



An
Bord
Pleanála

Inspector's Report

ABP-318736-23

Development	10-year permission for 305 residential units along with provision of a creche, car parking, electric vehicle charge points bicycle and bin storage facilities, link road, footpath, open space areas, residential communal open space areas and site development works
Location	Lands at Ballykeeran and Cornmaddy Townlands, Athlone, Co. Westmeath
Planning Authority	Westmeath County Council.
Planning Authority Reg. Ref.	23/60074
Applicant(s)	Akiyda Limited
Type of Application	Large - Scale Residential Development (LRD)
Planning Authority Decision	Grant
Type of Appeal	Third Party

Appellant(s)

1. John Gibbons and Celine Gibbons

Observer(s)

1. Colm Quinn
2. High J. Campbell
3. Claire Gibbons & Niall Fallan
4. Austin Duignan

Date of Site Inspection

16th February 2024

Inspector

Irené McCormack

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1.0 Site Location and Description

- 1.1.1. The appeal site is located at the northern environs of Athlone, to the north-western side of the N55. The site is accessed via L8048. A continuous footpath also connects the southern site boundary via N55 to the town centre.
- 1.1.2. The site is currently a greenfield site with surrounding land use comprising of agricultural lands, one-off residential dwellings with car sales, residential and civic land use to the south and beyond to the west towards Athlone centre.
- 1.1.3. The site is characterised by open and undulating farmland with hedgerows along the perimeter. In general, the site is gently sloping from east to west.
- 1.1.4. The Garrynafela stream flows through the site in an east to west direction, before being routed to the north along the western boundary of the site.
- 1.1.5. The main vehicular entrance location for the site is off a new access road from the N55 round about which also provides access for a permitted Glenveagh development (WMCC 22/253). The site area is 12.28 hectares.

2.0 Proposed Development

- 2.1.1. The development was revised following request for further information and the scheme reduced from 332 units to 305units.
- 2.1.2. In summary, the development will consist of the provision of a total of 305no. residential units along with provision of a crèche as follows:
 - The provision of a total of 175no. 2storey residential dwellings which will consist of 151no. 3 bed units and 24no. 4 bed units.
 - The provision of a total of 130no. apartments/duplex units consisting of 25no.1 bed units, 80no.2bed units and 25no. 3bed 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.**
 - Provision of a 2 storey creche.
 - The provision of a new link road via adjacent lands to the west to provide for vehicular, pedestrian and cyclist access.
 - 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).

- The creation of a pedestrian footpath alongside the local road which will connect to the existing footpath aligning the N55 National Road.
- All associated site works.

An Environmental Impact Assessment (EIAR) and Natura Impact Statement have been prepared and accompany this application.

2.1.3. Following the request for further information Block A and four no. units were omitted from the scheme.

2.1.4. **Development Parameters:**

Residential Mix & Building Typology	Original Application Particulars	FI Application Particulars
3bed dwellings	152 units	151 units
4 bed dwellings	20 units	24 units
1 bed apartments	36 units	25 units
2 bed apartments	99 units	80 units
3 bed apartments	25 units	25 units
Creche	450sq.m (capacity for 48 children)	450sq.m (capacity for 48 children)

Site Statistics	Original Application Particulars	FI Application Particulars
Gross Site Area	12.28ha	12.28ha
Net Site Area	9.49ha	9.49ha
Plot Ratio	0.287 plot ratio	0.27 plot ratio
Site Coverage	15.1% site coverage	14.6% site coverage
Net Density (units per ha)	35p/ha	32.1p/ha
Public Open Space	17.68% (21,721m ²)	19.11% (23,468m ²)
Communal Space	0.27ha (2657m ²)	0.2937ha (2937m ²)
Parking Provision	1 per residential unit, 9 for Creche & 1 per 4/5 visitor spaces (413 spaces in total vs the maximum CDP standard of 442 spaces) & 21 motorbike spaces	1 per residential unit, 9 for Creche & 1 per 4/5 visitor spaces (391 spaces in total vs the maximum CDP standard of 406 spaces) & 21 motorbike spaces

2.1.5. In addition to the standard plans and particulars, the application is accompanied by the documents and reports which include inter alia:

Planning

- Cover Letter
- Application form and LRD Form 19
- Letter of consent from Westmeath Co Council
- Letter of consent from Marina Quarter Ltd
- Statement of Response
- Material Contravention Statement
- Schools & childcare assessment
- Statement of Housing Mix
- Schools, Childcare & Social Infrastructure Audit
- DMURS Street Design Audit
- Project CGI's
- EIA Portal Notification

Architecture

- Architectural drawings
- Design Statement
- Housing Quality Assessment & Schedule of Accommodation
- Daylight & Sunlight Assessment

- Building Lifecycle Report

Landscape

- Landscape proposals
- Tree Survey Schedule & Constraints Plan

Engineering

- Traffic & Transport Assessment by Road Plan
- Quality Audit by Road Plan (incorporating Road Safety Audit)
- Mobility Management Plan by Road Plan
- Services & engineering report including Confirmation of Feasibility from Irish Water
- Construction and Environmental Management Plan
- Flood Risk Assessment
- DMURS Compliance Statement
- Garrynafela Stream- Design Changes & Risk Assessment
- Engineering drawings
- Outdoor Lighting Report & Proposals

Ecology

- Appropriate Assessment (stage 1) screening & Natura Impact Statement

- Management Plan
- Inward Noise Impact Assessment

Other

- Sustainability and Energy report
- Operational Waste Management Plan
- Resource & Waste

- Climate Change Impact Assessment report

EIAR

- Environmental Impact Assessment Report

3.0 Planning Authority Pre-Application Opinion

3.1.1. A section 32 Consultation Meeting took place on the 8th of November 2022 with representatives of the applicant and planning authority in attendance.

A Large-Scale Residential Development (LRD) Opinion issued on the 6th of December 2022. This set out that the documentation submitted constituted a reasonable basis for an application for permission for the proposed LRD under Section 34 of the Act.

The LRD Opinion outlined specific items to be addressed in the formal application, as well as advising of any additional documentation that should accompany said application. In accordance with Schedule 7 of the Planning and Development (Large-Scale Residential Development) Regulations 2021, this Statement of Response to the items set out in the LRD Opinion has been prepared. Section 2 below sets out detailed responses to each of the matters raised by the Planning Authority in the LRD Opinion

The application includes a response to the LRD Opinion issued by Westmeath County Council and a response to the points of specific information requested. This is included in the documentation on file from the planning authority.

3.1.2. The items raised in the LRD Opinion included:

1. Planning and Strategic Issues – Masterplan for overall landholding in the context recently permitted development.
2. Social Infrastructure Provision
3. Part V
4. Transport/Traffic and Road Safety

5. Service Infrastructure
6. Site Layout and Design
7. Environment
8. Environmental Impact Assessment and Appropriate Assessment
9. Other matters

4.0 Planning Authority Decision

Decision

Westmeath County Council issued a decision to grant permission subject to 21 no. conditions.

4.1. Planning Authority Reports

4.1.1. Planning Reports

Planner Report (19th May 2023 & 20th November 2023)

The report provides a summary of the proposed development, the LRD process and submissions received. The report reviews the characteristics of the site and the proposed development and various national policies and provisions of the development plan.

Report recommends 8 points of RFI relating to Open Space, Sunlight and Daylight as regards Block C, Overlooking, Omission of Speed Control Measures at the entrance, Noise mitigation measures, Archaeology, Part V and requests the applicant to address the technical matters raised in this party submission.

The recommendation within the report of the Planning Officer reflects the decision of the Planning Authority and can be summarised as follows:

Zoning

The proposed development is consistent with the 'Existing Residential' and 'Open Space' zoning objectives for the site as set out in the Athlone Town Development Plan (ATDP).

Material Contravention

Regarding the Material Contravention Statement submitted by the application the PA do not consider the development represents a MC of the ATDP as regards building height, Density, Design Standards, Open Space and Part V provisions by reason a ATDP standards and having regard to Section 28 guidelines and national policy.

Density and Unit Mix

Having assessed the scheme's density and considering its location which is predominately rural the density of 32 uph is acceptable in accordance with the ATDP and the development will introduce a new unit mix to the area which mainly consists of detached dwellings.

Height

Having regard to the relevant considerations set out in objective NPO13 of the NPF the proposed three and four storey heights are considered acceptable.

Layout, Design, Form and Open Space

Regarding the design and layout of the proposal, the Planning Authority has no objection in principle to the approach used. The design approach for the stream's edge is noted.

It is also set out that the revised proposals in response to RFI meet the BRE guideline standards in terms of sunlight and daylight provision and overlooking concerns.

Conclusion

Subject to compliance with the conditions set out, it is considered that the proposed development would be consistent with the ATDP 2014-2020 and Westmeath County Development Plan 2021-2027, Ministerial Guidelines and the proper planning and sustainable development of the area.

The planning authority decision to grant of permission subject to 21 no. conditions. These are broadly standard in nature. Conditions of note include:

- **No. 2.** Stipulates the applicant enter into an agreement in accordance with section 47 of the Planning and Development Act 2000 (as amended), that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e., those not being a corporate entity...
- **No. 4.** Relates Design Details to be agreed.

- **No. 6.** Refers to Landscaping details and agreement.
- **No 9.** Refers to Part V
- **No. 18** relates to Development Bond
- **No. 19** relates to Development Contribution
- **No. 20** relates to Special Contribution – Existing Roundabout and Portion of Link Road.
- **No. 21 relates to** Special Contribution – Connamaddy to Coosan Link Road.

4.1.2. **Internal departmental reports:**

District Engineer (20th November 2023). No objection subject to conditions.

Fire Officer (1st April 2023). Fire Safety Certificate required.

Environment Section (11th October 2023) - No objection subject to conditions.

4.2. **Prescribed Bodies**

The planning authority referred to the application to the following prescribed Bodies:

Development Applications Unit (31/10/2023) - No objection

Westmeath National Roads Officer (NRO) (3/4/2023) - No objection in this instance.

HSE (27/04/2023 – Conditions recommended.

Transport Infrastructure Ireland (TII) (26/4/2023 & 11/10/2023). The development shall be undertaken in accordance with the recommendations of the Transport Assessment the National Road Network DoECLG guidelines 2012.

4.3. **Third Party Observations**

A number of submissions were made from local residents and others. Issues raised in the submissions included inter alia the following:

- Development not in keeping with orderly development in the environs of Athlone.
- Premature given large number of developments granted in the area.
- Adversely impacts local area.
- Failure to adequately address Stream on site, EIA does not address water issues in relation to the stream.

- Flooding concerns
- Design and Layout
- Housing mix
- Location of Part V housing
- Location of apartment block across from one-off dwellings
- Impact on residential amenity
- Open Space provision
- Request to enhance landscaping.
- Traffic Impacts
- Road Access – emergency access restriction
- Environmental impact concerns
- AA Screening flawed
- Noise Study not adequate
- Water Framework Directive - site within ZOI River Shannon
- NIS inadequate
- Capacity of WWTP

5.0 Planning History

Subject Site

WMCC Ref. No. 06/3146: Application submitted by Helen Glennon & Ray Finlay for 193 residential units. Refused.

West of the site

WMCC Ref. 22/253: Permission granted on permission granted on 26/10/2022 to Marina Quarter Ltd. For Construction of 75 no. residential units and all associated site development works.

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

Provision of a new detention basin on the eastern portion of the site designed to cater for the proposed development, in lieu of the drainage works permitted under WMCC Reg. Ref. 14/7103 / ABP Ref. PL 25.244826.

This development will form part of a larger/future phase of the development. No changes to the existing pumping station located outside the northern site boundary.

**The planning permission will facilitate a portion of the access road to service the site.

Southwest of the Site

WMCC Ref. 22/577 / ABP 318510-23. Awaiting decision. Permission sought to amend 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.

WMCC Ref. 14/7103 /ABP244826. Permission granted for the construction of 98 no. new dwellings to include 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.

**A commencement notice was submitted to WMCC on 1/03/2023.

Northwest of the site

WM-C49-RZLT-23 /ABP 316928-23. ABP confirmed the determination of the PA to include the lands of the RZLT.

6.0 Policy Context

6.1. National

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.

Of note National Strategic Outcome 1 (Compact Growth), sets out the focus on pursuing a compact growth policy at national, regional, and local level.

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.

Climate Action Plan, 2023.

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. 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.

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

RSES to set out a strategic development framework for the region, leading with the key role of Sligo in the North-West, Athlone in the Midlands and the Letterkenny-Derry cross-border network. Athlone is a designated Regional Growth Centre, identified to absorb growth with a population target of 30,000 for the entire settlement of Athlone up to 2031.

Regional Policy Objectives (RPOs) include:

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.

Section 28 Ministerial Guidelines

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- 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
- Section refers to 3.3.2 Regional Growth Centres

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).

Section 3.4 relates to **Refining Density**

Section 4.0 relates to **Quality Urban Design and Placemaking**

Section 5.0 relates to **Development Standards for Housing**

- SPPR 1 - Separation Distances
- SPPR 2 - Minimum Private Open Space Standards for Houses
- Policy and Objective 5.1 - Public Open
- SPPR 3 - Car Parking
- SPPR 4 - Cycle Parking and Storage

Other relevant Section 28 Guidelines

- Development Plans - Guidelines for Planning Authorities (2022)

Section 4.5.2 **Settlement Strategy – Key Consideration** - *A comprehensive capacity audit of the land and sites with potential for development at a settlement level, is a prerequisite to inform the drafting of the settlement strategy. The planning authority should analyse the capacity of each settlement to accommodate new development in terms of suitable lands and infrastructure within the plan period..*

- DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated

Technical Appendices) (2009).

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the ‘Apartment Guidelines’).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Childcare Facilities – Guidelines for Planning Authorities (2001)
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- The Planning System and Flood Risk Management (including associated Technical Appendices) 2005
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018 (updated 2019)
- EPA Guidelines on the Information to be contained in Environmental Impact Assessment Reports 2022

6.2. Local

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.

Chapter 2 – Core Strategy

Section 2.9 Regional Growth Centre – Athlone states -

*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,.....*

The RSES further asserts that future development required to achieve the vision for Athlone includes the regeneration of underused, vacant or derelict lands in the town centre, to facilitate population growth and to strengthen the retail and commercial

functions of the Regional Centre. **In line with this focus on consolidation**, it is a policy objective of the Council to indicate a boundary for the UAP area to support the achievement of compact growth targets with a minimum of 30% of new homes to be built within the existing built-up area.

Core Strategy Policy Objectives	
It is a policy objective of Westmeath County Council to:	
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.
CPO 2.3	Prepare a joint statutory Joint Urban Area Plan (UAP) for Athlone with Roscommon County Council in collaboration with EMRA and NWRA.
CPO 2.4	Promote Athlone as a sustainable transport hub, of national and regional importance and support the preparation of a Joint Transport Plan between Westmeath and Roscommon County Councils in collaboration with transport agencies and key stakeholders to improve sustainable mobility in the town.

