



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320146-24

#### Development

Construction of 67 houses, upgrading section of public sewer and connection to same, together with ESB substation and all associated site works. Natura Impact Statement submitted with planning application.

#### Location

Hillquarter, Coosan, Athlone, Co. Westmeath.

#### Planning Authority

Westmeath County Council

#### Planning Authority Reg. Ref.

2360141

#### Applicant(s)

Mistledale Limited.

#### Type of Application

Permission

#### Planning Authority Decision

Grant with Conditions

#### Type of Appeal

Third Party

#### Appellant(s)

1. John Rattigan
2. David and Clodagh Dickson
3. Sinead Kelly
4. Paraic Rattigan

**Observer(s)**

Paul Kelly

**Date of Site Inspection**

4<sup>th</sup> of December 2024

**Inspector**

Caryn Coogan

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## **1.0 Site Location and Description**

- 1.1. The subject site is a greenfield site, 2.710 Ha, located 1.9km north of Athlone town centre, and 700m north of the N6 bypass. The location is the northern urban fringe of Athlone town. The general area consists of low density, detached dwellings on large curtilages. The site is located to the rear of existing dwellings with a very short road frontage onto a local road (L-1477). The site is bounded by agricultural lands to the south and east, with the one-off dwellings to the south and west.
- 1.2. The site drops away from the narrow roadside boundary, and the bulk of the site is low lying flat with soil which is waterlogged and with poor drainage capacities. My general observations noted a dark peat soil on the south eastern portion of the site which is currently is covered in rushes. The higher part of the site is used for grazing cattle, it is evident there is better drainage capabilities on the higher portion of the site, which drains into the centrally located drain traversing the site.
- 1.3. The surface water drain traversing the centre of the site, is an open drain. There is another open drain along the southern boundary of the site. This drain is to be retained and is the hydrological link to the wider surface water drainage system in the area.
- 1.4. The site is bounded to the west by the rear gardens of dwellings addressing Coosan Road, and to the south by a number of dwellings and the Bog Road/ Clonbrusk Road.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of 67No. dwellings:
  - 4 no. four bedroom two-storey detached dwellings,
  - 28 no. four-bedroom two-storey semi-detached dwellings,
  - 30 no. three-bedroom terraced dwellings,
  - 5 no. two-bedroom terraced dwellings;
  - (Upgrading section of existing public sewer beneath public road west of the site, and new connection to said infrastructure;

- All associated site development works including new site entrance from public road, internal roads, paths, paving, parking, bin stores, drainage, amenity space, landscaped public open space, street lighting, boundary treatments, water services, a foul sewer pump station, storm drainage, underground stormwater attenuation tank with attenuated outflow to existing open drain, ESB substation and all associated site works to complete the development.

2.2 A total of 9 No. units are proposed for Part V in agreement with the Housing Section of Westmeath Co. Co.

2.3 The proposed net density is 24units per hectare. Total Amenity Space is 15.02%.

2.4 The planning application documentation submitted on the 24<sup>th</sup> of May 2023 included:

- Architectural Design Statement;
- Outdoor Lighting Report
- Infrastructure Report
- Road Safety Audit
- Traffic Impact Assessment

2.5 Following the request of Further Information the scheme was revised to include **65No. units.** The following additional reports were submitted by the applicant:

An Ecological Impact Statement prepared by Panther Ecology Ltd.

A Flood Risk Assessment was submitted.

Operational Waste Management Plan.

Mobility and Management Plan.

Resource Waste Management Plan.

Archaeological Assessment

Construction Environmental Impact Assessment.

Road Safety Audits

Swept Path Analysis.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Westmeath Co.Co. granted planning permission for the proposed development on the 19<sup>th</sup> of June 2024 subject to 23No. conditions. The conditions attached were standard apart from the following site-specific conditions:

#### **2. *Design and layout***

Prior to the commencement of development revised plans shall be submitted for the written agreement of the Planning Authority illustrating the following amendments:

- i. Revised design proposals for units D & D1 which shall provide for direct access from the front entrance into a hallway rather than directly into the living room.
- ii. Relocate pumping station closer to the northern boundary of the site.
- iii. All front boundaries of dwellings shall comprise of a 900mm high bow top PVC coated fence (colour Black).

The development shall be carried out in accordance with these details or as otherwise agreed with the Planning Authority.

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

#### **4. *Habitats and Ecology:***

All mitigation measures identified in the Natura Impact Statement prepared by Panther Ecology (2023) and the Ecological Impact Assessment Report prepared by Panther Ecology (2023) shall be implemented in full. A suitably qualified and experienced Ecological Clerk of Works (EcOW) shall be employed to oversee the implementation of mitigation measures outlined in the above reports. The Ecological Clerk of Works should 'sign off' on the delivery of any mitigation measures and provide a report on their completion to Westmeath County Council documenting their implementation, any failure of implementation and any necessary remediation measures.

**Reason:** In the interest of environmental protection and nature conservation.

### **21. *Special Contribution 1***

The applicant is required to contribute towards the improvement and enhancement of public lighting in the vicinity of the development and a Special Contribution, in accordance with Section 48 of the Planning and Development Act 2000 of €10,000, shall be payable within two months of the date of first occupation of the development. Alternatively, the Developer may enter into an agreement with the local authority, under which all or part of the above infrastructure is provided, in lieu of all or part of this special contributions.

**Reason:** It is considered reasonable that the developer should contribute to the repair of public infrastructure as a result of the proposed development.

### **22. *Special Contribution 2***

The applicant is required to contribute towards the provision and enhancement of pedestrian linkages serving the development and a Special Contribution, in accordance with Section 48 of the Planning and Development Act 2000 of €60,000, shall be payable within two months of the date of first occupation of the development. Alternatively, the Developer may enter into an agreement with the local authority, under which all or part of the above infrastructure is provided, in lieu of all or part of this special contributions.

**Reason:** It is considered reasonable that the developer should contribute to the repair of public infrastructure as a result of the proposed development.

### **23. *Special Contribution 3***

The applicant is required to contribute towards the provision of traffic calming measures in the vicinity of the development and a Special Contribution, in accordance with Section 48 of the Planning and Development Act 2000 of €7,500, shall be payable within two months of the date of first occupation of the development. Alternatively, the Developer may enter into an agreement with the

local authority, under which all or part of the above infrastructure is provided, in lieu of all or part of this special contributions.

**Reason:** It is considered reasonable that the developer should contribute to the costs of public infrastructure.

### 3.2. **Planning Authority Reports**

#### 3.2.1. ***Planning Reports***

##### Planning Report No. 1

- The site is zoned 'proposed residential'. It is acceptable in principle.
- The development plan provides for a density of 20-35 units per hectare on such locations. The density of 24units per hectare is acceptable. Cross sections through the site and proposed development are required by further information.
- The height of the proposed dwellings is excessive, with some units at 9.1metres. A number of dwellings have shallow gardens.
- There was no objection to the general layout and design approach of the scheme.
- There are 139No. carparking spaces, 15No. EV spaces, 4No. accessible spaces and 23No. visitor spaces. It was considered to be acceptable.
- Archaeological Impact Assessment is not warranted and conditions can be attached.
- AA Screening found the development was not likely o give rise to a signifigant adverse affect to any European site. NIS included with the application documentation. The mitigation measures in the NIS were considered to be acceptable.
- An EIAR is not required. However further information is required in respect of a Construction and Environmental Management Plan, Construction and Demolition Resource Management Plan, public lighting, boundary fencing to allow movements of indigenous wildlife, root protection zone around existing



trees and hedges. There was ecological issues arising and required further investigation.

### Planning Report No. 2

Following receipt of the further information, reagrindng water, wastewater, stormwater etc, another planning assessment was carried out.

- The cross section demonstrates the proposal will integrate into the landscape.
- The overall scheme was reduced from 67No. units to 65No. units. The open space areas exceed 15%. There are 11metres rear gardens. The ridge height of dwellings has been reduced to 8.2m and 8.5m.
- Houses D/D1 require revised floorplans not providing direct access into the main living area via the front door.
- It is noted that the pumping station is located within the main open space area serving the development, the location of this structure is not considered appropriate and the applicant will be conditioned to relocate the pumping station closer to the lateral boundary of the site together with a higher quality boundary treatment i.e. block wall with associated landscaping on the outer leaf of the wall is also required, this issue can be dealt with by way of condition.
- The revised Road Safety audit and Mobility Management Plan are acceptable.
- The applicant has also proposed a Terrestrial Biodiversity Protection Protocol which appears a reasonable protocol. WCC Environment Department concurs with the findings of the report and there are no further issues raised in this regard.
- Proposed refuse and bin storage proposals are acceptable.
- Surface water proposal acceptable
- Third party concerns were addressed by the applicant.
- The proposal is consistent with national, regional and local planning policy.
- The Ecological Impact Assessment and its recommendations was considered to be acceptable.

- Permission with conditions recommended.

