

An  
Coimisiún  
Pleanála

## Inspector's Report

### ACP-323932-25

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<b>Development</b>	Proposed development comprising of 94 no dwelling units, Lissywollen, Westmeath
<b>Location</b>	Lissywollen, County Westmeath
<b>Local Authority</b>	Westmeath County Council
<b>Type of Application</b>	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
<b>Observers</b>	None
<b>Prescribed Bodies</b>	Transport Infrastructure Ireland Commission for Regulation of Utilities The Health and Safety Authority Westmeath County Council Uisce Éireann Department of Housing, Local Government and Heritage Nation Roads Office The Environmental Protection Agency Fire Officer

Waterways Ireland

An Taisce

Inland Fisheries Ireland

**Date of Site Inspection**

25<sup>th</sup> March 2026

**Inspector**

Rachel Gleave O'Connor

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## 1.0 Introduction

- 1.1. Westmeath County Council is seeking approval from An Coimisiún Pleanála for the proposed construction of 94 housing units in Lissywollen, Athlone. The application is being made by Westmeath County Council pursuant to Section 177AE of the Planning and Development Act 2000 (as amended). Accordingly, a Natura Impact Statement (NIS) has been prepared in respect of the proposed development.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare a NIS and the development shall not be carried out unless the Commission has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Commission as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Commission before consent is given for the proposed development.

## 2.0 Site Location and Description

- 2.1. The site is located north of the N55 National Road in Lissywollen, approximately 2km to the north of Athlone Town. The site is bounded by Cornamagh Cemetery to the west, 2 storey housing for Drumaconn estate to the south east, and the proposed Glenveagh 'Esker' development in Cornamaddy to the east. To the north there is agricultural fields zoned for residential development.
- 2.2. The site itself is formed of agricultural fields with treelined / hedgerow and stonewall boundaries. The surrounding area is characterised by existing low rise residential development and agricultural fields. An existing drainage ditch runs along the northeast of the subject site. A new link road connecting Cornamaddy roundabout to Coosan has been commenced.
- 2.3. The proposed main site entrance is via the Glenveagh 'Esker' development lands to the east. An emergency access and temporary construction access is proposed to the site from an existing access to houses from the N55 to the south of the site.

2.4. The site topography slopes upwards north to south, with the ground level rising up to 6m at the south, to the top of an Esker that runs parallel with the N55.

### 3.0 Proposed Development

3.1. The proposed development comprises the construction of 94 no. residential units as follows:

- 8 no. apartments and 86 no. houses:
  - 55 no. 2 bed (4 person) terraced houses (c.86sqm each);
  - 14 no. 3 bed terraced houses (c.100sqm each);
  - 2 no. 4 bed 2 storey semi-detached houses (c.120sqm each);
  - 15 no. 4 bed 3 storey semi-detached houses (c.148sqm each) all with associated private gardens;
  - 4 no. 1 bed ground floor apartments (2 person universal design / age friendly c.51.5sqm each);
  - 4 no. 1 bed first floor apartments (2 person c.51.5sqm) with ground floor terrace or first floor balcony.
- Vehicular access to the east through the neighbouring residential development;
- Connection to wastewater infrastructure as part of ongoing coordination with Uisce Éireann and Glenveagh Developments along the northern boundary of the proposed site (ABP ref.318510);
- All associated infrastructure works including amenity spaces, landscaping, open space, boundary treatments, vehicular parking, bicycle parking, utilities, internal roads, footpaths and shared surfaces, site clearance and temporary construction development.

### 4.0 Planning History

4.1. Subject site

4.2. No planning history of relevance.

- 4.3. Lands to the east, Cornamaddy Drive and to the north
- 4.4. ABP ref. 318510 – Appeal / PA ref. 22577. Amendments to permitted application (ABP Ref. 244826 below). Construction of 70 residential units and all associated site works in Drumacon, Cornamaddy, Athlone, Co. Westmeath. Granted 24/07/2024.
- 4.5. ABP Ref. 244826 – Appeal / PA ref. 14/7103. Construction of 98 no. residential units and associated works. Granted 02/06/2015.
- 4.6. Lands to the north
- 4.7. ABP ref. 319902 – Appeal / PA ref. 2660374. Large-scale residential development: Construction of 177 residential units including all associated development works in Cornamaddy, Athlone, Co. Westmeath. The development forms part of a larger phase of permitted and proposed development. Granted 23/09/2024.
- 4.8. Lands to the north east
- 4.9. ABP ref. 318736 – LRD Appeal / PA ref. 2360074. Large scale residential development: 10 year permission for 332 residential units along with provision of a creche, car parking, electric vehicle charge points bicycle and bin storage facilities, link road, footpath, open space areas, residential communal open space areas and site development works. Lands at Ballykeeran and Cornmaddy Townlands, Athlone, Co. Westmeath. Granted 16/04/2024.
- 4.10. Lands to the west, west of Athlone Rugby club and north of The Glen
- 4.11. 307508 – SHD. 426 no. residential units (237 no. houses, 189 no. apartments) creche and associated site works in Cornamagh, Clonbrusk and Coosan, Athlone, Co. Westmeath. Granted 27/10/2020.