Table 2.9: Core Strategy Table

Settlements	Population 2016	Population 2027	Population Change 2016-2027	Quantity of Land Area Required (Ha)	Proposed Residential ** (Ha)	Proposed Residential (Brownfield)	Proposed Residential*** (Infill)	Consolidation Sites (Ha)	Equivalent Area Zoned Proposed Residential	Housing Yield*
Tier 1 Regional Growth Centre										
Athlone (Ex. Roscommon)	16,612	22,154	5542	UAP		> 30%	> 30%			2590

Section 2.19 set out Core Strategy Policies and Objectives

Chapter 3 – Housing Strategy

Section 3.7 Residential Densities

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.

Section 3.9 set out Housing Strategy Objectives

Chapter 4 – Sustainable Communities

Section 4.12.5 relates to Recreation, Amenity and Open Space -Policy Objectives CPO 4.36 – CPO 4.44.

Chapter 7 - Urban Centres & Placemaking

7.6.1 Compact Urban Centres

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/back land sites promoting sustainable higher densities.

Urban-Rural Interface

Policy Objective CPO 7.46 Protect the unique setting of towns and villages by providing for the maintenance of strong defined urban edges.

Chapter 8 - Settlement Plans

Table 8.1 Settlement Hierarchy

Settlement Typology	Settlements	Role
Regional Growth Centre	Athlone	Regional Growth Centres are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area.

Chapter 10 Transport, Infrastructure and Energy

Chapter 11 – Climate Action

Table 11.1: Land Effects on Direct Emission

The Plan places a significant focus on regeneration of vacant properties and under-utilised brownfield sites. The Core Strategy provides that at least 30% of new housing in the designated towns of Athlone and Mullingar is to be provided on brownfield lands. Furthermore, the plan supports the regeneration of identified brownfield sites in the Self-sustaining Growth towns. In this regard, 68% lands provided under this Plan for residential development are Brownfield/Infill lands (identified as per the CSO 2016 SAP boundary).

Chapter 15 – Land Use Objectives

Land Zoning Policy Objective – Consolidation Site

It is a policy of Westmeath County Council to: **CPO 15.5 Strengthen and consolidate existing settlements by encouraging the development of infill and brownfield lands through providing for a range of uses including residential development, retail, commercial and community uses.**

15.3 Land Use Zoning Categories

Uses Not Listed in the Indicative Zoning Matrix

Proposed land-uses which are not listed in the indicative land-use zoning matrix will be considered on their merits having regard to the most appropriate use of a similar nature indicated in the matrix, the proper planning and sustainable development of the area and compliance with the relevant policies and objectives, standards set out in both this Plan and relevant Section 28 Guidelines.

Chapter 16 – Development Management Standards

16.3.2 Residential Density

Development Management Standards Policy Objectives – Residential Density	
It is a policy objective of Westmeath County Council when assessing residential density that the following criteria will be considered as appropriate:	
CPO 16.24	Increased residential density within Athlone Regional Centre and Mullingar (key town) in principle where the subject lands are: <ul style="list-style-type: none">▪ within walking distance of the town centre, or▪ are adequately serviced by necessary social infrastructure and public transport and/or▪ designated regeneration sites and development lands which comprise in excess of 0.5ha, subject to quality design and planning merit in ensuring compact growth and the creation of good urban places and attractive neighbourhoods.

6.2.1. **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 in The Town 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.

Table. 2.2 Land Use Zoning for Athlone 2014-2020

Land Use	Ha
Commercial	49.5
Enterprise & Employment	115.5
Agricultural	4.7
Innovation Technology	41.4
Mixed Use	74.6
Open Space	164.3
Existing Residential	287.4
Proposed Residential	129.2
Retail Warehousing	10.9
Sporting Recreational	48.5
Strategic Gateway Zone	112.9
Comm, Educational, Institutional	85.4
Agricultural	4.7
Total Amount of Zoned Land	1,129Ha

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).

The height range in the proposed development graduates from 2 storey housing and 2 - 4 storey apartment buildings. Section 5.6.3 of the ATDP identifies sites within the town centre which can be considered for tall buildings, i.e., over 3 - 4 storeys in height. These are delineated on Map Ref: ATC_07 ‘Building Height Policy Map’.

Chapter 6 – Transport and Movement

The Core Strategy Map and Strategy Transportation Map indicate a Proposed Strategic Link Road long the southern site boundary. The Written Statement of the Town Plan contains the following relevant objectives in Chapter 6 Transportation

- O-TM2 To carry out specific road improvement/maintenance works as outlined in Table 6.1, subject to environmental and habitats protection requirements.
- O-TM20 Cornamaddy - Coosan Link Provision of Cornamaddy - Coosan Link

Table 6.1 Schedule of Road Improvement Schemes in Athlone

Objective No:	Road No.	Description
O-TM18	R916 Garrycastle Realignment	Realignment of the R916 (700m) and construction of new road bridge over the Mullingar rail line.
O-TM19	Rail Link Road	Completion of new road between Coosan Road and Crescent Junction
O-TM20	Cornamaddy - Coosan Link	Provision of Cornamaddy - Coosan Link
O-TM21	R446	Roscommon Road/ Baylough Road junction improvement
O-TM22	R446	Junction improvement at R446 / Athlone Business Park / Garrycastle Business Park Junctions
O-TM23		Provide Loughandonning Link Road from Creggan to Golden Island, including associated links to the town centre.
O-TM24	R446/N62	R446 road widening to 4 lanes and improvement to urban standard, including junctions as required by the development of the Creggan Area, over a length of 1.4km from the Creggan roundabout to the N62 junction at Fardrum
O-TM25	R446/ N62	Creggan roundabout capacity enhancement

6.3. Natural Heritage Designations

The appeal site is not located within or adjacent to any European Designed sites or pNHA, NHA.

7.0 The Appeal

7.1. Third Party Appeal

One no. third party appeal has been received in respect of Westmeath County Council's recommended decision to grant permission from:

1. John & Celine Gibbons, Garnafeile, Athlone, Co. Westmeath.

The grounds of appeal are summarised as follows:

- The EIAR is based on a survey carried out after extensive reclamation works including cutting tree and hedgerows as such ecology condition meaningless.

- No proper access road. Access point proposed onto a roadway through and unfinished development and then onto an already overcrowded N55 at Cornamaddy.
- Noise monitoring does not reflect proper baseline noise levels.
- Density too high and leaves little wildlife paths.
- The LA decision leaves no potential for further engagement.
- The developer did not address all the issues in the original submissions.
- Phasing plan should be open to public comment.
- Revised house design and landscaping to be agreed with LA without public scrutiny.
- Condition no. 9 re. Part V is contrary to the Development Plan that units be spread across the development site.
- CEMP compromised by lack of protection of existing watercourse.
- Surface water from the construction site will discharge to the local drain and into Lough Ree inner lakes without adequate protection.
- Concerns about references made in the planning application to the Cornamaddy to Cossan link road but there has been no public opinion sought on this plan.

7.2. First Party Response to Third Party Appeals

Response from GENESIS Planning Consultants on behalf of Akiyda Limited (January 2024).

The response can be summarised as follows:

The applicant refers to national policy and section 28 guidelines and sets out that the development is in compliance. The response refers to the recently adopted Sustainable Residential Development and Compact Settlements *Guidelines for Planning Authorities (2024)* in particular, section 4.4 Key Indicators of Quality Design and Placemaking and accompanying Appendix D checklist and sets out that the development is in compliance.

Response to Appeal

EIAR and Survey Data /Ecology Condition Meaningless

- The response refers to the contents of the EIAR and the site surveys carried out pursuant to the preparation of the EIAR, the construction and operational impacts and mitigation measures identified in the EIAR.
- It is set out that extensive surveys were carried out and informed the EIAR over two seasons.
- First party refute the assertion that large scale destruction of habitat was undertaken as with any agricultural lands the landowner is entitled to trim hedges.

No Proper Access to Serve the Site / Cornamaddy to Cossan Link Road Public Opinion

- It is set out that the site will be accessed via a purpose-designed link road which serves the site and will serve the adjoining neighbouring developments. The design caters for cumulative traffic scenarios and will utilise the existing roundabout and avoid direct access onto the N55.
- It is noted that the LA engineers and TII raised no concerns.
- It is also set out that a junction capacity assessment was carried out as part of the TIA concluding that the existing junction will 'operate within capacity'.

Noise Monitoring Undertaken at Quiet Times

- The response refers to the Noise Assessment submitted and section 3.2.2 'Survey Methodology' which states that '*an unattended continuous environmental noise survey was conducted at the site from 16th August to 19th August 2022*'. Additional attended 'spot' measurements were taken and attended surveys were also carried out on 16th and 19th August 2022 during daytime hours.

High Density and Lack Wildlife Paths

- It is set out that the density is appropriate for the site context.
- The proposal provided for perimeter hedges to be retained to the fullest practical extent and betterment will result from additional tree and landscaping planting.

Further Public Engagement

- It is set out that the planning application process was fully open to public consultation and submissions in accordance with legislation.

Issues Raised in Original Submission Not Addressed

- All matters were addressed, the Board is referred to response to RFI submitted on 28th September 2023.

Phasing Plan Should Be Open to Public Consultation

- Nature and extent of the development will not be changing and does not require public consultation as regards phasing.

Revised House Design

- It is set out that the grant of planning permission requires minor revisions and will not alter the nature of the development nor cause prejudice to third parties.

Additional Landscape Proposals Impact on Residents

- Minor revisions as per condition no. 6 (b) will not alter the nature of the development does not cause prejudice to third parties.

Social and Affordable Housing not in accordance with Development Plan

- RFI response proposes social and affordable houses at various locations across the site (refer pg. 63 of planner's report).

Compromised CEMP and Construction Surface Water

- CEMP outlines objectives of managed procedures required to ensure construction related activities are executed in a safe and controlled manner to prevent any adverse impacts.
- In addition to the CEMP submitted the Council's Environment section also requested an updated CEMP be submitted prior to commencement.
- Reference made to the NIS details and findings which concluded, beyond reasonable scientific doubt, that the development will have no significant adverse effects on the QI's, SCIs and on the integrity and extent of Lough Ree SAC and Lough Ree SPA.

7.3. Planning Authority Response

None

7.4. Observations

The following observations have been received:

1. Colm Quinn C/o MMKDA Consulting Engineers, Athlone. (24th Jan 2024)

The observation raises notes:

- Concern raised about the provision of a pedestrian access onto N55 and Bullet Road junction.
- There is no requirement for pedestrian access at this point and this will detract for the observer's business (Colm Quinn BMW & Mini)
- Suggest boundaries be secured by way of a landscaping condition.

2. Hugh J. Campbell (23rd Jan 2024)

The observation raises notes:

- Housing Mix – too many apartments. Apartments are desirable housing in urban areas but not on the outskirts of town.
- Social Housing Quality – Location of Block C within the site inappropriate. Two of the units do not have south facing living spaces and 4 are single aspect. All social housing in block C contrary to Development Plan.
- Public Open Spaces – Green areas proposed in a narrow strip and not integrated into the development. Reference made to percentage off open space.
- The boundary treatment on the northeastern boundary should include a secure fence.
- Phasing should be subject to public comments.
- Reference to Ecology, CEMP and Link Road reflect appeal submission 7.1 above.

3. Austin Duignan (15th Jan 2024)

The observation raises notes:

- Concern re. housing density, amenity, noise, high density of apartment and poor layout.

- No adequate protection form storm water run-off to nearby Stream feeding into inner lakes of lough Ree.
- Lack of green space and nature corridors
- No road access or amenities

4. Claire Gibbons & Niall Fallan (15th Jan 2024)

The observation raises notes:

- Contrary to Development Plan and national policy as regards social and affordable housing integration.
- Poor layout – Out of character in the area which is semi-rural.
- Query - Adequate protection form storm water
- Loack of green space and wildlife corridors

8.0 Assessment

8.1.1. This assessment considers the proposed development in the context of the plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. I have reviewed the application and appeal documentation, and I am aware of the planning provisions relating to the site and the proposed development.

8.1.2. I address Appropriate Assessment and Environmental Impact Assessment separately in sections 9 and 10 below and propose to address the remaining issues under the following headings.

- The Principle of Development
- Design Strategy
- Access Arrangements and Traffic
- Other Matters

Note: The Board may consider ‘Core Strategy’ compliance a New Issue.

8.2. Principle of Development

Introduction

8.2.1. The proposed development comprises a 10-year permission for 305 residential units along with provision of a creche and a new link road via adjacent lands to the west to

provide for vehicular, pedestrian and cyclist access site and all associated development works.

Relevant Development Plan Governing the Subject Site

- 8.2.2. The subject site is located within the development boundary of the Athlone Town Development Plan (ATDP) 2014-2020. Within that primary Development Plan there is the Cornamaddy Local Area Plan 2009 which was subsumed into the Athlone Town Plan 2008-2014.
- 8.2.3. Objective CPO 2.3 off the Westmeath County Development Plan 2021-2027 states that it is a policy of the Council to *prepare a joint statutory Joint Urban Area Plan (UAP) for Athlone with Roscommon County Council in collaboration with EMRA and NWRA*. There is no zoning map for Athlone in the Westmeath County Development Plan 2021-2027 and the joint UAP has not been prepared to date for Athlone. Westmeath County Council and Roscommon County Council commenced the preparation of the Athlone Joint Urban Area Plan 2024-2030 on the 7th of December 2023. The Plan is currently at pre-draft stage. The Athlone Joint Urban Area Plan 2024-2030 Strategic Issues Paper was on display from 7th December 2023 to 1st February 2024.
- 8.2.4. The existing ATDP 2014-2020 has not been revoked. Therefore, in the absence of a new Area Plan, the applicable plan is the Athlone Town Development Plan 2014-2020 and where conflict arises the Westmeath County Development Plan 2021-2027 has primacy.
- 8.2.5. I draw the Boards attention to the Material Contravention statement submitted by the first party in relation to Building Height, Density, Design Standards, Open Space and Part V. Having regard to the provisions of the ATDP 2014-2020, the Westmeath County Development Plan 2021-2027 and updated Guidelines and Part V legalisation, I note the PA concluded that the development did not constitute a material contravention.

Zoning

- 8.2.6. The site is subject to two land use zonings, the majority of the site is zoned *Residential* 'To provide for residential development, associated services and to protect and improve residential amenity.' While the western boundary is zoned *Open Space*, 'To provide for, protect and improve the provision, attractiveness, accessibility and

amenity value of public open space and amenity areas.' The proposed residential units and creche are located on the 'Residential' zoned lands and are consistent with the zoning objective under the ATDP 2014-2020. The proposed access road and associated infrastructure are located in the Open Space zoning.

