



An  
Bord  
Pleanála

## Appendix 2 to Inspector's Report ABP-318510-23

### Appropriate Assessment

**Inspector**

Dolores McCague

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## 1.0 Introduction

- 1.1.1. 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.

## 2.0 Context of this Assessment in relation to the Main Report

- 2.1.1. This is an appendix to the Inspector's report and should be read in conjunction with the Inspector's report.

## 3.0 Screening for Appropriate Assessment

- 3.1.1. An Appropriate Assessment Screening Report and a Natura Impact Statement accompanied the application.

### Description of the project

The subject site is located at Ballykeeran and Cornanmaddy Townlands, Athlone, Co. Westmeath south of and c1.2km straight line distance from the protected sites Lough Ree SAC (site code 000440) and Ree SPA (site code 004064) the nearest European Sites.

The proposed development comprises:

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.

**Potential impact mechanisms from the project are indirect impacts that could occur during construction and operation:**

- Surface water pollution from construction works resulting in changes to environmental conditions such as water quality.
- Surface water pollution from operation resulting in changes to environmental conditions such as water quality / habitat degradation.

**Step 3: European Sites at risk**

**Table 1 European Sites at risk from impacts of the proposed project**

Effect mechanism	Impact pathway/Zone of influence	European Sites	Qualifying interest features at risk
Deterioration in surface water quality.	Surface water	Lough Ree SAC (site code 000440) and Lough Ree SPA (site code 004064) located c1.2km, straight line distance at the closest	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation  Lutra lutra (Otter)

		point to the north of the subject site	
		Lough Ree SPA (site code 004064)	Little Grebe Whooper Swan Wigeon Teal Mallard Shoveler Tufted Duck Common Scoter Goldeneye Coot Golden Plover Lapwing Common Tern Wetland and Waterbirds

#### **Step 4: Likely significant effects on the European sites ‘alone’**

Site specific conservation objectives have been developed for Lough Ree SAC which include:

To restore the favourable conservation condition of Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation in Lough Ree SAC, which is defined by the attributes and targets; including:

Maintain/restore appropriate Secchi transparency. There should be no decline in Secchi depth/transparency.

Maintain the concentration of nutrients in the water column to sufficiently low levels to support the habitat and its typical species.

Maintain appropriate water quality to support the habitat, including good chlorophyll a status.

Maintain appropriate water quality to support the habitat, including good phytoplankton composition status.

Maintain trace/absent attached algal biomass (<5% cover) and good phytobenthos status.

Restore good macrophyte status.

Maintain appropriate water and sediment pH, alkalinity and cation concentrations to support the habitat, subject to natural processes.

Maintain appropriate water colour to support the habitat.

Maintain appropriate organic carbon levels to support the habitat.

Maintain appropriate turbidity to support the habitat.

and

To maintain the favourable conservation condition of Otter in Lough Ree SAC, which is defined by the following list of attributes and targets which list includes:

Fish biomass available, no significant decline.

It is possible that the conservation objectives of the SAC, which are dependent on maintenance of water quantity and quality could be undermined by unmitigated impacts from construction and operation on surface water, arising from the effects of the project 'alone'.

SPA

Conservation objectives:

To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

and

To maintain or restore the favourable conservation condition of the wetland habitat at Lough Ree SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

It is possible that the conservation objectives of the SPA which are dependent on maintenance of water quantity and quality could be undermined by unmitigated impacts from construction and operation on surface water, arising from the effects of the project alone.

I conclude that the proposed development would have a likely significant effect 'alone' on Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation and otter of Lough Ree SAC

and on Special Conservation Interests of Lough Ree SPA, from effects associated with contaminated runoff during construction and operation. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment, in-combination with other plans and projects, is not required at this time.

#### **Overall Conclusion- Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

I conclude that the proposed development is likely to have a significant effect on the qualifying features Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation; and otter, of Lough Ree SAC; and on the Special Conservation Interests: Little Grebe, Whooper Swan, Wigeon, Teal, Mallard, Shoveler, Tufted Duck, Common Scoter, Goldeneye, Coot, Golden Plover, Lapwing, Common Tern, Wetland and Waterbirds, of Lough Ree SPA; 'alone' in respect of effects on surface water arising from the project.