### 3.2.2. **Other Technical Reports**

- Engineering Report No. 1: No objections subject to a mobility plan and 1.8m footpath along the east side of the public road, in a southerly direction to connect with existing infrastructure at Clonbrusk West. And in a northerly direction at Shancurragh Junction.
- Engineering Report No. 2 (07/07/2023): The following items are required by way of further information.
- Engineering Report No. 3: (12/06/2024) No objections subject to detailed conditions relating to general, roads, public lighting, surface water and special contributions.
- Environment Report (27/05/2023): A full Ecological Impact Assessment was submitted as F.I. and a Construction and Environmental Management Plan with the mitigation measures included in the NIS to be incorporated. The section is satisfied having considered the report there is no potential impact on protected species. The submitted Construction and Environmental Plan is acceptable. Waste management is acceptable. In respect of the attenuation tank and outfall pipework, non-return valves are fitted to the surface water outfall pipe. The site falls within a Flood Zone 'C'. Potential flood risk is low. Hydraulic assessment of surface water discharge to existing surface water ditch does not result in hydraulic conveyance capacity of the ditch been exceeded. A list of environmental conditions was recommended.

### 3.3. **Prescribed Bodies**

#### 3.3.1 **Uisce Eireann (16/06/2023)**

Applicant has not engaged with Irish Water prior to submitting planning application and the proposed development may not be feasible in respect of water and/or waste water connections.

It is Water Services view that the proposed wastewater network proposed to serve the development may be served by the gravity only option that would negate the

construction of the proposed onsite wastewater pump station. The applicant is required to engage with Irish Water through the submission of a Pre-Connection Enquiry (PCE) in order to determine the feasibility of connection to the public water/wastewater infrastructure.

### 3.3.2 ***Department of Housing, Local Government and Heritage*** (23<sup>rd</sup> of June 2023)

- Nature Conservation : The Department acknowledges that an NIS was prepared as part of this proposed development because a hydrological connection was detected between the proposed development site and Lough Ree Special Area of Conservation (SAC), Lough Ree Special Protection Area (SPA), River Shannon Callows SAC and Middle Shannon Callows SPA. The connection is from a drainage ditch on the site that flows into an unnamed stream that flows west into the River Shannon. It is further acknowledged that the NIS report states that unmitigated construction works have the potential to cause pollution in the drain on site thereby posing a pollution risk to the aforementioned protected sites. The recommended mitigations in the NIS appear to satisfy reducing the risk of pollution to a safe level therefore the Department recommends that the mitigation measures for the protection of Natura 2000 sites are incorporated as conditions of planning, should it be granted.
- Environmental Impact Assessment: The Department is concerned at the lack of ecological field surveys in the EIAR Screening report. It is noted that this Screening report does not contain an Ecological Impact Assessment (EcIA). The Department is of the opinion that this level of ecological surveying is insufficient for the following reasons:
  - Regarding the walkover survey, there are no details as to how long the survey took, the route or weather conditions and this could impact on the quality of data gathered e.g., a quick walkover survey could result in breeding places of mammals not being detected and poor visibility can result in reduced bird species being noted especially outside of their breeding season when they are less vocal.
  - The timing of the walkover survey i.e., 29th of November 2022 is sub optimal for characterising the usage of the site for several protected species including

breeding birds, bats and amphibians and flora. To adequately characterise the biodiversity value of the site the Department recommends that an EclA be carried out to better inform the planning process as some of the habitats recorded on the site, in particular, wet grassland, hedgerows, tree lines and drainage ditches are known to support many protected species. Other recommendations related to nature conservation:

- A Construction Environmental Management Plan (CEMP) should be prepared and incorporate mitigations proposed by ecological and environmental reports.
- The street lighting design plan should conform to ecologically sensitive standards.
- Boundary fencing on the site should allow for the movement of protected mammals such as hedgehog.
- It is noted that a copse of trees of approximately 0.24ha or 0.5 acres in the south centre of the site is proposed to be replaced by a playground area. It is recommended that an arborist be employed to assess the condition of the trees there with a view to retaining as many as possible and incorporating them into a biodiversity friendly playground design.
- An arborist should also be employed to define a root protection zone around hedgerows to ensure the proposed development would not cause any long term damage to the species during the site preparation phase that would include excavation works and tracking of heavy machinery across the site.
- Any removal of hedgerow or tree species should be conducted outside of the restricted period for the removal of hedgerow as per section 40 of the Wildlife Acts

i.e., March 1st to August 31st. To ensure this, it should be made a condition of planning, if granted.

- **Archaeology\_:** An Archaeological Impact Assessment should be prepared with the required investigations listed in the submission to form a condition of the decision to grant permission.

#### 3.3.4 **HSE** A Construction management Plan is required.

### 3.4 Third Party Observations

There were 15No. third-party objections to the proposed development. The following is a synopsis of their concerns:

- Limited road frontage, poor sightlines
- Coosan Road is a local road with 50kmph limit. The road has no dividing lines, and has substandard shoulders. The road is deficient in terms of width, alignment and structural capacity.
- There are no public transport links. The nearest bus stop is 1.2km from the site without a continuous footpath.
- No cycle path, no footpath.
- No terraced dwellings within Hillquarter. The developer is trying to maximise density on the site with no regard for the surrounding area.
- 67No. dwellings is a substantial number of dwellings for the area which does not have housing estates.
- Lack of infrastructure to support households. Local school is at capacity.
- Site access: There is a blind spot for traffic approaching from Athlone.
- Surface Water Drainage: There is no system in the area. It is intended to raise the existing ground levels. Winter floods will be a problem
- The zoning of the land in 2014 was never appropriate given its isolated location, lack of connectivity to other sites. The zoning was haphazard and not similar to the densities on the contiguous lands, there is insufficient social and physical infrastructure. The payout is to maximise the number of dwellings only and adds nothing to the character of the area.
- The proposed open space is located to the back of the site and will only serve a small number of homes
- Sightline calculations are incorrect and do not take account of the horizontal and vertical curves of the road.

- The residential amenities of the adjoining dwellings will be impacted upon during construction and operational phases
- Existing hedgerows and trees were removed and damaged by the applicant using a digger in 2019. (photos attached). The remaining specimen trees could be threatened by the proposal.
- There are bats in the area. The NIS merely acknowledges their existence.

## 4.0 Planning History

- a. On the northern portion of the site the following histories are relevant:
- (i) **Planning Reference 88/449:** Permission refused for a housing development on the northern portion of the site on 23<sup>rd</sup> of December 1988.
  - (ii) **Planning Reference 02/938:** Permission refused for 11No. four-bedroom dwellings and 8No. dormer bungalow on 14<sup>th</sup> of November 2002.

## 5.0 Policy Context

### 5.1. National Policy/Guidance

- 5.2. **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 builtup footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- 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 Planning Policy

The Eastern and Midland Regional Spatial and Economic Strategy 2019-2031.



1. Sustainable Settlement Patterns - Better manage the sustainable and compact growth of Dublin as a city of international scale and develop Athlone, Dundalk, Drogheda and a number of key complementary growth settlements of sufficient scale to be drivers of regional growth. (NSO 1, 7, 10)

2. Compact Growth and Urban Regeneration Promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. (NSO 1)

### 5.3. Development Plan

#### 5.1.1 *Athlone Town Development Plan 2014-2020*

##### **Core Strategy Policies**

**P-CS1** To ensure that the future spatial development of Athlone is in accordance with higher level Plans including National and Regional Spatial Policy, together with national policy guidance issued under Section 28 of the Planning and Development Acts 2000 as amended, the River Basin Management Plans, Surface Water Regulations and the Habitats Directive.

**P-CS7** To ensure a sequential approach to development and promote residential development, prioritisation of infill sites / developments and the occupation of residential units in the town core, in order to promote the achievement of critical mass and protect and enhance town centre function.

##### **Housing Policies (Chapter 3)**

**P-SR1** To support the principle of sequential development in assessing all new residential development proposals, whereby areas closer to the centre of the town, including underutilised and brownfield sites, will be chosen for development in the first instance to promote a sustainable pattern of development.

**P-SR6** To ensure that new Greenfield residential estate development should be in accordance with the spatial framework established in the relevant Local Area Plan for the subject area.

**P-RLD1** To achieve attractive and sustainable development and create high standards of design, layout, and landscaping, for new housing development.

The subject site is zoned **Low Density Residential**.

#### 5.4 Westmeath County Development Plan 2021-2023

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

Key priorities outlined in the RSES are to promote the continued sustainable and compact growth of Athlone as a regional driver, with a target population of 30,000 up to 2031, providing for an enhanced public realm and regeneration in the town centre along with significant employment growth linked to the further development of Athlone Institute of Technology (AIT) and building on the town's existing strong economic base and enterprise clusters.

