all the persons holding key management, waste management and environmental management positions during the construction stage of the project including Project Manager, Site Foreman, Environmental Officer, Project Supervisor Construction Stage, etc. All mitigation measures proposed in the NIS and EIAR must be included in the updated CEMP.

b) All mitigation measures identified in the Natura Impact Statements, and the Environmental Impact Assessment Reports shall be implemented and included in the updated CEMP. A suitably qualified and experienced Ecological Clerk of Works shall be employed to oversee the implementation of mitigation measures outlined in the above reports. The Ecological Clerk of Works should 'sign off' on the delivery of any mitigation measures and provide a report on their completion to Westmeath County Council documenting their implementation, any failure of implementation, and any necessary remediation measures.

c) All oils and hydrocarbons are to be stored in a bunded area. The bund shall be designed in accordance with BS: 8007: 1987, code of practice for the design of concrete for retaining aqueous liquids.

d) All fuelling of plant on site shall be carried out in a nominated location within the confines of the site. An oil/fuel 'Spill Kit' or similar shall be maintained on site.

e) There shall be no discharge of contaminated water to any surface water drainage system or surface water course.

f) Dust deposition from the construction works shall not exceed 350mg/sq.m/day (based on a 30 day composite sample) as measured using the Bergerhoff Method, or 130mg/sq.m/day as measured on a "Frisbee" type dust gauge

beyond the boundary of the site. Dust monitoring location shall be agreed with Westmeath County Council.

g) Burning or burying of waste on the site is prohibited.

h) The applicant shall ensure that activities at the site, during the construction stage shall not give rise to noise levels off site which exceed the following sound pressure limits (Leq: 30 minutes) beyond the site boundary.

Day-time (8.00am to 8.00pm) 55dB(A)

Night-time (8.00pm to 8.00am) 45dB(A)

In addition, noise levels measured at noise sensitive locations in the vicinity of the site shall not exceed a level of 10 dB(A) above existing noise levels during core working hours, and 5 dB(A) at any other time. All noise measurements shall be carried and assessed in accordance with Environmental Protection Agency Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4). Noise sensitive locations shall be agreed with Westmeath County Council. Noise monitoring shall be carried out by an independent noise and vibration assessor at the developer's expense on request by Westmeath County Council.

i) The proposed oil interceptor shall be a Class 1 separator, complying with the requirements of BS EN 858-1. The developer shall ensure a maintenance contract for the regular servicing of the interceptor. Details of the proposed maintenance contract shall be issued to Westmeath County Council in advance of a commencement notice being submitted.

Reason: In the interest of the environmental protection and sustainable development.

16. Prior to the commencement of development, proposals for the naming and associated numbering scheme for the development hereby permitted shall be submitted for the consideration and written agreement of the Planning Authority. The proposals should reflect and respect local identity, history, heritage and culture and shall be in place within 3 months of the completion of the development hereby permitted, unless otherwise agreed in writing with the Planning Authority. Estate and

street plates shall be of a design and at a location to be agreed in writing with the Planning Authority.

Reason: In the interests of orderly development and to assist residents, visitors and the postal authorities.

17. The applicant shall ensure that the development is carried out in accordance with the planning authority's Taking in Charge Policy.

Reason: In the interest of clarity and the proper planning and development of the area.

18. A minimum of 10% of all car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, to facilitate the installation of EV charging stations/points at a later date. Where proposals relating to the installation of EV charging has not been submitted with the application, in accordance with the above requirements, such proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and to future proof the development, in order to facilitate the use of Electric Vehicles in the interests of sustainable transport.

19. Prior to the commencement of any 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, as amended, that restricts all residential 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.

20. 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.

21. Prior to the commencement of any development on site, the Developer shall lodge with Westmeath County Council a cash deposit of €36,000 (Thirty Six Thousand Euro, or a bond of an Insurance Company or other agreed security to the value of €420,000 (Four Hundred and Twenty Thousand euro), to secure the provision of on-site landscaping, agreed boundary treatments and satisfactory estate completion. The bond to be submitted shall include an agreement empowering Westmeath County Council to apply such security or part thereof for the satisfactory completion of maintenance as aforesaid for any part of the development.

Reason: To ensure the satisfactory landscaping, treatment and completion of the development hereby permitted.

22. The developer shall pay to the planning authority a financial contribution of €232,924 (Two Hundred and Thirty Two Thousand, Nine Hundred and Twenty Four euro) 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. The application of any 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 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Planning Inspector

7th May 2024

Appendices

Appendix 1 Photographs

Appendix 2 Appropriate Assessment

Appendix 3 Environmental Impact Assessment

Appendix 4 Westmeath County Development Plan 2021-2027, extracts

Appendix 5 Athlone Town Development Plan 2014-2020, extracts

Appendix 6 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024, extracts

Appendix 7 Design Manual for Urban Roads and Streets DMURS, extracts

Appendix 8 Sustainable and Compact Settlements Guidelines for Planning Authorities draft 2023, extracts

Appendix 9 Conservation Objectives for Lough Ree SAC, extracts