## 5.0 **Legislative and Policy Context**

### 5.1. **Relevant Legislative Provisions**

- 5.1.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Articles 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

- 5.1.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements.
- 5.1.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.
- 5.1.4. European sites located in proximity to the subject site include:
- Lough Ree SPA (site code: 004064) c.1.31km;
  - Lough Ree SCA (site code: 000440) c. 1.36km.
- 5.1.5. **Planning and Development Acts 2000 (as amended):**
- 5.1.6. Part XAB sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.
- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
  - Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
  - Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Commission has approved it with or without modifications.
  - Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Commission for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.

- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Commission shall consider the NIS, any submissions or observations received and any other information relating to:
  - The likely effects on the environment.
  - The likely consequences for the proper planning and sustainable development of the area.
  - The likely significant effects on a European site.

## 5.2. Policy and Guidelines of Relevance

5.2.1. The following policy and guidelines are considered relevant to the proposed development:

5.2.2. National

5.2.3. **Climate Action Plan (CAP) 2025:** CAP 25 builds on the Climate Action Plan of 2024, reinforcing the measures, actions and policy supports required to support Ireland's transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It represents an update or iteration of Ireland's ongoing climate action strategy, and there is continuity between CAPs and overlap in the iterative evolution of the actions.

5.2.4. **National Planning Framework (NPF) First Revision 2025:** Project Ireland 2040 targets growth in appropriate locations, with objectives supporting access and transport improvements to facilitate this growth. The NPF also outlines the obligations upon public authorities to take appropriate steps to avoid the deterioration of natural habitats and the requirements relating to appropriate assessment. (Page 154). Of particular note are National Policy Objectives 42 concerning delivery of housing, and 43 concerning the provision of new homes in appropriate sustainable locations.

5.2.5. **Section 28 Ministerial Guidelines & other policy:** Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions, I consider the following are relevant:

- The National Biodiversity Plan 2023-2030
- Design Standards for Apartments Guidelines for Planning Authorities (2025)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- The Planning System and Flood Risk Management (2009)
- Quality Housing for Sustainable Communities (2007).

5.2.6. Regional

5.2.7. **Regional Planning Guidelines:** Regional Spatial & Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031 includes RPO 7.16 which supports the implementation of the Habitats Directive. Athlone is also defined under the RSES as a Regional Growth Centre, with Regional Policy Objectives RPO 4.4 – 4.10 supporting the growth of Athlone. The RSES states with respect to residential development in Athlone “Key to the success of Athlone is the availability of zoned and serviced lands within the existing built up area to facilitate significant population growth. The development of lands at Curragh Lissywollen, Lissywollen South, Cornamagh, Cornamaddy and Monksland / Bellanamullia, have the potential to deliver the population targets identified in the RSES. In particular, the development of the strategic landbank at Lissywollen South, also offers the opportunity to develop a new urban quarter extending from the town centre, while the development of Monksland / Bellanamullia lands supports the continued development of the Athlone West area.”

5.2.8. Local

5.2.9. The relevant local planning framework for the site is set out in the Westmeath County Development Plan 2021-2027 and the Athlone Town Development Plan 2014-2020 (extended to 2021 and remains in place until replaced – further discussion on this below at para.5.2.40). Zoning for the site is set out in the Athlone Town Development Plan as described below, it is primarily zoned residential, with open space to the south where a new access road is proposed.