Core Strategy Policy Objectives	
It is a policy objective of Westmeath County Council to:	
CPO 2.2	Support the continued growth of Athlone, with a focus on quality of life and securing the investment to fulfil its role as a key Regional Growth Centre and economic driver in the centre of Ireland, with a target population of 30,000 up to 2031.
CPO 2.3	Prepare a joint statutory Joint Urban Area Plan (UAP) for Athlone with Roscommon County Council in collaboration with EMRA and NWRA.
CPO 2.4	Promote Athlone as a sustainable transport hub, of national and regional importance and support the preparation of a Joint Transport Plan between Westmeath and Roscommon County Councils in collaboration with transport agencies and key stakeholders to improve sustainable mobility in the town.

## 5.4. Natural Heritage Designations

The following sites are listed within the 15km Zone of Influence of the site:

Site	Designation	Site Code	Distance
Lough Ree	SAC	000440	520 m W
Lough Lee	SPA	004064	530m W
River Shannon Callows	SAC	002116	2.4km S
Middle Shannon Callows	SPA	004096	2.4km S
Crosswood Bog	SAC	002337	5km SE
Carn Park Bog	SAC	02336	6.9km E
Ballynamoona Bog and Corkip Lough	SAC	02339	8.7km W
Castlesampson Esker	SAC	001625	8.9km West
Lough Funshinagh	SAC	00611	11.1km W
Mongan Bog	SAC	000580	11.9km W
Mongon Bog	SAC	004107	12km S
Fin Lough	SPA	000576	13.4km S

## 5.5. EIA Screening

See Completed Form 1 & 2 attached as Appendices 1 and 2 respectively. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 There are 4No. this party appeals that raise similar issues on appeal. Rather than summarise each appeal, I will summarise their grounds of appeal collectively in order to avoid undue repetition.

The appeals were received from:

- (i) John Rattigan, Cnoc Na Gaoithe, Hillquarter, Coosan, Athlone, Co. Westmeath
- (ii) Sinead Kelly, Hillquarter, Coosan, Athlone
- (iii) David and Clodagh Dickson, Hillquarter, Athlone
- (iv) Paraic Rattigan, Knocksentry, Limerick

#### 6.1.2 ***Ownership:***

- The legal owners of the site are Adrian Moore, Audrey Moore, Kenneth Moore and Tracy Moore. They have not consented to the planning application. The application is invalid.
- The site comprises of 3No. folios: WH535F (Mistledale), WH12709F (Mistledale) and WH24430F (Adrian, Audrey, Kenneth and Tracy Moore). The letter of consent from the relevant owners on file is not properly dated.
- The application shows the public sewer beneath the public road west of the site will be resized to 225mm (from 150mm). This is on third party's lands and their consent was not obtained.

#### 6.1.3 ***Negative Impact on adjoining properties:***

- There is concern reagridng the high-water table. There is insufficient water drainage system. The proposal appears to raise existing ground levels, and neighbouring properties could be flooded.
- The site overlaps Sinead and Michael Kelly's property at the entrance.
- The entrance is located on a steep incline, and the proposal will result in a traffic and pedestrian hazard.
- The proposal proposes a footpath to the front of existing residential properties without the consent of the relevant owners. There is a tarmac verge maintained by the residents.
- The proposal is completely out of character with the adjoining properties in Hillquarter.
- The two storey dwellings will overlook existing properties.

#### 6.1.4 ***Zoning of Land***

- There are serious concerns reagridng the isolated zoning of the parcel of land in 2014. It is located outside of the development boundary for Athlone town. The boundary was extended to include these lands only. There was a substantial increase in the value of the site due to this zoning. Similar sites zoning low density contain one off dwellings and are occupied by people who have lived here their entire lives. The current density of the roadside land between the proposed site and the bog road is well below the lower end of the low-density residential. To use these lands and apply low density to them in order to claim that the proposed site is contiguous to existing low density zoned lands is disingenuous.
- It is not clear how the land was zoned in 2014 in isolation from other residentially zoned land. The issue of the appropriateness of the zoning was raised during the planning application stage. It was indicated that appropriate procedures were followed by the planning authority. However, the extension of the town boundary was not sufficiently notified to many landowners or homeowners at the time, especially those that would be materially impacted by the extension.
- It is evidenced in Inspector's Report that the zoning ceased to have affect in 2020, and there has been no new plan adopted as part of the Westmeath County Development Plan 2021-2027. The new Athlone Joint Urban Area Plan 2024-2030 is still in daft stage.
- According to The Departments Guidelines Sustainable Residential development In Urban Areas, without the benefit of more detailed local area plans, the development plan should identify a more sequential and co-ordinated approach to the development of zoned lands, to avoid costly and haphazard provisions of social and physical infrastructure.
- There are 35No. terraced dwellings in the proposal. There are no terraced houses in the area. There is an attempt to maximise the density with no regard for the prevailing house types or densities in the area.
- The development plan is out of date. Therefore the zoning is not valid. The site is not zoned in the Draft Plan.

- The zoning of the site was artificially invented for the scheme to be acceptable at this location. There are no footpaths, cyclepaths, no adequate foul sewerage and no plans to provide supporting infrastructure.

#### 6.1.5 ***Surface Water Drainage and Wastewater connections***

- The proposals include raising the ground levels of the site which will flood the neighbouring properties.

#### 6.1.6 ***Access to the Proposed Development is unsafe***

- The site access is at the corner wall to an existing dwelling which is south of the proposed entrance. The site has limited road frontage to serve 67No. dwellings. There is a blind spot approaching the site from Athlone town. The previous reasons for refusal relating to the site still apply.

#### 6.1.7 ***Lack of Infrastructure***

- There is a lack of physical infrastructure to support a development of this scale in the area.
- The public road is narrow with no centre line marking
- Coosan Road has sporadic footpaths and lighting
- There is inadequate primary school places in the area
- There is no bus service in the area.
- There are no shops or additional amenities.

#### 6.1.8 ***Environmental/ Ecological Impact***

- The site is located in a rural area, surrounded by agricultural fields.
- There is a wildlife reserve from the Bog Road to Moran's Pump referred to locally as Castle Gap. There is a balanced sustainable ecosystem that has been preserved. There is wildlife such as buzzards, badgers, red squirrels, pine martins, wood pigeon and foxes. This is one of the last remaining unspoilt areas of Athlone. Two years ago indigenous trees such as willow, ash, sycamore, hazel were removed from the site. The proposal will interfere

and change this unique part of Coosan forever and against the wishes of the local community.

#### 6.1.9 ***Density and Character***

- Low density is identified as 15-30 dwellings per hectare. The 65No. dwellings on a site area of 2.87Ha with 0-408 ha of public open space. This results in a density of 26.4units per hectare, which is the upper end of the density scale.
- The scale, deisgn and layout of the proposed development is clearly at odds with the character scale and setting of the surrounding area. This conflicts with policy CPO 4.7 of the Westmeath County Development Plan.
- CPO 16.12 of the Westmeath County Development Plan says the use of cul-de-sacs should be avoided. The scheme fails to provide safe or easy access for pedestrian and cyclists and those who require public transport.

#### 6.1.10 ***Public Open Space***

- The proposed site is 2.87 (7.1 acres) hectares. To meet with planning guidelines requirements at least 1.06 acres should be useful open space. Following receipt of the revised proposals with the further information, and allocation of 0.4107 (1.015acres) was proposed as open space.
- The largest portion of open space is located to the rear of the site, out of sight from the majority of homes. The detached location could result in anti-social behaviour overtime. In addition, the open space is diminished too by locating the pumping station and ESB substation in the public open space area.
- There is 50% of the total open space area provided at an unsuitable location at the back of the site and this will serve a small number of homes. The remaining homes will only be served by two small patches, which will provide minimal recreational benefit.

#### 6.1.11 ***Sustainability***

- The proposed development fails to consider any of the relevant national and local policies in relation to sustainable development, and fails to address the

future impacts of placing a housing development of this size and density in an isolated location outside of the traditional and obvious urban boundary.

- The proposed site has a single access point onto the local road with 50kmh and on approaches to the site is approximately 5metres wide between verges with no dividing lines and has substandard shoulders. There is no public transport, no cycle paths, sporadic public lighting.
- The contribution of €60,000 to provide a footpath is far too low. There are drainage works required at certain points.

#### **6.1.12 Safety**

- The Road Safety Audit failed to recognise the footpath on Coosan Road. Pedestrians will be required to cross Coosan Road at the entrances to the site, where there is poor visibility due to the curvature of the road. There is a significant risk to pedestrians using Coosan Road. The Road Safety Audit failed to recognise the footpath is to the east of Coosan Road. Pedestrians have to cross the road, at a point where forward visibility is obscure.
- There is no assessment of the adequacy of sightlines. CPO 16.12 new housing layouts should provide for a suitable mix and typology of residential units that demonstrate optimal traffic safety, with quality pedestrian and cycle linkages.

#### **6.1.13 Impact on Property Values**

- The proposal will result in the loss of privacy and sunlight to adjoining residential properties. There will be increased noise and traffic from the development, resulting in a significant reduction in values of adjoining properties.