- 8.2.7. Section 13.2.7 of the ATDP sets out that only development that is incidental to, or contributes to the enjoyment of open space, amenity or recreational facilities will be permitted within this zone. In this regard, the PA considered the provision of an access road to service the development incidental to the proposed residential use and therefore acceptable.
- 8.2.8. The provision of road infrastructure is not an identified land use in the zoning matrix of the ADTP or the County Development Plan. Of relevance in this regard, I note Map Ref. ATC 10- Strategic Transportation Map of the ATDP (Volume 2) includes a proposed Strategic Link Road to the south of the site traversing the Open Space zoning. Therefore, I am satisfied that the principle of an indicative access route is established under the ATDP. I further note that section 15.3 Land use zoning categories of the County Development Plan sets out that proposed land-uses which are not listed in the indicative land-use zoning matrix will be considered on their merits having regard to the most appropriate use of a similar nature indicated in the matrix, the proper planning and sustainable development of the area and compliance with the relevant policies and objectives, standards set out in both the CDP and relevant Section 28 Guidelines. Therefore, having regard to the provisions of Map Ref. ATC 10- Strategic Transportation Map of the ATDP and section 15.3 of the CDP, I am satisfied that the principle of the access road is acceptable on the lands zoned Open Space.

Core Strategy Compliance /Sequential Development

- 8.2.9. Athlone is identified as a Regional Growth Centre (NPF and RSES) and in chapter 8 Settlement Hierarchy of the Westmeath County Development Plan 2021-2027. A key priority of the NPF and RSES is compact growth. The RSES further asserts that future development required to achieve the vision for Athlone includes the regeneration of underused, vacant or derelict lands in the town centre, to facilitate population growth.
- 8.2.10. The subject site is a greenfield site located on the northeastern periphery of Athlone Town. The land to the immediate north of the site is in agricultural use, to the southeast

lying just inside the 60kmph speed zone is Colm Quin BMW car sales, to the northeast a series of one-off rural dwellings. As set out above the western boundary of the site is buffered from the adjoining residential development by green wedge zoned – Open Space in the ATDP. The remaining lands to the west are zoned for residential development some of which have been subject to various residential development applications, Drumaconn Housing Estate is the only complete development and site inspection indicated work has commenced on lands to the north of this estate (WMCC22/253).

- 8.2.11. The core strategy of the ADTP 2014-2020 identifies 129.2ha. of lands for ‘Proposed Residential’ land use zoning. The Core Strategy of the ADTP (Section 2.17) policy P-CS7 seeks 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.
- 8.2.12. The Development Plan states that during the last census period (2011-2016), Athlone grew by 4.5% to reach a total population of 21,349 (including growth recorded in Roscommon) (*Note: 2022 census identifies a population of - 22,869). The West Meath County Development Plan acknowledges that 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 CPO2.2).
- 8.2.13. The Westmeath County Development Plan 2021-2027 Core Strategy is set out in table 2.9 of the written statement. Of relevance the West Meath County Development Plan does not include a Settlement Capacity Audit for Athlone in accordance the Development Plans - *Guidelines for Planning Authorities (2023)*. The Guidelines were published subsequent to the adoption of the Development Plan; therefore, the Development Plan does not identify the quantity of land required to accommodate the projected population increase for the town of Athlone as per Section 4.5.2 of the Guidelines. Table 2.9 of the CDP suggests that these calculations will be done in the Urban Area Plan to be prepared for Athlone town (currently at pre-draft stage as set out above). Consistent with national and regional policy Table 2.9 establishes that brownfield/Infill sites will accommodate 30% of proposed residential development, in addition Section 3.7 *Residential Densities* sets out that higher densities will be applied

to the higher order settlements of Athlone, reinforced in under Policy Objective CPO 7.29 of the CDP.

- 8.2.14. In accordance with proper planning and sustainable development, the provision of compact growth is provided through the sequential approach to development which is based on settlement expanding outwards from the centre through the development of physically adjoining lands in a coherent manner. This approach allows for new development of physically adjoining lands to integrate successfully with the existing settlement. Section 7.8 of the Development Plan – *Urban -Rural Interface* sets out that the distribution and location of new development in Westmeath is guided by the Settlement Strategy and the Core Strategy and that the Plan supports the hierarchy of attractive, compact and consolidated settlements from the large settlements such as Athlone. The Development Plan states that it is important to ensure that the future development of the settlements in the hierarchy physically distinguishes the development envelopes of town and villages from the surrounding rural hinterland and protects against unsustainable sprawl of urban growth (Policy CPO 7.46 Urban- Rural Interface)
- 8.2.15. As set out above, this site is located on the periphery of the town of Athlone, c. 2.8km from the town centre. Residential development in the immediate vicinity of the site consists of one-off rural houses. Residential development in and around the town of Athlone has taken the form of housing estates, one off dwellings and linear development, much of it is at a significant distance from the town. The effect of this pattern of development is that there are significant areas of undeveloped land between the town centre and the proposed site.
- 8.2.16. It is clear from the ADTP 2014-2020 that there are significant areas of undeveloped land banks that are zoned as 'residential' that have not yet been developed. Furthermore, the application documentation does not include a sequential test, this is particularly important against the background of the extensive lands zoned in the ATDP and Policy CPO2.2. of the County Development Plan as regards compact growth and boundary definition for the proposed UAP and compliance with CDP core strategy figures.
- 8.2.17. In any case, the 'leapfrogging' of development, whereby new development takes place at a remote location from the existing contiguous town/ village, is discouraged within

Sustainable and Compact Settlements Guidelines for Planning Authorities (2024), *Section 3.3.2 Regional Growth Centres* establishes a key priority to deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the settlement. Furthermore, NPO 33 of the National Development Plan prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to the location.

8.2.18. In the absence of the adoption of on UAP for Athlone in line with the core strategy figures identified in the West Meath County Development Plan 2021-2027, I am conscious that any expansion of development on the periphery of the urban boundary of Athlone may prejudice the settlement statutory and the achievement of figures as identified in the core strategy of the CDP and in this instance the applicant is seeking a 10-year planning permission which is likely to cover the duration of two Country Development Plans. The extent of lands required for residential development including greenfield in Athlone has not been quantified with respect the CDP core strategy figures. In my opinion, planning permission should be refused having regard to the objectives within the CDP 2021-2027 as regards compact growth, increased residential densities within the town and the prioritising of brownfield and infill sites, extant planning permission/s and the absence of a Settlement Capacity Audit for Athlone in line with the Core Strategy of the CDP and in accordance with Section 4.5.2 Settlement Strategy of the Development Plans – Guideline for Planning Authorities which states that a *‘comprehensive capacity audit of the land and sites with potential for development at a settlement level, is a prerequisite to inform the drafting of the settlement strategy. The planning authority should analyse the capacity of each settlement to accommodate new development in terms of suitable lands and infrastructure within the plan period’*,

8.2.19. The Board may consider this a new issue and the Board may wish to seek the views of the parties.

Conclusion

8.2.20. Whilst the provision of residential development and associated infrastructure delivery is in line with the ADTP zoning and infrastructure objectives. Having regard to the above, I consider that the proposed development will have adverse consequences for

the proper planning and sustainable development of the area. The subject site is substantially removed from the town core of Athlone. The Ministerial Guidelines 'Sustainable and Compact Settlements Guidelines for Planning Authorities (2024)' recommends a sequential and coordinated approach to residential development, whereby undeveloped lands closest to the core and public transport routes be given preference. Notwithstanding the residential zoning objective of the site in the Athlone Town Development Plan 2014-2020, the site is located in an area that is removed from the town core and its development would not be in line with the orderly expansion of the town of Athlone and would be contrary to policy P-CS7 of the Athlone Town Development Plan 2014-2020 and the Core Strategy objectives of the Westmeath County Development Plan and Policy Objective CPO 7.29 to '*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/back land sites promoting sustainable higher densities*'. The Board cannot be satisfied that the development would not prejudice the future settlement statutory for Athlone and the achievement of figures as identified in the core strategy of the West Meath County Development Plan 2021-2027. In my opinion, planning permission should be refused for this reason.

8.3. Design Strategy

Density

- 8.3.1. The appellant and observers assert the density proposed is too high for the site location on the edge of Athlone. The revised scheme submitted in response to the RFI provides for a density of 32.1 units per hectare.
- 8.3.2. The ATDP states that residential density for new developments at Outer Suburban/Greenfield locations is 30-35 units per hectare (Figure 3.3). The CDP refers to the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities and Best Practice Urban Design Manual (DoECLG 2009) which have been superseded by the Sustainable Residential Development and Compact Settlements *Guidelines for Planning Authorities (2024)*. Relevant to the subject site, section 3.3.2 *Regional Growth Centres* of the Sustainable Residential Development and Compact Settlements guidelines sets out - 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. The proposed density of 32.1 units per hectare is therefore below the density as set out in the guidelines. However, I note that the proposed density is in line with the ADTP 2014-2020. I note the PA raised no concerns as regards density.

Open Space Layout

- 8.3.3. A number of concerns were raised about the lack of green space and nature corridors.
- 8.3.4. It is Council policy '*To ensure that the provision of public and private open space for new residential development is of a high standard, overlooked and integral to the overall development. Narrow tracts of land or 'left over areas' will not be included within open space provision*' (P-POS1 ATDP)'.
- 8.3.5. The recently published Sustainable Residential Development and Compact Settlements *Guidelines for Planning Authorities* promote interlinked public open spaces designed to cater for a range of active and passive recreational needs (including play, physical activity, active travel, cultural uses and community gardens and allotments, as appropriate to the context) and to conserve and restore nature and biodiversity. In my opinion, the open spaces will provide a variety of multi-functional open spaces for the new residential development which are easily accessible from all dwellings and have been designed and organised to encourage active and passive uses of the spaces and provide successful useable spaces within the site including the integration of the Garrynafela Stream. All spaces are designed to be fully accessible regardless of mobility and provide accessible pathways across a site. I am satisfied that the proposed development is in accordance with the Guidelines and the retention of the external hedgerow boundaries and cross-site green corridors will ensure the retention of nature corridors on the site. I have no concerns in this regard.
- 8.3.6. Regarding concerns about condition no. 6 (b) landscaping details, I agree with the first party that any minor revisions as per condition no. 6 (b) will not alter the nature of the development. I have no concerns in this regard.

8.3.7. Regarding concerns raised about secure boundaries, I note the retention and enhancement of existing hedgerows is a positive contribution to the protection of biodiversity on the site and the provision of identified access points at various locations with onward pedestrian connections to public footpaths is consistent with quality design and layout and in accordance with the ATDP Section 3.6 *Sustainable Residential Development* and the West Meath County Development Plan (Chapter 10) which support measures to enhance permeability and connectivity.

Apartment Design

8.3.8. The provision of apartment blocks is not uncommon in modern housing developments and provides for a range of housing options within a development and is therefore welcome. SPPR 4 (ii) of the Apartment Guidelines 2023 establishes that in suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. As regards, concerns raised about the percentage of dual aspect apartments and sunlight/daylight provision. I note the Housing Quality Assessment submitted in response to the RFI sets out that 94.6% (123 of the 130 apartment/duplex units) are dual aspect.

8.3.9. Section 4 of the Daylight assessment submitted in response to the RFI relates to Daylight to proposed apartment and duplex buildings. The report concludes that 100% of the Living, Dining, Kitchen and Bedroom spaces to the apartments and duplexes achieve the target values set out in BS EN 17037:2018+A1:2021. The results indicate that the rooms will achieve high levels of daylight and they will be bright and pleasant apartments and duplexes. This scheme is well designed for sunlight also, the living-spaces of 106 units (81.5%) achieve the minimum recommended 1.5 direct sunlight hours. This meets the recommendations of the BRE guidelines (2022).

8.3.10. Also as required under Section 6.7 of the Apartment Guidelines compensatory design measures are set out in the accompanying Daylight Assessment & also the Design Statement. The compensatory design measures are:

- Providing in excess of 50% of units as dual aspect as required for such a suburban location, with 86.25% being dual aspect.
- Providing in excess of the required communal space areas.
- All living spaces being in excess of the requirements in terms of sizes.

- Providing in excess of the required private amenity spaces for apartment units.
- Providing unit sizes that exceed the minimum guideline requirements.

8.3.11. I am satisfied that the design, layout and siting of the apartments and duplex units are acceptable.

Part V

8.3.12. The appellants and observers to the appeal all raise concerns about Part V provision not being in accordance with the Development Plan.

8.3.13. Policy Objective CPO 3.4 of the County Development Plan seeks to ensure in accordance with Part V of the Planning & Development Act 2000 (as amended) that arrangements for the provision of Social and Affordable Housing are made in accordance with the current Housing Strategy. A Part V proposal document was submitted in response to the RFI dated September 2023.

8.3.14. As regards the provision of Part V, I draw the Bords attention to new provisions relating to Part V under the Urban Regeneration and Housing Act 2015 which were formally enacted on 1st September 2015. In addition to Section 3 of the Housing Circular 28/2021 on Affordable Housing Section 2021- Amendments to Part V of the Planning and Development Act 2000 which states that: *'The increase in the Part V contribution from 'up to 10% for social housing purposes to a mandatory 20%, of which at least half must be for social housing purposes and the balance can be applied to affordable and/or cost rental housing purposes, will immediately affect only new grants of planning permission in respect of sites purchased before 1st September 2015 or after 31st July 2021.'* The first party states that the lands were acquired on 30th November 2018 therefore a 10% contribution is required for Part V compliance.

8.3.15. With a scheme of 305 units the Part V requirement at 10% equates to 31 units comprising: -14no. 2 bed units -17no. 3 bed units including duplex units and houses. Regarding the location of the units Appendix 2 *Part V - Site Plan & Unit Location* of the RFI Part V response establishes that the Part V units are dispersed across the site forming part of an Intergard scheme. I am satisfied that this is acceptable.

Conclusion

The proposed development will provide a range of unit types and sizes from 1 bed to 4 bed units and includes apartments and dwellings. Also, part V housing will be

appropriately mixed across the site area. The variety and mix of unit types, heights and design provide a sense of place on site.

Having regard to the considerations above, I consider that the density proposed is in accordance with density requirements as set out in the ADTP 2014-2020. Similarly, I consider the design and layout including landscaping strategy and Part V provision and the mix of unit types acceptable and in accordance with Chapter 7 *Urban Centre and Placemaking* of the Westmeath County Development Plan 2021-2027.