- 5.2.10. Relevant policies and objectives from the Town and County Development Plans are highlighted below, though it should be noted that this is not an exhaustive list:
- 5.2.11. **Westmeath County Development Plan 2021-2027:**
- 5.2.12. CPO 2.1 concerns maintaining the strategic function, capacity and safety of the strategic road network and transport networks.
- 5.2.13. CPO 2.2 supports the growth of Athlone with a target population of 30,000 up to 2031.
- 5.2.14. CPO 3.1 to CPO 3.15 set out the policy objectives related to housing. CPO 3.3 concerns securing the provision of social and affordable housing, including homes for the elderly. CPO 3.6 supports independent living for the elderly. CPO 3.7 concerns applying higher densities to the higher order settlements of Athlone and Mullingar. CPO 3.14 in developments of 20 units or above, a minimum 5% of units to be designed and built to facilitate occupation by persons with a disability (universal design). CPO 3.15 support the development of quality residential schemes having regard to SPPRs set out in the 'Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities' (2009); 'Urban Development and Building Heights Guidelines for Planning Authorities' (2018) and the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018).
- 5.2.15. CPO 4.1 to CPO 4.3 set out the sustainable communities policy objectives.
- 5.2.16. CPO 4.6 concerns securing provision of social and affordable housing to meet the needs of households, including the elderly.
- 5.2.17. CPO 4.7 concerns achieving densities for new housing that respect the local character of surrounding areas, whilst making efficient use of land.
- 5.2.18. CPO 4.9 to CPO 4.15 sets out the policy objectives related to lifetime housing / housing for older people.
- 5.2.19. CPO 4.24 encourages and supports the provision of childcare facilities.
- 5.2.20. CPO 7.6 promotes development of healthy and attractive places, by ensuring, in part, good urban design principles, development prioritises the need for people to be physically active by promoting walking and cycling and the provision of open space.

- 5.2.21. CPO 7.13 requires all new development to cater for disability needs.
- 5.2.22. CPO 7.14 requires the incorporation of adaptable multi-functional and sensitive design solutions that support the transition to low carbon, carbon resilient, sustainable and attractive environments.
- 5.2.23. CPO 7.31 facilitate higher and increased building height in suitable locations in accordance with SPPR 1 of the Building Height Guidelines.
- 5.2.24. CPO 10.41 concerns the provision of electric charging points in new development in accordance with Chp.16 Development Management Standards.
- 5.2.25. CPO 10.65 allows reduced car parking standards in suitable locations.
- 5.2.26. CPO 10.70 concerns ensuring provision of bicycle parking in new developments.
- 5.2.27. CPO 10.104 to CPO 10.115 describe the flood risk policy objectives for the County.
- 5.2.28. CPO 10.118 and CPO 10.119 concern the incorporation of surface water drainage infrastructure and SUDs assessment into applications for new development.
- 5.2.29. Chapter 11 sets out the policy objectives for the County with respect to climate action.
- 5.2.30. CPO 12.5 concerns ensuring that no plans, programmes, etc. or projects give rise to significant, cumulative, direct, indirect or secondary impacts on European Sites.
- 5.2.31. CPO 12.6 concerns ensuring that any plan or project that could have a significant adverse impact upon the conservation objectives of any Natura 2000 Site will not be permitted.
- 5.2.32. CPO 12.7 concerns assessing any plan or project in accordance with Article 6 of the Habitats Directive to determine any significant effects.
- 5.2.33. CPO 12.13 Protect, manage and enhance the natural heritage, biodiversity, landscape and environment of County Westmeath, in recognition of its importance as both a non-renewable resource and a natural asset.
- 5.2.34. Chapter 14 sets out the policy objectives for the County with respect to cultural heritage.
- 5.2.35. Chapter 15 sets out the land use zoning and objectives.
- 5.2.36. Chapter 16 sets out the Development Management Standards.

- 5.2.37. CPO 16.1 states it is a policy objective to apply flexibility in the application of development standards with consideration of performance based criteria.
- 5.2.38. CPO 16.25 states new development should be fully permeable for walking and cycling.
- 5.2.39. **Athlone Town Development Plan 2014-2020:**
- 5.2.40. I note that the Athlone Town Development Plan was originally prepared for the 2014-2020 period. It covered the whole of the functional area of Athlone Town Council and part of the functional area of Westmeath County Council, including the area of the subject site. However, while Athlone Town Council was dissolved in 2014, Section 11C(a) of the Planning and Development Act of 2000 (as amended) outlines that the development plan for such dissolved areas 'shall continue to have effect to the extent provided for by that plan and be read together with the development plan for the administrative area within which the dissolved administrative area is situated'.
- 5.2.41. I note that the Westmeath County Development Plan 2021-2027 was subsequently adopted and that it does not set out zoning objectives for Athlone. The planning authority currently determines planning consents according to the zoning objectives set out in the Athlone Town Development Plan 2014-2020. Section 11C(a) of the Act is clear in stating that the development plan 'shall continue to have effect', and the Act also states does not require the planning authority to do anything on the expiry of the plan of a dissolved body. This is in contrast to Chapter II of the Act which addresses Local Area Plans. Therefore, unless superseded by a new plan for the Athlone Town area, the Athlone Town Development Plan 2014-2020 continues to set out the zoning objectives for the subject area.
- 5.2.42. Under the Town Development Plan, the site is primarily zoned 'proposed residential', with 'open space' zoned to the south where a new access road is proposed. The footprint of the proposed housing development is within the 'proposed residential' zoned part of the site. The 'Residential' zoning has an associated land use zoning objective in the Town Development Plan as follows 'O-LZ1 To provide for residential development, associated services and to protect and improve residential amenity.' The 'Open Space' zoning has an associated land use zoning objective in the Town Development Plan as follows: 'O-LZ8 To provide for, protect and improve the

provision, attractiveness, accessibility and amenity value of public open space and amenity areas.’