#### **6.1.14 Public Notices**

- In the public notices the site is described as Coosan. The site is in Hillquarter. The application is invalid.

#### **6.1.15 Right of Way**

- There is a right of way which hasn't been taken into account.

#### **6.1.16 Ecological Impact Assessment**



- The site was cleared of all wildlife, trees and hedgerows about 18 months ago in order to create a sterile ground suitable for development. The site clearance is not mentioned in the Ecological Impact Report.

## 6.2. Applicant Response

6.2.1 Each appeal is responded to individually by the applicant. I will summarise the response to the issues arising.

### 6.6.2 *Inappropriate/ Invalid Zoning for low density residential*

The 2014 development plan is still the current development plan for the area. The issue of the status of zoned land in Athlone arose in a recent Residential Zoned Land Tax case concerning land on the Dublin Road, Kilmacuagh, Athlone. The Board rejected the argument that the zoning of the land had expired. The Board determined the Plan continues to apply, therefore in the current case, the Proposed Residential – Low Density’ still applies.

### 6.6.3 *Inappropriate Density and Character*

Based on the DEHLG Guidelines on Sustainable Residential Development in Urban Areas 2009, the Plan provides for a density on Outer Edge of Urban/ Rural Transition sites of between 20 and 35 dwellings per hectare. The proposed density of 24 units per hectare is acceptable. According to the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities 2024 it is stated densities of 35 – 50 dwellings per hectare shall be applied to suburban and edge of town locations in Regional growth centres.

The appeal site can be considered to be an infill site between the clusters of low density housing including the existing residential low density zoning. The proposed density is below the guidelines thresholds, it has regard to the character of the site and the surrounds. The site was deliberately zoned low density having regard to its sensitive location relative to the adjoining houses.

### 6.6.4 *Inadequate Public Open Space*

There are 3No. areas of open space, one of which includes a children’s play area. The areas account for 15% of the total site area. There are also areas along the site boundaries that are in the landholding, but are not in the application site. The

existing trees and hedgerows are to be protected, managed and reinforced. The Guidelines of 2024 seek open space provision of less than 10% of the site area. The proposed provision of 15% is justifiable.

There are numerous open spaces within walking distance of the site. Wansboro Park, sports and recreational facilities within 1Km of the site. There are retail, medical and leisure facilities at the neighbourhood centre. The Athlone Regional Sports Centre is 1.7km from the site.

#### **6.6.8 *Lack of Sustainable Transport Options***

There are footpath connections from Clonrusk West/ Coosan Road into Athlone on the opposite side of the N6. Coosan Road is a public transport corridor. Condition No. 22 requires a Special Development Contribution of €60,000 to improve pedestrian linkages. The site is within 1.6km of the train station.

#### **6.6.9 *Increase in Road Safety Risk***

The footpath will be provided. Conditions 21 and 23 are for traffic calming and public lighting. There was a revised Road Safety Audit submitted, and a Mobility Management Plan, which were deemed to be acceptable by the planning authority.

#### **6.6.10 *Impact on Residential Amenities***

The site has been zoned since 2024, therefore property values are unlikely to be impacted upon. The improvements to the physical infrastructure will benefit all of the housing in the area. Separation distances exceed the minimum required. No evidence of property devaluations has been submitted.

#### **6.6.11 *Title***

The applicant's company and the owners of Folio WH24430F have disclosed their ownership interests. Folio WH 24430F will be transferred to Mistleale Limited on receipt of planning permission.

#### **6.6.12 *Public Notices and Engineering Report***

The area is generally addressed as Hillquarter, Coosan. The appellants Sinead and Michael Kelly reside beside the site, and their address as Hillquarter, Coosan.

#### **6.6.13 *Other Issues***

- There has been a flood risk assessment report prepared by IE Consulting. The proposed development is not at risk from flooding.
- The District Engineer had no issue with the access and junction and recommended permission be granted.
- There is a right-of-way over a strip[ of land to the northwest of the site which extended into the applicant's folio Ref; WH12709F. The right of way favours the applicant's landholding only and was correctly identified on the application site location plan.
- In response to claims the Ecological Impact Assessment did not take account of the earlier stripping of the site. The Ecological Impact Assessment cannot look back at works that had taken place in the past. The site has no protected habitat, therefore the clearance works were permissible. With full and proper implementation of bat protection measures and lighting during the construction phase. The lighting plan prepared would not cause significant light disturbance nocturnal species.
- The NIS noted the potential for run-off entering a water course having potential to impact on water quality and lead to eutrophication. A potential source is from the release of hydrocarbons from construction plant, or uncured concrete. The NIS concluded that subject to recommended mitigation measures, therefore would be no potential for significant impacts on European sites. The mitigation measures identified included the construction works contractor adhering to standard construction best practice.
- There are no objections from the various bodies to the proposed development connecting to public mains, and contributions are payable towards roads, footpaths, cycleways that will benefit the development and the area. No objections from the district engineer to the proposal in terms of prematurity concerns from the third parties.
- The area is not a rural area. It is within the development boundary of the current development plan for the area and zoned for low density residential development.

- In terms of the adjoining dwelling to the south it is proposed to construct a 2m high twinwire weld mesh boundary fence on the applicant's side of the trees and hedges. This will protect the privacy of the adjoining dwelling which will be reinforced.

### 6.3. Planning Authority Response

There was no further response from the planning authority regarding the appeal submissions.

### 6.4. Observations

6.4.1 Mr Paul Kelly, Grove Quarter, Hillquarter, Coosan, Athlone has made an observation on appeal. The following is a summary of his submission which is broadly similar in content to the concerns expressed in the third-party appeals.

- *Conditions of Planning:* His dwelling house is one of the 6No. dwellings directly bordering the subject site, and the only dwelling adjacent to the proposed entrance. The planning authority requested detailed further information and the applicant did not fully address the concerns. Nonetheless the development was granted planning permission with conditions attached to submitted more information.
- *Construction Management:* The Construction Management and Environmental Plan submitted is not adequate as per Condition No. 3 of the permission. There will be dirt, dust and noise during the construction period. This has an impact on his family.
- *Hours of Construction:* The grant of work hours between 7am and 7pm during week days and 8-2 on Saturdays is excessive. These hours will have a direct impact on his children's ability to study for their Leaving Certificates. No works should commence before 8am on weekdays and should finish at 5.30pm. There should be no works on Saturdays.
- *Boundary and Trees* The letter of objection raised concerns regarding the removal of trees along the boundary of the site. There is a 100 year old Monterrey Cypress on the boundary. The conditions attached are too vague,

and state any tree removal should be replaced with ones of same size and species. If the tree is removed, it will undermine their property due to its roots system. The tree could also be a liability in terms of the future residents of the scheme.

- *Entrance:* The proposed entrance adjoins his dwelling. A smaller development was refused on the site due to the entrance been located on the brow of a hill.
- *Photos attached and original submission to the planning authority.*

## 7.0 Assessment

7.1. I have inspected the site and considered the appeal file. I intend to examine the case under the following headings:

- Planning Policy
- Design and Layout
- Infrastructure
- Other Matters

## 7.2 Planning Policy

7.2.1 Section 5 of this report outlines the relevant planning policy associated with the proposed residential development located on the outskirts of Athlone town. Planning policy is determined by the National Planning Framework (2018). The current development plan for Athlone is the ***Athlone Town Development Plan 2014-2020***. The current town development plan pre-dates the National Planning Framework (NPF), whereby Athlone is referred to as a Gateway town in the plan. Under more recent planning policy Athlone is recognised as Regional Growth Centre. The Athlone Joint Urban Area Plan 2024-2030 is currently being prepared at the time of this report. The next tier of planning policy relevant to the current proposal is Eastern and Midland Regional Spatial and Economic Strategy (RSES) 2019-2031. I have also considered the relevant Core Strategy and policies contained in the Westmeath County Development Plan 2021-2027 also in the assessment of this case.

7.2.2 As stated, Athlone is a designated Regional Growth Centre according to the Settlement Hierarchy of the NPF, RSES and Westmeath County Development Plan 2021-2027. Between 2021 and 2027, the Regional Spatial and Economic Strategy (RSES) envisages that Athlone will grow by 14% or 3,460 people in total. However, this figure takes in the Roscommon proportion of the population. When this element is excluded, the Westmeath proportion of Athlone's proportion is targeted to grow by 2,768 people by 2027. Key priorities outlined in the RSES are to promote the continued sustainable and compact growth of Athlone as a regional driver, with a target population of 30,000 up to 2031, providing for an enhanced public realm and regeneration in the town centre along with significant employment growth linked to the further development of Athlone Institute of Technology (AIT) and building on the town's existing strong economic base and enterprise clusters.

7.2.3 The National Planning Framework states that '*From an urban development perspective, we will need to deliver a greater proportion of residential development within the existing built up areas of our cities, towns and villages*'. National Planning Objective 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility. The subject site is not within walking distance of social and services infrastructure. There are no footpaths (one on the opposite side of the road), no cycle lanes, or public transport serving the area.