8.4. Access Arrangements and Traffic

- 8.4.1. The appellant argues that there is no proper access to serve the site and that the Cornamaddy to Cossan Link Road has not been subject to public consultation.
- 8.4.2. The site will be accessed directly from a new Link Road that traverses lands to the west and which will also serve the Glenveagh Lands to be developed (recently commenced WMCC 22/253). Site access including construction works will access the site via the new Link Road; this will ensure no increase in traffic volumes accessing directly from the National Road or the local road. The Link Road will be provided under phase 1.
- 8.4.3. As set out in section 8.2.8 above Map Ref. ATC 10- Strategic Transportation Map of the ATDP includes a proposed Strategic Link Road through to the south of the site traversing the Open Space zoning, table 6.1 *Schedule of Road Improvement Schemes in Athlone* and Objective O-TM20 includes the Cornamaddy - Coosan Link Road. The ADTP does not expand on the delivery of the Link Road, but it does clearly indicate an indicative route. The delivery would appear to be developer led.
- 8.4.4. In this regard, I note the District Engineer and the TII raised no objections. Furthermore, I note the Traffic Impact Assessment accompanying the planning application section 5.3 *Operational Assessment Conclusions* determined that the junction analyses to assess the effects of traffic generated by the proposed development have been undertaken for the existing N55 / R916 / L8048 roundabout. The analysis shows that, the existing N55 / R916 / L8048 roundabout currently operates within capacity with small queues and delays during the AM and PM peak hours and will continue to operate within capacity with small queues and delays when the proposed residential development is completed in 2027, year of opening, 2032, five years after opening and in 2042, fifteen years after opening.

- 8.4.5. Site inspection established that work has recently commenced on the adjoining site to the west of the site, the development of this site will facilitate part of the road infrastructure necessary to access this proposed site. I am satisfied that the proposed link road was clearly identified in the ADTP and having regard to the demonstrated design capacity is acceptable.
- 8.4.6. Regarding concerns raised that the public were not consulted as regards the link road, the ADTP 2014-2020 was subject to public consultation during the preparation process, similarly, the individual planning applications are subject to public observation.

Conclusion

- 8.4.7. The ADTP 2014-2020 contains policies and objectives which promote the Cornamaddy - Coosan Link Road to service the land bank zoned to the northeast of Athlone including the subject site. The proposed access arrangement is therefore acceptable and line with the ADTP 2014-2020.
- 8.4.8. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that the components are in place to facilitate access to the proposed site and to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the mobility management plan and car parking strategy submitted by the applicant.

8.5. Other Matters

Phasing

- 8.5.1. Concerns have been raised as regards public consultation with respect to the phasing of the scheme. I draw the Boards attention to the phasing plan submitted in section 3.13 of the first party's Planning Statement. The proposed development will be carried out in 3 no. phases. This phasing plan formed part of the original planning documentation and was available for comment and review by members of the public as part of the planning application process. Therefore, I am satisfied that the public were aware of the phasing plan for the scheme.

Public Agreement

- 8.5.2. Concerns have been raised about house design and landscaping conditions (condition no. 4 – Design Details & Condition no. 6 landscaping) that require further agreement with the PA and that agreement by condition with the PA would not allow for public consultation. I have reviewed condition on. 4 and condition no. 6 and I am satisfied that any modifications to the design and layout of the development as a result of these conditions would not result in significant or material alterations to the development to warrant further public consultation or agreement.

Issues Raised in Original Third-Party Submissions

- 8.5.3. Concerns were raised that the first party did not address all concerns raised in the original third-party submissions. Point no. 8 of the RFI issued by the PA requested the applicant to consider and respond to the technical matters raised within third-party submissions received in respect of the development. I refer the Board to the cover letter response from the first party dated 28th September 2023 submitted as part of the RFI response which sets out the first party response to each of the individual observations made. I note the PA were satisfied that the relevant planning issues raised were adequately addressed.

9.0 Appropriate Assessment

9.1. Introduction

The applicant has prepared a Natura Impact Statement (NIS) as part of the application. The AA screening report concluded that taking a precautionary approach, a potential pathway for indirect effects, via the deterioration of water quality as a result of run-off of pollutants to the Garrynafela Stream which transects the site, flowing from east to west before flowing in a northern direction along the western boundary of the site. From here the Garrynafela Stream flows in a northern direction for approximately 1.7 river km towards Ballaghkerran bay and eventually to Lough Ree. There is potential for the proposed development to result in significant effects on the following European Sites, in the form of uncontrolled releases of silt, sediments and / or other pollutants, surface-water runoff, waste generation, increased noise and lighting, loss of potential ex-situ habitat, during the construction and operational phases of the proposed development: • Lough Ree SAC (000440). • Lough Ree SPA (004064).

The main pathway of potential impacts on the above listed European sites is via the Garrynafela Stream, and therefore the potential for impacts is assessed here as being related only to those arising via the Garrynafela Stream flows to Lough Ree.

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

9.2. Compliance with Article 6(3) of the Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

The applicant has submitted a Screening Report for Appropriate Assessment and a Natura Impact Statement. The Report provides a description of the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development, an assessment of the potential impacts arising from the development and an assessment of potential in-combination effects. In line with Departmental Guidance and having regard to ECJ case law and the 'precautionary principle' Stage 2 Appropriate Assessment is required in respect of Lough Ree SAC (000440). • Lough Ree SPA (004064).

Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

9.3. Stage 1 AA Screening

The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

9.3.1. Description of Development

The development is summarised in Section 3 of this report. In summary, the proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

9.3.2. Description of the Site Characteristics

The site has a stated area of c. 12.28 hectares on the periphery of Athlone town. The site comprises a greenfield site. The nearest waterbody is the Garrynafela Stream which traverses the site of the proposed development. It continues flowing in a northerly direction, before ultimately discharging into Lough Ree.

9.4. Relevant Prescribed Bodies Consulted

At application stage the application was referred to the relevant prescribed bodies by WMCC. The appeal has not been referred to prescribed bodies.

Information Submitted

9.5. The applicant has submitted an Appropriate Assessment Screening Report as part of the planning application. It provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. It concludes that there is no possibility of significant impacts on Natura 2000 sites, qualifying interests, or site-specific conservation objectives, and that a Natura Impact Statement is not required.

9.5.1. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

European Sites

9.6. A summary of European Sites that occur within a 15km radius of the proposed development are set out in Figure 4 and Table 3 of the applicant's Screening Report. I note that the site is not within or immediately adjacent to a Natura 2000 site.

9.6.1. Initial Assessment of European Sites and Zone of Influence

European Site (Code)	Distance (km)
SAC's	
Lough Ree SAC [000440]	0.9km
River Shannon Callows SAC [000216]	3km
Crosswood Bog SAC [002337]	2.6km
Carn Park Bog SAC [002336]	3.9km
Castlesampson Esker SAC [001625]	11.4km
Pilgrim's Road Esker SAC [001776]	11.4km
Mongan Bog SAC [000580]	11.8km
Fin Lough (Offaly) SAC [000576]	13.4km
Lough Funshinagh SAC [000611]	13.4km
SPA's	
Lough Ree SPA [004064]	0.9km
Middle Shannon Callows SPA [004096]	3km
Mongan Bog SPA [004017]	12km

The following European Sites are screened out at Stage 1 on the basis that there will be no direct or indirect effects due to lack of hydrological connectivity, thus no complete source-pathway-receptor chain and / or no habitat present for the relevant species (including breeding and foraging habitat), also distance and intervening land uses between the development site and the relevant European Site:

- River Shannon Callows SAC [000216]
- Crosswood Bog SAC [002337]
- Carn Park Bog SAC [002336]
- Castlesampson Esker SAC [001625]
- Pilgrim's Road Esker SAC [001776]

- Mongan Bog SAC [000580]
- Fin Lough (Offaly) SAC [000576]
- Lough Funshinagh SAC [000611]
- Lough Ree SPA [004064]
- Middle Shannon Callows SPA [004096]
- Mongan Bog SPA [004017]

9.6.2. I am also satisfied that there is no potential for direct, indirect or cumulative effects on the above European sites. I conclude that it is reasonable to conclude on the basis of the available information that the potential for likely significant effects on these sites can be excluded at the preliminary stage.

9.6.3. In addition, I note that there is a minimum separation distance of 2.6km from the appeal site, much of which is separated by significant urban development. On this basis, I do not consider that the proposed development has the potential for disturbance of qualifying species, by reason of noise, vibration, dust, human activity, or otherwise. Furthermore, based on the site habitat and the site surveys completed, I would agree that the site is not a significant ex-situ foraging or roosting site, and no significant effects are likely for the species of qualifying interest from any of the SPAs.

9.6.4. Having regard to the foregoing, my screening assessment will focus on the impact of the proposal on the conservation objectives of the European Sites and their qualifying interests as summarised in the table below. I am satisfied that no other European Sites fall within the possible zone of influence.

9.6.5. The Conservation Objectives and Qualifying Interests of Lough Ree SAC (000440) and Lough Ree SPA (004064) are outlined in the table below.

European Site	Conservation Objective	Qualifying Interests
Lough Ree SAC (000440)	The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of	[3150] Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [7110] Active raised bogs [7120]

	those habitats and species at a national level.	Degraded raised bogs still capable of natural regeneration [7230] Alkaline fens [8240] Limestone pavements [91D0] Bog woodland [91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [1355] Otter (<i>Lutra lutra</i>)
Lough Ree SPA (004064)	The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network.	[A004] Little grebe (<i>Tachybaptus ruficollis</i>) [A038] Whooper swan (<i>Cygnus cygnus</i>) [A050] Wigeon (<i>Anas penelope</i>) [A052] Teal (<i>Anas crecca</i>) [A053] Mallard (<i>Anas platyrhynchos</i>) [A056] Shoveler (<i>Anas clypeata</i>) [A061] Tufted duck (<i>Aythya fuligula</i>) [A065] Common scoter (<i>Melanitta nigra</i>) [A067] Goldeneye (<i>Bucephala clangula</i>) [A125] Coot (<i>Fulica atra</i>) [A140] Golden plover (<i>Pluvialis apricaria</i>) [A142] Lapwing (<i>Vanellus vanellus</i>) [A193] Common tern (<i>Sterna hirundo</i>) [A999] Wetland and waterbirds.

9.7. Potential effects on European Sites

9.7.1. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.

9.7.2. As previously discussed, the application site does not fall within the boundary of any Natura 2000 site, therefore there are no Natura 2000 sites at risk of direct habitat loss impacts as a result of the proposed development. There is an indirect link from the subject site to Lough Ree via the Garrynafela Stream, which transects the site, flowing from east to west before flowing in a northern direction along the western boundary of the site. From here the Garrynafela Stream flows in a northern direction for approximately 1.7 river km towards Ballaghkeeran lake and eventually to Lough Ree.

The potential receptors within the receiving water environment associated with the site are: Garrynafela stream and downstream to the Ballaghkeeran Lake, the underlying gravel aquifer and bedrock aquifers during the construction phase, soil and subsoils

will be exposed and excavated with an increase in the potential of infiltration rainfall to the underlying aquifer where the thickness of the subsoils is reduced.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on the Lough Ree SAC (000440) and Lough Ree SPA (004064) relate to:

- Surface water run-off containing silt, sediments and/or other pollutants into the Garrynafela Stream from the proposed development site during the construction and operational phases.
- Loss of potential ex-situ feeding/roosting grounds by species listed as SCI species or associated with the nearby SAC/SPAs.

Assessment of Likely Significant Effects on Designated Sites

9.7.3. A total of five surveys days were carried out at the site: covering October, November and December 2022, and January and March 2023 with nothing of significance recorded. Three waterbird species were recorded during the surveys, black-headed gull, snipe and grey heron. Grey heron and black-headed gull were recorded flying over the site and were not associated with or utilizing the site for foraging, roosting or nesting. Small numbers of snipe were recorded foraging in the rank grassland on site. The initial assessment of the quality and composition of the habitats present at the site confirmed that it is largely unsuitable as an ex-situ feeding/roosting resource for the SCI species associated with the SPAs within the ZOI i.e., ducks, geese, waders and shorebirds. The grasslands on site do not provide ex-situ feeding resources for the above groups, of which the majority favour waterbodies, arable/cultivated land or open green spaces with short swards. The high, rank grass swards at the site render it largely unsuitable for the SCI species associated with the above SPA.

9.7.4. Although it is possible that the Garrynafela Stream at the site is used occasionally by otters, I note the assessment determined that no otter holts, nor any other evidence of otter, was found during the ecological surveys of the site and it is highly unlikely to support a resident or regularly occurring population due to a lack of otter signs present at the site. Any deterioration in water quality of the Garrynafela Stream and downstream Lough Ree during the Construction Phase, causing disturbance and/or displacement of fish and reduction in prey availability for otter will be mitigated through

measures to protect surface water quality as set out in the CEMP submitted. The proposed development does not have the potential to result in a significant decline in the distribution of otter or the extent of habitat for otter within Lough Ree SAC.

- 9.7.5. Similarly, having regard to separation from European sites, construction or operational activity thereon will not result in any disturbance or displacement of qualifying interests of the identified sites. No ex-situ impacts on qualifying species are therefore considered likely. Any potential pathway is via discharges to the surface water drainage network.
- 9.7.6. Concerns were raised in the appeal and third-party submissions about the disposal of surface water on site and the risk to Lough Ree. During the construction phase of development any requirement to collect and treat surface water within the site will be completed using perimeter swales at low points around the construction areas, and if required water will be pumped from the swales into sediment bags prior to overland discharge allowing water to percolate naturally to ground or disperse by diffuse flow into local drainage ditches. Discharge onto ground will be via a silt bag which will filter any remaining sediment from the pumped water. The entire discharge area from silt bags will be enclosed by a perimeter of double silt fencing. No pumped construction water will be discharged directly into any local watercourse.
- 9.7.7. Regarding surface water disposal from the site, I note that as part of the development approximately 0.2 river km of Garrynafela Stream on site will be culverted to facilitate the proposed development, I note some concerns were raised in this regard however I do not consider 0.2m to be significant. Furthermore, prior to the commencement of earthworks, silt fences/straw bales will be installed by suitably qualified site personnel 10m back from the Garrynafela Stream. During the post construction stage, any works within 10 metres, such as landscaping and footpath construction, will be monitored to ensure no silt run-off occurs. These measures will act as a temporary sediment control device to protect the Garrynafela Stream and downstream Lough Ree during the Construction Phase.
- 9.7.8. Discharges that infiltrate into the ground at the proposed development site and migrate downwards into the groundwater body are assumed to flow into the Garrynafela Stream based on topography at the site. It is considered that the relative volume of any potential discharges into ground from the proposed development (both during the

Construction and Operational Phases) is small in relation to the dilution and dispersion potential of the receiving groundwater body and would be further diluted in the receiving waterbodies to negligible levels prior to reaching Lough Ree.

