



An
Bord
Pleanála

Inspector's Report

ABP-319902-24

Development

Large scale residential development:
Construction of 177 residential units
including all associated development
works.

Location

Cornamaddy, Athlone, Co.
Westmeath.

Planning Authority

Westmeath County Council

Planning Authority Reg. Ref.

2360374

Applicant(s)

Marina Quarter Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party vs. Grant

Appellant(s)

Denise Leavy

Observer(s)

None

Date of Site Inspection

29th July 2024

Inspector

Stephen Ward

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1.0 Site Location and Description

- 1.1. The site is located at Cornamaddy in the north-eastern environs of Athlone, Co. Westmeath, approximately 2km to the northeast of the town centre. It is generally surrounded by agricultural land and one-off housing to the north, while to the south there is a mixture of suburban housing and commercial/community development.
- 1.2. The site has a stated gross area of c. 7.31ha and comprises two separate portions. The larger northern portion (Parcel 1) is bounded by a 'Pitch and Putt' course and agricultural lands to the north and west. To the south and east it is largely bounded by extant housing permissions (some of which are partially constructed). The smaller site portion (Parcel 2) is to the southeast of the main site and comprises a long narrow tract of land which is generally bounded by the N55 road and its roundabout junction with the distributor access road serving the appeal site and other adjoining developments.
- 1.3. The site itself is mainly undeveloped and composed of grassland and hedgerows, with some parts being used for temporary construction storage etc. The topography is relatively flat with some undulations. Drainage channels run through the site towards the Kippinstown Stream (along northern site boundary) which itself drains further north towards Lough Ree via the Garrynafella Stream.

2.0 Proposed Development

- 2.1. In summary, permission was sought for a residential development and public open space comprising the following:
 - Construction of 177 no. residential units ranging in height from 2-3 storeys comprising detached, semi-detached, and terraced houses, maisonettes and 3 storey duplex apartments, including:
 - 65 no. 2 bed houses
 - 71 no. 3 bed houses
 - 9 no. 4 bed houses
 - 24 no. 1 bed maisonette apartment units
 - 8 no. 3 storey duplex apartment units.

- All associated private open space in the form of gardens/terraces.
- 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. Refs 14/7103/ ABP Ref. PL25.244826 and 22/253 and permitted under application WMCC Reg. Ref. 22/577 to the southeast of the site.
- Minor modifications to permissions granted within the applicant's landholding as follows:
 - Internal access road layout and open space permitted under WMCC Ref. 22/253
 - Section of the distributor road permitted under application WMCC Ref. 22/577
 - Road permitted for access to the creche facility granted under WMCC Reg. Ref. 22/340 to provide turning heads and access to parking associated with the proposed duplex units
 - Rear private gardens of units no's. 061, 062 and 063 permitted under WMCC Ref. 22/253 to provide additional private open space.
- All associated site development works, services provision, drainage works, zoned open space/linear park (c.1.09ha), residential public open space areas (c.0.82ha in total), landscaping, communal open space serving the duplex apartments (c.0.02ha), landscaping, boundary treatment works, public lighting, associated ESB substation cabinets, bin stores and car and bicycle parking provision.

2.2. The applicant's response to a further information request included a reduction to a total of 169 no. residential units.

2.3. Surface water will discharge to the existing stream located to the north boundary. It will be attenuated to greenfield runoff rates in accordance with the recommendations of the Greater Dublin Strategic Drainage Study (GDSDS). The proposed foul sewer network will connect to the existing Irish Water network which discharges to the existing pumping station located to the north-east of the main site portion. The proposed watermain network will connect to the under-construction water network

which will be connected to the existing watermain network located at Drumaconn Road.

- 2.4. The proposed housing mix (as per the further information response) is summarised in the following table:

Unit Size	Houses	Apartments / Duplex / Maisonette	Total (%)
1-bed		22	22 (13%)
2-bed	55		55 (32.5%)
3-bed	75	6	81 (48%)
4-bed	11		11 (6.5%)
Total	141	28	169 (100%)

- 2.5. Based on the application information (as revised in the further information response), the key figures for the proposed development are summarised in the following table:

Site Area	7.31 ha gross / 5.27 ha net
Residential Units	169
Density	Net site area (5.27ha) / 169 = 32 uph (net density)
Plot ratio	0.30 (net site) or 0.22 (gross site)
Other Uses	Zoned Public Open Space (1.09ha) Creche (Previously permitted – 668m ²)
Communal Open Space	400m ²
Public Open Space	0.78 ha (excluding zoned area) – 15% of site area
Car Parking	241 (150 in-curtilage, 31 on-street, 60 visitor) 19 separate spaces for the creche.
Cycle Parking	Terraced/maisonette/duplex units provided with storage

- 2.6. In addition to the standard plans and particulars, the application is accompanied by documents and reports (as updated/supplemented by the further information response) including:

- Environmental Impact Assessment Report

- AA Screening Report & Natura Impact Statement
- Planning Report (including response to LRD Opinion)
- Architectural Design Statement
- Housing Quality Assessment
- Landscape Design Statement
- Engineering Report
- Flood Risk Assessment
- Traffic Impact Assessment
- Mobility Management Plan
- DMURS Statement of Consistency
- Construction & Environmental Management Plan
- Construction Waste and Traffic Management Plans
- Road Safety Audit
- Site Lighting Report
- Daylight, Sunlight & Shadow Assessment Report
- Verified Views and CGIs
- Energy Report
- Building Lifecycle Report
- Climate Impact Assessment
- Community Infrastructure Statement
- Schools Capacity Assessment
- Arborists Report
- Operational Waste Management Plan.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 15th May 2024, the planning authority made a decision to grant permission subject to 24 no. conditions. The conditions of the decision are generally standard in nature. However, the notable conditions can be summarised as follows:

3 – First occupation of all units shall be by individual purchasers and/or those eligible for social and/or affordable housing, including cost rental housing.

14 – Design details of the ‘Distributor Road’ and cycle lanes shall be agreed.

22 – Section 48 Development Contribution of €584,715.50.

23 - Section 48(2)(c) Special Contribution of €330,129 in respect of the Cornamaddy Roundabout and the existing link road.

24 - Section 48(2)(c) Special Contribution of €774,624 in respect of the completion of the Cornamaddy to Coosan link road.

3.2. Planning Authority Reports

3.2.1. Further Information

Following the initial assessment of the application, a further information (FI) request was issued. The issues raised in the request can be summarised as follows:

1. Submit revised proposals to address concerns about elevational treatment; the inappropriate design form of the three-storey units; the design and description of duplex units; and clarify access to adjoining school lands.
2. Clarify on a detailed site layout the provision of defensible space/privacy edge around each residential unit.
3. Proposals for a higher quality bin/bicycle storage unit for terrace/ duplex units.
4. Revised proposals for the design of the Distributor Road and cycle tracks to comply with latest standards.
5. Submit improved road safety measures in accordance with the provisions of DMURS and the cycle design manual.

6. Submit proposals to demonstrate that the existing watercourse can accommodate storm discharge from the development.

3.2.2. **Planner's Reports**

The assessment is outlined in two reports, i.e. the initial report recommending FI and the subsequent report on the FI response. The main aspects of the assessment within these reports can be collectively summarised under the headings below.

Zoning

- The Athlone Town Development Plan (ATDP) 2014-2020 continues to have effect as there are no specific provisions either fixing a definitive life span for a development plan nor expressly providing for its expiration. The legislation does not provide for the extinguishment of a development plan in the absence of a replacement plan.
- The site is zoned as 'Open Space', 'Proposed Residential' and 'Mixed-Use' as set out under the ATDP. The proposal complies with the relevant zoning objectives.

Height, density, and mix

- The proposed net density (34 uph in the original proposal) is acceptable having regard to the provisions of the ATDP, the Cornamaddy Action Area Plan, and the Guidelines on Sustainable Residential Development in Urban Areas (2009).
- The proposed housing mix and household tenure is acceptable.
- The proposed building heights are acceptable.

Layout, Design, Form & Open Space

- Concerns were raised about the design of some units in the FI request. The response included revised designs which are considered acceptable.
- The proposed layout and open space proposals are considered acceptable.
- Concerns about the refuse/bicycle storage design were satisfactorily addressed in the revised proposals submitted with the FI response.
- Car-parking complies with CDP requirements.

Social Infrastructure

- The applicant's assessments in relation to school demand, childcare demand, and community infrastructure are noted.

Water services and flooding

- There are no objections to proposals to connect to the Irish Water wastewater and water supply.
- The applicant's Flood Risk Assessment is noted. It deems the development to be appropriate and no further issues are raised in this regard.

Environmental Impact Assessment

The reasoned conclusion outlines that the main significant direct and indirect effects are:

- Geology and soil profile would be suitable for residential construction, subject to mitigation being employed at construction stage.
- Hydrological conditions are favourable with no anticipated significant residual adverse effects to groundwater, surface water or European sites provided that the proposed mitigation measures (pro-active control of dust & surface water run-off) are implemented.
- Impacts on air quality, climate, noise and vibration during construction will be mitigated and will be imperceptible to human health.
- Landscape and visual impacts will be mitigated by the design and landscaping proposals.
- Traffic and transportation impacts are not deemed to be significant. A shift in the modal split with promotion of active travel measures will further reduce the impact on the junction capacities overall.
- The management of surface water drainage will be achieved through applying the principles of SUDs.
- Any impacts on biodiversity will be mitigated through mitigation measures, once implemented in full.

- Archaeological impacts will be mitigated by implementing a programme of archaeological monitoring.

Appropriate Assessment

- The applicant's AA Screening Report concluded a degree of uncertainty that the construction phase of the proposed development may give rise to potential significant impacts upon European sites Lough Ree SAC and Lough Ree SPA. In the absence of mitigation measures, there is potential for surface water run-off containing pollutants such as hydrocarbons and silt to enter the Garrynafela Stream and downstream European sites within Lough Ree. Accordingly, a Natura Impact Statement (NIS) was prepared.
- Having considered the content of the NIS submitted and the report of the Council's Environment Section and having regard to the siting, nature and scale of development proposed, separation distance to a Natura 2000 site and mitigation proposed, it is concluded that there is no potential for significant effects on the Natura 2000 network arising from the proposed works either alone or in combination with other plans and/or projects by way of loss, fragmentation, disruption, disturbance to habitats, species or habitats of species that are of conservation interest.

Conclusion

- The report recommends a grant of permission, and this forms the basis of the WCC decision.

3.2.3. Other Technical Reports

District Engineer: Report of 18/12/23 requests further information in relation to public lighting, Road safety and DMURS compliance, EV charging infrastructure, and surface water drainage.

Fire Officer: Outlines Fire Safety Cert requirements.

Active Travel: Initial report of 15/12/23 requests further information in relation to design standards for the 'Main / Distributor Road' and the 'Typical Internal Cycle Track Build Up'.

Subsequent report on the F.I. Response (8/5/24) confirms that there are no objections subject to conditions.

Environment: No objection subject to conditions.

National Roads Office: Application has been evaluated with reference to the PRC (Preferred Route Corridor) for the N55 Athlone to Ballymahon scheme. The site will not impact the PRC and there is no objection to the grant of planning permission.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland: Initial submission states that TII will rely on the planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to compliance with TIA requirements; protection of national road schemes; and other standard conditions.

A subsequent submission on the FI response reaffirms this position.

Uisce Eireann: Water and wastewater connections are feasible without infrastructure upgrade. Conditions should apply to any grant of permission.

Department of Housing, Local Government and Heritage: An initial submission requested further information with regard to Archaeological impact.

3.4. **Third Party Observations**

The planning authority received one submission from the appellant in this case. The issues raised are covered in the grounds of appeal.

4.0 **Planning History**

Appeal Site

There would not appear to be any planning history pertaining to the main site (Parcel 1).

On the smaller site (Parcel 2) permission was granted (**P.A. Reg. Ref. 22/340**) for a two-storey childcare facility (c.668 sq.m.) and associated site works.

Other Relevant Sites

There is a significant and extensive history relating to the surrounding lands, including:

P.A. Reg. Ref. 23/60074 (ABP Ref. 318736-23): Site located east of Parcel 1 – Permission granted (16th April 2024) for development consisting of a 10-year permission for the provision of a total of 305 no. residential units along with provision of a crèche.

P.A. Reg. Ref. 22/577 (ABP Ref. 318510-23): Site located south of Parcel 1 – Permission granted (24th July 2024) for amendments to permitted application WMCC Reg Ref. 14/7103 (ABP Ref. PL25.244826) for the removal of 38 no. permitted units (not constructed) to be replaced by the construction of 70 no. residential units.

P.A. Reg. Ref. 22/253: Site located east of Parcel 1 – Permission granted for 75 new dwellings comprising 51 no. 2 storey semi-detached and terraced houses and 24 no. 3 storey apartment/duplex units.

P.A. Reg. Ref. 17/7224: Site located opposite (south of) Parcel 2 – Permission granted for 7 new dwellings.

P.A. Reg. Ref. 14/7103 (ABP Ref. PL25.244826): Site located south of Parcel 1 – 10-year permission granted for the construction of 98 no. new dwellings.

P.A. Reg. Ref. 06/3087 (ABP Ref. PL34.220241): Site located southeast of Parcel 1 – Permission granted for 94 residential units and associated siteworks.

5.0 Policy Context

5.1. National Policy/Guidance

- 5.1.1. 'Housing For All - a New Housing Plan for Ireland (September 2021)' is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price,

- Built to a high standard in the right place,
- Offering a high quality of life.

5.1.2. 'Project Ireland 2040 – The National Planning Framework' (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 2 (b) - The regional roles of Athlone in the Midlands, Sligo and Letterkenny in the North-West and the Letterkenny-Derry and Drogheda Dundalk-Newry cross-border networks will be identified and supported in the relevant Regional Spatial and Economic Strategy.
- NPO 3 (c) aims to deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate towns and villages of all types and scale as environmental assets.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

- 5.1.3. The Climate Action Plan 2024 implements carbon budgets and sectoral emissions ceilings and sets a course for Ireland's targets to halve our emissions by 2030 and reach net zero no later than 2050. All new dwellings will be designed and constructed to Nearly Zero Energy Building (NZEB) standard by 2025, and Zero Emission Building standard by 2030. In relation to transport, key targets include a 20% reduction in total vehicle kilometres travelled, a 50% reduction in fossil fuel usage, a significant behavioural shift away from private car usage, and continued electrification of our vehicle fleets.
- 5.1.4. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the submissions received, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:
- Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), Department of Housing, Local Government and Heritage, (hereafter referred to as '*the Compact Settlement Guidelines*').
 - Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, (July 2023) (hereafter referred to as the '*Apartments Guidelines*').
 - The Planning System and Flood Risk Management including the associated Technical Appendices, 2009 (the '*Flood Risk Guidelines*').
 - Childcare Facilities – Guidelines for Planning Authorities (June 2001) and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education Scheme (the '*Childcare Guidelines*').
 - Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (July 2023).
- 5.1.5. Other relevant national Guidelines include:
- Design Manual for Urban Roads and Streets (DMURS) (2019)
 - Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

- Guidance for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

5.2. Regional Policy

- 5.2.1. The primary statutory objective of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 (RSES) is to support implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. It recognises Athlone's role as a Regional Growth Centre to act as a lead town for the Midlands growing to around 30,000 by 2031, and that the development of certain lands (including Cornamaddy) have the potential to deliver the population targets. Relevant Regional Policy Objectives (RPOs) for Athlone can be summarised as follows:

RPO 4.4: A cross boundary statutory Joint Urban Area Plan (UAP) for the Regional Growth Centre of Athlone shall be jointly prepared by Westmeath and Roscommon County Councils in collaboration with EMRA and NWRA.