7.2.4 The *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024* expands on the high-level strategy of the NPF and sets out detailed growth criteria to support the development of sustainable and compact settlements. I refer to Section 3.3.2 of the Guidelines which directly relate to Regional Growth Centres. Accordingly, the strategy for the Regional Growth Centres is to support consolidation within and close to the existing built-up footprint. A key priority is to deliver sequential and sustainable urban extension at suitable locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the settlement. The subject located is the northern outskirts of the town which is typified by one-off housing.

7.2.5 In the current ***Athlone Town Development Plan 2014-2020***, the subject site is zoned Low Density Residential. In terms of this greenfield site there are

two relevant Core Strategic Policies:

**P-CS4** To seek the delivery of physical and community infrastructure in conjunction with high quality residential developments to create quality living environments.

**P-CS5** To guide the future development of Athlone in accordance with the spatial framework established in Local Area Plans in the town.

- In respect of P-CS5, I refer to the Land Use Zoning Map of the development plan. The first item to note from the development plan map, is that the subject site is not located within the four LAP areas, Lissywollen South, Cornamagh, Curragh Lissywollen and Creggan.
- The second item to note is that the site location protrudes beyond the regular development plan boundary which naturally follows the Athlone Town Council boundary in the general vicinity of the site, along the northern axis of Athlone town.
- Thirdly, the zoning objective relating to the subject site and it's environs is 'Proposed Residential -Low Density'. This is a departure from the regular Proposed Residential zoning or Existing Residential zoning as depicted on the Land Use Zoning Map.

7.2.3 The policy of the planning authority is to guide future development of Athlone in accordance with the spatial framework established in the Local Area Plans. The subject site is not included in the local area plans. Furthermore, according to Policy P-CS7 the planning authority aim to ensure a sequential approach to development and promote residential development, prioritisation of infill sites / developments and the occupation of residential units in the town core. Implying the town centre will take priority and development will progress sequentially from the centre out. The subject site is on the outskirts of the town, in an area that includes no suburban residential development estates. The existing pattern of development in the area of the subject site, includes one off housing.

7.2.4 The Board has permitted significant residential developments, east of Coosan in Cornamagh and Cornamaddy. An Bord Pleanála Reference 307508-20 the Board granted planning permission for 426No. residential units, and under reference ABP Ref. 319902 permission was granted for 177No. units and under reference ABP

318510 there was planning permission granted over one hundred dwellings. There are additional outstanding permission for suburban estates within existing built up area of Athlone.

7.2.5 My concern with the subject site concurs with the third-party appellants' concerns.

The receiving environment for the proposed development is underdeveloped in terms of in-depth residential development. The location lacks basic infrastructure in terms of footpaths, public lighting and social infrastructure. The site is an isolated site that does not follow the existing pattern of development in the area and is not included in the Local Area Plans of the Athlone Town Development Plan, and it does not represent an urban extension to an existing built-up area. Notwithstanding the low-density residential zoning, I consider the proposal to be ad hoc and piecemeal, and should be refused because it does not follow the adopted planning policy for sequential and sustainable residential development for Athlone on greenfield sites.

7.2.6 The relevant planning policy from the national, regional, county and town policies supports the principle of sequential and compact residential development (P-SR1 Housing Policies Athlone Town Development Plan 2014-2020), whereby areas closer the centre of the town will be chosen in the first instance to promote a sustainable pattern of development. The subject site is located outside of the current spatial planning framework established in the relevant Local Area Plans for the area. There are no footpaths, cycle paths, and the foul sewerage will require pumping. The proposal will necessitate a substantial investment to improve the public infrastructure in the area. I accept the applicant is willing to contribute towards the cost of the investment by way of development contributions. However, the level of infrastructural improvements to the immediate of area are significant. I do not consider these works to be warranted for the proposed development which is the only greenfield site in the area zoned for low density residential development. In addition, given its location on the periphery of Athlone town, on the outer edge of the built-up area, amidst one-off housing, I do not consider the proposal represents sustainable compact growth and the sequential residential development of the town having regard to other permitted schemes in other edge of centre or suburban areas of Athlone.



7.2.7 The subject site has a number of notable constraints. These include a restricted road frontage, undulating topography, a backland site to the rear of existing dwellings and poor drainage and waterlogging on the eastern portion of the site. Given the constraints the site represents, and the lack of physical and social infrastructure in the immediate area, the low-density residential zoning of the subject site is a cause for concern. Whilst, I accept the zoning of the site has gone through the normal procedures in during the Plan's adoption 2014, the planning history of the site includes two previous refusals for residential development. Furthermore, the new planning policies adopted since the zoning provision was applied to the site, are contrary to the sustainable and sequential residential development of Athlone as envisaged by the NPF, Regional Spatial Strategy and County Westmeath Development Plan policies as outlined in this report. On balance, the overall principle of the proposal is contrary to the proper planning and sustainable development of the area.

### 7.3 Design and Layout

7.3.1 The proposed development is accessed from the public road from a narrow road frontage located between two residential curtilages. The site is to the rear of dwellings. It falls away gently from the public road. The proposed dwellings are serviced by two cul-de-sac roads. One road is to the north of the site which is the higher ground level of the site. This serves an arrangement of semi-detached and terraced dwellings with a pocket of open space, and visitor parking. The second cul de sac is in an easterly direction, serving a small number of detached units and 14No. semidetached units and 3No. terraced units. The bulk of the residential units are located within the higher part of the site. The remainder of the dwellings, ESB substation and a pumping station to the foul sewer are located in the southeast portion of the site. Drawing No. 5000, submitted on the 24/05 2023 illustrates the site's gradients and the open drain on site. The original submission documents with the planning application included a Design Statement.

- The proposed development has a net density of 24 units. The total site area is 2.71 ha, and the further information revisions reduced the overall scheme to **65No. dwellings**. The proposal is within the lower limits of recommended

densities for outer edge of urban area. The basis for the lower density threshold is the current zoning associated with the site and the receiving pattern of development in the area, which consists of detached family homes on large curtilages. The site is undulating, and the proposed internal roads have followed the contours of the site. The ridge heights of the dwellings were reduced following a request from the planning authority to submit a revised design.

- The house designs range from four bed detached units to 2No. bedroom terraced units. The finishes include, nap plaster and brick, black roof and windows/ doors. The revised drawing No. KLA-00-ZZ-DR-A-003 (P04) submitted by way of Further Information (25/04/2024) clearly outlines the housing mix on the site. According to the Design Statement the houses are designed to be inclusive, accessible and adaptable to support a variety of residents through all stages in life. I consider the contemporary house design and finishes to be acceptable and they will not detract from the visual qualities of the area.
- The public open space provision at 15% of the total site area is acceptable. The open space layout includes three pockets (0.1074Ha, 0.0897Ha and 0.1074ha), with the main open space area to the east of the site at the back of the estate. The pumping station associated with the foul sewerage is located in one of the open space areas. The open space design is not very good, the pockets are small, with the main open space area is to the rear of the site. However, the areas are all overlooked and there is a designated play area. The children's play area has been positioned alongside a bend in the main access road of the estate. In my opinion, this should be relocated within the scheme separated from the main access roads (a condition to this effect could be attached) in the interest of safety.
- The majority of the proposed dwellings have 2No. carparking spaces, front and rear gardens. There are a total of 139No. carparking spaces proposed. These include 120No. parking spaces, 4No. accessible parking spaces, and 15No. on street parking places. There will be 10% of parking spaces provided with electrical connection points.

- The rear garden areas equal or exceed 11metres in depth. There is in excess of 22metres separation distance between opposing windows.
- Outer boundary treatment along the periphery of the site includes concrete post and rail boundary fence with new planting and natural screening.
- The front of the dwellings will be provided with hard landscaping.
- The design of the roads and footpaths follows the Design Manual for Urban Roads and Streets (DMURS).
- There is bicycle storage and bicycle bays included throughout the scheme.

7.3.2 Overall the design and layout of the proposed scheme is acceptable. The revised scheme of 65No. units is in keeping with Residential Guidelines and Standards as published by the Department of Housing, Local Government and Heritage, and comply with the Development Standards outlined in the relevant development plans.

## 7.5 Infrastructure

7.5.1 The general area is poorly served by footpaths, public lighting and cycleways. The Engineering Report on file dated 6<sup>th</sup> of July 2024 includes a requirement the developer to provide a 1.8m footpath along the east side of the public road in a southerly direction to connect with the existing infrastructure at Clonbrusk West, and in a northerly direction to connect with the existing infrastructure at Shancurragh Junction.

- To the south there has been a setback to provide a public footpath to the front of linear housing. However, this is only intermittent and in places particularly in close proximity to the entrance of the subject site there is no setback available, and existing mature roadside boundaries will be required to be setback. Furthermore, the public road in the vicinity of the site has varying widths, no road markings and inconsistent surfacing. Also, to the south there is no public lighting in the general vicinity of the site.
- The horizontal and vertical alignment of the public road is poor on the approach to the site, restricting the visibility of oncoming traffic. I did note the sightlines in both directions at the entrance are adequate.