5.2.43. Relevant provisions of the Town Plan are summarised below:

5.2.44. Chapter 2 sets out the Core Strategy. Policy P-CS1 concerns ensuring devilment of Athlone is in accordance with higher level plans. Policy P-CS6 concerns taking into account Article 6(3)(4) and Article 10 of the Habitats Directive, Surface Water Regulations and Shannon River Basin Management Plan.

5.2.45. Housing Chapter 3 aims to facilitate the provision of high-quality residential development in sustainable communities and provide an appropriate mix of house sizes, types and tenures in order to meet different household needs. Policy P-H5 seeks to ensure the provision of a suitable range of house types and sizes. Table 3.3 outlines ‘Density for New Residential Development’ including at Strategic Locations Including Public Transport Nodes (35 per ha); Outer Suburban/Greenfield (30-35 per ha); and ‘Outer edge of Urban/Rural Transition’ (20-35 per ha). Policy P-RD3 applies the residential standards set out in the DEHLG’s guidelines for Sustainable Residential Development in Urban Areas (2009) as appropriate. Objective O-RLD1 requires all local authority social and affordable housing schemes to meet energy performance standards. Section 3.13 sets out the approach to public and private open space.

5.2.46. Transportation and Movement Chapter 6, section 6.14 describes the walking and cycling policies and objectives, including P-WC4 to provide for sustainable transport movement at the earliest design stage of development.

5.2.47. Chapter 7 concerns Water, Drainage and Environmental Services. Section 7.5 addresses water quality and groundwater protection.

5.2.48. Chapter 10 concerns Social, Community, Education and Recreation, including P-CC1 to support sufficient provision of childcare facilities to support communities in accordance with the Guidelines for Planning Authorities on Childcare Facilities (June 2001).

5.2.49. Chapter 12 describes Development Management Standards.

## 6.0 Consultations

6.1. Responses were received from 5 prescribed bodies, with no third party observations received. A summary of responses is set out below.

### 6.2. An Taisce

- It should be ensured that the proposal promotes a modal shift toward increased pedestrian, public transport and cycle friendly development in adherence with the National Sustainable Mobility Policy and the Compact Settlement Guidelines. Access to public transport links / pedestrian & cycle infrastructure outside the site boundary is a crucial consideration.
- Regard to be had to the NTA's guidance with respect to permeability and DMURS. Adherence should be demonstrated to CPO 16.25 in Westmeath County Development Plan.
- External lighting specifications should be assessed with regard to design considerations as specified by Dark Sky Ireland. A dimming regime should be considered. Lighting should be assessed with regard to guidance from EUROBATS 8 'Guidelines for Consideration of Bats in Lighting Projects'.
- Recommended that a Social and Community Infrastructure Assessment be carried out. Regard to the '15 minute city' as noted in the Compact Settlement Guidelines.
- Emphasise the importance of commitment by the developer to low-carbon measures and technologies. Contributing to the delivery of the national climate objective for a climate resilient, biodiversity rich and climate neutral economy as specified in s.5(3)(1) of the Climate Action and Low Carbon Development (Amendment) Act 2021.
- Recommend that existing trees and hedgerows on the site are retained. The proposal should demonstrate adherence to CPO 12-37-12.47.
- The sufficiency of wintering bird surveys conducted by the applicant should be demonstrated, given that potential habitat was surveyed on site.
- There is need to determine the potential presence of drainage ditches which may act as a contaminant vector towards the nearby 'Shannon (Upper)\_110'

river waterbody, which has been designated as poor water quality status. The proposal should be assessed against Article 4 of the Water Framework Directive.