RPO 4.8: Support the regeneration of underused town centre and brownfield / infill lands along with the delivery of existing zoned and serviced lands to facilitate significant population growth and achieve sustainable compact growth targets of 30% of all new homes to be built within the existing built-up urban area.

5.3. Westmeath County Development Plan 2021-2027

5.3.1. Core Strategy

The core strategy table sets a 2027 population for Athlone of 22,154 (excluding Roscommon) and a housing yield of 2,590 units.

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 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.

5.3.2. Housing

Chapter 3 builds on the Core Strategy and addresses the statutory obligations to ensure that sufficient land is zoned for all types of housing to meet projected requirements. Relevant policies/objectives can be summarised as follows:

CPO 3.5 - Ensure that a suitable variety and mix of dwelling types and sizes is provided in developments to meet different needs.

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

5.3.3. Sustainable Communities

Chapter 4 aims to develop and support vibrant sustainable communities where people can live, work and enjoy access to a wide range of community, health and educational facilities and amenities, suitable for all ages and needs, in both urban and rural areas. Relevant policies/objectives can be summarised as follows:

CPO 4.1 - Support sustainable transport infrastructure by developing mixed use schemes, higher densities close to public transport hubs, safe walking routes, and promoting alternative modes of transport and reduce the need to travel.

CPO 4.3 - Encourage inclusive and active sustainable communities based around a strong network of community facilities.

CPO 4.7 - Achieve densities for new housing that respect the local character of surrounding areas, whilst making efficient use of land.

5.3.4. Urban Centres & Place-making

Chapter 7 aims to protect and enhance the unique identity and character of towns and villages and improve quality of life and well-being through the application of Healthy Placemaking, underpinned by good urban design. Relevant policy objectives include the following:

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

5.3.5. Transport, Infrastructure & Energy

Chapter 10 aims to achieve a sustainable, integrated and low carbon transport system with excellent connectivity; to provide, improve and extend water, wastewater, surface water and flood alleviation services; and to provide for the development of indigenous energy resources, with an emphasis on renewable energy supplies. Relevant policy objectives include the following:

CPO 10.8 - Prepare in conjunction with Roscommon County Council and relevant agencies, an Area Based Transport Plan for Athlone to facilitate the growth of Athlone as a regional economic driver.

5.3.6. Climate Action

Chapter 11 aims to transition to a low carbon and climate resilient County, with an emphasis on reduction in energy demand and greenhouse gas emissions, through a combination of effective mitigation and adaptation responses to climate change.

5.3.7. Landscape and Lake Amenities

Chapter 13 aims to improve the knowledge and understanding of the County's landscape and lakelands, and enhance the overall characteristics, qualities and diversity of landscape character, its sense of place and local distinctiveness. The Landscape Character Assessment includes the site within the defined 'Lough Ree/Shannon Corridor'. However, the site is not within the Lough Ree High Amenity Area located further north.

5.3.8. Development Management Standards

Chapter 16 sets out the development management standards and criteria and is intended to provide a 'toolkit' to achieve high standards of design, enhance the

character of an area, and facilitate sustainable development. Relevant provisions include:

16.2.1 – Urban Design Principles based on Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) (DoECLG) and Best Practice Urban Design Manual (2009) (DoECLG).

16.3 – Residential Development.

16.3.2 Residential Density – CPO16.24 – Consider increased density within Athlone Regional Centre and Mullingar (key town) in principle where the subject lands are: within walking distance of the town centre, or; are adequately serviced by necessary social infrastructure and public transport and/or; designated regeneration sites and development lands which comprise in excess of 0.5ha, subject to quality design and planning merit in ensuring compact growth and the creation of good urban places and attractive neighbourhoods.

16.4.1 Parking Standards – CPO 16.36 - Assess all planning applications for development having regard to the car parking requirements set out (Table 16.2).

5.4. Athlone Town Development Plan 2014-2020 (ATDP)

5.4.1. The question of the lifetime of this plan is discussed further in section 7.2 of this report. For the information of the Board, the main provisions are summarised hereunder.

5.4.2. Core Strategy

Section 2.6 outlines that Local Area Plans (LAPs) have been adopted to guide the future spatial development of the town. The appeal site is stated to be within the Cornamaddy LAP¹, which 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. The plan states that this LAP was subsumed into the Athlone Town Plan 2008-2014.

¹ This would appear to refer to the Cornamaddy Action Area Plan 2005 (not a 'Local Area Plan')

5.4.3. Housing

Chapter 3 aims to facilitate the provision of high-quality residential development in sustainable communities and provide an appropriate mix of house sizes, types and tenures in order to meet different household needs. Table 3.3 outlines 'Density for New Residential Development' including Outer Suburban/Greenfield (30-35 per ha) and 'Outer edge of Urban/Rural Transition' (20-35 per ha).

5.4.4. Transportation and Movement

Chapter 6 includes Objective O-TM2, which is to carry out specific road improvement/maintenance works as outlined in Table 6.1, subject to environmental and habitats protection requirements. This includes Objective O-TM20 – Provision of Cornamaddy - Coosan Link.

5.4.5. Land Use Zoning

Chapter 13 sets out the general land use and zoning policies and objectives of the plan. Those which apply to the appeal site are as follows:

'Proposed Residential' (Majority of Parcel 1 and western portion of Parcel 2) – To provide for residential development, associated services and to protect and improve residential amenity.

'Open Space' (Northwestern margins of Parcel 1) – To provide for, protect and improve the provision, attractiveness, accessibility and amenity value of public open space and amenity areas.

'Mixed Use' (eastern portion of Parcel 2) - To provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land, to ensure the efficient use of infrastructure and services.

5.5. **Natural Heritage Designations**

- 5.5.1. The nearest Natura 2000 sites are the Lough Ree SPA and Lough Ree SAC, located c. 1km north of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

The WCC decision to grant permission has been appealed by Denise Leavy of Proudstown Road, Navan, Co. Meath. The appeal requests that the application be refused on grounds which can be summarised under the following headings:

Athlone Town Development Plan

- There is no current plan as the 2014-2020 plan has expired.
- The site is un-zoned, and the default zoning is agriculture. The case should be assessed accordingly and WCC has erred in applying a residential zoning.
- There are no provisions in the Westmeath CDP 2021-2027 that apply a residential zoning to the site.
- The proposal is premature pending the publication of the Athlone Joint Development Plan and should be refused on that basis.
- Section 11C of the 2000 Act does not permit regard to a development plan after it has expired. It merely permits the continued consideration of the development plan of the former town council provided the date of the plan has not expired. The development plan has expired in this case and a new plan has not been prepared under section 9 of the Act. Furthermore, the Council did not extend the duration of the development plan.
- The Council's position makes a mockery of the planning system as it suggests there is no obligation to ever make a new plan.
- The development plan core strategy is outdated and predates the RSES and the NPF.
- It is clearly not the intention of the legislator to allow such a scenario.

Density

- The proposed density would not comply with the Sustainable and Compact Settlement Guidelines, and this has not been assessed by WCC.

- The density of the approved scheme is 32 uph, which contravenes the density policy and objective in the Guidelines of 35 dph to 50 dph for Regional Growth Centre – Suburban/Urban Extension.

6.2. Applicant Response

A late response from the applicant was deemed invalid.

6.3. Planning Authority Response

None.

6.4. Observations

None.

7.0 Assessment

7.1. Introduction

- 7.1.1. I have examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority and prescribed bodies, and I have inspected the site and had regard to the relevant local/regional/national policies and guidance.
- 7.1.2. The issues of Environmental Impact Assessment and Appropriate Assessment will be addressed separately in sections 8 and 9 of this report. Otherwise, I consider that the substantive issues to be considered in this appeal are as follows:
 - The Athlone Town Development Plan
 - Density
 - Other issues.

7.2. The Athlone Town Development Plan (ATDP)

- 7.2.1. The appeal contends that the ATDP has expired and that the site is not zoned (or is zoned on a default basis for 'agriculture'). Accordingly, it suggests that the proposed

development would be premature pending the publication of the Athlone Joint Development Plan and should be refused on that basis.

- 7.2.2. I note that the ATDP was originally prepared for the 2014-2020 period. It covered the whole of the functional area of Athlone Town Council and part of the functional area of Westmeath County Council. However, while Athlone Town Council was dissolved in 2014, Section 11C(a) of the Planning and Development Act of 2000 (as amended) outlines that the development plan for such dissolved areas '*shall continue to have effect to the extent provided for by that plan and be read together with the development plan for the administrative area within which the dissolved administrative area is situated*'.
- 7.2.3. I note that the Westmeath CDP 2021-2027 was subsequently adopted and that it does not set out zoning objectives for Athlone. The planning authority currently determines planning consents according to the zoning objectives set out in the Athlone Town Development Plan 2014 – 2020, as was the case in the current appeal. In this regard, the WCC Planner's Report refers to the provisions of section 11C(a) of the Act and contends that the ATDP continues to have effect as there are no specific provisions either fixing a definitive life span for a development plan nor expressly providing for its expiration. The report states that the legislation does not provide for the extinguishment of a development plan in the absence of a replacement plan.
- 7.2.4. It is my opinion that the wording of Section 11C(a) of the Act is clear in stating that the development plan '*shall continue to have effect*'. I note that this provision is qualified by '*the extent provided for by that plan*'. However, contrary to the appellant's view, I consider that the '*extent*' refers to the geographical ambit of the plan rather than any temporal scope.
- 7.2.5. I also note that the Act does not require the planning authority to do anything on the expiry of the plan of a dissolved body. This is in contrast to Chapter II of the Act which addresses Local Area Plans. Section 19(1)(c) sets out that the planning authority will make, amend or revoke a Local Area Plan, and provides the further option of extending the LAP on notice. There is no such wording pertaining to the development plans of dissolved town councils.

- 7.2.6. Having regard to the foregoing, I conclude that, unless superseded by a new plan for the Athlone Town area, the ATDP 2014-2020 continues to set out the zoning objectives for the subject area and, accordingly, I am satisfied that the site is still zoned for residential and other uses as outlined in section 5.4 of this report.
- 7.2.7. I note the objectives of the WCDP 2021-2027 and the RSES to prepare a joint statutory Joint Urban Area Plan (UAP) for Athlone. The pre-draft stage of this process has already commenced but a draft plan has not been published at the time of writing. And while I acknowledge that some aspects of the ATDP 2014-2020 are outdated, I consider that Section 11C(a) of the Act provides for it to be read in conjunction with the updated WCDP 2021-2027, which allows for all relevant and contemporary policies and objectives to be considered. Accordingly, I do not consider that a refusal of permission would be warranted on the basis that the proposed development would be premature pending the preparation of the Joint UAP for Athlone.

7.3. Density

- 7.3.1. The appeal contends that the proposed density would not comply with the Sustainable and Compact Settlement Guidelines, and that this has not been assessed by WCC. It states that the density of the approved scheme is 32 uph and that this contravenes the density policy and objective in the Guidelines of 35 dph to 50 dph for 'Regional Growth Centre – Suburban/Urban Extension'.
- 7.3.2. I note that the issue of density was addressed in the original WCC Planner's Report. It outlined that the proposed net density (34 uph in the original proposal) is acceptable having regard to the provisions of the ATDP, the Cornamaddy Action Area Plan, and the national Guidelines on Sustainable Residential Development in Urban Areas (2009). This report was finalised on 5th January 2024, prior to the publication of the Compact Settlement Guidelines on 15th January 2024. And while the second WCC Planner's Report and CE Order was finalised (15th May 2024) after the publication of the updated Guidelines, the question of density (then reduced to 32 uph) and compliance with the Guidelines was not revisited.
- 7.3.3. I have previously outlined the national policy context in the form of the NPF, a key element of which is a commitment towards 'compact growth' which focuses on a

more efficient use of land and resources. NPO 35 is to increase residential density in settlements, through a range of measures including infill development schemes, area or site-based regeneration, and increased building heights. At Regional level, RPO 4.8 of the EMRA RSES also supports sustainable compact growth targets for 30% of all new homes to be built within the existing built-up urban area.

- 7.3.4. At local policy level, the Westmeath CDP (CPO 3.7) aims to apply higher densities in Athlone, subject to good design and development management standards being met. CPO 4.7 also aims to achieve densities that respect the local character of surrounding areas, whilst making efficient use of land. CPO16.24 is to consider increased density within Athlone in principle where the subject lands are: within walking distance of the town centre, or; are adequately serviced by necessary social infrastructure and public transport and/or; designated regeneration sites and development lands which comprise in excess of 0.5ha, subject to quality design and planning merit in ensuring compact growth and the creation of good urban places and attractive neighbourhoods.
- 7.3.5. Table 3.3 of the ATDP also outlines 'Density for New Residential Development'. This includes 'General Density Parameters' for Outer Suburban/Greenfield locations (30-35 per ha) and 'Outer edge of Urban/Rural Transition' locations (20-35 per ha). I note that the WCC Planner's Report refers to Cornamaddy Action Area Plan provisions for low-medium density of 18-34 uph. And while the ATDP 2014-2020 stated that the Cornamaddy LAP was 'subsumed into the Athlone Town Plan 2008-2014', I am not aware of any such subsequent incorporation of the LAP into the ATDP 2014-2020. Notwithstanding this, the zoning provisions for the site remain in accordance with the ATDP 2014-2020 as previously discussed.
- 7.3.6. Most recently, the Compact Settlement Guidelines 2024 have been introduced to supersede the 2009 Guidelines on Sustainable Residential Development in Urban Areas. I acknowledge that the Guidelines should be read in conjunction with other Section 28 guidelines. However, section 2.2 outlines that where there are differences between these Guidelines and Section 28 Guidelines issued prior to these guidelines, it is intended that the policies and objectives (including those relating to density) and specific planning policy requirements of these Guidelines will take precedence.