- To the north and on the opposite side of the public road to the subject site, there is an unfinished footpath. There is kerbing and public lighting, but the footpath is incomplete. The public road has no markings, and the surface is acceptable compared to the southern approach to the site.
- An additional Engineering Report on the planning file dated 12/06/2024 has recommended extensive planning conditions. One condition has recommended to include the design of a pedestrian priority crossing in accordance with section 4.3 of DMURS, and new footpaths to be provided along the public road north and south of the subject entrance.

On balance, I consider the basic physical public infrastructure serving the subject site to be substandard and will require significant investment to cater for the carrying capacity of the proposed development. I note, a Special Contribution condition of €77,5000 is recommended towards the costs of public infrastructure to facilitate the development in terms of public lighting, pedestrian linkages (perhaps footpaths) and traffic calming. Given the extensive improvement works required to the public infrastructure in the general vicinity, I would have preferred to see a more detailed breakdown of the works required, their costings and the basis for the calculations of the special contribution to ensure an equitable contribution was payable by the applicant. The applicant has no issue with contributing towards the costs of the works to improve the public infrastructure in the area. However, there would need to be a breakdown of footpath improvements, public lighting, cycleway provisions and road surface improvements to be carried out to facilitate the proposed development.

## 7.6 Other Matters

7.6.1 **Ownership:** The appeal claimed the applicant, Mistleale Ltd had not provided sufficient legal interest in the subject site to apply for the planning permission. However the submission documents include the written consent of the relevant landowners to apply for the planning permission.

7.6.2 The Further Information included an *Ecological Impact Assessment* on foot of a submission from the Department of Heritage and Local Government. The subject site is an agricultural field used for grazing livestock. There is a central drainage channel dissecting the site. There are no habitats of conservation significance

associated with the site. There were no invasive species found on the site. There was no evidence of badger sets on the site. A number of trees along the boundary of the site had moderate potential for roosting of bats. There is no potential for any significant impact on protected species as a result of the proposed development. There is a lighting plan proposed to ensure minimal impact on nocturnal species. There is also a Terrestrial Biodiversity Protection Protocol included with the application.

7.6.3 A Construction Environmental Management Plan (CEMP) was submitted following a request for Further Information. The CEMP outlined the procedures to be put in place on site during the construction period in order to safeguard and control any adverse impacts that may occur to the environment.

7.6.4 The Construction and Demolition Resource Waste Management Plan is acceptable.

7.6.5 The Operational Waste Management Plan complies with local and national waste policies. There will be a 3-bin segregation system for each dwelling unit.

7.6.6 There was concerns expressed during the assessment of the planning application regarding the surface water outfall pipe associated with the attenuation measures may potentially be submerged. The applicant must ensure non return valves are fitted to the surface water outfall pipe.

7.6.7 In terms of the Flood Risk Management Guidelines, the subject site falls within Flood Zone C. According to the Flood Risk Assessment the proposed site is not as risk of fluvial, pluvial or groundwater flooding. The proposed development is considered to be low risk. I did observe the lower part of the site to be waterlogged with very poor drainage capabilities. The surface water discharge from the proposed development to the existing drainage ditch is not predicted to result in adverse impact to the existing hydrological regime of the area or to increase the flood risk to adjoining lands.

7.6.8 Part V is applicable and the standard condition will suffice should the Board decide to grant planning permission for the proposal.

7.6.9 Water will be provided from the public water system, public mains and Irish Water has confirmed a feasibility of connection. The foul sewage will be directed to a foul pumping station located on the south-eastern open space area of the proposed

development. The foul drainage will be pumped via a new rising main connecting to the municipal drain along the L1482. Irish Water has confirmed the treatment facility, Athlone Wastewater Treatment Plant, has available capacity to cater for the proposal. An upgrade of the existing 150mm sewer to 225mm will be required to accommodate the new connection, extending approximately 70metres from the connection south along Coosan Road.

7.6.10 Two of the existing surface water drains within the site area will be filled in. The field drain bounding the southern site boundary will remain in place.

7.6.11 Following advice from the Department of Housing Local Government and Heritage the applicant was asked to submit an Ecological Impact Assessment. This was submitted by the applicant on the 24<sup>th</sup> of May 2024. The mitigation measures contained in the report formed a condition of the decision to grant permission for the development.

## **8.0 AA Screening**

### **8.1. Introduction**

The Planning Report carried out an Appropriate Assessment Screening of the proposed development. It is noted the connection from the drainage ditch on the site that flows into an unnamed stream west into the River Shannon. The NIS reports unmitigated construction works have the potential to cause pollution in the drain. , therefore causing pollution potential to protected sites, Lough Ree SAC (Site Code 000440), Lough Ree SPA (site code 004064). River Shannon Callows SAC (Site Code 000216) and Middle Shannon Callows SPA (site code 004096). The DHLGH were satisfied the mitigation measures for the protection of Natura 2000 site are satisfactory to reduce a risk of pollution. A condition of permission is recommended.

### **8.2. Stage 1 Appropriate Assessment Screening**

8.2.1 Having reviewed the documents and submissions, I am satisfied that the information on the file which I have referred to in my assessment allows for a complete examination and identification of any potential significant effects of the proposed development, alone, or in combination with other plans and projects on European sites. I have reviewed the applicant's Natura Impact Statement which was received

with the planning application on 24<sup>th</sup> of May 2023. I have carried out a full Screening Determination for the development.

### **8.3 Description of Project:**

8.3.1 I have considered the proposed Development, of 67 residential units and all associated site works, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Natura Impact Statement has been prepared by Panther Ecology Ltd on behalf of the applicant and the objective information presented in that report informs this screening determination.

8.3.2 The subject site is located on lands located on the northern edge of Athlone town, 1.9km from the town centre. The site with an area of 2.71 hectares has an irregular shape, was in use by grazing livestock on the day of the site visit. Adjoining lands were in similar use or in residential use, in the form of one-off housing.

8.3.4 The Lough Ree SPA (Site Code 004064), Lough Ree SAC (Site Code 000440) are 520metres to the west of the site. The Middle Shannon Callows SPA (Site Code 004096) and Middle Shannon Callow SAC (Site Code 000216) are 2.4km south of the site.

### **8.4 Submissions and Observations**

8.4.1 There were no specific concerns raised about the AA Screening. Westmeath reported no specific concerns about the submitted AA/ NIS subject to conditions.

8.4.2 The Department of Housing Local Government and Heritage acknowledged that the NIS report states that unmitigated construction works have the potential to cause pollution in the drain on site thereby posing a pollution risk to the aforementioned protected sites. The recommended mitigations in the NIS appear to satisfy reducing the risk of pollution to a safe level therefore the Department recommends that the mitigation measures for the protection of Natura 2000 sites are incorporated as conditions of planning, should it be granted.

### **8.5 Potential Impact Mechanisms from the Project**

8.5.1 The subject lands are not under any wildlife or conservation designation. The following sites are identified within the zone of influence, as detailed in Table 5.1 of the applicant's report:

- Lough Ree SAC (Site Code: 000440), Lough Ree SPA (Site Code: 004064), The River Shannon Callows SAC (Site Code: 000216) and The Middle Shannon Callows SPA (Site Code: 004096)

due to hydrological connection and within close proximity to the proposed development site.

The proposed development is in a separate sub-catchment to Shannon (Lower)\_SC\_010 to Carn Park Bog SAC (sub-catchment: Breensford\_SC\_010), Castlesampson Esker SAC, Ballynamona Bog and Corkip Lough SAC, Lough Funshinagh SAC (sub-cathment: Shannon (Upper)\_SC\_100) and Fin Lough (Offaly) SAC (sub-catchment: Shannon (Lower)\_SC\_030). Therefore, no direct hydrological connection exists between the proposed development site and these designated sites.

8.5.2 The following impacts could occur because of this development:

- Potential for indirect effects through impact to water quality and resource for the construction and operational phases of the development

## 8.6 Likely significant effects on European Sites –

8.6.1 The following table identifies European Sites that may be at risk due to the proposed development.

Table 1 European Sites at risk from impacts of the proposed project			
Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Potential for impact to water quality and resource	The proposed development is 520m to the east	Lough Ree SAC (Site Code: 000440),	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]  Semi-natural dry grasslands and scrubland



			<p>facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Bog woodland [91D0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
<b>Potential for impact to water quality and resource</b>	The proposed development is 520m to the east	Lough Ree SPA (Site Code: 004064)	<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Tufted Duck (<i>Aythya fuligula</i>) [A061]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>
<b>Potential for impact to water</b>	2.4km south of site	The River Shannon Callows SAC (Site Code: 000216)	<p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p>

<b>quality and resource</b>			<p>Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]</p> <p>Alkaline fens [7230]</p> <p>Limestone pavements [8240]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Lutra lutra (Otter) [1355]</p>
<b>Potential for impact to water quality and resource</b>	2.4km south of site	The Middle Shannon Callows SPA (Site Code: 004096)	<p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Corncrake (Crex crex) [A122]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Wetland and Waterbirds [A999]</p>

All other European sites can be excluded from further assessment due to distance, nature of development and lack of ecological connection between the designated site and the subject lands.