- 9.7.9. I note the SFRA identified the site in Flood Zone C. To ensure the proposal is not at risk of pluvial flooding ground levels across the site are being raised/re-profiled. This design response addresses the poor permeability of existing soil(s) on-site and the raising the site along with the surface water network being designed to cater for rainfall events up to a 1 in 100-year return period with an allowance for climate change of 20%. Surface water run-off exceeding the allowable outflow rate for the site will be stored in storm-tech underground attenuation tanks as per the SUDS design strategy and this will ensure greenfield run-off rates and no increased flood risk from rainfall or pluvial events affecting third party lands.
- 9.7.10. It is proposed to provide a separate gravity surface water sewer at the site with a discharge rate of 19.98 l/s which accords with the greenfield runoff rate for the Site. The drainage design for the proposed development has been designed in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) as per the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS). Surface water within each catchment will be treated and attenuated via a combination of permeable paving, petrol interceptors, bio-retention areas and cellular attenuation tanks with silt trap manholes. Surface water from the operational phase of the proposed development will ultimately be discharged at a controlled rate to the Garrynafela Stream.
- 9.7.11. By way of information for the Board, during to operational phase of the development Foul water from the Operational Phase will be treated at Athlone WwTP. Athlone WwTP discharges treated effluent to the river Shannon. The Athlone WwTP was identified by the EPA as being compliant with the Emission Limit Values (ELVs) as set out in the Wastewater Discharge Licence for 2021, according to the 2021 Annual Environmental Report (AER) for the facility (Irish Water, 2021). Regarding concerns raised in the observations regarding WWTP capacity, I note the Athlone WwTP has a Population Equivalent (P.E.) load of 36,000, and according to the 2021 AER the plant

had a collected load (peak week) of 22,556 and capacity is not expected to be exceeded in the next three years (Irish Water, 2021)

- 9.7.12. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the wider town and the capacity of the plant.
- 9.7.12.1. The Construction and Environmental Management Plan submitted with the application state that all waste from the construction phase and the operational phase would be disposed of by a registered facility.
- 9.7.13. It is a policy of West Meath County Council (CPO 10.119) to “Implement policies contained in the Greater Dublin Strategic Drainage Study (GDSDS) in relation to SUDS and climate change or any revision thereof”. The proposed surface water drainage system would introduce a variety of sustainable urban drainage system (SuDS) measures to the subject site. These comprise a marked improvement from the existing situation on site and would have a positive impact on drainage from the subject site/significantly enhance the quantity/quality of surface water leaving the site. While the use of SUDS measures are not intended to avoid or reduce the harmful effects of a project on a European site, they will reduce peak flow rates and the likelihood of suspended solids or hydrocarbons entering the water system. They are clearly not included as a measure to mitigate potential impacts on European sites. Furthermore, the scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.
- 9.7.14. When operational, the scheme will feature attenuation measures which would have a positive impact on drainage from the subject site and comprise a marked improvement from the existing situation on site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS). It is standard practice that SuDS are included in all projects, and they are not specifically included to reduce or avoid any effect on a designated Natura 2000 site.
- 9.7.15. I am satisfied the potential for significant effects, as a result of surface waters generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 sites (Lough Ree SAC (000440) and Lough Ree SPA (004064)) can be excluded having regard to the following:

- During the construction stage, surface water will be attenuated/part treated within the site and the nature of any discharges is temporary/of a relatively low volume relative to the recovering surface water environments.
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on water quality in Lough Ree due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be an improvement in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated/ part treated within the site.
- The Water Framework Directive Assessment concluded that the proposed development will not cause a deterioration in the status of water bodies hydraulically connected with the proposed development including the Athlone Gravels groundwater body, the Inny groundwater body, the Shannon (Upper), Lough Ree Lake. Of relevance, Ballaghkeeran lake into which the Garrynafela Stream flows is assigned a WFD status of Moderate and the lake is Not At Risk of not meeting its WFD status objectives. Ballaghkeeran lake is closely connected to Killinure Lough (IE_SH_26_750b), Coosan Lough (IE_SH_26_750c) and Lough Ree (IE_SH_26_750a) and together they form Lough Ree SAC and Lough Ree SPA.
- All foul water will be discharged to the public sewer and will be treated at the Athlone Wastewater Treatment Plant before discharges to the river Shannon. A Pre-Connection application has been submitted to Irish Water and a Confirmation of Feasibility was received (Reference: CDS20006223).

9.7.16. As previously discussed, the Appropriate Assessment Screening carried out by the applicant concluded that given the nature of the construction works, the fact that the Garrynafela Stream flows through the site before discharging to Lough Ree, it is considered that the potential Zone of Influence of the proposed works extends beyond the site to include the Garrynafela Stream, Lough Ree SAC (000440) and Lough Ree SPA (004064). In the absence of mitigation measures, there is considered to be potential for petrochemicals, hazardous material or silt laden material to enter these environments. Adopting a precautionary approach, a Natura Impact Assessment was

deemed to be required in respect of the effects of the projects on this SPA and SAC. Therefore, a Natura Impact Statement (Stage 2 Appropriate Assessment) was prepared and submitted.

9.7.17. I have examined the 'mitigation measures' outlined, in Section 7 of the NIS, to prevent impacts on Natura 2000 sites. They generally comprise of construction best practice/control measures detailed in the Outline Construction Management Plan, Resource Management Plan and Garrynafela Stream- Design Changes & Risk Assessment accompanying the application. Although a Project Ecologist is to be appointed/consulted in the context of the project, to ensure implementation of mitigation measures outlined in the application material. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site and that those outlined constitute the standard established approach to construction works on greenfield/brownfield lands. The adoption of such measures would be standard practice for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site.

In combination or Cumulative Effects

9.7.18. The applicant's AA Screening Report has considered cumulative / in-combination impacts, including other permitted developments in the vicinity of the site and relevant plans and policies. It concludes that no projects or plans would act in-combination with the proposed development to cause any likely significant effects on any European sites.

9.7.19. I acknowledge that there would also be a cumulative effect in relation to surface water discharge. However, all other developments will be required to incorporate appropriate construction management measures and to incorporate GDSDS requirements to suitably manage the quantity and quality of surface water discharge. Accordingly, I am satisfied that there would be no potential for significant cumulative / in-combination effects on the relevant European Sites as a result of surface water.

9.7.20. The West Meath County Development Plan 2021-2027 includes a range of objectives intended to protect and enhance the natural environment, including those relating to European Sites, wastewater management, and surface water management. These objectives have themselves been subject to Appropriate Assessments, which have

concluded that their implementation would not adversely affect the integrity of European sites.

AA Screening Conclusion

9.7.21. I have considered the material submitted by the applicant, including the Appropriate Assessment Screening & Natura Impact Statement and environmental reports, and the information regarding Natura 2000 sites contained on the NPWS website. Having considered this, and having regard to the nature/scale of the proposed development on serviced lands, the nature of the receiving environment within a defined settlement boundary, the distances to the nearest European sites and the hydrological pathway considerations, it is my opinion that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the Lough Ree SAC (000440) and Lough Ree SPA (004064), or any Natura 2000 Site. The risk of watercourse contamination is extremely low and in the event that a significant pollution incident occurs in the context of surface water locally, it is reasonable to assume that this would be imperceptible to Natura 2000 sites given the applicable separation distances and the dilution that would have occurred as the surface water moved downstream. Therefore, contrary to the view of the applicant, I do not consider a Stage 2 Appropriate Assessment necessary in this instance and am satisfied that Stage 1 Appropriate Assessment is appropriate for all sites.

9.7.22. I note that the application included a NIS. In deciding to prepare and submit this, the applicant states that the precautionary principle was being applied. It is my opinion that the adoption of the precautionary approach is over cautious and unwarranted in this instance. Upon review, the mitigation measures outlined to prevent impacts on Natura 2000 sites generally comprise of construction best practice/control measures detailed in the Outline Construction Management Plan, Resource Management Plan and Garrynafela Stream- Design Changes & Risk Assessment accompanying the application. The adoption of such measures would be standard practice for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. I am satisfied that no mitigation measures pertaining specifically to potential impact to a Natura 2000 site have been proposed.

9.7.23. If the Board does not adopt the screening recommendation set out above, I deem sufficient information to have been included in the submitted NIS to allow a Stage 2 Appropriate Assessment to be completed.

10.0 Environmental Impact Assessment (EIA)

10.1. Environmental Impact Assessment Report

This section sets out an Environmental Impact Assessment (EIA) of the proposed project and it should be read in conjunction with the planning assessment above. The development provides for 305no. residential units, 175no. 2 storey residential dwellings which will consist of 151no. 3 bed units and 24no. 4 bed units, 130no. apartments/duplex units consisting of 25no.1 bed units, 80no.2bed units and 25no. 3bed units and a creche on lands located within the townlands of Ballykeeran and Cornamaddy Athlone, County Westmeath. The site is located within the administrative area of West Meath County Council.

This application was submitted to the Board after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law. The application was accompanied by an Environmental Impact Assessment Report (EIAR). Schedule 5 of the Planning and Development Regulations 2001- as amended identifies projects in respect of which the submission of an EIAR is mandatory.

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

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

The total site area for the proposed works is c. 12.28 hectares (ha). The proposed development constitutes an “urban development” as it is a housing development. According to the Interpretation of Definitions of Project Categories of Annex I and II

Document (European Commission, 2015), “Housing developments, in particular, are frequently included in the ‘urban development projects’ category”. The site of the proposed development is located within the functional area of the Athlone Town Development Plan 2014-2020 and is zoned as:

- Proposed residential;
- Existing residential; and
- Open space.

The site can then be categorised as “other parts of a built-up area” and accordingly the 10-hectare area threshold applies. The total area of the proposed development site is approximately 12.28 ha. The proposed development exceeds the threshold of 10 hectares under Class 10 (b)(iv) and accordingly, a mandatory EIAR was prepared as part of this application.

The EIAR comprises a non-technical summary, a main volume and supporting appendices. Section 1.10 set out details of contributors to the EIA Report and describes the expertise of those involved in the preparation of the EIAR and the role and responsibility of each contributor.

10.2. Vulnerability of Project to Major Accidents and/or Disaster

10.2.1. Consideration of risks associated with major accidents and/or disasters. Article 3(2) of the Directive includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

The 2018 Guidelines on carrying out Environmental Impact Assessment identify two key considerations:

- The potential of the project to cause accidents and/or disasters, including implications for human health, cultural heritage, and the environment.
- The vulnerability of the project to potential disasters/accidents, including the risk to the project of both natural disasters and man-made disasters.

10.2.2. The EIAR observes that the site is not a Seveso facility and is not within the consultation distance of any Seveso facility. Therefore, there are no implications for major accidents or hazards at the proposed development site.

10.2.3. Annex IV of the Directive 2011/92/EU as amended by Directive 2014/52/EU refers to both a proposal’s potential to cause accidents/disasters and to the vulnerability of the

proposal to accidents/disasters. These risks can be from both man-made and natural disasters and there is a requirement to build resilience into projects and to invest in risk prevention. Principal risks include accidental spillages, ground instability, landslides, flooding, major traffic accidents, and work-place construction accidents. The EIAR concluded that none of these risks are considered to be significant.

10.2.4. The application is accompanied by a site-specific flood risk assessment, and Chapter 7 of the EIAR considers the risk of flooding. This concludes that the site the proposed development is not at risk of flooding from external sources, or as result of the proposed development and will not give rise to flooding impacts elsewhere. The proposed buildings for this development are located within Flood Zone C. Pluvial and groundwater flooding will be managed through the implementation of the drainage measures. Having regard to the nature of the proposed residential development on zoned lands, and to the surrounding pattern of land uses and development, I am satisfied that the development is not likely to cause, or to be vulnerable to, major accidents and / or disasters.

10.3. Alternatives

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

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of ABP-313176-22 Inspector's Report Page 119 of 179 the main reasons for the option chosen, taking into account the effects of the project on the environment;

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

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

10.3.3. Chapter 2 addresses 'Alternative Project Locations' and notes the site is zoned for 'Residential' in the Athlone Town Development Plan 2014-2020 and having regard to the zoning objectives, it is not considered necessary to consider alternative sites for

the proposed development. In addition, the proposed development is located in close proximity to areas zoned for employment. The location of the proposed development is ideal in providing much needed residential accommodation to the growing Midlands population. As such, from a planning perspective, the site is considered appropriate for a development of the proposed nature and will deliver a large quantum of housing, in line with an identified national priority.

10.3.4. In the context of the current planning and housing policy for the area, county and the region, the do-nothing scenario is considered to have a negative impact in terms of housing provision and associated local services and community and public open space provision. The construction and mitigation measures presented in the EIAR represent the best practice. Having regard to the site's location and zoning objective the 'Alternative Process' do-nothing scenario was discounted.

10.3.5. Alternative designs and layouts were also considered during the design process. The proposed design is the culmination of a considered design process, weighing the development opportunity of the strategic land resource and certain characteristics of the context against the sensitivities which also exist (e.g., the lower density residential neighbourhoods). The proposal takes account of and responds to its varied context. The proposal was amended following preplanning with the Council, which requested to avoid access on the local road, increase density and provide an integrated Masterplan layout. I am satisfied that the alternative designs and layouts have been adequately explored for the purposes of the EIAR. In the prevailing circumstances the overall approach of the applicant is considered reasonable, and the requirements of the directive in this regard have been met.

10.4. Consultations

10.4.1. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

10.5. Likely Significant Direct and Indirect Effects

10.5.1. The EIAR dated March 2023 comprises a non-technical summary and Environmental Assessment Report (Volume 1), Environmental Impact Assessment Report (Volume 2), Traffic Impact Assessment (Volume 3) and Appendices (Volume 4). Chapter 14 of

the main volume addresses interactions, Chapter 15 addresses mitigation measures are set out in the various chapters throughout the EIAR.

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

- Population and Human Health
- Biodiversity
- Land and Soils
- Hydrology
- Air Quality and Climate
- Noise and Vibration
- Landscape and Visual
- Archaeology and Cultural Heritage
- Material Assets; Waste and Utilities
- Risk Management
- Interactions
- Mitigation and Monitoring Measures

**Traffic Impact Assessment is contained in Volume 3 of the EIAR.

10.6. Population and Human Health

10.6.1. Population and Human Health is addressed in Section 4 of the EIAR. The methodology for assessment is described as well as the receiving environment. The Electoral Divisions (ED) included in the Study Area are those containing or within 1 km of the Proposed Development site. This Study Area includes • Moydrum ED; • Athlone East Rural ED; • Athlone West Rural ED; • Athlone East Urban ED; and • Athlone West Urban ED. Recent demographic and socio-economic trends are examined.