- 7.3.7. Section 3.3 of the Guidelines outlines recommendations for settlements, area types, and density ranges. Based on the criteria therein, I consider that the current case comes within the 'Regional Growth Centre - Suburban/Urban Extension' category. As per Table 3.4, it is a policy and objective of the Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at such locations, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' locations (as defined in Table 3.8).
- 7.3.8. I acknowledge that the proposed density of the revised scheme (32 uph) is marginally lower than the range recommended in the Guidelines (35 – 50 uph, and up to 100 uph). However, it should be noted that the Guidelines outline that these densities shall 'generally' be applied. In accordance with Section 2.1.2 of the Guidelines, the Board is required to 'have regard' to this 'policy and objective', as opposed to the mandatory application of the SPPRs contained therein. Section 3.2 also outlines that the policies and objectives are intended as a tool to guide the appropriate scale of development at different locations, rather than as a prescriptive methodology. Flexibility is offered so that planning authorities can operate a plan-led approach and take the circumstances of a plan area or an individual site into account as part of the decision-making processes. Accordingly, there is flexibility available to the Board to vary from the density recommendations in the Guidelines.
- 7.3.9. Policy and Objective 3.1 of the Guidelines requires that that the density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate. And while I have acknowledged at the outset that the proposed density is marginally below the recommended range, I consider it appropriate to consider these criteria in the wider context of applying flexibility (i.e. outside of the range).
- 7.3.10. 'Step 1' in the refining process is the consideration of proximity and accessibility to services and public transport. It states that planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area, densities closer to the mid-range at intermediate locations and densities below the mid-density range at peripheral locations. Densities above the ranges are 'open for consideration' at accessible suburban and urban extension locations to the maximum set out in Section 3.3.

- 7.3.11. Table 3.8 of the Guidelines outlines the accessibility criteria for a 'High Capacity Public Transport Node or Interchange', an 'Accessible Location', and an 'Intermediate Location'. Lands that do not meet any of these proximity or accessibility criteria are classified as 'Peripheral'.
- 7.3.12. The application is accompanied by a Mobility Management Plan which outlines the public transport services in the area. I note that there are a number of bus stops, the closest being on Woodville Road (c. 6-min walk from the site). These bus stops are served by the A2 bus route which runs at frequencies of 30 mins. This would not meet the proximity or accessibility criteria for the aforementioned locations and, accordingly, I consider that the site should be classed as 'peripheral' where densities below the mid-density range should apply.
- 7.3.13. 'Step 2' is the consideration of character, amenity and the natural environment to ensure that the quantum and scale of development can integrate successfully into the receiving environment. The relevant criteria are discussed hereunder.

- (a) Local Character – This is a peripheral area which is surrounded by undeveloped lands and low-density one-off housing to the north and west. And in terms of recent and permitted development on the adjoining lands to the south and east, the table below outlines the emerging density and character of the area.

Reference Number	No. of Units	Density (uph)
ABP Ref. 318736-23	305	32
P.A. Reg. Ref. 22/253	75	38
ABP. Ref. PL 25.244826	98	18
ABP. Ref. 318510-23	70	32

Having regard to the above, I consider that the proposed density of 32 uph strikes an acceptable balance given the peripheral 'edge' location of the site and the emerging character of adjoining lands in urban/rural transition.

- (b) The area is not particularly sensitive in terms of built or archaeological heritage. The vegetation along the north-western site boundary denotes a

townland boundary and I acknowledge that the proposed development aims to retain and protect this feature.

- (c) The application includes an EIAR and a Natura Impact Statement which consider the potential impacts on protected habitats and species. This is considered further in sections 8 and 9 of this report and I acknowledge that appropriate measures have been incorporated to protect habitats and species on site.
- (d) The proposed development is not of significant height or scale, and it mainly bounds onto undeveloped lands or planned/permitted roads and open spaces. It would have some interface with recently constructed/permitted dwellings, but I am satisfied that it would maintain an adequate separation distance. Accordingly, I do not consider that the proposed development would raise any fundamental concerns in relation to the amenities of residential properties, including those relating to privacy, daylight and sunlight, and microclimate.
- (e) The Uisce Éireann submission confirms that water and wastewater connections are feasible without infrastructure upgrade. It outlines that conditions should apply to any grant of permission.

7.3.14. In conclusion, I acknowledge that proposed density is marginally lower than the recommended range in the Compact Settlement Guidelines. However, the Board can apply some flexibility on this matter and having considered the 'refining density' criteria set out in the Guidelines, I consider that the marginal shortfall on the recommended range is acceptable. In particular, I consider that a lower density is acceptable given the 'peripheral' nature of the site in terms of lack of accessibility and public transport services, as well as the location of the site on the rural/urban edge and the local character and density of recent and permitted development.

7.3.15. In terms of local policy, I also consider that the proposed lower density would respect local character in accordance with CDP objective CPO 4.7. And while CPO 16.24 allows the consideration of increased density on certain lands within Athlone, I do not consider that the specified criteria would apply given that the appeal site is not:

- Within reasonable walking distance of the town centre;
- Adequately serviced by necessary public transport;

- Designated as ‘regeneration sites and development lands’.

7.3.16. I also consider that the proposed density would be consistent with the ‘General Density Parameters’ as outlined in Table 3.3 of the ATDP. This includes the parameters for both Outer Suburban/Greenfield locations (30-35 per ha) and ‘Outer edge of Urban/Rural Transition’ locations (20-35 per ha).

7.3.17. Having regard to the foregoing, I am satisfied that the proposed density is consistent with the provisions of the ATDP and the Westmeath CDP 2021-2027, and that it would also be acceptable having regard to the provisions of the Compact Settlement Guidelines.

7.4. Other Issues

7.4.1. The appeal has raised a limited range of issues, which have been addressed in the foregoing sections, and I have separately assessed a comprehensive range of other issues in sections 8 (Environmental Impact Assessment) and 9 (Appropriate Assessment) of this report. Furthermore, for the information of the Board and the interest of completeness, I propose to also address any other outstanding planning issues.

Zoning

7.4.2. As previously outlined, I am satisfied that the zoning objectives of the ATDP continue to apply. Accordingly, the majority of Parcel 1 and the western portion of Parcel 2 is zoned ‘Proposed Residential’, with the objective ‘To provide for residential development, associated services and to protect and improve residential amenity’. The northwestern margins of Parcel 1 are zoned ‘Open Space’, with the objective ‘To provide for, protect and improve the provision, attractiveness, accessibility and amenity value of public open space and amenity areas’. Finally, the eastern portion of Parcel 2 is zoned ‘Mixed Use’, with the objective ‘To provide for, protect and strengthen the vitality and viability of town centres, through consolidating development, encouraging a mix of uses and maximising the use of land, to ensure the efficient use of infrastructure and services’.

7.4.3. Having considered the proposed layout and the nature and extent of the proposed uses, I am satisfied that the proposed development would be consistent with the applicable zoning objectives.

The Standard of Residential Amenity Proposed

- 7.4.4. The applicant's F.I. response included updated matrices outlining the quantitative standards for the proposed houses, maisonettes, and duplex units.
- 7.4.5. In relation to the proposed houses, I am satisfied that this demonstrates that the recommended standards for overall size and individual room areas and dimensions would be comfortably complied with in accordance with 'Quality Housing for Sustainable Communities' (2007). It also demonstrates that private open space would be provided at a minimum rate of 78m² (4-beds), 60m² (3-beds), and 48m² (2-beds), which would comply with the requirements of the CDP and SPPR 2 of the Compact Settlement Guidelines.
- 7.4.6. Regarding the proposed maisonette and duplex units, I am satisfied that the relevant matrix also demonstrates that the proposals would suitably comply when compared to the recommended standards for overall size (SPPR 3), individual room areas and dimensions, and private open space, as set out in the Apartments Guidelines (2023). And in relation to the other relevant standards and requirements of the Apartment Guidelines, I would state the following:
- SPPR 1 – The overall housing development would not include more than 50% one-bedroom units or more than 25% studio type units.
- SPPR 4 – All proposed units are dual aspect.
- SPPR 5 – The ground level maisonette/duplex units have a minimum ceiling height of 2.7m, while the upper floor heights are at least 2.4m.
- I am satisfied that the proposed units have been appropriately designed to provide adequate security, accessibility, and other facilities such as refuse storage.
- Adequate communal, public, and play space has been provided to meet the requirements of the units.
- 7.4.7. Having regard to the foregoing, I am satisfied that the proposed units would provide an acceptable standard of residential amenity in accordance with relevant design standards.

Design & Layout

- 7.4.8. I note that section 16.2.1 of the WCDP 2021-2027 outlines Urban Design Principles based on Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities and the accompanying Best Practice Urban Design Manual (2009) (DoECLG). However, given that these guidelines have since been revoked, I consider it appropriate to consider the design and layout in accordance with the updated Compact Settlement Guidelines.
- 7.4.9. Section 4.4 of the Guidelines sets out Key Indicators of Quality Design and Placemaking and Appendix D sets out a Design Checklist that supplements this section with a series of questions that can be used to guide the consideration of individual planning applications. Policy and Objective 4.2 requires that the key indicators are applied, as is discussed in the following sections.

Sustainable and Efficient Movement – Although it is acknowledged that the appeal site is peripheral, it is within a 6-min walk of a bus stop offering the A2 route town service at frequencies of 30 mins. The adjoining N55 Road also includes cycle lanes on both sides for a significant distance towards the town centre. Within the proposed development itself, significant improvements would be provided in terms of the proposed Distributor Road (including bus stops) and associated cycle and pedestrian improvements. Given the peripheral site context, I am satisfied that this will suitably contribute to connectivity through sustainable transport modes. In accordance with Policy and Objective 4.1 of the Guidelines, I am satisfied that the applicant's F.I. Response has addressed the requirements of DMURS and that the proposals would be acceptable subject to conditions regarding the agreement of detailed design.

Mix and Distribution of Uses – In accordance with the ATDP, the site is part of a larger planned residential area in the north-east environs of Athlone. However, the wider local area provides for an appropriate mix of uses including existing/planned zones for mixed use, enterprise & employment, open space, and recreation. Within the appeal site itself, the predominant residential use would be supported by significant public open space and a previously permitted creche. The proposed housing mix would also provide greater housing choice for a peripheral location given that 46% of the units would be smaller 1 & 2-bed units. Accordingly, I am

satisfied that the proposed development would suitably contribute to an appropriate mix and distribution of uses in the wider locality.

Green & Blue Infrastructure – The ATDP provides for a corridor of public open space which largely surrounds the main portion of the site (Parcel 1). This mainly affects the northwestern site periphery, which includes the Kippinstown Stream and a significant hedgerow/treeline. The application proposes to provide this significant portion of public open space along the northwestern boundary and will ensure the protection of the stream and hedgerow/treeline. The existing drainage ditches within the site will also be suitably culverted to facilitate the development. I am satisfied that this will suitably protect natural assets and biodiversity, while also contributing to the strategic network of open space to serve the overall community.

Responsive Built Form – The proposed development has been designed as part of a Masterplan including other permitted developments to the east and south of the site. I am satisfied that the density, scale and design of the proposed development appropriately reflects the emerging character of the area, whilst also providing for variety and distinctiveness to create an attractive sense of place.

Public Open Space – The proposed development would provide 1.09ha in the form of zoned public open space. In addition to this, it would 0.78ha within the net site area, which amounts to c. 15% in compliance with Policy and Objective 5.1 of the Guidelines. The proposed space will be suitably designed and landscaped and will be accessible to the wider community as part of the wider strategic open space network.

- 7.4.10. Having regard to the foregoing, I am satisfied that the proposed design and layout of the development successfully responds to the Key Indicators of Quality Design and Placemaking as outlined in the Guidelines.

Residential Amenity

- 7.4.11. SPPR 1 of the Compact Settlements Guidelines deals with separation distances between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. It states that development plans shall not include minimum separation distances that exceed 16 metres and that planning applications shall maintain a separation distance of at least 16 metres. Distances below 16 metres may be considered acceptable in circumstances where

there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme.

- 7.4.12. Having reviewed the proposed separation distances and site circumstances at the interface between dwellings, I note that separation distances would exceed 16m in the vast majority of cases. I acknowledge that there are limited cases where the distance is less than 16m, but I am satisfied that suitable privacy measures (e.g. opaque glazing) have been incorporated where required. Accordingly, I am satisfied that proposals are acceptable in accordance with SPPR 1 and that there would be no unacceptable overlooking or privacy impacts.
- 7.4.13. Section 5.3.7 of the Guidelines outlines that a detailed technical assessment in relation to daylight performance is not necessary in all cases. It should be clear from the assessment of architectural drawings (including sections) in the case of low-rise housing with good separation from existing and proposed buildings that undue impact would not arise. Given the low-rise nature of the proposed housing and the separation distances between existing and proposed properties, I am satisfied that a detailed technical assessment is not required in this case.

Parking

- 7.4.14. SPPR 3 deals with car parking and subsection (iii) requires that in peripheral locations such as this the maximum rate of car parking, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling. The proposed development includes a total of 241 no. residential spaces, including 'in-curtilage' (150), 'on street' (31), and 'visitor' (60) spaces, which would be in compliance with the 2-space maximum as per SPPR 1.
- 7.4.15. In relation to the local WCDP car-parking standards, Table 16.2 outlines a maximum of 1 space per dwelling and a 'visitor parking' standard of 1 space for every 3 dwellings. As outlined by the planning authority reports, I am satisfied that the proposed development is consistent with these standards.
- 7.4.16. SPPR 4 deals with cycle parking and storage. In the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided and any deviation from these standards shall be at the discretion of the planning authority.

7.4.17. The proposed detached, semi-detached, and maisonette units will include large ground level spaces where bicycle parking can be easily accommodated. The bicycle parking for the mid-terrace dwellings and duplex units will be provided by purpose-built bicycle storage units. The design details of same were clarified in the F.I. response. Consistent with the planning authority view, I consider that these proposals are acceptable subject to clarification of access arrangements for the duplex bike stores. Accordingly, I am satisfied in terms of compliance with SPPR 4.

8.0 Environmental Impact Assessment

8.1. Statutory Provisions

8.1.1. The proposed development mainly involves the construction of 177 no. residential units; open space; and pedestrian/vehicular access roads and footpaths including a section of the planned east/west distributor road. The site has a stated overall gross area of 7.31 hectares.

8.1.2. 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 projects that involve:

i) Construction of more than 500 dwelling units

iv) 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.

8.1.3. The proposal for 177 no. residential units does not exceed 500 units and would not be a class of development described at 10(b)(i). The site is not within a 'business district' and the site area would not exceed any of the other applicable thresholds outlined in sub-section (iv) above. Notwithstanding this, an EIAR has been submitted with the application. Under Article 102 of the Planning and Development Regulations 2001, as amended, where an application for a sub-threshold development is accompanied by an EIAR, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act.

8.2. EIA Structure

- 8.2.1. This section of the report comprises the environmental impact assessment of the proposed development in accordance with the Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). It firstly assesses compliance with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations, 2001. It then provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on defined environmental parameters, having regard to the EIAR and relevant supplementary information. The assessment also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Boards decision, should they agree with the recommendation made.

8.3. Issues raised in respect of EIA

- 8.3.1. Any issues raised in third-party submissions, planning authority reports, and prescribed body submissions are considered later in this report under each relevant environmental parameter.