#### **Likely significant effects on the European sites ‘alone’ –**

8.6.2 This section of the assessment considers if there are significant effects alone and whether it is possible that the conservation objects might be undermined from the effects of only this project.

8.6.3 The following table provides the relevant information:

**Table 2: Could the project undermine the conservation objectives ‘alone’**

<b>European Site and qualifying feature</b>	<b>Conservation objective (summary)</b>	<b>Could the conservation objectives be undermined (Y/N)?</b>
		<b>Yes</b>
Lough Ree SAC (Site Code: 000440),	Maintain the favourable conservation Condition of the listed Qualifying Interests.	Potential indirect risk through runoff into a drainage ditch during periods of high rainfall/ storms – hydrological connection.
Lough Ree SPA (Site Code: 004064)	To maintain or restore the favourable conservation condition of the wetland habitat at Lough Ree SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.	<b>Yes</b> Potential indirect risk through runoff into a drainage ditch during periods of high rainfall/ storms – hydrological connection.
The River Shannon Callows SAC (Site Code: 000216)	To maintain or restore the favourable conservation status of habitats and species of community interest.	<b>Yes</b> Potential indirect risk through runoff into a drainage ditch during periods of high rainfall/ storms – hydrological connection.
The Middle Shannon Callows SPA (Site Code: 004096)	To maintain or restore the favourable conservation status of habitats and species of community interest	<b>Yes</b> Potential indirect risk through runoff into a drainage ditch during periods of high rainfall/ storms – hydrological connection.

I conclude that the proposed development would have a likely significant effect ‘alone’ on QIs associated with the Lough Ree SAC (Site Code: 000440), Lough Ree SPA (Site Code: 004064), The River Shannon Callows SAC (Site Code: 000216) and The Middle Shannon Callows SPA (Site Code: 004096) due to potential impact on water quality/ resource. An Appropriate Assessment is required on the basis of the effects of the project ‘alone’. Further assessment in-combination with other plans and other projects is not required at this time.

## **Stage 2 Appropriate Assessment**

8.6.4 The applicant has provided a Natura Impact Statement (NIS), prepared by Panther Ecology Ltd, in accordance with the requirements of the Stage 2 Appropriate Assessment process.

8.6.5 I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on the Lough Ree SAC (Site Code: 000440), Lough Ree SPA (Site Code: 004064), The River Shannon Callows SAC (Site Code: 000216) and The Middle Shannon Callows SPA (Site Code: 004096, where it has been established that there is a possibility for significant indirect effects on these European sites, in the absence of mitigation as a result of hydrological impacts, habitat degradation/ loss/ fragmentation. As reported in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

8.6.6 Table 3 lists those habitats/QIs that there may be potential for significant effects for the Lough Ree SAC. The development may provide a potential for significant effects to the following qualifying features:

Qualifying Feature	Potential for Significant Effects	Cause of Effect
Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]	No	The nearest examples of these qualifying interests are located approximately 977m northwest (1.9km hydrological distance upstream) of the proposed development (NPWS, 2011). Given the distance and lack of direct hydrological connection it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests
Semi-natural dry grasslands and scrubland	No	The nearest examples of these

facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]		qualifying interests are located approximately 1.5km north-east (8.5km hydrological distance upstream) from the proposed development. Given the considerable distance, it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests.
Active raised bogs [7110]	No	The nearest examples of these qualifying interests are located greater than 20km north (24.2km hydrological distance upstream), it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests.
Alkaline fens [7230]	Yes  Deterioration in water quality is listed as a potential threat to this habitat	The proposed development is located within the current known distribution, current range and favourable reference range of these qualifying interests. The full extent of this Alkaline fens in the SAC is currently unknown. The main area is considered to occur in the vicinity of St. John's Wood, on the western side of the lake but there are likely to be additional areas around the lake. St. John's wood is located 12.3km north-west (13.5km hydrological distance upstream) from the proposed site. A deterioration in water quality is listed as a potential threat to this habitat.
Limestone Pavements	No	The nearest examples of these qualifying interests are located approximately 16.8km north from

		the proposed development. Given the considerable distance it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests.
Bog woodland [91D0]	No	The proposed development is located outside the current known distribution, current range and favourable reference range of these qualifying interests.
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0]	No	The proposed development is located outside the current known distribution, current range and favourable reference range of these qualifying interests
<i>Lutra lutra</i> (Otter) [1355]		The development is located within the current known distribution and favourable reference range of these qualifying interests Otter is widespread in the Lough Ree. A significant impact on water quality could indirectly impact upon this qualifying interest by causing a reduction in prey populations and availability.

Table 4 lists those habitats/QIs that there may be potential for significant effects for the Lough Ree SPA. The development may provide a potential for significant effects to the following qualifying features.

Qualifying Feature	Potential for Significant Effects	Cause of Effect
<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p>	Yes	<p>Feeds on a range of invertebrates small fish and molluscs. Wintering habitats include ephemeral wetlands and are often encountered on</p>

Teal ( <i>Anas crecca</i> ) [A052] Mallard ( <i>Anas platyrhynchos</i> ) [A053] Shoveler ( <i>Anas clypeata</i> ) [A056] Tufted Duck ( <i>Aythya fuligula</i> ) [A061] Common Scoter ( <i>Melanitta nigra</i> ) [A065] Goldeneye ( <i>Bucephala clangula</i> ) [A067] Coot ( <i>Fulica atra</i> ) [A125] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Lapwing ( <i>Vanellus vanellus</i> ) [A142] Common Tern ( <i>Sterna hirundo</i> ) [A193] Wetland and Waterbirds [A999]		sheltered coasts, estuaries and coastal lakes and lagoons. Water quality would have an impact on the bird species.
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Table 5 lists those habitats/QIs that there may be potential for significant effects for the River Shannon Callows SAC (Site Code: 000216). The development may provide a potential for significant effects to the following qualifying features

Qualifying Feature	Potential for Significant Effects	Cause of Effect
Molinia meadows on calcareous, peaty or clayey-silt-laden soils ( <i>Molinia caerulea</i> ) [6410]	No	The nearest examples of these qualifying interests are located approximately 7.7km south of the proposed development. Given the distance and lack of direct hydrological connection it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests.
Lowland hay meadows ( <i>Alopecurus pratensis</i> , <i>Sanguisorba officinalis</i> ) [6510]	No	The nearest examples of these qualifying interests are located approximately 7.3km south from

		the proposed development. Given the considerable distance, it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests.
Alkaline fens [7230]	Yes  Deterioration in water quality is listed as a potential threat to this habitat	The proposed development is located within the current known distribution, current range and favourable reference range of these qualifying interests. The full extent of this Alkaline fens in the SAC is currently unknown. A deterioration in water quality is listed as a potential threat to this habitat.
Limestone Pavements	No	The nearest examples of these qualifying interests are located approximately 16.km southwest from the proposed development. Given the considerable distance it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests.
Alluvial Woodland) [91E0]	No	The proposed development is located outside the current known distribution, current range and favourable reference range of these qualifying interests
Lutra lutra (Otter) [1355]	Yes	The development is located within the current known distribution and favourable reference range of these qualifying interests Otter is widespread in the Lough Ree. A significant impact on water quality could indirectly impact upon this qualifying interest by causing a reduction in prey populations and availability.



Table 6 lists those habitats/QIs that there may be potential for significant effects for the Middle Shannon SPA (Site Code: 004096). The development may provide a potential for significant effects to the following qualifying features

Qualifying Feature	Potential for Significant Effects	Cause of Effect
Whooper Swan ( <i>Cygnus cygnus</i> ) [A038] Wigeon ( <i>Anas penelope</i> ) [A050] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Lapwing ( <i>Vanellus vanellus</i> ) [A142] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Wetland and Waterbirds [A999]	Yes	Feeds on a range of invertebrates small fish and molluscs. Wintering habitats include ephemeral wetlands and are often encountered on sheltered coasts, estuaries and coastal lakes and lagoons. Water quality would have an impact on the bird species.
Corncrake ( <i>Crex crex</i> ) [A122]	No	Water quality would not impact on the species.

8.6.8 Section 8.0 provides details on 'Mitigation Measures' and this includes for the construction and operational phases of the development. The primary impact is from emissions to surface water during the construction phase and during heavy rainfall/storm events during the operational phase. Section 8.0 lists the Mitigation Measures for both phases.