10.6.2. I note a baseline assessment of the population of the study area was carried out using data obtained from the Central Statistics Office for the purpose of the 2016 Census

(population values for 2022 were not available at the time of writing the EIAR except for a at a county and state-wide level only)

- 10.6.3. The chapter considered that for the purpose of the assessment that available data on: Population and Age; Economic Activity and Employment; Travel and Commuting; landscape and visual; Human health; Social Health and Community Amenities within the Study Area provides sufficient information to establish the population sensitivity.
- 10.6.4. The EIAR notes that within the study area the population male-up includes people aged 35-44 (15.86%), 45-54 (11.33%), 55-64 (9.26%) and 65-69 (3.83%). The figures are in line with those for County Westmeath and the State and vary by a maximum of +/- 2%. The percentage of people in the labour force is noted at 61.1% in the study area. This reflects a high number of people working in the area and is in line with the average for County Westmeath (60.8%) and the State (61.4%). With respect to commuting patterns most people in the study area are not commuting long distance to work or school and Athlone provides access to sufficient services, employment, and amenities within the town, as most residents can access such amenities within a ½ time frame with the car accounting for 62.2% travel means. The majority of people in the study area have self-identified themselves in the 2016 Census as having 'very good health' or 'good health'. The high employment levels, coupled with the self-identification of health status indicate that positive social health conditions exist, thus considered as largely independent and judged to be not sensitive to change.
- 10.6.5. The EIAR noted that A Schools, Childcare and Social Infrastructure Assessment (SCSIA) was prepared by Genesis Planning for the proposed development and is included as Appendix B in the EIAR. Following an analysis of education, childcare and school capacity the potential demand generated from the proposed development can easily be absorbed by the available capacity in the area.
- 10.6.6. During the construction phase it is likely that there would be indirect direct positive effect for the local economy. The main negative effects would be in relation to air quality, noise and vibration, visual effects and traffic. The predicted impact during the construction phase is short-term, neutral and imperceptible. During the operational phase the scheme would contribute to the population growth and would have a positive impact on employment, open space and community facilities. The predicted impact during the operational phase is long-term, neutral and imperceptible with respect to

the operational phase in terms of human health impacts. The impact of landscape and visual will have a non-significant, neutral-negative, medium-term impact on human health.

10.6.7. Cumulative Impacts with other projects are outlined in Section 4.5. It is considered that there is no potential for significant impact as a result of the proposed development.

10.6.8. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

10.7. Biodiversity

10.7.1. Section 5 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that an Appropriate Assessment Screening Report and a Natura Impact Assessment were prepared as standalone documents. As assessed in section 9 above, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

10.7.2. The third-party appellant and observers to the appeal argue that the EIAR is based on a survey carried out after extensive reclamation works on site including cutting trees and hedgerows and as such ecology condition meaningless. In response, the first party refer to the contents of the EIAR and the site surveys carried out pursuant to the preparation of the EIAR, the construction and operational impacts and mitigation measures identified in the EIAR. It is set out that extensive surveys were carried out and informed the EIAR over two seasons and they refute the assertion that large scale destruction of habitat was undertaken as with any agricultural lands the landowner is entitled to trim hedges. In this regard, site inspection indicted that the lands remain in active agricultural use for the grazing of horses houses and there was no evidence of signification manipulation of the existing landscape on the site. Therefore, I am satisfied that the survey information is adequate.

10.7.3. A desktop study was carried out to collate and review available information, datasets and documentation sources pertaining to the site's natural environment. The desk study, completed in January 2023 included examining records and data from the

National Parks and Wildlife Service (NPWS), National Biological Data Centre (NBDC) and the Environmental Protection Agency (EPA), in addition to aerial, 6-inch maps and satellite imagery and planning history in the vicinity of the site. Habitat surveys of the site were undertaken within the appropriate seasonal timeframe for terrestrial fieldwork. Field surveys were carried:

Field Survey	Survey Dates	Surveyors
Habitat Survey	30th of August 2022	Enviroguide Ecologists
Invasive Species Survey	30th of August 2022	Enviroguide Ecologists
Bat Survey	30th of August and 26th of September 2022	Enviroguide Ecologists
Wintering Birds	2022/2023 Season	Enviroguide Ecologists

*Mammal surveys of the Site were carried out in conjunction with other field surveys.

- 10.7.4. Habitats within the site were coded and categorised as per Fossitt (2000). The primary habitat types located within the site of the proposed development comprised improved agricultural grassland (GA1), dry meadows and grassy verges (GS2) and boundary hedgerows (WL1) and treelines (WL2). A small area of mixed broadleaved woodland (WD1) lies at the southeast corner of the site and an area of immature woodland lies (WS2) adjacent to the Garrynafela Stream at the northwest corner of the Site. The Garrynafela Stream, is mapped by the EPA as running along the western site boundary and transecting the site.
- 10.7.5. The following habitats were identified as KERs (Key Ecological Receptors): mixed broadleaved woodland (WD1), immature woodland (WS2) wet grassland (GS4), hedgerows (WL1), treelines (WL2), drainage ditches (FW4) and depositing/lowland rivers (FW2). This site is noted to hold habitats that are common and widespread in the locality but are likely to be locally important to foraging, nesting, roosting and commuting species in the wider area such as birds and mammals (including bats).
- 10.7.6. *Trees*: According to the Arboricultural Impact Assessment for the site, a large quantity of the treelines on site are proposed for retention and protection, the proposed development will require the removal of 38 trees out of a total of 111 existing trees on site. The majority of the trees identified for removal were evaluated as being in a 'poor' condition. All treelines within the site being retained will be protected using robust

fencing throughout the Construction Phase as per the Arboricultural Impact Assessment Report. The loss of woodland/treelines/hedgerows would be Negative, permanent, moderate.

10.7.7. *Invasive Species*: No species of plant listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 were recorded at the site during surveys.

10.7.8. *Bats*: Bat activity on site was generally concentrated along the treelines and hedgerows at the western site boundary which were used by bat species as foraging and commuting habitat during bat surveys. No bat roosts were identified on site during surveys, no bat emergence or elevated bat activity was noted at the roost potential trees and bat were not considered to be utilising the trees at the time of the survey. In total, three bat species were recorded on Site soprano pipistrelle, common pipistrelle and Leisler's bat. The removal of the trees on site will result in a loss of foraging areas and a loss in potential bat roosts and artificial light has the potential to disturb bat species. The proposed wildlife friending lighting plan should not significantly impact the bat species that will utilise the retained treelines. The mitigation measures outlined in Section 5.6 also indicate that 10 bat boxes would be provided within the scheme. If bats are found roosting on site during the pre-construction inspection a derogation licence will be required from the NPWS. With the implementation of appropriate mitigation measures no significant impacts on are likely.

10.7.9. *Mammals*: The site of the proposed development contains habitats suitable for small mammals such as hedgehog, pygmy shrew and stoat (hedgerow, scrub, grassland). However, it is noted that these species are all highly mobile and would be able to move away from the area of works during vegetation clearance. This risk constitutes a potential negative, short-term, significant impact on the local populations of these species. It was noted that badgers were not observed on site, however badger are known to utilise lands in the immediate vicinity of the proposed development. As badger are a mobile species and can establish a sett relatively quickly, should they establish within the site boundary. In accordance with the NRA Guidance, pre-construction mammal surveys will be undertaken at the site to identify evidence of protected mammals (e.g., badger, pine marten, red squirrel) within the works area associated with the proposed development. The survey will be undertaken to ensure that such protected species have not taken up residence within or close to the

development footprint. Should breeding or resting places be recorded in the preconstruction surveys, a site-specific mitigation plan shall be prepared and agreed with the NPWS prior to the commencement of works. The overall impact of the development on common species is considered as not significant.

10.7.10. *Amphibians/Reptiles*: There are no records on the NBDC database for common frog or smooth newt within the 2km tetrad associated with the site and no amphibian species were recorded on site during surveys. The site was assessed for its potential to support common lizard, the grassland, scrub and hedgerows on site provide potential habitat for this species and the site is considered of Local Importance (Higher Value) for local lizard populations. Once an area of the site has been cleared of scrub and vegetation to allow works, it will be maintained this way to ensure no suitable habitat for lizard develops.

10.7.11. *Birds*: Breeding bird surveys commenced on the morning of the 11th and 19th of July 2022 at the Site. Bird activity within the Site was recorded using a combination of direct sightings and identification of songs and calls. Twenty-nine species were recorded during the survey on the 11th of July and thirty-one species were recorded during the survey on the 19th of July. All species recorded during the survey are shown below in Table 5-8 of the EIAR. Seven species observed on site are on the Amber List of the Birds of Conservation Concern in Ireland; two species are on the Red List, the Meadow pipit (*Anthus pratensis*) and Swift (*Apus apus*). Three waterbird species were recorded during the winter waster bird surveys, black-headed gull (*Chroicocephalus ridibundus*), snipe (*Gallinago gallinago*) and grey heron (*Ardea cinerea*). Grey heron and black-headed gull were recorded flying over the Site and were not associated with or utilizing the Site for foraging, roosting, or nesting. Small numbers of snipe were recorded foraging in the rank grassland on Site. No birds of conservation importance were identified nesting on site and the proposed development site is not an important ex-situ site for qualifying interests of proximate SPA's and is not associated with important flightlines of these species.

Barn owl was observed foraging at the site of the proposed development during bat surveys in September 2022. Barn owls breed in hollows or mature trees, ruined buildings such as castles and can also utilise outbuildings, as no such habitat exists on site barn owl are not breeding within the proposed development site.

With regards to the height and location of the buildings, the site is not located along an important migratory route for bird species, and the proposed development does not pose a significant collision risk for bird species. Bird collision with buildings is generally associated with reflective material (primarily glass) and potential fly through situations. The design of the proposed buildings includes portions of glazing and with additional materials including concrete. The design includes landscaped areas that may be proximate to the glazed areas. This may result in a low level of mortality at a local level but, this is not deemed to be of significance. The removal of scrub and trees on site will result in the removal of nesting and foraging habitat for birds. The landscape plan has been designed in consultation with the ecologists to provide additional nesting and foraging resources for birds on site. Bird boxes have been included into the building design where feasible on site. Potential Effects: Negative/long-term/slight. Mitigation is needed in the form of a pre-construction survey in relation to nesting birds if constructed during nesting season.

- 10.7.12. *Flora*: No rare plant species, or plant species of conservation value were noted during the field assessment.
- 10.7.13. *Fish*: Common and widespread fish species recorded in Lough Ree downstream of the site. However, the Garrynafela Stream at the site is highly unlikely to support fish species.
- 10.7.14. *Invertebrates*: Neither Marsh Fritillary, nor its associated food plant; Devil's bit scabious was recorded during site surveys. There is no suitable habitat for white-clawed crayfish within the site boundary or records for white-clawed crayfish within Lough Ree.
- 10.7.15. No cumulative effects are foreseen.
- 10.7.16. Having regard to the present condition of the site, with no special concentrations of flora or fauna, I am satisfied that the development of the site and the proposed landscaping and planting provides greater benefits in terms of biodiversity. I draw the Boards attention to the AA section of my report (Section 9) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

10.7.17. It is considered that, with the implementation of the mitigation measures set out in this EIAR, the construction and operation of the proposed development will not have a significant negative impact on biodiversity in the Zone of Influence.

10.8. Land and Soils

10.8.1. Section 6 of the EIAR addresses land and soil. The methodology for assessment is described as well as the receiving environment. A site walkover survey to establish the environmental site setting and baseline conditions at the proposed development site relevant to the land, soil and geology environment was undertaken by Enviroguide Consulting on the 28th of September 2022.

10.8.2. The topographical survey of the proposed development site indicates that the overall topography ranges from approximately 48.75m above ordnance datum (mOD) in the southwest to approximately 39.65m AOD to the central west of the site. In general, the site is gently sloping to the west.

10.8.3. The soils beneath the proposed development Site have been mapped by Teagasc (Teagasc, 2023) as the following: - BminSW- Shallow well drained mineral (mainly basic) with an IFS soil description of “derived from mainly calcareous parent material”. Parent material is glaciofluvial sands and gravels, present to the east of the site. - Basin Peats with an IFS soil description of “Fen Peat” are present to the west of the site. The bedrock beneath the Site has been identified by the GSI as having a “low potential” for crushed rock aggregate potential.

10.8.4. A geotechnical investigation in relation to the proposed development was undertaken. There are no identified geotechnical or geological hazards associated with the land soil and geological condition associated with the proposed development or that may impact on the Operational Phase of the proposed development of human health of the occupants of the proposed development.

10.8.5. The design requires that 5,814m³ of material will be excavated and it is intended that all suitable excavated materials will be reused on site. The proposed development will include the importation of aggregates for the construction of utilities and roads, where there is a net shortfall of 4,675m³ from excavated material onsite. In order to minimise the requirement to import virgin quarried materials, recycled aggregates will be used where available and subject to meeting specified design requirements and all current construction and environmental legislation. It is anticipated that the required

aggregates identified for importation onsite will have a 'neutral', 'imperceptible' and 'permanent' impact on the source.

- 10.8.6. There is a potential risk of localised contamination of the land and soils due to the accidental release of diesel fuel or similar hazardous materials during the construction phase. The CEMP sets out the proposed procedures and operations to be utilised on the proposed construction site to protect water quality. The mitigation and control measures outlined in the CEMP will be employed on site during the construction phase. All mitigation measures outlined here, and within the CEMP will be implemented during the construction phase, as well as any additional measures required pursuant to planning conditions which may be imposed.
- 10.8.7. The completed scheme would negate the initial negative impact from the construction phase and would protect the exposed soils from ongoing weathering and erosion. No indirect impacts on the land and soils are predicted for the operational phase.
- 10.8.8. No cumulative impacts were identified during the construction or operational phase.
- 10.8.9. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land, soil, geology and hydrogeology.

10.9. Hydrology

- 10.9.1. Section 7 of the EIAR deals with hydrology. The methodology for assessment is described as well as the receiving environment.
- 10.9.2. The site is located within the Shannon (Upper)_SC_090 Water Framework Directive (WFD) Sub-catchment and within the Upper Shannon WFD Catchment. The Garrynafela stream flows through the site in an east to west direction, before being routed to the north along the western boundary of the site. The Garrynafela stream is culverted within a 900mm diameter concrete pipe as it exits the site to the north. The stream is culverted under the existing road. I refer the Bord to Section 9.0 of this report.
- 10.9.3. There will be no unauthorised discharge of water groundwater or surface water runoff to ground, drains or water courses during the construction phase of the proposed development and sandbagging of gullies may be required during specific works in the

vicinity of the existing site drainage. Water will be pumped from excavations to temporary on-site drainage system prior to overland discharge through vegetation. The discharge will be pumped through a silt bag at the pump outlet and through a series of silt traps as required. Silt fencing will be erected on ground sloping towards the watercourses at the stream crossings. These will be embedded in local soils to ensure all site runoff water is captured and filtered.