8.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

- 8.4.1. The following table outlines my assessment of compliance with the requirements of Article 94 and Schedule 6 of the Regulations.

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)	
Requirement	Assessment
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b)).	Section 2 of the EIAR describes the development, including location and context; physical characteristics; services; as well as information on inputs (water and power) and outputs (surface water, foul water, waste). The description is adequate to enable a decision on EIA.

<p>A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b)).</p>	<p>Sections 5-17 of the EIAR describe the likely significant direct, indirect, and cumulative effects on the environment, including the factors to be considered under Article 3 of Directive 2014/52/EU. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.</p>
<p>A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b)).</p>	<p>Each of the individual sections in the EIAR outlines the proposed mitigation and monitoring measures. They include 'designed in' measures and measures to address potential adverse effects at construction and operational stages, including a Construction and Environmental Management Plan (CEMP), a Waste Management Plans, a Dust Minimisation Plan, a Biodiversity management Plan, and employment of an ecologist / ecological Clerk of Works. The Mitigation measures comprise standard good practices and site-specific measures and are generally capable of offsetting any significant adverse effects identified in the EIAR.</p>
<p>A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b)).</p>	<p>Section 4 of the EIAR outlines the consideration of alternatives, which mainly involves alternative designs. The 'do nothing' alternative is considered inappropriate as it would adversely impact on established development objectives for the area. Alternative locations were not considered on the basis of the current and historical residential zoning of the site and the planning history of adjoining lands. Alternative processes were not considered due to the nature of the development. The environmental impacts of the design evolution have also been outlined with regard to environmental factors. I am satisfied, therefore, that the applicant has studied reasonable alternatives and has</p>

	outlined the main reasons for opting for the current proposal before the Board and in doing so the applicant has taken into account the potential impacts on the environment.
Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).	
A description of the baseline environment and likely evolution in the absence of the development.	Each of the EIAR sections includes a detailed description of the baseline/receiving environment which enables a comparison with the predicted impacts of the proposed development.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.	Each of the EIAR sections outline the methodology employed, consultations carried out, desk/field studies carried out, and any difficulties encountered. I am satisfied that the forecasting methods are adequate, as will be discussed throughout this assessment.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.	The EIAR outlines that Section 5 follows EC guidelines and examines health effects as they relate to a relevant, defined study area. The effects on the population and human health are analysed in compliance with the requirements of the EPA guidelines. Having regard to the nature, scale, and location of the project, I consider the approach to be reasonable.
Article 94 (c) A summary of the information in non-technical language.	This information has been submitted separately as Volume 1 of the EIAR. I have read this document, and I am satisfied that it is concise and

	comprehensive and is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report.	The sources used to inform the description, and the assessment of the potential environmental impact are set out in each section, including references. I consider the sources relied upon are appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report.	A list of contributors for each section and the Project Team is outlined in sections 1.7 and 1.8. The individual chapters include further detail on the qualifications, experience, and expertise of the contributors.

Consultations

- 8.4.2. The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) in respect of public notices. Submissions received from statutory bodies and third parties are considered in this report, in advance of decision making. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.
- 8.4.3. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.
- 8.5. **Assessment of the likely significant direct and indirect effects**
- 8.5.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in Section 171A of the Planning and Development Act 2000. It includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and

indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interactions of these.

8.6. Population and Human Health

8.6.1. Issues Raised

None.

8.6.2. Examination, analysis and evaluation of the EIAR

Chapter 5 of the EIAR deals with Population and Human Health and is based on EPA and EU guidance on EIA. It also refers to impacts as identified in other sections of the EIAR.

Section 5.3 outlines a detailed analysis of population and related trends. The proposed development is predicted to accommodate an increased population of c. 466 persons and the cumulative capacity with other adjoining proposals would be c. 422 units or 1110 persons, which is considered a permanent positive impact.

Section 5.4 considers employment and land use. There will be increased employment at construction stage and the increased population at operational stage will stimulate the local economy and increase job security.

Section 5.5 considers Land Use and Social Patterns and outlines a comprehensive range of social, community, and commercial services in the area. The potential temporary construction stage nuisance impacts will be mitigated by various strategies to minimise dust, dirt, and noise etc. The operational stage would be in accordance with objectives for the area and the increased population would support local services and create a vibrant community.

Section 5.6 considers Health and Safety. The potential temporary construction impacts will be addressed by a Construction and Environmental Management Plan (CEMP), a Waste Management Plan, and a Dust Minimisation Plan. The operational stage will bring infrastructural improvements in the form of part of the Distributor Road and SuDS measures.

Section 5.7 considers Traffic Congestion and outlines that any temporary negative construction impacts will be addressed by a management plan. The operational stage will bring new pedestrian/cycle infrastructure to promote sustainable travel.

8.6.3. **Assessment: Direct, Indirect, and Cumulative Effects**

I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors as discussed in sections 8.7 to 8.14 of this EIA. I consider that the predicted impacts and the associated mitigation measures are adequate to prevent any unacceptable impacts.

Chapter 10 of the EIAR also deals with 'Noise & Vibration', including external noise, construction activities and traffic. Construction phase noise impact is expected to be negative, moderate and short-term and the CEMP will include measures to further reduce noise impacts. Operational traffic noise is expected to be only slight and acceptable internal noise levels can be achieved by providing suitable glazing and ventilators at the effected dwellings.

8.6.4. **Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that the main significant direct, indirect, and cumulative effects on Population and Human Health are, and will be mitigated as follows:

- Construction related disturbance including noise, dust, dirt, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and a Resource and Waste Management Plan.
- Positive socioeconomic effects at operational stage through the availability of additional housing, open space, and transportation infrastructure.

8.7. **Land, Soils, and Geology**

8.7.1. **Issues Raised**

Relevant to the question of land efficiency, the appeal suggests that the proposed density for the site is too low.

8.7.2. **Examination, analysis and evaluation of the EIAR**

Chapter 6 of the EIAR assesses the potential significant effects on the receiving land, soils, and geology of the area. It takes cognisance of relevant guidelines from the EPA, Institute of Geologists of Ireland (IGI), and NRA on relevant information to be contained in the EIAR.

It outlines a comprehensive analysis of the baseline environment and rates the importance of soil and geology underlying the site as 'medium' as the gravels are a sub-economical extractable mineral resource. Based on IGI generic types of geological environment, the site is considered to include a sensitive geological environment due to the presence of an esker to the south of site Parcel 1.

The construction stage loss of land is deemed to be in accordance with zoning objectives. There will be a 'negative', 'slight' and 'permanent' impact due to the removal of surplus soil and subsoil offsite, which will be done in accordance with the Construction Waste Management Plan (CWMP) and statutory requirements. There is no evidence of existing soil contamination and imported material will be appropriately checked. The potential for construction-related contamination or structural impacts (stockpiles etc.) will be addressed by measures in the CEMP and CWMP. The esker will be retained and protected.

The operational stage has limited potential for any adverse impacts due to compliance with the relevant requirements of the Building Regulations.

The potential cumulative impacts of other developments in the area were also considered. The potential for cumulative removal of surplus material is acknowledged but it is proposed to comply with the aforementioned statutory requirements.

Overall, there are no predicted significant residual impacts on land, soil and geology.

8.7.3. Assessment: Direct, Indirect, and Cumulative Effects

I note the appeal concerns regarding the density of the proposed development. However, I have already addressed this matter in section 7.3 of this report, and I am satisfied that the proposal would represent an acceptable level of density to make efficient use of the land resource.

I would also accept that the loss of soil and subsoil is an inevitable aspect of such planned urban development, and I am satisfied that appropriate mitigation measures have been incorporated to prevent any unacceptable impacts. Suitable measures will protect against the potential for soil contamination and any dust-related nuisance associated with excavation.

8.7.4. **Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that the main significant direct, indirect, and cumulative effects on Land, Soil, and Geology are, and will be mitigated as follows:

- The loss of land and soil of medium importance, which would be mitigated by the delivery of improved development and amenities in accordance with the proper planning and sustainable development of the area.
- Potential construction stage soil contamination associated with the importation of soil and the use of cementitious/deleterious materials, which would be mitigated by measures included in the Construction and Environmental Management Plan.

8.8. **Water**

8.8.1. **Issues Raised**

The Uisce Eireann submission confirms that water and wastewater connections are feasible without infrastructure upgrade and that conditions should apply to any grant of permission.

8.8.2. **Examination, analysis and evaluation of the EIAR**

Chapter 7 of the EIAR (Hydrology) assesses the likely significant effects with respect to surface water and groundwater. The methodology adopted for the assessment has regard to relevant guidelines and legislation and the sources of information include the EPA Catchments website, GSI Map Viewer, OSI, and aerial mapping.

Section 7.2 outlines a detailed analysis of the receiving (baseline) environment. The site is within the Shannon [Upper]_SC_090 sub-catchment and the SHANNON (Upper)_110 river sub-basin. There is a network of drains on site. A tributary of the River Shannon is adjacent to the northern site boundary and flows north towards Balaghkeeran Bay and eventually to Lough Ree (designated as an SAC, SPA, and pNHA). There has been no identified flood risk information within or surrounding the site. The site is within the Athlone Gravels (IE_SH_G_246) groundwater body, which was classified as 'Good' status for the WFD 2016-2021 and is 'Not at Risk'.

Groundwater vulnerability at the site varies from moderate to high. There are two bedrock aquifers underlying the site (one is of local importance (bedrock), while the other is a locally important gravel aquifer).

At the construction stage, the EIAR acknowledges that there are sources of contamination that could impact on water quality. Construction activity can also alter the hydrological regime including the existing drainage channels, groundwater, and the watercourse which extends to Lough Ree. Excavation of soil and groundworks also has the effect of reducing protective cover for groundwater and there would be increased risk of contamination relating to construction materials/substances.

Construction mitigation measures will be based on a CEMP to address the risks associated with surface water run-off; chemical pollution; silt and suspended solids; and changes to runoff and flow pathways. Ongoing monitoring of the measures will be carried out. Following mitigation, the effect during the construction phase is predicted to be short-term, neutral and imperceptible.

At operational stage, the retention of existing hedgerows/land drains will help to maintain the hydrological regime. SuDS measures will limit run-off to greenfield rates and protect water quality, and effects are predicted to be imperceptible and neutral. Regular inspection of the silt traps and hydrocarbon interceptors will be carried out to ensure they are operating correctly. Following mitigation, the effect of the operational phase is predicted to be long-term, neutral and imperceptible.

The potential cumulative effects are not considered significant given that surface water run-off will be maintained at greenfield rates. The EIAR also highlights that all permitted and future developments will be similarly assessed to ensure adequate drainage and no flood risk.

8.8.3. Assessment: Direct, Indirect, and Cumulative Effects

I consider that the EIAR has adequately identified the potential for impacts on the adjoining surface water and groundwater through contamination, and I note that the site has the potential for downstream impacts on Lough Ree.

I have considered the construction stage mitigation measures, and I am satisfied that they are suitably designed to address the potential risk of pollutant releases to the groundwater and surface water network within and surrounding the appeal site.

At operational stage, I am satisfied that there will be no significant discharge to groundwater and that the surface water discharge to the adjoining stream will be designed in accordance with best practice SuDS measures and will comply with the

GSDSDS (Greater Dublin Strategic Drainage Study) design requirements. This will satisfactorily address the potential for any impacts.

Wastewater from the proposed development is to be connected to the Uisce Eireann (UE) network (including the Cornamagh pumping station) and treated at Athlone WWTP. I note that UE has confirmed that connection to the system is feasible and the WWTP Capacity Register (June 2023) confirms that there is capacity available.

I note the potential downstream water interactions with biodiversity given the surface water links to Lough Ree SAC and Lough Ree SPA. However, given the satisfactory mitigation measures discussed above, I am satisfied that there will be no unacceptable in-combination water impacts for biodiversity.

8.8.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Water are, and will be mitigated as follows:

- Construction stage impacts on groundwater and surface water quality, including associated downstream impacts on biodiversity, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan.
- Operational stage surface water discharges to groundwater and the adjoining stream, including associated downstream impacts on biodiversity, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.

8.9. Biodiversity

8.9.1. Issues Raised

None.

8.9.2. Examination, analysis and evaluation of the EIAR

Chapter 8 of the EIAR describes the ecology of the applicant's entire landholding and provides an assessment of the impacts on habitats and species, particularly those protected by national and international legislation, or considered to be of conservation importance. It has considered a wide range of relevant guidelines and

legislation. A comprehensive desk study of relevant information sources was carried out and a range of field surveys were completed between 2021 and 2023, including ecological walkovers, a botanical survey of the esker, badger surveys, bat surveys, bird scoping surveys, and wintering bird surveys. Based on the above surveys, Key Ecological Receptors (KERs) were selected for more detailed assessment.

KERs and predicted impacts

The designated sites at Lough Ree (SAC, SPA, pNHA) are not KERs given that no significant effects are predicted after mitigation measures set out in the NIS. The site surveys confirmed that the site remains largely unsuitable as an ex-situ feeding/roosting resource for the SCI species, and the separation distance would be adequate to avoid any disturbance effects (noise etc.). See section 9 of this report for further details in this regard.

In terms of on-site habitats, 'scrub' may provide some shelter/foraging habitat for local fauna. 'Hedgerow' and 'treeline' may provide important nesting, resting and foraging habitat for local birds and bats. A total of 14 no. trees and some hedgerow will be removed at construction stage, which will be partly offset by the availability of similar habitat in the surrounding area and positive biodiversity impacts associated with new planting at operational stage.

The 'drainage ditches' and 'depositing/lowland river' are also connected to Lough Ree and may provide potential habitat for common frog and smooth newt. Sections of the drainage ditches will be culverted, and the construction of surface water drainage infrastructure has the potential for contamination. No operational impacts are predicted due to the proposed SuDS measures.

In terms of fauna, it is acknowledged that small mammals may use the habitat on site and there is potential for construction impacts related to vegetation/habitat clearance, dust and noise disturbance, and construction-related injury/mortality. The site is within a known badger foraging territory, with badger setts recorded south of the site boundary (>60 metres). The development will not affect any active badger setts but will result in construction-related loss of foraging/commuting habitat and increased disturbance. Further monitoring for setts associated with vegetation removal along the northwest boundary will also be required. Suitable habitat for Irish Stoat is also present in the surrounding area. The operational stage will also involve

a loss of foraging / commuting habitat and increased disturbance for mammals, although the majority of important habitat will be retained and supplemented by landscaping.

Otters are present within Lough Ree. The Kippinstown and Garrynafela watercourses do not provide suitable habitat but provide a hydrological connection which could be adversely affected by construction related water quality impacts. Similar potential affects apply to fish species within Lough Ree.

There is suitable breeding and foraging habitat for a range of recorded common bird species. The construction stage loss of such habitat (particularly during breeding season) has the potential for negative impacts, as does increased construction disturbance related to noise, dust, lighting, and human activity.