The following mitigation measures are summarised, but are detailed in Section 8.0 of the NIS:

- The construction works contractor would adhere to standard construction best practice, taking cognisance of the Construction Industry Research and Information Association (CIRIA) guidelines “
- Silt fencing would be placed along the bank of any drainage ditch. Silt fencing would remain in place and maintained as appropriate until the completion of construction works.

- Site Based Work – Earth works, dust suppression, machine use and operation, fuel control measures, concrete use control measures and the assignment of role as an environmental officer.
- Should water be encountered during excavation works, water would be pumped to a silt control feature, such as an appropriately sized tank / tanker used for settlement. This tank must have adequate capacity and water must be filtered before discharging. Water must not be directly discharged to a watercourse. The tank / tanker will be located away from any steep sloping ground.

8.6.9 The planning application also includes a Construction Environmental Management Plan (also prepared by Panther Environmental ) submitted on the 25<sup>th</sup> of April 2024. Section 5.0 of the Report outlines Environmental Control Measures which include:

- Dust Management Measures
- Surface water, groundwater and Contamination Control Measures
- Biodiversity Protection Protocol
- Noise and Vibration Control
- Traffic Control
- Waste Management Control
- Chemical and hazardous materials management

8.6.10 The reports conclude due to the proposed design and proposed mitigation measures, there would be no significant risk to water quality and the protected habitats and species of the Lough Ree SAC, Lough Ree SPA, The River Shannon Callows SAC or The Middle Shannon Callows SPA during the construction and operational phases of the proposed development.

## 8.7 NIS Assessment

8.7.1 I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); 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 (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

8.7.2 Lough Ree SAC, Lough Ree SPA, The River Shannon Callows SAC or The Middle Shannon Callows SPA are subject to appropriate assessment. A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in 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.

## **8.8 Aspects of the Development that could adversely affect the designated sites:**

8.8.1 The main aspect of the development that could impact the conservation objectives of the European sites is through deterioration of water quality, through surface water runoff/ pollution of watercourses.

8.8.2 Mitigation: A range of mitigation measures are provided in the NIS and the CEMP, and these are noted. These refer to the construction and operational phases of the development as provided in the applicant's reports. Water quality issues are addressed a range of measures to control surface water runoff and potential for pollution. I note the suggestion of the provision of silt fencing along the surface water drain along the boundary of the site this would be very specific measure to mitigate against impacts.

8.8.3 Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation measures. The Department of Local Government and Heritage were satisfied with the proposed measures to be put in place on the site. I consider that the mitigation measures are necessary having regard to the proximity of the site to the 4 No. European sites and the hydrological link from the site to Lough Ree SAC, Lough Ree SPA, The River Shannon Callows SAC or The Middle Shannon Callows SPA. Overall, the measures proposed are effective, reflecting current best practice, and

can be secured over the short and medium term and the method of implementation will be through a detailed management plan and appropriate monitoring.

## **8.9 In Combination Effects:**

8.9.1 The in-combination effects are outlined in Section 9.0 The recent planning permissions close to the proposed site are outlined in Table 9.1 No issues of concern are raised subject to the full implementation of mitigation measures outlined in the NIS. There are no in-combination effects on habitat loss / fragmentation are anticipated. Air emissions would be typical of residential buildings, being primarily from heating and therefore low impact in-and-of-itself. In-combination residential impacts would be controlled by national energy policies and grant schemes. It is considered that there would be no cumulative air quality impacts which would pose a significant risk to designated sites. As noted in Section 6.3 of the NIS, it is not considered that the development would pose a significant risk upon any Natura 2000 site due to a deleterious effect on water quality, during either the construction or operational phase.

8.9.2 The proposed drainage system and outlined mitigation measures to prevent runoff/stormwater from directly entering the River Shannon and in turn the Lough Ree SAC, Lough Ree SPA, The River Shannon Callows SAC and The Middle Shannon Callows SPA will significantly lower the impact of the proposed development on water quality. All stormwater at the proposed site will be attenuated before ultimately discharging to the River Shannon. All stormwater at the proposed site will be discharged to the attenuation tank via class 2 hydrocarbon interceptor to the south-east of the proposed site. Each house will be served by a separate drain which will all connect to the attenuation tank. From the attenuation tank stormwater outfall will be discharged to existing open drain fitted with a hydro brake located to the south of the site. Foul water will connect with the municipal WWTP in Athlone Town.

## **8.10 Appropriate Assessment Conclusion:**

8.10.1 The proposed residential development at Coosan, Athlone has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.10.2 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Lough Ree SAC, Lough Ree SPA, The River Shannon Callows SAC and The Middle Shannon Callows SPA due to construction works. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

8.10.3 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the o Lough Ree SAC, Lough Ree SPA, The River Shannon Callows SAC and The Middle Shannon Callows SPA subject to the implantation in full of appropriate mitigation measures.

8.10.4 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 the Lough Ree SAC, Lough Ree SPA, The River Shannon Callows SAC and The Middle SPA
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Lough Ree SAC, Lough Ree SPA, The River Shannon Callows SAC and The Middle Shannon Callows SPA.

8.10.4 I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects

would not be likely to adversely affect the integrity of the Lough Ree SAC, Lough Ree SPA, The River Shannon Callows SAC and The Middle Shannon Callows SPA .

## **9.0 Recommendation**

- 9.1 I recommend the Board overturn the planning authority's decision to grant planning permission for the proposed development and refuse it for the following reason.

## **10.0 Reasons and Considerations**

It is accepted the subject site is zoned low density residential development in the Athlone Town Development Plan 2014-2020 (as extended), however, to permit the proposed development would be at variance with planning policies and objectives contained in the same plan which commit to support the principle of sequential development in assessing residential developments, whereby sites closer to the town centre including underutilised and brownfield sites will be chosen for development to promote a sustainable pattern of development. Furthermore, the proposed development is contrary to Housing Policy P-SR6 whereby new greenfield residential estate development should be in accordance with the spatial framework established in the relevant Local Area Plan for the subject site. The area and subject site are not located within any of the Local Area Plans contained in the development plan for Athlone. Athlone is a designated Regional Growth Centre in the National Planning Framework for Ireland, whereby one of the key priorities in the Sustainable and Compact Settlements Guidelines for Planning Authorities 2024 as published by the Department of Housing, Local Government and Heritage, is the delivery of 'sequential and sustainable urban extension at suitable locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the settlement'. The subject site is isolated from social and commercial services and does not include easily accessible connections or infrastructure to such services. The receiving environment lacks basic public infrastructure in terms of footpaths, cycle lanes, public lighting, and the Guidelines indicate priority will be given to greenfield sites most accessible by walking, cycling and public transport. It is therefore considered the proposed development would be contrary to the proper planning and sustainable development of the area.

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

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Caryn Coogan  
Planning Inspector

16<sup>th</sup> of January 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	320146		
<b>Proposed Development Summary</b>	Permission to construct 67 No. dwellings, upgrade section of public sewer, ESB substation and all associated works		
<b>Development Address</b>	Hillquarter, Coosan, Athlone, Co. Westmeath		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			
<b>No</b>	<b>X</b>	Class 10 (b) (i) Construction of more than 500 dwelling units	Proceed to Q3
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>		Class 10 (b) (i) Construction of more than 500 dwelling units, therefore the development is	



		subthreshold with regard to paragraph 10 Infrastructure Projects Schedule 5: Part 2	
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X		Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>		<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>	X	<b>Screening Determination required</b>

Inspector: Caryn Coogan

Date: 10/01/2025

## Appendix 2

### EIA Preliminary Examination

#### Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP- 320146</b>
<b>Proposed Development Summary</b>	<b>76No. dwellings, upgrading of public sewer, ESB substation, and ancillary works</b>
<b>Development Address</b>	<b>Hillquarter, Coosan, Athlone</b>
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> <b>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</b>	The proposed development consists of 67No. new dwellings on the outer edge of the built up area of Athlone town on serviced land.
<b>Location of development</b> <b>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</b>	The site is currently agricultural grazing land located amidst scattered one-off housing along the local road L1482
<b>Types and characteristics of potential impacts</b>	

<b>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</b>	<p>There are a number of sub-EIA scale approved residential developments within 1km of the site, 29, 21 and 86 dwellings within 1km. The potential for in combination impacts include nuisance from noise, dust construction traffic. However the construction phase is temporary and the adoption of the construction management practice as per the CEMP will prevent significant environmental or nuisance form the proposed development.</p> <p>The EIAR Screening report accompanying the planning application identified all potential impacts alone or in combination with other developments during the construction and operational phases of the development. These were anticipated to be minimal. The proposal will pose no significant risk to the environment.</p>	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>	<b>No</b>
<b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b>	<b>Schedule 7A Information required to enable a Screening Determination to be carried out.</b>	<b>No</b>
<b>There is a real likelihood of significant effects on the environment.</b>	<b>EIAR required.</b>	<b>No</b>

Inspector:

Date:

DP/ADP: Caryn Coogan Date: 10/01/2025

(only where Schedule 7A information or EIAR required)