- 10.9.4. Shallow groundwater was encountered between 1.3 and 2.7m depth during the ground investigation at the site. The required maximum depth of excavation is 5m for surface water sewers and foul water connections. Thus, it is anticipated that shallow groundwater will be encountered during trench excavation for the utility infrastructure. Localised dewatering may be required, where water must be pumped from the excavation, it is considered there will be a temporary drawdown of local groundwater levels. However, as appropriate management measures will be in place for the Construction Phase the extent of the impacts will be temporary and localised to the immediate area surrounding the excavation.
- 10.9.5. A site-specific flood risk assessment assessed the potential flood risk associated with coastal, tidal, fluvial and pluvial flooding. The FRS takes account of potential impact of climate change. The report concludes the site is within Zone C (where the probability of flooding from rivers and the sea is low less than 0.1% or 1 in 1000 for both river and coastal flooding). The minimum finished floor level (FFL) is 40.5mOD, which is 4.5m above the 1% Annual Exceedance Probability (AEP). The Proposed Development is considered to be adequately protected in consideration of future scenario of flood events in the area.
- 10.9.6. During the operational phase, no residual significant effects are predicted. Foul water from the Proposed Development will connect to the existing Irish Water sewer eventually discharging to Athlone Wastewater Treatment Plant. Water supply for the Proposed Development will be provided from the existing Irish Water infrastructure. Confirmation of capacity for both the foul and water connection was confirmed by Irish Water (COF: CDS200001202).
- 10.9.7. The proposed development is to be served by a sustainable drainage system. The SuDS will attenuate flow to greenfield runoff flows using a hydro-brake. Restriction of flow will be by a vortex flow control device, excess flow will be directed and attenuated

within an Aquacell stormwater (or equivalent) attenuation system. A petrol interceptor will be installed at each of the attenuation tanks to cater for any accidental or wash down drainage from the car parks. The outfall from each of the attenuation tanks (4 no. in total) will be to the Garrynafela stream at four separate outfall locations.

10.9.8. During the construction phase of the proposed development there are several potential processes that could impact the existing surface water, foul water and watermain networks, however, these would be mitigated against by measures outlined in Section 7.6.1 and elsewhere in the EIAR. The potential impact on the surface water and hydrology during construction is considered to be imperceptible.

10.9.9. During the operational phase the site would be served by existing water supply and foul water network. There no discharges to any open water courses. There will be an increase in hardstanding area associated with the development area. This will have a minor effect on local recharge to ground. However, the surface water network has been designed to provide sufficient capacity to contain and convey all surface water runoff. The residual effect on surface water flow and quantity during the operational phase is considered to be neutral, imperceptible and long-term.

10.9.10. I am satisfied that subject to the implementation of the measures described in the EIAR the proposed development would not be likely to have a significant effect on water. With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated.

10.10. Air Quality and Climate

10.10.1. Air Quality and Climate is outlined in Section 8 of the EIAR. The methodology for assessment is described.

10.10.2. Impacts to air quality and climate can occur during both the construction and operational phases of the proposed development. With regard to the construction stage the greatest potential for air quality impacts is from fugitive dust emissions impacting nearby sensitive receptors. Impacts to climate can occur as a result of vehicle and machinery emissions. Potential impacts to air quality during the operational phase of the proposed development are as a result of a change in traffic flows and volumes on the local road network.

- 10.10.3. With regard to the construction stage the greatest potential for air quality impacts is from dust emissions. Impacts can also occur as a result of vehicle and machinery emissions. There are a number of sensitive receptors in close proximity to the site at which dust impacts may occur. In terms of dust, no significant impacts are predicted; good construction practice, which incorporates the implementation of the identified mitigation measures, will be employed at the proposed development site. Due to the implementation of good construction practices at the site of the proposed development and these offsite permitted developments, it is not anticipated that significant cumulative impacts will occur. Provided the dust mitigation measures outlined in section 8.6 are implemented, dust emissions are predicted to be short-term, negative and imperceptible and will not cause a nuisance at nearby sensitive receptors. Therefore, dust impacts will be short-term and imperceptible at all nearby sensitive receptors.
- 10.10.4. In terms of the operational phase the proposed development and associated open spaces would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality. The changes in traffic volumes associated with the operational phase of the development and inclusive of traffic associated with other existing and permitted developments on the road networks surrounding the site both in current and future years determined the cumulative impacts on ambient air quality as insignificant.
- 10.10.5. There is the potential for a number of greenhouse gas emissions to atmosphere during the construction of the development. During the construction stage there is the potential for combustion emissions from onsite machinery and traffic derived pollutants of CO₂ and N₂O to be emitted during the construction phase of the development. However, due to the size and duration of the construction phase, and the mitigation measures proposed, the effect on national GHG emissions will be insignificant in terms of Ireland's obligations under the Kyoto Protocol and therefore will have no considerable impact on climate. Overall, climatic impacts are considered to be short-term and imperceptible. In addition, an Energy and Sustainability Report also accompanied the planning application. This report highlights how the construction and long-term management of the proposed development will be catered for and how overall energy considerations have been inherently addressed.

- 10.10.6. It is further stated that the flood risk assessment that the proposed development is considered to be adequately protected in consideration of future scenario of flood event in the area. The site of the proposed development is within Zone C and is appropriate for the proposed development from a flood risk perspective. The mitigation measures outlined in this report include minimum floor levels and minimum levels of site protection during construction. This means construction will not take place below a certain ground level to reduce the risk of flooding. These measures, along with adequate attenuation and drainage for the proposed development means the impact of the proposed development on climate will be imperceptible.
- 10.10.7. Best practice mitigation measures are proposed for the construction phase of the proposed Project, which will focus on the proactive control of dust and other air pollutants to minimise generation of emissions at source. The mitigation measures employed at the proposed development will ensure that all impacts are compliant with ambient air quality standards and human health will not be affected. Furthermore, traffic related pollutants have been assessed and determined as negligible, therefore air quality impacts from the proposed development are not expected to have a significant impact on population and human health.
- 10.10.8. Regarding cumulative impact the EIAR states that *“Cumulative air quality impacts have the potential to arise locally when construction activities associated with the Proposed Development take place at the same time as other developments in a specific location”*.
- 10.10.9. In terms of Climate the EIAR states *“as negative climatic impacts associated with the Construction and Operational Phases of the Proposed Development are negligible, no mitigation measures are proposed”*.
- 10.10.10. The proposed development is likely to result in a long-term increase in traffic on the roads surrounding the proposed development site; however, this increase in traffic has been determined to have an overall insignificant impact in terms of local air quality. Furthermore, the increase in traffic has been determined as marginal with regard to climatic impacts. Therefore, no adverse residual impacts are anticipated from the proposed scheme in the context of air quality and climate.
- 10.10.11. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Air Quality or Climate

10.11. Noise and Vibration

- 10.11.1. Section 9 of the EIAR deals with noise and vibration. The methodology for assessment is described. A desk study was undertaken and included review of available published data.
- 10.11.2. The third-party appellants claim that the noise monitoring does not reflect proper baseline noise levels. I do not agree, and I note an Inward Noise Assessment has been conducted at the site in order to quantify the existing noise environment. The survey was conducted in general accordance with ISO 1996: 2017: Acoustics – Description, measurement and assessment of environmental noise, in addition an unattended continuous environmental noise survey was conducted at the site from 16 August to 19 August 2022 by Awn Consulting in order to quantify the existing noise environment. Additional attended ‘spot’ measurements were undertaken on installation of the unattended noise monitor. Details of the locations are provided in Figure 9-1 and summary table 9-5 of the EIAR. The noise environment at this location was dictated by road traffic noise from N55. There was some additional noise from truck activity from nearby car dealership during the first measurement. Other noise sources included bird song and foliage noise. Ambient noise levels were in the range of 42 – 49 dB LAeq,15min. Background noise levels were in the range 36 – 44 dB LA90,15min
- 10.11.3. In addition to the baseline noise surveys measured on site, the EIAR notes the most recent Round 3 noise maps published by the EPA (<http://gis.epa.ie>) for road traffic levels. The noise risk assessment concluded that the level of risk on the proposed development site can be classified as a low to medium noise risk. I refer the Board to Table 9-6: *Categorising Proposed Site* of the EIAR.
- 10.11.4. In response to RFI from the PA the Noise Assessment was updated to address additional noise mitigation measures to address future environmental noise impacts to the external gardens at the residential units sited along the N55.
- 10.11.5. In response to the FI request it is highlighted that the noise impact assessment which was submitted at application stage was carried out on a model without boundary treatments being finalised on the site landscape/layout plans. In this context the updated noise impact assessment was carried out to include for all boundary proposals and this has informed the findings. The measured noise levels on the site

have been used to calculate noise levels at specific facades of proposed residential properties and to predict the internal noise levels within living room and bedroom spaces, taking account of the proposed building envelope and conditions in the receiving rooms (e.g. volumes and room acoustic characteristics).

10.11.6. Based on these noise levels, appropriate acoustic glazing and ventilators have been recommended to facades effected by noise levels from the N55. Based on the implementation of the measures outlined in this assessment, the predicted noise levels conform to the criteria taken from BS8233:2014 for acceptable internal noise levels. It should be noted that the predicted internal noise levels detailed assume that windows and doors will be closed, and vents will be open. It is expected that a good portion of site will achieve at least 'reasonable' internal noise levels with windows open.

10.11.7. The EIAR sets out that the majority of the amenity space will experience noise levels of ≤ 55 dB LAeq,16hr in line with the recommended noise level.

10.11.8. The highest potential noise and vibration impact of the proposed development will occur during the construction phase due to the demolition of various buildings, the operation of various plant machinery used to construct the various phases in addition to Heavy Goods Vehicles (HGVs) movement to, from and around the site. However, impacts during this phase are short-term in duration.

10.11.9. The site is located within an existing urban area and there are noise sensitive receptors (existing residential properties) at the site's boundaries. Details of which are provided in Figure 9-11 of the EIAR.

10.11.10. While it is acknowledged that the proposed construction phase would cause noise and disturbance the works would be temporary, and it is noted that the majority of the construction works will take place at significant distances from the receptors and within controlled hours. Therefore, no significant impacts are predicted. The use of best practice noise control measures, hours of operation, scheduling of works within appropriate time periods, strict construction noise limits and noise monitoring during this phase will ensure impacts are controlled to within the adopted criteria.

10.11.11. During the operational phase, the predicted change in noise levels associated with additional traffic in the surrounding area required to facilitate the development is predicted to be of no significant impact along the existing road network with neutral, not significant and long-term impact to nearby residential locations. Furthermore, at

the detailed design stage, best practice measures relating to building services plant will be taken to ensure there is no significant noise impact on NSLs adjacent to the development. No significant sources of vibration are expected to arise during the operational phase of the development. Noise and vibration levels associated with operational plant are expected to be well within the adopted noise limits at the nearest noise sensitive properties.

10.11.12. Potential cumulative impacts have been examined. Mitigation measures are proposed for both the construction and operational phases in relation to noise and vibration.

10.11.13. I am satisfied that the proposed mitigation measures and through suitable conditions impacts would be avoided, managed and mitigated. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration. I note the PA in their recommendation included condition no. 10(h) which stipulated that 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.

- | | | |
|-----|-------------------------------|---------|
| I. | Day-time (7.00am to 7.00pm) | 55dB(A) |
| II. | Night-time (7.00pm to 7.00am) | 45dB(A) |

10.12. Landscape and Visual

10.12.1. Section 10 of the submitted EIAR deals with landscape and visual. The methodology for assessment is described and the receiving environment is described. The environmental impacts from the proposed development are detailed in the EIAR.

10.12.2. The lands are not recorded as a high value landscape. The site is located on the periphery of Athlone town. Lough Ree High Amenity Area, defined in Westmeath County Development Plan 2021-2027, is located 200 meters north of the proposed development. The Landscape Character Type that defines the area of the site of the proposed development is Character Area 6 Lough Ree/Shannon Corridor as defined in the Westmeath County Development Plan 2021-2027. The EIAR notes that due to the scale and nature of the proposed development within this receiving landscape setting, it is anticipated that the proposed development is not likely to give rise to significant landscape or visual impacts beyond approx. 1km. However, as a precaution, a 3.0km-radius study area is used.

- 10.12.3. A Landscape and Visual Impact Assessment (LVIA) was also undertaken as part of the EIAR. Nine viewpoints were assessed (Section 10.5.4.2), chosen by sensitivity of the view's through site visits and viewsheds analysis (Figure 10-28 Proposed Viewpoints). Three views were determined to have temporary visual impacts and three will have short-term or short to medium-term visual impacts. Six of the viewpoints are considered to experience neutral effects and three will experience minor to moderate or moderate visual impacts. No viewpoints are considered as having a significant, negative and long-term impact. It's concluded that the proposed landscaping and green infrastructure will mitigate, in the medium-term, the identified moderate visual impacts, I would agree. I further note that the proposed development will not have any landscape or visual impact in any Protected View, Scenic Route or Protected Structure identified in the Westmeath County Development Plan 2021-2027.
- 10.12.4. The site is excluded from any "Special Area of Conservation", "Special Protection Area", "High Amenity Area" or "Natural Heritage Area" of the Westmeath County. In terms of the landscape impact assessment, the landscape of the area will undergo some moderate changes due to the construction of the new buildings, the removal of some existing trees and shrubs, the removal of some hedgerows and the installation of the proposed green structure. The predicted landscape impacts will reduce rapidly with distance from the site boundaries. Intervening hedgerows, open park spaces, and existing buildings will further reduce the impacts to minor to negligible, negative and short term for the construction phase. It is concluded that the proposed development will have a minor, negative and short to medium-term impact on the landscape character of the site during the construction phase. It is not expected that the operational phase of the proposed development will cause any negative impact.
- 10.12.5. During the construction phase the site and immediate environs would be disturbed by construction activities and haulage and the incremental growth of the buildings on site, with indirect effects on the setting of the existing area. Any development on a large site would naturally result in a considerable visual impact and material change to the landscape character of the site. The construction phase of the development would be visually unappealing during the initial stages and as the development progresses the visual impacts would be lessened. Therefore, the significance of the effects would also vary, although they would typically be moderate or negative during construction but temporary. Such temporary negative effects are unavoidable and not unusual in the

urban context where change is continuous. Given the importance of the existing trees and hedgerows to be retained on site, particular attention should be paid during construction to the tree protection and monitoring measures recommended in the Arboriculture Assessment. On the basis of the reasons outlined above, the magnitude of construction stage landscape/townscape impacts is deemed to be Medium.

10.12.6. On completion the proposed development would represent a marked and comprehensive change to the site from a former greenfield site. The key landscape and visual mitigation measures used during the Construction Phase have been incorporated into the layout of the site and design of the proposed buildings. The buildings will be low height (2-4 storey). The height and massing of the development has been considered in the context of the site's outer suburban location whilst also respecting the local context and the sloping topography of the site. Careful consideration has been given to the scale, bulk, massing and siting of the residential units. This design approach now also ensures a reduced level of engineering and site works required to accommodate the development. I have no concerns in this regard. Accordingly, the magnitude of operational stage landscape/townscape impacts is considered to be Medium-Low.