Three species of bat were recorded in the site environs and moderate activity was recorded on site during the Bat Activity Survey. The loss of commuting and foraging habitat (trees, hedgerow), individually and cumulatively with other developments, is considered to be negative, permanent, and slight given that the majority of habitat will be retained. Trees to be removed were found to have low/negligible roosting potential and no significant loss is predicted. Construction and operational stage lighting will also result in negative, moderate impacts.

The KERs also include amphibians and reptiles and suitable habitat removal at construction stage has the potential for injury/mortality, disturbance, and/or displacement.

Potential cumulative impacts associated with other developments are also considered but it is concluded that there is no potential in all but one case. This relates to P.A. Reg. Ref. 14/7103 (c. 15m south of the development) and the potential for construction-related noise disturbance, dust and surface water run-off impacts, which would largely be limited to the construction sites and their immediate surrounds. This development also shares a common S-P-R connection with the proposed development via potential surface water run-off to the Garrynafela stream and there is potential for in-combination effects on water quality and subsequently the downstream European sites in Lough Ree.

Mitigation & Monitoring Measures

The construction stage measures can be summarised as follows:

- Surface water management to comply with all relevant legislation and guidelines; protect against sedimentation/siltation impacts; and reduce the potential for significant negative impacts to water quality and associated downstream impacts on otter and fish species.
- Protection of habitats to include retained trees and installation of protective barriers / fencing.
- Avoid the introduction or dissemination of invasive species to and from the site.
- The timing of vegetation clearance within optimal periods, or otherwise pre-clearance surveys will be carried out.
- Maintenance of foraging / commuter habitat for badgers and other mammals around the site perimeter and the avoidance of excess lighting.
- Protection of fauna to include: proper waste management; covering of trenches/pits/open pipes; any removal of the scrub/stone wall habitats to be carefully managed; piles of logs and other woody vegetation arising from vegetation removal will be left in suitable secluded corners/margins to provide habitat for common frogs, lizards and small mammals; and infilling of the drainage ditches should not take place in the amphibian spawning season (March to July inclusive).
- Protection of bats to include bat-friendly tree-felling practice; erection of 6 bat boxes; and bat-friendly lighting measures.
- Reduction of noise and dust-related impacts.
- Monitoring of surface water quality.

The operational measures can be summarised as follows:

- Protection and enhancement of new habitats through the management of hedgerows and treelines.
- Installation of 10 bird boxes.
- Installation of bat-friendly lighting.

- Monitoring of all SuDS measures and the wastewater pumping station; preparation of a Biodiversity Management Plan for post-construction monitoring; and annual inspection of bird and bat boxes.

Residual Impacts

Following implementation of the proposed mitigation measures, no significant negative residual impacts on the local ecology or on any designated nature conservation sites are expected.

8.9.3. Assessment: Direct, Indirect, and Cumulative Effects

I acknowledge that the proposed development has the potential for the identified biodiversity impacts in respect of loss of foraging and commuting habits for a range of identified species. However, I note that the majority of significant habitat (i.e. trees/hedgerow) will be suitably retained and supplemented by the proposed landscaping design.

As previously outlined in section 8.8. above, I am satisfied that there will be no unacceptable water quality or water regime impacts and I am similarly satisfied that the proposed mitigation measures ensure that there will be no associated unacceptable impacts on water-dependant habitats or species such as the designated sites within Lough Ree, otter, and fish species.

I also acknowledge the potential for direct disturbance of habitats/species as a result of removal (i.e. injury/mortality/displacement) and indirect disturbance associated with increased noise, dust, lighting, and human activity. However, I consider that the proposed mitigation measures include suitable proposals for the timing and pre-commencement surveying of habitat disturbance, as well as suitable measures to reduce noise (as per Chapter 10 of the EIAR), dust, and lighting impacts.

8.9.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Biodiversity are, and will be mitigated as follows:

- Disruption to birds, bats, badgers, and other fauna due to the loss of commuting/foraging habitat, which will be mitigated by the protection of existing habitats and the carrying out of new planting.
- Disruption to birds, bats, badgers, and other fauna due to increased noise, lighting, dust, and human activity, which will be mitigated by the employment of good practice measures including the timing of works, pre-construction surveys, dust/noise reduction measures, and the suitable design of lighting.
- Impacts on water quality and the aquatic environment as a result of silt laden and contaminated runoff, which will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.

8.10. Air & Climate

8.10.1. Issues Raised

None.

8.10.2. Examination, analysis and evaluation of the EIAR

Chapter 9 of the EIAR considers the potential impacts on air quality and climate. It outlines that the site is within Zone C (other cities and large towns) in terms of the Air Quality Standards Regulations and the limits applying to specific air pollutants. It also acknowledges a wide range of international and national agreements/policy in relation to climate change and greenhouse gas (GHG) emissions.

The methodology takes into account Ambient Air Quality Standards and the baseline air quality is examined using EPA monitoring data. Air quality impacts are then determined by a qualitative assessment of the nature and scale of dust and emission generating activities associated with the construction phase in accordance with relevant guidance (Transport Infrastructure Ireland (TII) 2011 Appendix 8; Institute of Air Quality Management (IAQM) 2014). A desktop study involving various national and international documents on climate change and analysis of synoptic meteorological data from the nearest Met Eireann station (Casement Aerodrome Synoptic Station) was also carried out.

The EIAR acknowledges the potential for significant construction dust impacts on a number of high-sensitivity receptors (residential dwellings) located within 100m of the

site boundary. However, the receptors are located to the south of the site and meteorological conditions for fugitive dust emissions at these receptors are highly infrequent and it is expected that adequate mitigation measures will prevent any adverse impacts.

A detailed air quality assessment of construction and operational traffic emissions has been carried out and concludes that the impacts on NO₂ concentrations in the locality is likely to be 'imperceptible'.

The design and construction of all buildings in accordance with Building Regulations Technical Guidance Document (TGD) Part L 2021 will ensure that fossil fuel combustion gas emissions will be minor and will not have an adverse significant impact on the existing ambient air quality.

A Climate Change Impact Assessment (CCIA) has been prepared. The potential for combustion emissions from onsite machinery and traffic derived pollutants of CO₂ and Nitrous Oxide (N₂O) during the construction phase will not be significant in terms of Ireland's obligations under the Paris Agreement. A Flood Risk Assessment (FRA) was undertaken and concludes that the proposed development is adequately protected in consideration of the future scenario of flood events in the area. An Energy Statement has been prepared which outlines that the proposed strategy will maximise the reduction in Carbon Dioxide (CO₂) emissions thus demonstrating the commitment to addressing Climate Change. Increased operational traffic flow is likely to contribute to increases in GHG emissions such as CO₂ and N₂O but are unlikely to have an adverse effect on climate.

The EIAR considers the cumulative impacts of other developments in the area, in particular through the generation of air pollutants and GHG emissions. No significant impacts are predicted.

8.10.3. Assessment: Direct, Indirect, and Cumulative Effects

I would accept that the main air impacts will be restricted to construction-related dust and that this is unlikely to be significant given the meteorological conditions and the relative location of sensitive receptors.

I would also accept that traffic-related emissions at the construction and operational stages are unlikely to be significant; that the energy strategy adopted will avoid any

significant effects on air or climate; and that there would be no unacceptable climate-related flood risk to the site or adjoining lands.

8.10.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that there would be no significant direct, indirect, or cumulative effects on air or climate as a result of the proposed development.

8.11. Landscape

8.11.1. Issues Raised

None.

8.11.2. Examination, analysis and evaluation of the EIAR

Chapter 8 of the EIAR deals with 'Landscape and Visual Impact Assessment' and has been prepared with regard to 'Guidelines for Landscape and Visual Impact Assessment' (2013); Guidelines on the Information to be Contained in Environmental Impact Assessment Reports (2022); and the relevant WCC plans. It outlines a comprehensive analysis of relevant planning policy, planning history, and the site itself and surrounding context.

The landscape characteristics are summarised in terms of Conservation Values, i.e., landscape resource and elements (esker, hedgerows, trees and ditches), and Enhancement Values, i.e., the site's capacity to accommodate change (policy support for change from rural to urban; land zoning; transitional character; poor landscape / urban structure and sense of place; and planning history).

The proposed mitigation measures include 'incorporated design mitigation' to comply with the 'Best Practice Urban Design Manual' (2009) and DMURS, and to retain and enhance existing landscape features. Construction stage mitigation measures include the control of site lighting, storage of materials, placement of compounds, delivery of materials, car parking, etc.; planting in accordance with the proposed landscape plans; and protection of trees to be retained in accordance with the arboricultural method statement. The operational measures largely relate to design measures and existing/proposed landscaping.

Notwithstanding the location of the site in close proximity to the 'high' sensitivity of the lakeshore areas, the sensitivity of the receiving environment is classified as 'medium' given its zoned status and location adjoining the urban area. The

construction stage is deemed to have a moderate adverse impact on the landscape. The operational stage is deemed to have moderate neutral landscape impact which complements the scale, landform and pattern of the landscape (townscape) and maintains quality, while the new landscape structure is predicted to have a beneficial permanent impact over time. The cumulative impact of other developments on the landscape is predicted to be 'moderate-significant' but similarly 'neutral' in the short-term and 'beneficial' in the long-term.

The visual impact was assessed based on 13 representative viewpoints around the site and a comparison between existing and proposed views. No significant impacts/effects are identified for the construction or operational phases, largely due to the intervening presence of existing and proposed development/vegetation. The cumulative visual impact of other development was also considered and generally not considered significant. The importance of the cumulative effect was considered significant in Viewpoint 4 (Drumaconn Residential Neighbourhood), but the quality was deemed to be 'neutral'.

8.11.3. Assessment: Direct, Indirect, and Cumulative Effects

In addition to the relevant file documentation, I have inspected the site and considered the potential landscape and visual impacts, including the 'Verified View Photomontages'. I also acknowledge the revised design proposals submitted as 'further information' and I do not consider that these would significantly alter the landscape or visual impact of the development.

As would be expected in the case of any greenfield development, I would accept that the proposed development would result in significant change to the landscape and visual appearance of the area, particularly when taken in conjunction with the scale of other permitted developments. However, this would be a localised impact within a landscape that is not highly sensitive. The construction stage impacts would be only temporary, and I am satisfied that the retention of vegetation and open space would help to assimilate the proposed development into the landscape and that the operational impact would be further reduced as the proposed landscaping matures.

Ultimately, I consider that the impact of the development would be consistent with the urban expansion of Athlone and would not result in any unacceptable impacts on landscape or visual amenity.

8.11.4. **Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that the main significant direct, indirect, and cumulative effects on Landscape are, and will be mitigated as follows:

- Changes to the localised landscape character associated with the development of this greenfield site, which will be mitigated by the design and layout of the proposed development, including the retention of existing vegetation and the provision of additional landscaping and open spaces.

8.12. **Cultural Heritage**

8.12.1. **Issues Raised**

A submission from the Department of Housing, Local Government and Heritage (DHLGH) recommended that further information be requested in relation to archaeological impact.

8.12.2. **Examination, analysis and evaluation of the EIAR**

Chapter 12 of the EIAR assesses impacts on the archaeological, architectural, and cultural heritage resource. It is informed by an analysis of all relevant guidelines, data sources (SMR, RMP, CDP, NIAH, etc.), and a field inspection.

The baseline description outlines that there are no recorded archaeological sites within the site and the nearest (mound barrow WM029-041----) is at a distance of 730m to the north. The site is located c.2km outside the Zone of Archaeological Potential around the historic core of Athlone town. No evidence for potential unrecorded archaeological sites was identified during the desktop study and field surveys. The EIAR acknowledges the potential for construction-related impacts on unrecorded archaeological resources and mitigation/monitoring is proposed in the form of licenced archaeological test trenching in advance of construction. Any identified sub-surface archaeological deposits will be recorded and securely cordoned off while the National Monuments Service is consulted. This shall result in a potential slight/moderate range of significance in terms of residual effects.

There are no Protected Structures, Architectural Conservation Areas or NIAH-listed buildings located within the proposed development site or within the surrounding 1km study area. The only features of cultural heritage interest identified within the site are sections of tree-lined field boundaries along the north and west ends which

form townland boundaries between Cornamaddy and Cornanagh to the west and Garrynafela to the north. Both townland boundaries will be retained, and impacts are deemed to be negligible with no mitigation required.

Given the absence of recorded cultural heritage features within the site and surrounding development sites, it is concluded that there would be no significant cumulative impacts on cultural heritage.

8.12.3. Assessment: Direct, Indirect, and Cumulative Effects

I would accept that the site is sufficiently distanced from any protected structures/ACAs or known archaeological features to prevent any impacts on the architectural or archaeological heritage resource. I acknowledge the existing townland boundaries and I consider that these features will be suitably retained as part of the proposed scheme.

The DHLGH submission requested further archaeological assessment based on the scale, extent, and location of the development. It recommended the engagement of a suitably qualified archaeologist to carry out an archaeological assessment including documentary research and site inspection; a geophysical survey and a programme of test excavations (test trenching); and the submission of a written report. However, the WCC Planner's Report outlined that this request can be dealt with by way of condition, and it was not included in the further information request. Having regard to the scope of assessment included within the EIAR and the nature of the results showing limited archaeological potential, I am satisfied that any potential for archaeological impact can be satisfactorily addressed by the inclusion of a condition requiring further assessment and monitoring as part of any permission granted.

8.12.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that there would be no significant direct, indirect, or cumulative effects on cultural heritage as a result of the proposed development.

8.13. Material Assets

8.13.1. Issues Raised

The TII submissions outline that it will rely on the planning authority to abide by official policy in relation to development on/affecting national roads as outlined in

DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to compliance with TIA requirements; protection of national road schemes; and other standard conditions.

The Uisce Eireann submission outlines that water and wastewater connections are feasible without infrastructure upgrade, and that conditions should apply to any grant of permission.

8.13.2. Examination, analysis and evaluation of the EIAR

Chapter 15 of the EIAR deals specifically with Material Assets. However, chapters 13 and 14 deal with 'traffic and transportation' and 'waste management' respectively, and I propose to include these issues as part of the assessment of 'material assets'.

Chapter 13 considers how the traffic implications of the proposed development can integrate with existing traffic. A traffic count was undertaken to establish baseline conditions and to develop an ARCADY model of the existing N55 roundabout. The estimated future year traffic volumes (based on the TRICS database and TII growth forecasts), including existing, committed, proposed, and future development, was used to assess the future operational performance of the junction at the year of opening, and at 5 and 15 years after opening. The assessment demonstrates that the roundabout will continue to operate within capacity with small queues and delays when the proposed development and committed development is completed in 2025, 2030, and 2040, and that this will continue to be the case even when other future residential developments are added and complete in 2040.