<p>It is therefore determined that Appropriate Assessment (stage 2) is required on the basis of the effects of the project 'alone'.</p>
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## 4.0 Appropriate Assessment (Stage 2).

### 4.1.1. Further to the foregoing assessment:

The applicants NIS includes conclusions that having regard to the potential effects of the proposed development on the European sites:

Lough Ree SAC & Lough Ree SPA.

The sites were identified by a screening exercise that assessed likely significant effects of a range of impacts that have the potential to arise from the proposed development. The AA investigated the potential direct and indirect impacts of the proposed works, both during construction and operation, on the integrity and qualifying interests of the European sites, alone and in combination with other plans and projects, taking into account the Site's structure, function and conservation objectives.

Where potentially significant adverse impacts were identified, a range of mitigation and avoidance measures have been proposed to negate them. The NIS concluded that, once the avoidance and mitigation measures are implemented as proposed, the proposed development will not have an adverse effect on the integrity of the above European sites, individually or in combination with other plans and projects.

As a result of the complete, precise and definitive findings in this NIS, it has been concluded, beyond reasonable scientific doubt, that the proposed development will have no adverse effects on the QI, SCI and on the integrity and extent of Lough Ree SAC and Lough Ree SPA. Accordingly, the proposed development will not adversely affect the integrity of any relevant European site.

### 4.1.2. Potential impact mechanisms from the project are indirect impacts on Lough Ree SAC and SPA that could occur during construction and operation:

- Surface water pollution from construction works resulting in changes to environmental conditions such as water quality.

- Surface water pollution from operation resulting in changes to environmental conditions such as water quality / habitat degradation.

- Alterations in surface water volumes / rates of discharge.

4.1.3. These impacts could occur in combination with other developments in the area.

4.1.4. The Garrynafela Stream is 0.1km northwest of the site boundary. Garrynafela Stream flows north for approx 1.7km before discharging to Ballykeeran Lough, which together with Killinure Lough and Coosan Lough is part of the Inner Lakes of Lough Ree. The Kippinstown Stream, 67m north flows in an eastern direction before discharging to the Garrynafela Stream. The drain along the western boundary connects to Kippinstown Stream.

4.1.5. Garrynafela and Kippinstown Streams were assigned a Water Framework Directive (WFD) status of 'poor' and 'at risk of not meeting their WFD status objectives'.

#### 4.2. Mitigation Measures

##### Construction Phase

4.2.1. A suite of mitigation measures will be put in place to ensure that no contaminated waters containing silt, fuel, cementitious materials etc have the potential to enter the receiving drainage ditches, and thereafter Kippinstown Stream and Garrynafela Stream during the construction phase of the project. These measures are listed in the NIS section 9 and in section 9 of the Construction Environmental Management Plan. Taken together these measures will ensure that there will be no adverse effects on water quality, or the conservation objectives of the European sites Lough Ree SAC Lough Ree SPA arising from the construction of the proposed development.

##### Operational Phase

4.2.2. A Sustainable Drainage System (SuDS) approach is proposed to stormwater management in the operational phase, including:

Modular permeable paving in private parking spaces and driveways.

Swales along roads.

Detention basins.



Hydrobrake flow control devices.

Runoff will be attenuated to greenfield rates.

Although not proposed as mitigation, these measures will ensure that there will be no adverse effects on water quantity, or the conservation objectives of the European sites Lough Ree SAC Lough Ree SPA arising from the operation of the proposed development.

4.2.3. The stormwater management in the operational phase will include petrol interceptors before attenuation. This will ensure that there will be no adverse effects on water quality arising from surface water, or the conservation objectives of the European sites Lough Ree SAC Lough Ree SPA from the operation of the proposed development.

4.2.4. Foul sewage will discharge to the existing foul sewer network and the existing pumping station at the northern boundary of the landholding. The Athlone Wastewater Treatment Plant, where the wastewater will be treated prior to discharge to the River Shannon, has capacity for the proposed discharge.

#### 4.3. Appropriate Assessment Conclusion

4.3.1. Having reviewed the documents, submissions and consultations, 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.

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Planning Inspector

3<sup>rd</sup> May 2024

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