6.3. Department of Housing, Local Government and Heritage – Development Applications Unit

- Archaeology: The Department concurs with the recommendations in the submitted report. The Department recommends conditions with respect to archaeological investigations.
- Appropriate Assessment: Mitigations outlined in the submitted NIS and CEMP should be strictly adhered to. It is recommended that a suitably qualified person be appointed to oversee construction phase operations in its entirety. Surface water runoff during operational phase of the development should be adequately controlled by sufficient attenuation and filtration including hydrocarbon interception. Recommend referral to the Dept. guidance document on best practice nature-based solutions for rainwater and surface water runoff.
- Impact Assessment: It is recommended that all potential roost features within treelines and hedgerows should be retained as a first preference to protect unidentified bat roosts and vegetation of higher ecological value that cannot be easily replaced in the short-term by replanting. Any damage or disturbance to any bat roost requires a derogation licence which should take place in advance of formal planning consent from ACP. With respect to badger, it is recommended that mitigations be strictly adhered to. In addition, pre-construction mammal surveys are highly recommended to detect any changes. Where direct disturbance and damage is envisaged to an active sett, project redesign is highly recommended. Consultation with NPWS should be sought in the event of any potential sett closure proposal.
- Artificial Light At Night (ALAN): It is recommended that a lighting plan for the project should take note of guidance from EUROBATS 8, Guidelines for Consideration of Bats in Lighting Projects. The Dark Sky Ireland recommendations are also highlighted as a source of guidance. Whilst the

inclusion of bat-friendly lighting is noted, this should be proven to be effective. Recommendations are outlined to minimise light pollution.

6.4. Health and Safety Authority (HSA):

- As the development appears to be outside the scope of the Regulations, the Authority has no observations to forward.

6.5. Transport Infrastructure Ireland (TII):

- No observations.

6.6. Uisce Éireann

- Uisce Éireann can confirm that a Confirmation of Feasibility has been issued to the applicant advising that a water connection is feasible subject to upgrades and that a wastewater connection is feasible subject to land access agreements. Conditions recommended with respect to entering into a Connection Agreement, funding the extension of the potable water network, securing permission from private land owner to allow for connection to foul network, securing third party permissions, works to be carried out in compliance with standards and codes, no build over assets; and recommendations with respect to adequate provision and protection of water and wastewater facilities.

6.7. **Applicant Response**

6.7.1. The applicant provided a response to submissions dated 6<sup>th</sup> March 2026, which is summarised below under each submission title:

6.7.2. Response to An Taisce

- The majority of the proposed development site is within the 500m radius pedestrian catchment for the local Neighbourhood Centre, as per the Cornamaddy Action Area Plan 2005.
- The proposed development includes strong walking and cycling permeability.
- The closest bus stop to the site (Stop ID: 455971) for buses travelling into town is located approximately 500m to the south of the site along the N55 and is served by the A2 Bus Éireann route which offers connections to

Bealnamulla in Roscommon, and links the site to the town centre / Athlone Bus Station, with services every 20mins. Buses from Athlone Bus Station approx. 2km to the southwest offer services for numerous routes (listed in response).

- The design team consulted with the Westmeath County Council Active Travel Team and the proposed development will connect to and extend the Westmeath County Council active travel route D (as referred to in the design report and site plan).
- The edge of the development site is within the 10min cycle distance to the town centre (figure 1 of response).
- The local retail centre is a 10min walk from the proposed development site and offers a supermarket, opticians, audiologist, DHL service point locker, pharmacy, barber shop and coffee shop. A hairdressers is a 15min walk from the site and a refuelling station and spar is a 6min walk from the site.
- WCC reaffirms that the proposed project is compliant with DMURS. A DMURS report is included in the design report.
- With respect to comments regarding artificial lighting:
  - The lighting levels will be revised to 2200k, at the cost of efficiency with increased power output.
  - Optics in design will be changed to meet light distribution requirements.
  - The proposal was designed to class P4 (5 lux average, 1 lux minimum). Any changes required will be addressed in the design.
  - Fittings can be programmed to any dimming regime.
  - For colour rendering index (CRI), fittings used - CRI 70. 108lm/w.
- In relation to social and community infrastructure, this is addressed in the design statement, the response above with respect to permeability and section 3.5.1 of the Transport Statement. WCC is confident existing local facilities can accommodate the additional demand of the proposal.
- With respect to Climate Action, the DHLGH climate action roadmap 2024 outlines clearly that all new dwellings constructed under the 'Housing for All'

programme are “Nearly Zero Energy Buildings” (NZEB) which means most new dwellings now have and [sic] minimum A2 BER rated external envelope and renewable energy heating systems such as heat pumps and solar panels, additionally each dwelling will have access to either private or shared Electric Vehicle charging points. The above responses also demonstrate existing facilities to support the development in walking and cycle distance to the site.

- In relation to hedgerow and tree retention, the design station and the arborist report and tree protection plan outlines that the proposed development is planned on the basis of retention and protection of existing mature trees and hedgerows.
- The Ecological Impact Assessment (EclA) submitted contains relevant findings with respect to bird surveys.
- The EclA contains findings relevant for the Water Framework Directive. Mitigation measures are set out, as well as in the pre-construction CEMP. The operational phase drainage has been designed to ensure that the proposed development will not result in deterioration of water quality in accordance with Article 4 of the Water Framework Directive.
- Having regard to the findings of the EclA and the mitigation measures outlined in the CEMP and drainage design, it is considered that the proposed development will not result in deterioration of the status of any surface or groundwater body, nor will it jeopardise the achievement of “Good Status” under Article 4 of the Water Framework Directive.