Chapter 14 considers the impact on waste management services and infrastructure. Construction stage waste will be managed in accordance with the mitigation measures largely outlined in the CEMP and CWMP. Where possible soil and subsoil will be reused on site and any surplus materials (including potentially hazardous waste) will be removed in accordance with the CWMP and statutory requirements. The effect from the construction phase on waste recovery and disposal is likely to be negative, short-term and slight. An Operational Waste Management Plan (OWMP) has also been developed as mitigation and to present a waste strategy that fully complies with all relevant waste legislation, waste policies and best practice guidelines and will ensure effective waste management. The potential effect on municipal waste disposal is predicted to be long term, negative and slight.

The cumulative impact of other developments has been considered. It outlines that the capacity of waste collection companies and waste management facilities in the region have been designed with forward planning and expansion in mind, and that the likely effects will be neutral and not significant. No significant residual impacts are identified for the construction or operational stages.

Chapter 15 evaluates the impact on material assets of natural origin (agriculture, natural resources) and human origin (including local settlement, property prices, utilities, and tourism). It outlines that many of the impacts and mitigation measures have been outlined in other chapters of the EIAR. It predicts that the proposed development will not have any significant impact on material assets.

8.13.3. Assessment: Direct, Indirect, and Cumulative Effects

I would accept that an increase in demand for material assets is an inevitable effect on new residential development and increased population. However, I am satisfied that the EIAR and the application documentation demonstrates that the assets in this area have sufficient capacity to accommodate the loading associated with the proposed development. Furthermore, I am satisfied that the proposed mitigation measures will suitably manage the effects of same to avoid any unacceptable effects.

8.13.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that there would be no significant direct, indirect, or cumulative effects on Material Assets as a result of the proposed development.

8.14. Interactions

8.14.1. Issues Raised

None.

8.14.2. Examination, analysis and evaluation of the EIAR

Chapter 17 of the EIAR summarises and assesses the identified interrelationships between the relevant environmental factors.

Positive Impacts are identified as follows:

Population and Human Health – Increased employment and population will encourage further investment, spending, and employment.

Material Assets, Cultural Heritage & Landscape – The proposed energy efficiency options will have a long-term positive effect on the population and environment. Public open space areas will also facilitate the enhancement of the natural environment.

Neutral Impacts are identified as follows:

Material Assets, Cultural Heritage & Landscape - Implementation of appropriate archaeological mitigation measures will ensure a neutral impact or no impact.

Land, Soil, Water, Air & Climate - The air quality and climate mitigation measures will ensure that construction impacts will be imperceptible with respect to human health. According to the IAQM guidance (2014) site traffic, plant and machinery are unlikely to have a significant impact on climate.

Biodiversity - A comprehensive suite of mitigation measures will be implemented to protect the biodiversity on the site during construction and operation, which will ensure that no residual impacts on flora or fauna are experienced.

Negative Impacts are identified as follows:

Land, Soil, Water, Air & Climate - Best practice dust mitigation measures will be put in place during construction to ensure that the impact will be imperceptible with respect to human health. Potential impacts to air quality and climate during the operational phase as a result of traffic were assessed against the UK Design Manual for Roads and Bridges screening criteria and determined that the impact would be imperceptible. Concentrations of pollutants in the operational stage are predicted to be significantly below National and EU standards for air quality and the impact to human health is predicted to be imperceptible.

Material Assets, Cultural Heritage & Landscape - Potential mitigation strategies for archaeology and cultural heritage will ensure the effect on unrecorded heritage is negligible. Construction traffic would not exceed the DMRB assessment threshold, and any impacts would be imperceptible.

Noise & Vibration – The construction phase activities can operate within and below the construction noise significant thresholds at the closest NSLs with the inclusion of a standard site hoarding, and any impact will be moderate. The additional construction traffic will not be significant, and no significant impacts are predicted.

The EIAR concludes that the proposed development will not result in any significant synergistic effects on the environment.

8.14.3. **Assessment: Direct, Indirect, and Cumulative Effects**

Following on from the interaction identified in the EIAR, I would acknowledge the main potential for interactions regarding the following factors:

Population and Human Health

The construction stage has interactions in terms of increased noise, vibration, dust, traffic & emissions, visual impact, and disturbance of biodiversity (as a local amenity). The operational stage will have landscape and visual impacts as well as increased traffic levels, emissions, and noise/vibration.

Biodiversity

The construction stage has interactions with landscape features that may also be biodiversity features. The movement of soil may impact on sensitive habitats; activities may impact on water and air as ecological resources; and noise may cause temporary disturbance. However, the overall residual impact on biodiversity is considered neutral and the proposed landscaping would provide significant biodiversity enhancement.

Land, Soils, & Geology

The construction stage has potential to impact on: population as a result of dust generation; biodiversity as a result of interaction with existing habitats/species and negative impacts on water and air quality; water as a result of interactions with the existing drainage; material assets due to the generation of waste; and cultural heritage due to the disturbance of unrecorded archaeological remains.

Water

The potential biodiversity impacts as a result of water pollution have been considered and mitigation measures have been proposed. The impacts on material assets (water services) will be satisfactorily addressed through the requirements of Uisce Éireann.

Air & Climate

The potential for reduced air quality as a result of increased dust and traffic-related emissions, which may also result in deposits having impacts on biodiversity and water quality.

8.14.4. Conclusion: Direct, Indirect, and Cumulative Effects

Having regard to the foregoing, I am satisfied that the potential for interactive impacts has been adequately considered and identified. I consider that, subject to the proposed mitigation measures and the recommended conditions of any permission, there would be no significant direct, indirect, or cumulative interactive effects as a result of the proposed development.

8.15. Reasoned Conclusion

8.15.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, as well as the submissions received from the planning authority, prescribed bodies and third parties in the course of the application and appeal, I consider that the main significant direct, indirect, and cumulative effects of the proposed development on the environment are, and will be mitigated as follows:

- Population and Human Health: Construction related disturbance including noise, dust, dirt, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and a Resource and Waste Management Plan.
- Population and Human Health: Positive socioeconomic effects at operational stage through the availability of additional housing, improved transport facilities, and public open space.
- Land, Soil, and Geology: The loss of land and soil of medium importance, which would be mitigated by the delivery of improved development and amenities in accordance with the proper planning and sustainable development of the area.
- Land, Soil, and Geology: Potential construction stage soil contamination associated with the importation of soil and the use of cementitious/deleterious

materials, which would be mitigated by measures included in the Construction and Environmental Management Plan

- Water: Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan.
- Water: Operational stage surface water discharges to groundwater and the adjoining stream, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.
- Biodiversity: Disruption to birds, bats, badgers, and other fauna due to the loss of commuting/foraging habitat, which will be mitigated by the protection of existing habitats and the carrying out of new planting.
- Biodiversity: Construction-related disruption to birds, bats, badgers, and other fauna due to increased noise, lighting, dust, and human activity, which will be mitigated by the employment of good practice measures including the timing of works, pre-construction surveys, dust/noise reduction measures, and the suitable design of lighting.
- Biodiversity: Impacts on water quality and the aquatic environment as a result of silt laden and contaminated runoff, which will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.
- Landscape: Changes to the localised landscape character associated with the development of this greenfield site, which will be mitigated by the design and layout of the proposed development, including the retention of existing vegetation and the provision of additional landscaping and open spaces.

8.15.2. Having regard to the foregoing, I am satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the environment.

9.0 Appropriate Assessment

9.1. Introduction

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000

(as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of each European site.

9.2. Compliance with Article 6(3) of the EU 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).

9.3. Screening the need for Appropriate Assessment

An AA Screening exercise has been completed (see Appendix 1 of this report for further details). In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, it has been determined that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Lough Ree SAC and Lough Ree SPA cannot be excluded. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

This determination is based on:

- Objective information presented in the applicant's reports;
- The zone of influence of potential impacts;
- The potential for construction-related impacts on downstream water quality within the European Sites and related impacts on habitat loss and/or alteration; habitat / species fragmentation; disturbance / displacement of species; and changes in population density;
- The application of the precautionary approach;
- Proximity to European Sites and the potential for pathways to same; and
- The nature and extent of predicted impacts, which could affect the conservation objectives of the European Sites.

The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment:

- Middle Shannon Callows SPA
- River Shannon Callows SAC.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.4. The Natura Impact Statement (NIS)

- 9.4.1. The application included an NIS prepared by Enviroguide Consulting which examines and assesses potential adverse effects of the proposed development on Lough Ree SAC and Lough Ree SPA. Section 1.2 of the NIS outlines the qualifications and experience of the consultants, and I am satisfied that it has been prepared by competent experts. Section 2 of the NIS takes full account of the legislative and policy context. Section 3 (Methodology) outlines that the NIS has been prepared in accordance with relevant guidance.
- 9.4.2. A desktop study was carried out to collate and review available information, datasets and documentation sources relevant for the completion of the NIS. The desktop study, completed in September 2023, relied mainly on sources from the NPWS, the

EPA, and the GSI. A range of field surveys were completed between 2021 and 2023, including ecological walkovers, a botanical survey of the esker, badger surveys, bat surveys, bird scoping surveys, and wintering bird surveys.

9.4.3. The applicant's NIS was prepared in line with current best practice and includes an assessment of the direct and indirect effects on habitats and species, as well as an assessment of the cumulative impact of other plans and projects. It concluded that, beyond reasonable scientific doubt, once the avoidance and mitigation measures are implemented, the proposed development will have no significant adverse effects on the QIs, SCIs and on the integrity and extent of Lough Ree SAC (000440) and Lough Ree SPA (004064). Accordingly, it concluded that the proposed development will not adversely affect the integrity of any relevant European site.

9.4.4. Having reviewed the documents, submissions and consultations included within the application and appeal file, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- Lough Ree SAC
- Lough Ree SPA.

9.5. Appropriate Assessment of implications of the proposed development

9.5.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

9.5.2. In carrying out this assessment, I have adhered to relevant guidance including:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.

- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

9.6. European Sites

9.6.1. The following sites are subject to Appropriate Assessment:

- Lough Ree SAC
- Lough Ree SPA.

9.6.2. A description of the European Sites, their Conservation Objectives and Qualifying Interests/Special Conservation Interests has been set out in the NIS and is summarised in Appendix 1 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

9.6.3. While the AA Screening exercise has acknowledged the potential source-pathway-receptor (SPR) hydrological link with the European Sites, section 4.3 of the NIS outlines a more detailed examination of the potential for impacts on the individual QIs/SCIs of each European Site. This can be summarised in the following table.

QI/SCI	S-P-R Connection
Lough Ree SAC	
Natural eutrophic lakes with Magnopotamion or Hydrocharition type vegetation	Yes - Hydrological connection via surface water run-off to the Kippinstown stream and Garrynafela stream during the Construction Phase.
Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. ²	
Semi-natural dry grasslands and	No - Given the terrestrial nature of this habitat and the lack of a significant S-P-R link between the Proposed Development and

² Although included in the NIS, this is not included as a QI in the NPWS or EEA online map viewers. Nonetheless, it will be considered in the interests of completeness and caution.

scrubland facies on calcareous substrates	this habitat, significant impacts can be ruled out. The potential for impact on this habitat is therefore excluded.
Active raised bogs	No - Located over 22km north of the site and separated by a significant open water buffer. No potential to impact mean water levels of these bog habitats and the potential for impact is therefore excluded.
Degraded raised bogs still capable of natural regeneration	
Alkaline fens	No - Main area is considered to occur in the vicinity of St. John's Wood on the western side of the lake. Given the significant open water buffer between the known locations of this habitat and any surface water discharges from the site, significant impacts to this habitat can be ruled out.
Limestone pavements	No - Located 17km and 22km respectively north of the site. Given the significant open water buffer between the known locations of this habitat and any surface water discharges from the site, significant impacts to this habitat can be ruled out.
Bog Woodland	
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i>	No - Noted at St. Johns Wood over 13km north of the Proposed Development. Wet woodlands are also found. Given the significant open water buffer between the known locations of this habitat and any surface water discharges from the site, significant impacts to this habitat can be ruled out.
Otter	Yes – Present throughout Lough Ree but no evidence of otter found during site surveys. Possible that the Garrynafela stream is used occasionally as a commuting or foraging corridor, but highly unlikely to support a resident or regularly occurring population. It is unlikely that there would be any significant effects with regards the conservation attributes and targets for Otter. Nevertheless, the potential for a reduction in water quality during the Construction Phase will be addressed with appropriate mitigation measures.
Lough Ree SPA	
SCI Bird species (See Appendix 1 for details)	Yes - Supports nationally and internationally important numbers of migratory and resident shorebird species. Hydrological connection via surface water run-off to the Kippinstown stream and Garrynafela stream during the Construction Phase which may impact the downstream habitats used by these species for foraging and roosting.

9.6.4. Having considered the above table, I am satisfied that the NIS adequately identifies the QIs/SCIs that could be significantly affected by the proposed development. Following on from this, the NIS then considers the potential significant effects of the proposed development on the attributes and targets associated with the conservation objectives for the relevant QIs/SCIs. This can be summarised as set out in the following table.

Lough Ree SAC QIs		
<ul style="list-style-type: none"> Natural eutrophic lakes with Magnopotamion or Hydrocharition – type vegetation Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. <p>Conservation Objective - To restore the favourable conservation condition of Natural eutrophic lakes with Magnopotamion or Hydrocharition type vegetation in Lough Ree SAC, which is defined by the following list of attributes and targets.</p>		
Attribute	Target	Assessment of Likely Significant Effects
Habitat Area	Area stable or increasing, subject to natural processes.	No potential to cause changes to these attributes and no mitigation measures are required.
Habitat Distribution	No decline or change in habitat distribution, subject to natural processes.	
Typical Species	Typical species present, in good condition and demonstrating typical abundances and distribution.	
Vegetation composition	Characteristic zonation – all characteristic zones should be present, correctly distributed and in good condition.	
Vegetation Distribution	Maximum depth – maintain depth of vegetation subject to natural processes.	
Hydrological regime	Water level fluctuations – maintain appropriate natural hydrological regime necessary to support the habitat.	

Lake substratum various quality	Maintain appropriate substratum type, extent and chemistry to support the vegetation.	No potential to cause changes to these attributes and no mitigation measures are required.
Fringing habitat area	Maintain the area and condition of fringing habitats necessary to support the natural structure and functioning of the lake habitat.	
Water quality: transparency	Maintain/restore appropriate Secchi transparency. There should be no decline in Secchi depth/transparency	<p><u>Construction Phase</u></p> <p>In the absence of pollution control/water attenuation measures, it cannot be excluded that surface run-off/discharges could have a likely significant effect on these attributes and targets downstream of the site within Lough Ree SAC due to a severe pollution event. A suite of protection measures is required.</p> <p><u>Operational Phase</u></p> <p>No significant likely effects relating to these conservation attributes anticipated due to surface or groundwater water discharges from Site during the Operational Phase. No mitigation required.</p>
Water quality: nutrients	Maintain the concentrations of nutrients in the water column to sufficiently low levels to support the habitat and its typical species.	
Water quality: phytoplankton biomass	Maintain appropriate water quality to support the habitat, including good chlorophyll a status.	
Water quality: phytoplankton composition	Maintain appropriate water quality to support the habitat, including good phytoplankton composition status.	
Water quality: attached algae biomass	Maintain trace/absent attached algae biomass (>5% cover) and good phytobenthos status.	
Water quality: macrophyte status	Restore good macrophyte status.	
Acidification status	Maintain appropriate water and sediment pH, alkalinity and cation concentrations to support the habitat, subject to natural processes.	