10.12.7. With regard to cumulative impact, the closest permitted development of a similar nature is the Glenveagh Development – Planning Application no. 22/253 to the west of the site. Any such cumulative impacts must be considered in the context of the changing environment of the area. Overall, it is considered that the development in terms of siting, form, and design will not give rise to any significant adverse townscape, visual or cumulative impacts on the wider urban landscape. The change is not considered inappropriate.

10.12.8. I have considered all of the written submissions made in relation to landscape and visual impact and the urban design and placemaking aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme. I am, therefore, satisfied that the proposed development would have an acceptable direct, indirect, and cumulative effects on the landscape and on visual impact.

10.13. Archaeology and Cultural Heritage

- 10.13.1. Section 11 of the EIAR addresses Cultural Heritage and Archaeology. The methodology for assessment is described and the receiving environment is described. There are no records of any recorded monuments within the site boundary of the proposed development. There were 13 no. recorded Monuments and Places within a 2 km radius of the site of the proposed development. There are no Protected Structures on site.
- 10.13.2. In response to RFI an archaeological geophysical survey was carried out across the proposed development area in June 2023. The geophysical investigation at did not reveal any anomalies of clear archaeological potential, evidence for former cultivation and historic land division were recorded, together with likely natural variations in underlying, waterlogged, soils. In addition, an Archaeological Impact Assessment was also submitted (September 2023). The archaeological test trenching identified localised field drains and plough furrows that correspond to clear geophysical trends but nothing of archaeological significance was identified. Extensive archaeological monitoring of site investigation works was carried out within the proposed development area over 5 days from 31 August 2023. A total of 25 test pits were excavated across the proposed development area and nothing of archaeological potential was discovered during this investigation.
- 10.13.3. There are no predicted impacts to any archaeological assets during the operation of the proposed development.
- 10.13.4. As regards cultural heritage, the immediate surrounding landscape is rural and agricultural in nature. The site of the proposed development is agricultural land, with no buildings present. The National Inventory of Architectural Heritage (NIAH) was reviewed in order to identify any buildings/features of architectural significance within 2km of the Site. There are 2 buildings of architectural significance located with 2km of the Site; Rose Cottage (Reg. No. 15402921) and Bullet Road (15402920), both located 1.1 km Northwest of the proposed development. Owing to the separation distance, it is not considered the development would represent any significant negative impact on these properties.
- 10.13.5. In summary, there are no predicted cumulative impacts to the archaeological or cultural heritage resource.

10.13.6. From an environmental viewpoint, I am satisfied that Cultural Heritage – Archaeology has been appropriately addressed (including the RFI response documentation) in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects are likely to arise.

10.14. Material Assets; Waste and Utilities

10.14.1. Section 12 of the EIAR deals with materials assets or the physical resources in the environment, including built services and infrastructure comprising electricity, gas supply, information and communications technology, surface water/stormwater drainage, water supply, the foul water network and waste management infrastructure. The methodology for assessment is described and the receiving environment is described.

10.14.2. The EIAR notes that the proposed development is to be delivered in 3 phases and over a period of 10 years. The Construction Phase will include all necessary site clearance and preparation work, site development and construction activities.

10.14.3. *Power and Gas Supply:* During construction, contractors will require power for heating and lighting of the site and their onsite construction compound. The power requirements will be relatively minor and will require temporary connection to the local electrical supply network. The Main Contractor will apply for a power supply from ESB Networks to power both the compound and the construction site. The size of supply will be calculated to ensure it is sufficient to power both the site compounds and construction site activities.

During the operational phase there are plans for two substations within the site. A Building Lifecycle Report has been prepared for the Operational Phase of the proposed development, which provides details on the mechanical and electrical services that will be installed at the proposed development. Low Energy Technologies Considered are listed in this report including: • Charging Points; • Exhaust Air Heat Pump; • Central extract/demand-controlled ventilation; and • Air Source Heat Pump. The impact of the Operational Phase of the proposed development on the electricity supply network is likely to be to increase demand to the existing supply. The potential impact from the Operational Phase on the electricity supply network is likely to be neutral, long term and not significant.

There is no gas connection required during the construction phase. There is no intention to provide natural gas to serve the new residential portion of the proposed development.

- 10.14.4. *Telecommunications*: Telecommunications connections may be required to the existing ICT network during the Construction Phase of the proposed development. New connections will be controlled by the network provider in accordance with standard protocols. The site of the proposed development is partially located within an area where high speed broadband is available and the closest mobile communications mast at Dubarry Park approximately 1.1km west of the proposed development (Vodafone, Three, Meteor). The likely effect of the Operational Phase on the local telecoms network will be neutral, and imperceptible in the long term.
- 10.14.5. *Surface Water Drainage*: I refer the Bord to section 9 and section 10.9 of this report. There will be no unauthorised discharge of water (groundwater or surface water runoff) to ground, drains or water courses during the Construction Phase of the Proposed Development. The impact will therefore be 'neutral', 'imperceptible' and 'temporary'. The likely effect of the surface water drainage strategy for the proposed development will result in a neutral, imperceptible, long-term impact on receiving surface water quality.
- 10.14.6. *Water Supply and Demand* - The site of the proposed development is greenfield and there is no water supply or demand at present. The site is currently not connected to a municipal water supply, but it is located in a well-serviced area. The proposed development will be connected to the existing mains water supply subject to agreement from Irish Water. New connection works may cause water supply disruptions during the Construction Phase. Due to the nature of the works during the Construction Phase, the likely effect will be negative, not significant and temporary. Water supply to the proposed development will be provided by the existing Irish Water infrastructure by adding a new 150mm connection to the existing 150mm diameter watermain running along the N55. The likely effect of the increase in mains water demand during the Operational Phase will be neutral, not significant, and long-term on mains water supply.
- 10.14.7. *Wastewater Management* -The Proposed Development Site is currently a greenfield site and there is currently no existing connection to a public sewer. A temporary

connection is required to facilitate on-site works for all housing developments. Commencement of construction will therefore result in a net increase in the foul water produced at the site of the proposed development. Confirmation of feasibility was received from Irish Water on the 13th of November 2020 (Ref; CDS200001202). The wastewater connection is 'Feasible without infrastructure upgrade by Irish Water'. Due to the temporary and phased nature of the Construction Phase the likely effect of the proposed development on the existing foul water network during this phase is considered to be negative, slight and temporary. Foul water from the proposed development will be connect to the existing Irish Water Manhole to the northwest of the site. Foul water from the site will be to mains sewer and discharge will be treated at the Athlone Wastewater Treatment Plan (WWTP) prior to discharge to the Shannon River. The increase in wastewater being discharged to the public sewer will have a neutral and imperceptible impact.

- 10.14.8. *Waste Management:* A Resource and Waste Management Plan has been prepared as part of the planning application. All waste generated during the construction phase will be segregated onsite to enable ease in re-use and recycling, wherever appropriate. In general, the priority of the plan shall be to promote recycling, reuse and recovery of waste and diversion from landfill wherever possible. Approximately 4,100m³ of soil, stones, gravel and clay will be excavated to facilitate construction of new foundations and underground services. It is expected that all of the excavated material is to be reused on site (pending environmental soil testing).

Provided the mitigation measures detailed in the Resources and Waste Management Plan and Operational Waste Management Plan are implemented, and a high rate of re-use, recycling and recovery is achieved, the likely effect of the Construction and operational phases on the environment will be neutral and im-perceptible in the long term. Other developments in the area will be required to manage waste in compliance with national and local legislation, policies and plans which will mitigate against any potential cumulative effects associated with waste generation and waste management.

- 10.14.9. No cumulative impacts will arise that would result in significant effects on the environment.

10.14.10. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Material Assets.

10.15. Risk Management

10.15.1. Section 13 of the EIAR deals with Risk Management. This chapter of the EIAR sets out the assessment of the vulnerability of the proposed development to risks of major accidents and/or disasters. The assessment reviewed:

- The vulnerability of the project to major accidents or disasters.
- The potential for the project to cause risks to human health, cultural heritage and the environment, as a result of that identified vulnerability.

Table 13-3 sets out a list of Major Accidents and/or Disasters Reviewed.

10.15.2. The EIAR notes that design criteria of the buildings are in accordance with all relevant building and fire safety standards. The site is outside the PSZs, an aircraft strike disaster is not considered relevant to this proposed development. The Site is located in the Garda Division of Westmeath / Meath. The site is not located in close proximity to any Upper or Lower Tier Seveso Sites. The design has considered the potential for flooding, road accidents, invasive species or fire within the design methodology. From this, it is considered that the vulnerability of the proposed development to major accidents and/or disasters is not significant.

10.16. Traffic

10.16.1. A Transport Impact Assessment has been carried and forms Volume 3 of the EIAR and is referred to a section 4.11 in the EIAR Non-Technical Summary. The methodology for assessment is described and the receiving environment is outlined.

10.16.2. There is potential for construction traffic to impact the surrounding population and human health by causing congestion on the local road network (Section 4 of the EIAR). The EIAR considered the construction traffic for the site. During the peak period, an estimated 5 heavy goods vehicles (HGV) movements will be made per hour are anticipated. Overall, construction traffic will be less than traffic volumes generated during the operational phase of the development. Construction traffic is not expected

to result in a significant change, which is considered to be 10% in annual average daily trip flows. During the construction phase, construction traffic travelling to the site will use the A Construction & Environmental Management Plan (CEMP) would be implemented. Overall, it is considered that the impact of the construction phase on Traffic and Transport will be likely and adverse but moderate and short-term.

10.16.3. During the operation stage of the development, it is set out that traffic generated by the proposed development will have some effect on the local road network surrounding the site. The following junctions were assessed: • the existing N55 / R916 / L8048 roundabout. The assessment concluded that the existing N55 / R916 / L8048 roundabout currently operates within capacity with small queues and delays during the AM and PM peak hours. The existing N55 / R916 / L8048 roundabout will continue to operate within capacity with small queues and delays when the proposed residential development is completed in 2027, year of opening, 2032, five years after opening and in 2042, fifteen years after opening. The existing N55 / R916 / L8048 roundabout will continue to operate within capacity with small queues and delays when the proposed residential development and the future residential developments adjacent to the development are complete in 2042, fifteen years after opening.

10.16.4. A total of 414 parking spaces will be provided to cater for the proposed development, including eight spaces for the creche. This is within the maximum number of parking spaces stipulated by the Westmeath County Development Plan (442)

10.16.5. I note Section 8 of the EIAR sets out that increased LDV and HGV traffic flow because of the proposed development is likely to contribute to increases in GHG emissions such as CO₂ and N₂O (Nitrous Oxide). However, these contributions are likely to be marginal in terms of overall national GHG emission estimates and Ireland's obligations under the Kyoto Protocol and the Paris Agreement, and therefore unlikely to have an adverse effect on climate. Furthermore, it is widely anticipated that CO₂ emissions for the passenger car fleet will reduce substantially in future years due to the increasing prevalence of electric or hybrid vehicle use.

10.16.6. During the operational phase, it is anticipated that the existing N55 / R916 / L8048 roundabout will continue to operate within capacity with small queues and delays when the proposed residential development and the future residential developments adjacent to the development are complete there. The analysis carried out indicates

that the increased traffic as a result of the proposed development has been shown to be minimal and will have a negligible impact in terms of traffic. The associated impact on human beings will be limited. The increased permeability of the site and the provision of high-quality pedestrian and cycle facilities will result in increased numbers of cyclists which in turn will promote healthier living and a more active population. The potential for increased accidents is also considered low as a result of the relatively minor traffic increases associated with the proposed development.

10.17. Interactions

10.17.1. Section 14 addresses interactions and highlights those interactions which are considered to potentially be of a significant nature and Table 14.1 provides a matrix of interactions. Overall, the interactions between the proposed development and the various environmental factors are generally considered to be not significant or negative. Mitigation measures are proposed throughout this EIA Report to minimise any potentially negative impacts.

10.17.2. The development is concluded in the EIAR to have no significant negative impact when mitigation measures are incorporated. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

10.18. Cumulative Impacts

10.18.1. Each individual chapter provides an assessment of the cumulative impact of the development.

10.18.2. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the county development which has been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans and national policy. The proposed development is not likely to give rise to environmental effects

that were not envisaged in the development plan that was subject to SEA. It is, therefore, concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

10.19. Schedule of Mitigation Measures

10.19.1. Section 15 provides a summary of the recommended mitigation measures. These mitigation recommendations are contained within each chapter exploring specific environmental aspects.

10.20. Reasoned Conclusion on the Significant Effects

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

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of greenfield site to residential use. Given the location of the site on the periphery of the built-up area and the public need for housing in the region, this effect would not have a significant negative impact on the landscape character and surrounding environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the removal of potentially hazardous material from the site, and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.

- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans.
- Archaeology and Architectural Heritage would be mitigated by landscaping and design and given the result of pre-construction testing and the location of the site adjacent to an urban area no significant adverse direct, indirect or cumulative effects are likely to arise.

10.20.2. This EIA 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, as appropriate.

10.20.3. The assessments provided in the individual EIAR chapters are satisfactory to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

11.0 Recommendation

Having regard to the foregoing, I recommend that permission be refused for the proposed development for the reasons and considerations set out hereunder.

12.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2022

Planning Authority: West Meath County Council

Planning Register Reference Number: 23/60074

Appeal by Cairn John Gibbons and Celine Gibbons against the decision made on the 22nd of November 2023, by West Meath County Council to grant permission for the proposed development.

Proposed Development:

The development will consist of the provision of a total of 305no. residential units along with provision of a crèche as follows:

(b)The provision of a total of 175no. 2storey residential dwellings which will consist of 151no. 3 bed units and 24no. 4 bed units.

(c)The provision of a total of 130no. apartments/duplex units consisting of 25no.1 bed units, 80no.2bed units and 25no. 3bed 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 2no. 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 (EIAR) and Natura Impact Statement have been prepared and accompany this application.

Decision

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Reasons and Considerations

Notwithstanding the residential zoning objective of the site in the Athlone Town Development Plan 2014-2020, the proposed site is substantially removed from the town core of Athlone and would not be in line with the orderly expansion of the town of Athlone and would be contrary to policy P-CS7 of the Athlone Town Development Plan 2014-2020 and the Core Strategy objectives of the Westmeath County Development Plan and Policy Objective CPO 7.29 to '*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/back land sites promoting sustainable higher densities*'. In addition, the proposed development would be contrary to the Ministerial Guidelines 'Sustainable and Compact Settlements Guidelines for Planning Authorities' issued by the Department of

Housing, Local Government and Heritage in January 2024, Section 3.3.2 *Regional Growth Centres* which establishes as a key priority the delivery of sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the settlement.

Furthermore, in the absence of a Settlement Capacity Audit for Athlone, the Board cannot be satisfied that the development would not prejudice the future settlement statutory for Athlone and the achievement of compliance with the core strategy of the West Meath County Development Plan 2021-2027.

Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

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.

Irené McCormack

Senior Planning Inspector

1st March 2024