#### 6.7.3. Response to the Development Applications Unit

- Accept the recommended conditions with respect to archaeological investigations. WCC’s consultant (Horizon Archaeology) are being appointed for the compilation of an Archaeology Impact Assessment including the test results of the Archaeological test trenching. Horizon Archaeology have confirmed that this process can take up to 6 months, and therefore it is requested that this is conditioned in the final decision by An Coimisiún Pleanála.

- The submitted EclA confirms there are no watercourses within the development site, the closest hydrological features and connections, as well as WFD status. Potential impacts are identified in the EclA. The Pre-Construction CEMP outlines mitigation, including the appointment of an Ecologist to advise and instruct on carrying out of works in close proximity to water courses and water quality monitoring.
- The operational phase drainage design has been developed to ensure that the proposed development will not result in deterioration of water quality in accordance with Article 4 of the Water Framework Directive. Specifically:
  - Separate foul and surface water drainage systems will be provided and designed to accommodate peak flows.
  - Surface water management infrastructure, including hydrocarbon interceptors, will be incorporated to prevent contaminants entering the storm drainage network.
  - The drainage system will be designed to ensure that untreated run-off does not discharge directly to nearby drainage ditches or watercourses.
  - A SUD's design has been incorporated into the proposal in the form of permeable surfaces to all car parking areas within the front curtilage of houses and apartments. In addition, a total of 291 trees are proposed to be planted across the site, which will contribute positively to the sustainable urban drainage network.

On this basis, and having regard to the findings of the EclA and the mitigation measures outlined in the CEMP and drainage design, it is considered that the proposed development will not result in deterioration of the status of any surface or groundwater body, nor will it jeopardise the achievement of "Good Status" under Article 4 of the Water Framework Directive.

- The proposed plan retains existing hedgerows and trees, with the identification of the removal of a section of hedgerow in preparation for the proposed site entrance. The trees for removal are at end of life or are at danger of collapse, for which a plan for limb removal or complete removal has

been identified, this is as per the submitted EclA and Arborist report. EclA recommendations minimise any effect to roosting bats. The proposed break through of the site entrance is done with much consideration in respect of the loss of habitat. The break through of the site entrance was also considered in relation to the disruption of the wildlife corridor. WCC confirms that the remaining section of wildlife corridors will remain connected to larger zones of corridors and natural habitat. Any new planting of native species of plants and trees will be done so as a compensation for the loss of habitat at the site entrance.

- No evidence of nesting or roosting sites were found on the site, however if at any point evidence is found WCC will immediately submit an application for derogation.
- No evidence of badger setts were found on site, however if at any point evidence is found WCC will immediately submit an application for derogation. All badger setts are in the Esker to the north and east of the site, the proposed development is outside of any badger sett 30m buffer zone.
- The requirements set out with respect to artificial lighting are straightforward but will have significant impact on the design. A revised lighting design update will be required as outlined in our responses below. The revised design will use 2200K. The output will need to be increased to maintain these lighting levels. A revised lighting design will be submitted as further information. Additional poles and fittings will be required.
- No roosting plan was provided or locations of bat roosts identified in the EclA, no bat roosts were discovered during the Bat survey on site. A revised lighting design proposal will be prepared in coordination with the Ecologist to ensure that this requirement is fully addressed. The revised design will use 2200K. The power output will need to be increased to maintain light levels.

#### 6.7.4. Response to Uisce Éireann

- Confirm commitment to work with Uisce Éireann. WCC will fund the extension of the portable water network to provide a connection to the development. Permission will be secured from private landowners and, consents/permissions and wayleaves for connection pipework. Standards and

codes of practice will be complied with. All Uisce Éireann requirements will be complied with.

## 7.0 EIA Screening

- 7.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIAR Screening Report and I have had regard to the same. The report concludes that the proposed development is below the thresholds for mandatory EIA and that a sub threshold Environmental Impact Assessment Report (EIAR) is not required in this instance as the proposed development will not have significant impacts on the environment.
- 7.2. Section (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- (i) Construction of more than 500 dwelling units;
  - (iv) Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other built-up area and 20ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 7.3. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that an EIA is required for: “Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”
- 7.4. The proposed development is for 94 no. residential units and associated site works. The overall site area is approximately 6.5ha and is comprised of agricultural land. The site is currently zoned for residential use and can be serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b)(i) and (iv) of the Planning and Development Regulations 2001 (as amended), in that it is less than 500 units and is below 10ha (that would be the applicable threshold for this site, being outside a business district). I would note that the uses proposed are in keeping with land

uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents.