Water colour	Maintain appropriate water colour to support the habitat.	As per above.
Dissolved organic carbon	Maintain appropriate organic carbon levels to support the habitat.	
Turbidity	Maintain appropriate turbidity to support the habitat.	
<ul style="list-style-type: none">• Otter <p>Conservation Objective - To maintain the favourable conservation condition of otter in Lough Ree SAC, which is defined by the following list of attributes and targets:</p>		
Attribute	Target	Assessment of Likely Significant Effects
Distribution	No significant decline.	No potential to significantly affect these attributes and targets. No mitigation measures required.
Extent of terrestrial habitat	No decline, or change in habitat distribution, subject to natural processes.	
Extent of freshwater (river) habitat	No significant decline. Length mapped and calculated as 22.7km.	
Extent of freshwater (lake) habitat	No significant decline. Length mapped and calculated as 22.7km.	
Couching sites and holts	No significant decline.	
Barriers to connectivity	No significant increase.	
Fish biomass available	No significant decline.	<u>Construction Phase</u> In the absence of pollution control/water attenuation measures, it cannot be excluded that surface run-off/discharges could have a likely significant effect on the fish prey biomass within Lough Ree SAC due to a deterioration in water quality. A

		<p>suite of protection measures is required.</p> <p><u>Operational Phase</u></p> <p>No significant likely effects relating to these conservation attributes anticipated due to surface or groundwater water discharges from Site during the Operational Phase. No mitigation required.</p>
Lough Ree SPA SCIs		
<ul style="list-style-type: none"> Little Grebe, Whooper Swan, Wigeon, Teal, Mallard, Shoveler, Tufted Duck, Common Scoter, Goldeneye, Coot, Golden Plover, Lapwing, Common Tern, wetland and waterbirds. (White-fronted goose, Common pochard, Black headed gull, Eurasian curlew, Great cormorant, Great crested grebe, Pintail)³ 		
Attributes	Targets	Assessment of Likely significant effects
Not available for this SPA.		<p><u>Construction Phase</u></p> <p>In the absence of pollution control/water attenuation measures, surface or groundwater run-off/discharges may have the potential to negatively impact the water quality status of habitats and foraging resources which these bird species rely on in the event of a severe pollution event. A suite of protection measures is required.</p> <p>The Proposed Development will not directly impact the populations of the SCIs species or result in a reduction in wetland habitat available for the SCI species.</p>

³ Not listed on NPWS website but included in EEA Map Viewer and considered in assessment in the interests of completeness and caution.

	<p><u>Operational Phase</u></p> <p>No significant likely are anticipated due to surface or groundwater water discharges from Site during the Operational Phase. No mitigation required.</p>
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- 9.6.5. Having considered the NIS and the table above, I am satisfied that the potential for significant effects on the attributes of the relevant QIs/SCIs has been adequately identified. I would concur that the potential for significant effects is limited to water quality attributes and their related effects, and that the potential for significant effects on habitats and other attributes (i.e. those not affected by water quality) can be excluded.
- 9.6.6. Section 4.3.3 of the NIS considers 'In-combination effects' and outlines a range of larger developments granted in the area. It concludes that noise and dust related impact sources would not be likely to pose a risk of significant impacts to any QIs of the European sites in Lough Ree. I would concur with this opinion for the reasons as previously outlined in Appendix 1 of this report.
- 9.6.7. Regarding in-combination surface water impacts, the NIS acknowledges that the other developments maintain an S-P-R connection with the European sites in Lough Ree via the Garrynafela stream. However, it concludes that other applications were accompanied by specific measures (Including EIA and AA processes) to be adhered to during the Construction Phase with regards the protection of the Garrynafela stream and downstream Lough Ree from pollution. In such cases, the NIS concludes that there is no potential for significant negative in-combination impacts to water quality within the Garrynafela stream or European sites within Lough Ree. The exception to this is P.A. Reg. Ref. 147103 (south of the appeal site - permission granted for 98 no. dwellings) and the NIS concludes that, in the absence of mitigation, there is potential for in-combination effects on water quality.
- 9.6.8. As well as projects, the NIS also acknowledges relevant plans and policies such as the Westmeath County Development Plan. These plans and policies have undergone AA, and where potential for likely significant effects have been identified

appropriate mitigation has been included. As such, it is considered that these plans and policies will not result in in-combination effects. The Westmeath County Development Plan has directly addressed the protection of European sites and biodiversity through specific objectives.

9.6.9. Having regard to the foregoing and my review of the planning history of the area, I am satisfied that the proposed development has adequately considered the potential for in-combination effects with other plans and projects.

9.6.10. Sections 4.4 and 4.5 of the NIS outline avoidance, mitigation and monitoring measures to address the potential significant effects. The proposed measures can be summarised as follows:

Watercourse Protection

All works adjacent to the Kippinstown stream will be carried out in accordance with Inland Fisheries Ireland (IFI), “Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters”; ‘Guidelines for the crossing of watercourses during the construction of national road schemes’ (TII, 2008); and ‘Control of water pollution from linear construction projects - CIRIA C648’ (CIRIA, 2006). Sedimentation/siltation measures will be included in the CEMP to prevent the release of hydrocarbons, polluting chemicals, sediment/silt and contaminated waters into the receiving surface water network, including:

- Protective measures such as silt fencing and berms
- Heras fencing will be installed in front of the silt fencing to prevent “Site creep”
- Silt fences will be monitored to ensure that they remain functional
- River protection measures will be maintained in good and effective condition
- Surface water be managed and controlled for the duration of construction works
- Vehicle entry/emissions at the stream will be avoided
- Infilling of drainage ditches will only occur during dry conditions
- Ecological Clerk of Works (ECoW) will oversee culverting of drainage ditches.

General surface/groundwater protection

Works will be carried out in accordance with statutory obligations and standard best international practice guidance documents. Standard measures will also apply relating to concrete works; storage areas and practices; management of contaminated soil/materials and/or spills; contingency plans for weather events; designated re-fuelling stations; bunding, storage and signage arrangements for all deleterious substances; Spill Response Plan and Environmental Emergency Plans; and a hazardous substances register.

Measures Specific to Culvert and Headwall Placement

The drainage ditches transversing the site will be culverted, and two headwalls will be installed along the northern boundary for the surface water discharge point to the Kippinstown Stream. All works will be carried out in accordance with IFI and TII guidance on works adjacent to waters and the crossing of watercourses. The mitigation measures will include:

- ECoW will be present during all culvert and headwall works.
- Drainage ditches will be culverted at the outset of construction works.
- Drainage ditches will be culverted during low flow / dry conditions.
- Instream machine works will be minimised and any machines working in the drainage ditch must be protected against leakage or spillage.
- Instream earthworks must minimise the suspension of solids.
- Any cast-in-place concrete work must be carried out in the dry and effectively isolated from the Kippinstown stream.
- Any breaking of riverbanks shall minimise/ prevent sediment release.
- Any deviation will be agreed with the ECoW and Planning Authority.

Monitoring

Construction phase monitoring shall include:

- Surface water and groundwater protection measures will be checked at least weekly and more often during moderate to heavy rainfall events.

- An ECoW will supervise the culverting of the drainage ditches and the installation of the surface water headwalls.
- Inspection records will be made available to the planning authority. Any deviation from proposed mitigation will be reported and corrective measures agreed.

9.6.11. I have considered the above mitigation and monitoring measures. I consider that they are robust and comprehensive, and I am satisfied that they are adequate to ensure that there will be no significant water quality impacts associated with the proposed development, either alone or in combination with other developments.

9.6.12. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Lough Ree SPA or Lough Ree SAC in view of the Conservation Objectives of the sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with other plans and projects.

9.7. Appropriate Assessment Conclusion

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

9.7.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that the likelihood of significant effects on Lough Ree SAC and Lough Ree SPA could not be excluded. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. I am satisfied that an examination of the potential impacts has been analysed and evaluated using the best scientific knowledge. Where potential significant effects on Natura 2000 sites have been identified, key design features and mitigation measures have been prescribed to remove risks to the integrity of the European sites. I am satisfied based on the information available, which I consider to be adequate in order to carry out a Stage 2 Appropriate Assessment, that if the key design features and mitigation measures are undertaken, maintained and monitored as detailed in the NIS, adverse effects on the integrity of Natura 2000 sites will be avoided.

9.7.3. Therefore, following an Appropriate Assessment, it has been ascertained beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Lough Ree SAC or Lough Ree SPA, or any other European site, in view of the sites' Conservation Objectives. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of Lough Ree SAC and Lough Ree SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Lough Ree SAC.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Lough Ree SPA.

10.0 Recommendation

Having regard to the foregoing assessments, I recommend that permission be GRANTED for the proposed development, subject to conditions, and for the reasons and considerations set out in the following Draft Order.

11.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2022

Planning Authority: Westmeath County Council

Planning Register Reference Number: 2360374

Appeal by Denise Leavy of Proudstown Road, Navan, Co. Meath, against the decision made on the 15th day of May 2024, by Westmeath County Council to grant permission for the proposed development.

Proposed Development: The development will consist of:

- Construction of 177 no. residential units on a gross site area of 7.31 ha ranging in height from 2-3 storeys comprising detached, semi-detached, and terraced houses, maisonettes and 3 storey duplex apartments. 65 no. 2 bed houses, 71 no. 3 bed houses and 9 no. 4 bed houses will be provided. 24 no. 1 bed maisonette apartment units and 8 no. 3 storey duplex apartment units will be provided.
- All associated private open space in the form of gardens/terraces.
- 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. Refs 14/7103/ ABP Ref. PL25.244826 and 22/253 and permitted under application WMCC Reg. Ref. 22/577 to the south east of the site.
- The proposed development includes amendments to permissions granted within the applicants landholding at Cornamaddy as follows: Minor modifications to the internal access road layout and open space permitted under WMCC Ref. 22/253 and minor modifications to a section of the distributor road permitted under application WMCC Ref. 22/577. Minor modifications to the road permitted for access to the creche facility granted under WMCC Reg. Ref. 22/340 to provide turning heads and access to parking associated with the proposed duplex units. Minor modifications to the rear private gardens of units no's. 061, 062 and 063 permitted under WMCC Ref. 22/253 to provide additional private open space.
- All associated site development works, services provision, drainage works, zoned open space/linear park (c.1.09ha), residential public open space areas (c.0.82ha in total), landscaping, communal open space serving the duplex apartments (c.0.02ha), landscaping, boundary treatment works, public lighting, associated esb substation cabinets, bin stores and car and bicycle parking provision.

Decision

GRANT permission for the above proposed development, in accordance with the said plans and particulars, based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) The location of the site within the serviced area of the Athlone Regional Growth Centre and the zoning objectives for the lands for residential and other ancillary uses as per the Athlone Town Development Plan 2014-2020, which remains applicable;
- (b) The nature, scale and design of the proposed development, which is in accordance with the policies and objectives of the Westmeath County Development Plan 2021-2027 and the Athlone Town Development Plan 2014-2020;
- (c) The pattern of existing and permitted development and the availability of adequate social and physical infrastructure in the area;
- (d) The provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- (e) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July 2023;
- (f) The provisions of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in January 2024;
- (g) The provisions of Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities, issued by the Department of the Environment, Heritage and Local Government in 2007;
- (h) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;

- (i) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- (j) The Climate Action Plan 2024 prepared by the Government of Ireland;
- (k) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009;
- (l) The submissions and observations received;
- (m) The reports from the Planning Authority; and
- (n) The report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale, and location of the proposed development, the nature of the receiving environment, the distances to the nearest European sites and the hydrological pathway considerations, the Appropriate Assessment documentation submitted with the application, the submissions and observations on file, the reports of the planning authority, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector in that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Lough Ree SAC and Lough Ree SPA cannot be excluded, and that Appropriate Assessment (Stage 2) is, therefore, required.

The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment:

- Middle Shannon Callows SPA
- River Shannon Callows SAC.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for Lough Ree SAC and Lough Ree SPA in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best available scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- The site-specific Conservation Objectives for these European Sites,
- The current conservation status, threats and pressures of the qualifying interest features,
- The likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, particularly the potential construction stage water quality impacts on the Kippinstown Stream, the Garrynafela Stream, and the downstream European Sites within Lough Ree,
- Submissions from observers, prescribed bodies and the reports of the Planning Authority, and
- The avoidance, mitigation, and monitoring measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on Lough Ree SAC and Lough Ree SPA. The Board identified that the main likely impacts arising from the proposed development on the European Sites would arise from construction stage water quality impacts and related impacts on on habitat loss and/or alteration; habitat / species fragmentation; disturbance / displacement of species; and changes in population density.

Having regard to these potential impacts and the avoidance, mitigation, and monitoring measures as set out in the Natura Impact Statement, the Board concluded that the proposed development, subject to the identified mitigation

measures, would not adversely affect any of the habitats or species within the relevant European sites.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale, location, and extent of the proposed development;
- (b) The Environmental Impact Assessment Report and associated documentation submitted with the application;
- (c) The content of the appeal, the reports of the planning authority, and the submissions received from third parties and prescribed bodies; and
- (d) The report of the Planning Inspector.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation, including environmental conditions, and these are incorporated into the Board's decision.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Population and Human Health: Construction related disturbance including noise, dust, dirt, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and a Resource and Waste Management Plan.
- Population and Human Health: Positive socioeconomic effects at operational stage through the availability of additional housing, improved transport facilities, and public open space.
- Land, Soil, and Geology: The loss of land and soil of medium importance, which would be mitigated by the delivery of improved development and amenities in accordance with the proper planning and sustainable development of the area.
- Land, Soil, and Geology: Potential construction stage soil contamination associated with the importation of soil and the use of cementitious/deleterious materials, which would be mitigated by measures included in the Construction and Environmental Management Plan
- Water: Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan.
- Water: Operational stage surface water discharges to groundwater and the adjoining stream, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.
- Biodiversity: Disruption to birds, bats, badgers, and other fauna due to the loss of commuting/foraging habitat, which will be mitigated by the protection of existing habitats and the carrying out of new planting.
- Biodiversity: Construction-related disruption to birds, bats, badgers, and other fauna due to increased noise, lighting, dust, and human activity, which will be mitigated by the employment of good practice measures including the timing of works, pre-construction surveys, dust/noise reduction measures, and the suitable design of lighting.

- Biodiversity: Impacts on water quality and the aquatic environment as a result of silt laden and contaminated runoff, which will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.
- Landscape: Changes to the localised landscape character associated with the development of this greenfield site, which will be mitigated by the design and layout of the proposed development, including the retention of existing vegetation and the provision of additional landscaping and open spaces.

The Board is, therefore, satisfied that subject to the implementation of the proposed mitigation measures as set out in the Environmental Impact Assessment Report, and compliance with the conditions set out below, that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the environment.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Westmeath County Development Plan 2021-2027 and the Athlone Town Development Plan 2014-2020 (as extended), would constitute an acceptable density of development at this location which would be served by an appropriate level of public transport, social and community infrastructure, would provide an acceptable form of residential amenity for future occupants, would not seriously injure the visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of traffic safety and convenience, would not be at risk of flooding or increasing the risk of flooding to other lands, and would be capable of being adequately served by wastewater, surface water, and water supply infrastructure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 1st day of March 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The developer shall ensure that all mitigation measures set out in the Environmental Impact Assessment Report and Natura Impact Statement submitted with the application, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

6. The internal and external road network serving the proposed development, including the proposed Distributor Road, turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended. Details of same shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. A minimum of 10% of the proposed car parking spaces shall be provided with electric vehicle charging stations or points. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.

8. A Road Safety Audit shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post construction stage. All audits shall be carried out at the Developers expense in accordance with the Design Manual for

Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The independent audit team(s) shall be approved in writing by the relevant planning authority and all measures recommended by the Auditor shall be undertaken unless the relevant planning authority approves a departure in writing. The Stage 2 Audit reports shall be submitted for the written agreement of the relevant planning authority prior to the commencement of development.

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

9. The access arrangements for the bicycle and bin stores serving the duplex units shall not encroach on the curtilage of the ground level maisonette units. Proposals to clarify these arrangements shall be submitted to and agreed in writing with the relevant planning authority prior to the commencement of development.

Reason: In the interest of sustainable transportation and residential amenity.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. The lighting scheme shall incorporate the requirements of the Environmental Impact Assessment Report mitigations measures. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity, public safety, and nature conservation.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and surface water management.

13. The developer shall enter into water and wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

14. The site shall be landscaped in accordance with a detailed comprehensive scheme of landscaping and play facilities, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Proposals in this regard shall include:

- (a) Tree protection measures in accordance with details submitted in the Arboricultural Impact Assessment.
- (b) Supplementary planting along all lateral boundaries of the site.
- (c) Safety fencing along the entire length of the hedgerow and stream along the northern site boundary.
- (d) Details of all proposed boundaries.

Reason: In the interest of residential and visual amenity.

15. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the Planning

Authority prior to commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

16. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at site offices at all times.

Reason: In the interest of sustainable waste management.

17. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the application, in addition to the following:
- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - b) Location of access points to the site for any construction related activity;
 - c) Location of areas for construction site offices and staff facilities;
 - d) Details of site security fencing and hoardings;

- e) Details of on-site car parking facilities for site workers during the course of construction;
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

18. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

19. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally-constituted management company.
- (b) Details of the legally-constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

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

20. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

21. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the Planning Authority (such agreement must specify the number and location of each housing unit), pursuant to 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, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

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

22. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Act 2000, as amended, and of the housing strategy in the development plan of the area.

23. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

25. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the existing Cornamaddy Roundabout and link road, which benefits the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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

26. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the completion of the Cornamaddy to Coosan link road, which benefits the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject

to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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

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.

Stephen Ward
Senior Planning Inspector

13th August 2024

Appendix 1

AA Screening Determination

Screening for Appropriate Assessment

Screening Determination

1. Description of the project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site has a gross area of c.7.31ha and is located c. 2km northeast of Athlone Town centre. It is c. 1km south of the nearest Natura 2000 sites (Lough Ree SAC and Lough Ree SPA).

The proposed development mainly involves the construction of 177 no. residential units; open space; and pedestrian/vehicular access roads and footpaths including a section of the planned east/west distributor road. It is proposed to connect to the existing Uisce Eireann water and wastewater services. Surface water will discharge to the Kippinstown Stream adjoining the site, which connects northwards to the Garrynafela Stream and then to Lough Ree.

No submissions have been received in relation to impacts on European Sites. The Planning Authority acknowledged the applicant's AA Screening Report and the uncertainty that the construction phase may give rise to potential significant impacts (surface water run-off containing pollutants such as hydrocarbons and silt) upon European sites (Lough Ree SAC and Lough Ree SPA).

2. Potential impact mechanisms from the project

Habitat Impact

The site is not within or adjoining any Natura 2000 sites and I do not consider that there is potential for any direct impacts such as habitat loss, direct emissions, or species mortality/disturbance. Furthermore, winter bird surveys comprised 8 survey days across November and December 2021 and January, February, and March 2022. Results of these surveys indicate that there is no usage of the site by species listed as SCIs for the relevant SPAs within the ZOI. Surveys in July 2023 confirmed that the habitats on site have not changed, and the quality and composition of the habitats continue to be largely unsuitable

as an ex-situ feeding/roosting resource for the SCIs of the SPAs in the ZOI. Accordingly, I am satisfied that the site is not a significant ex-situ foraging or roosting site for QI bird species.

I also acknowledge that Otter is a QI for the Lough Ree SAC and that it is a mobile species which can forage/commute over long distances. The applicant's AA Screening Report outlines that the Garrynafera stream (c. 100m east) may provide commuting habitat for otter, but that no signs of otter were found. It also outlines that no otter signs or habitat suitability was found on the site itself (including the Kippinstown Stream and the on-site drainage ditches). Accordingly, I am satisfied that there would be no direct habitat impacts on otter and that any potential impacts would be limited to downstream water quality-related impacts.

Hydrology

There is a pathway in respect of the Kippinstown Stream running along the northern site boundary and then connecting downstream to the Lough Ree SAC and Lough Ree SPA via the Garrynafera Stream. There are potential impacts at construction stage relating to construction-related pollutions, as well as operational impacts in terms of the quantity and quality of surface water discharge.

Hydrogeology

There is also a potential hydrogeological pathway. During groundworks and other construction activities, the ground will be exposed and any potential accidental discharges to ground could potentially migrate vertically downward to the underlying bedrock aquifer to the downgradient receiving surface waterbody (the Kippinstown stream), contributing to the hydrological pathway to the European sites downstream.

Disturbance

The construction and operational phases have the potential for disturbance related to increased dust, noise, lighting, and human activity. However, given the distance between the site and the nearest designated sites (0.9 km) and the location of the site adjoining the expanding urban area, I consider that the potential for any such disturbance can be excluded.

Wastewater

There is an indirect pathway to the Middle Shannon Callows SAC and the Middle Shannon Callows SPA via the discharge of foul water from Athlone WwTP, which discharges treated wastewater to the River Shannon. According to the 2022 Annual Environmental Report (AER), the WwTP is compliant with the ELV's set in the Wastewater Discharge Licence and discharge does not have an observable impact on water quality or WFD status. The WwTP has a capacity of 36,000 (P.E.) and a peak collected load of 21,882 (P.E.) according

to the 2022 AER and capacity at the plant is not expected to be exceeded in the next three years. A pre-connection application was submitted to Irish Water and a confirmation of feasibility was received indicating that there is adequate capacity in the network to accept and treat the additional loading as a result of the proposed development. As such, the potential indirect pathway to the River Shannon Callows SAC and Middle Shannon Callows SPA via the discharge of treated effluent from Athlone WwTP is deemed insignificant.

Having regard to the nature of the site and its distance and lack of connectivity with Natura 2000 sites, I do not consider that there would be any other potential impact mechanisms.

3. European Sites at risk

Having regard to the potential impact mechanisms from the proposal, the European site(s) and qualifying features potentially at risk are outlined in the following table.

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

Effect mechanism	European Site(s)	Qualifying interest features at risk	Impact pathway/Zone of influence
Surface / groundwater drainage	Lough Ree SAC	Hard oligo-mesotrophic waters with benthic vegetation of Chara spp ⁴ , Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation; Semi-natural dry grasslands and scrubland facies on calcareous substrates; Active raised bogs; Degraded raised bogs still capable of natural regeneration; Alkaline fens; Limestone pavements; Bog woodland; Alluvial forests with Alnus glutinosa and Fraxinus excelsior; Otter.	Kippinstown Stream connects to Lough Ree via Garrynafela Stream. Potential for construction and operational pathways.
	Lough Ree SPA	Little Grebe, Whooper Swan, Wigeon, Teal, Mallard, Shoveler, Tufted Duck, Common Scoter, Goldeneye, Coot, Golden Plover, Lapwing, Common Tern,	

⁴ Although included in the applicant's reports, this is not included as a QI in the NPWS or EEA online map viewers. Nonetheless, it will be considered in the interests of completeness and caution

		Wetland and Waterbirds. (White-fronted goose, Common pochard, Black headed gull, Eurasian curlew, Great cormorant, Great crested grebe, Pintail) ⁵	
Wastewater discharge	Middle Shannon Callows SPA	None – (Whooper Swan; Wigeon; Corncrake; Golden Plover; Lapwing; Black-tailed Godwit; Black-headed Gull; Wetland and Waterbirds).	Wastewater discharge via the Athlone WWTP.
	River Shannon Callows SAC	None – (Molinia meadows on calcareous, peaty or clayey-silt-laden soils; Lowland hay meadows; Alkaline fens; Limestone pavements; Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ; Otter).	However, the potential for significant effects can be excluded given the capacity and treatment standard at the plant.

Having regard to the above table, Lough Ree SPA and Lough Ree SAC are considered to be the only Natura 2000 sites at risk from the proposed development.

Lough Ree SPA is of high ornithological importance for both wintering and breeding birds. It supports nationally important populations of eleven wintering waterfowl species. The site has a range of breeding waterfowl species, notably nationally important populations of Common Scoter and Common Tern. Of particular note is the regular presence of three species, Whooper Swan, Golden Plover and Common Tern, which are listed on Annex I of the E.U. Birds Directive. Parts of Lough Ree SPA are Wildfowl Sanctuaries.

Lough Ree SAC is of major ecological significance. Some of the woodlands around the lake are of excellent quality. St John's Wood is particularly important; it is one of the very few remaining ancient woodlands in Ireland. The lake itself is an excellent example of a mesotrophic to moderate-eutrophic system, supporting a rare fish species and a good diversity of breeding and wintering birds. There is also a population of Otter around the lake.

⁵ Not listed on NPWS website but included in the EEA Map Viewer and considered in this assessment in the interests of completeness and caution.

4. Likely significant effects on the European site(s) 'alone'

Taking account of baseline conditions and the effects of ongoing operational plans and projects, this section considers whether there is a likely significant effect 'alone'.

Construction Stage

During the construction phase, surface water run-off containing silt/sediments or other pollutants could inadvertently flow into the Kippinstown stream and Garrynafela stream overland or during culvert and outfall placement. Additionally, discharges to ground could be transported by groundwater flows into the Kippinstown stream and Garrynafela stream. I would concur with the applicant's AA Screening Report in that any potential discharges to the Garrynafela Stream would be quickly dispersed, and discharges to groundwater are likely to be negligible. However, the applicant's report concludes with some uncertainty that in the absence of mitigation measures, the potential for significant effects on Lough Ree SPA and Lough Ree SAC as a result of surface water quality deterioration cannot be excluded. I would also accept that such water quality impacts can have related including habitat loss and/or alteration; habitat / species fragmentation; disturbance / displacement of species; and changes in population density.

Based on the above, the applicant concludes that construction stage mitigation measures are required to address water quality impacts and a Stage 2 Natura Impact Statement (NIS) has been included. I consider that many of the proposed mitigation measures comprise standard best practice construction measures which, it could be argued, would be applied even in the absence of any potential impacts on European Sites. However, I note that the applicant's report has been guided by 'Communication from the Commission on the precautionary principle (European Commission, 2000)' and I consider that this is a reasonable approach based on the precautionary principle.

In this regard, I would also highlight the Board's decisions in similar cases on nearby sites (ABP Refs. 318736 & 318510), which determined that there was potential for significant effects on the Lough Ree European Sites as a result of water quality impacts.

Operational Stage

Surface water will be attenuated and treated using a treatment train SuDS approach prior to being discharged to the Kippinstown stream at greenfield run-off rates. Although run-off could contain hydrocarbons or suspended sediment, such events would not be regular and

may not occur at all. Therefore, the applicant's AA Screening Report concludes that given the low volume of surface water run-off relative to the volume of the receiving environment, and the potential for mixing, dilution and dispersion of any surface water run-off/discharges in the receiving environment, impacts on the water quality indicator within Lough Ree, in the absence of SuDS measures, would not be significant. I would concur with this position, and I note that SuDS measures have been excluded by the applicant for the purpose of screening. However, I consider that the SuDS measures form an integral part of the scheme and have not been included for the purpose of reducing or avoiding impact on European Sites (i.e. not mitigation measures). SuDS measures are standard practice and would be included and/or required even in the absence of any pathway to European Sites. Therefore, I am satisfied that SuDS measures can be considered in the screening consideration and that this would provide further clarity that the potential for significant operational surface water effects on European Sites can be excluded.

Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?
Lough Ree SPA		
Little Grebe, Great crested grebe, Whooper Swan, Wigeon, Teal, Mallard, Pintail, Shoveler, Tufted Duck, Common Scoter, Goldeneye, Coot, Golden Plover, Lapwing, Common Tern, White-fronted goose, Common pochard, Black headed gull, Eurasian curlew, Great cormorant.	To maintain or restore favourable conservation condition.	Yes
Wetland and Waterbirds.	To maintain or restore the favourable conservation condition of the wetland habitat at Lough	Yes

	Ree SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.	
Lough Ree SAC		
Hard oligo-mesotrophic waters with benthic vegetation of Chara spp, Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation; Semi-natural dry grasslands and scrubland facies on calcareous substrates; Degraded raised bogs still capable of natural regeneration; Bog woodland.	To restore the favourable conservation condition.	Yes
Alkaline fens; Limestone pavements; Otter	To maintain the favourable conservation condition	Yes
Active Raised Bogs; Alluvial forests with Alnus glutinosa and Fraxinus excelsior.	None published to date.	Yes
<p><u>Conclusion</u></p> <p>I conclude that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Lough Ree SAC and Lough Ree SPA from construction stage effects associated with water quality cannot be excluded. In accordance with the precautionary principle, an Appropriate Assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.</p>		
<p>Overall Conclusion- Screening Determination</p> <p>In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Lough Ree SAC and Lough Ree SPA cannot be excluded. It is therefore determined that</p>		

Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

This conclusion is based on:

- Objective information presented in the applicant's reports;
- The zone of influence of potential impacts;
- The potential for construction-related impacts on downstream water quality within the European Sites and related impacts on habitat loss and/or alteration; habitat / species fragmentation; disturbance / displacement of species; and changes in population density;
- The application of the precautionary approach;
- Proximity to European Sites and the potential for pathways to same; and
- The nature and extent of predicted impacts, which could affect the conservation objectives of the European Sites.