- 7.5. It has been concluded that there is potential for significant effects on a European site and an Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS. The screening carried out for environmental impact assessment (Appendix 1), has addressed the characteristics of the proposed development, its location and the types and characteristics of potential impacts has also had regard to the mitigation measures proposed in respect of protecting water quality. On this basis I am satisfied that there is no potential for significant effects on water quality or any other environmental factor, or any requirement, therefore, for environmental impact assessment. Impacts on European sites can be addressed under Appropriate Assessment, which I have addressed in Section 8.5 and Appendices 3 and 4 of my report.
- 7.6. The criteria at Schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of EIA. Section 299B(1)(b)(ii)(II)(A) of the regulations states that the Commission shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The submitted EIA Screening Report addresses the information under Schedule 7A.
- 7.7. It is my view that sufficient information has been provided within the documentation to determine whether the development would or would not be likely to have a significant effect on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts regarding other permitted developments in proximity to the site, and demonstrates that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to Schedule 7A and all other submissions, and I have considered all information which accompanied the application including inter alia:
- Covering letters, notices, doc. register and planning report;

- Natural Impact Statement (with AA Screening);
- Arboricultural Report;
- DMURS report;
- Pre-construction CEMP;
- Public Lighting Report;
- Transport Statement;
- Archaeology Impact Assessment Report;
- Ecological Impact Assessment Report;
- EIA Screening Report;
- Housing Quality and Design Statement;
- Daylight Impact Assessment;
- Services Design Report.

7.8. In addition I have taken into account the SEA of the Development Plan.

7.9. I have completed a screening assessment as set out in Appendix 1 of this report and recommend to the Commission that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report (EIAR) would not therefore be required. The conclusion of this assessment is as follows:

7.10. Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

(b) the location of the site on lands zoned residential with an objective 'O-LZ1 To provide for residential development, associated services and to protect and improve residential amenity' under the Athlone Town Development Plan 2014-2020.

(c) The pattern of development in surrounding area.

(d) The availability of mains water and wastewater services to serve the proposed development.

(e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).

(f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003).

(g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and

(h) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment Report, Natura Impact Statement, Arboricultural Report, Pre-Construction CEMP, Archaeology Report, Housing Quality and Design Statement and Services Design Report.

7.11. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required. I recommend that a screening determination be issued accordingly, confirming that no EIAR is required.

## 8.0 **Assessment**

8.1. The assessment will be undertaken in three parts as per the requirements of Section 177AE as follows:

- The likely effects on the environment
- The likely consequences for the proper planning and sustainable development of the area
- The likely significant effects on a European site

### 8.2. **The likely effects on the environment**

8.2.1. From a review of the application documents and consultation responses, I am satisfied that the main potential environmental effects (other than issues addressed in appropriate assessment) can be addressed under the following headings:

- Biodiversity
- Flood Risk

### 8.2.2. Biodiversity

- 8.2.3. I note policies and objectives under the Development Plan that concern the assessment of development impact upon biodiversity as set out in section 5.2 above, including CPO 12.13. In this section of my report, I will address potential effect upon local biodiversity generally. With respect to European designated sites, I set out an Appropriate Assessment of the development in section 8.5 and associated appendices 3 and 4 of this report which should be read alongside this section of my report.
- 8.2.4. I note that the response from DAU recommends that potential roost features within treelines and hedgerows should be retained. It is also highlighted that as an Annex IV species, bats are protected under Article 12 of the Habitats Directive, and any damage or disturbance to a bat roost would require the developer to submit an application under Regulation 54 for derogation, prior to any formal planning consent. I also note the response from An Taisce recommending that existing trees and hedgerows on the site are retained with reference to CPO 12-37-12.47.
- 8.2.5. The applicant's response states that there was no evidence of nesting or roosting sites were found on the site, however if at any point evidence is found WCC will immediately apply for derogation.
- 8.2.6. The submitted Ecological Impact Assessment (EclA) for the application details the survey work undertaken with respect to bats. In addition to a desktop review, a daytime bat survey was carried out to evaluate potential bat habitats, with investigation of trees and structures for the presence of bat roosts. Commuting routes were also identified, alongside linear features of potential value to bats such as hedgerows and treelines. No evidence of roosting bats was found during surveys, however potential for roosting opportunities were identified within sessile oaks and mature treelines were found to offer suitable foraging and commuting habitat. Bat activity surveys were not carried out. The EclA states that due to the site's suitability for roosting/community/foraging bats, a precautionary approach is adopted, with mitigation measures to address potential impacts. Mitigation is described in section 6.3.1 and includes ceasing of works if a bat roost or bats are discovered during clearance works or construction activities; application of a derogation licence if a roost is discovered in advance of further works; retention of sessile oaks and the

mature treeline which could potentially be utilised by bats, with additional measures should these trees be required to be removed. Mitigation also includes lighting that is sensitive to bats.

- 8.2.7. I am satisfied that surveys were undertaken of the site to establish the presence of bat roost, and that there was no evidence discovered of any current or historic bat roosts on the site. Therefore, as no bat roosts were identified for removal, a derogation under Regulation 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 is not required to accompany the planning application, but it remains the developer's responsibility to obtain this should roosts be identified during pre-construction survey / site clearance.
- 8.2.8. With respect to tree and hedgerow removal, I note policy objectives CPO 12.37 to CPO 12.47 under the Westmeath County Development Plan concerns the preservation of trees, woodlands and hedgerows. An Arboricultural Report is submitted with the application, this describes a total of 59 individual trees tagged on the site, 7 trees, 6 tree lines, 9 tree groups and 9 hedges were also numbered. Of these, the submitted report details that a total of 24 individual trees, 4 tree lines and 2 tree groups are identified for removal. All of these are Category U (poor quality) with the exception of one Category B (moderate quality no.2501) and one Category C (low quality no.1882) tree, as well as 25m of hedgerow no.2 and 13m of hedgerow no.3, both Category C. Appendix 3 of the Arboricultural Report is a tree protection / removal plan of the site. This shows that the majority of trees and hedgerows are proposed for retention. There are 17 poor quality trees (Category U) and 3 tree lines that would require removal due to their condition regardless of the development scheme. Remaining trees and hedges for removal are necessary to accommodate the development.
- 8.2.9. The footprint of the proposed development has been carefully considered in my view to ensure that the maximum extent of tree and hedgerow coverage of the site can be retained whilst facilitating efficient housing delivery. It is necessary to break through a hedgerow to accommodate the proposed access road to the development, however I accept the applicant position that this has been carefully considered with respect to the disruption of the wildlife corridor, and the remaining section of wildlife corridors will ensure connection to larger zones of corridors and natural habitat. It is also proposed that new planting of native species of plants and trees will be done as

compensation for the loss of habitat at the site entrance. I am satisfied that the proposed removal of trees and hedges from the site is acceptable, and conforms with policy objectives under the development plan (specifically CPO 12.37 to CPO 12.47), as removal mainly relates to poor quality trees, many requiring removal regardless of the proposed development. Only one Category B tree is required for removal to facilitate access / connection through the site and adjacent area. The Category C tree and sections of hedgerow for removal are also necessary to facilitate access through the site and will be compensated for through replacement planting.

- 8.2.10. I note that the DAU makes recommendations with respect to badgers, including observance of a minimum 30m buffer zone and pre-construction surveys. A preference for project redesign over sett closure is also highlighted. Badgers are legally protected under the Irish Wildlife Act 1976 as amended.
- 8.2.11. The submitted EclA describes field surveys undertaken of the site to assess for evidence of mammals, in particular the presence of badger setts, or other signs of badger. Evidence of badger activity was observed across the subject site. An unconfirmed badger sett was observed to the north outside of the site, and snuffle holes were also evident. Badger setts have also previously been recorded in lands surrounding the subject site. As such, the EclA concludes that the site is of 'local importance (higher value)' for badger.
- 8.2.12. In response to the DAU comments, the applicant restates that the EclA findings, that there was no confirmed badger setts recorded on site, with setts recorded outside of the subject site boundary, and outside of a 30m buffer zone. The applicant also confirms that if at any point evidence is found of a set, WCC will submit an application for derogation. Mitigation measures are outlined in section 6.3.2 of the EclA.
- 8.2.13. I am satisfied that survey of the site supports the findings of the EclA that no significant negative effect is predicted with respect to badger, due to the lack of evidence of any setts on the site, and the short-term nature of the works. I also note that the 30m buffer zone will be observed to recorded setts due to their location in the wider area and outside of the confines of the site were works will be carried out.

8.2.14. In relation to other mammals, there was no evidence of pine marten or hedgehog recorded on the site, however there are previous records of these species in the wider area surrounding the site and the characteristics of the site would provide suitable habitat for these species. There was evidence of fox recorded on the site, but no other signs of any other mammal activity. While proposed works may result in short-term displacement of these species due to disturbance from construction activities, in light of the temporary nature of the works and the small number of individuals likely to be supported, effect on local population is unlikely and significant negative effect is not anticipated.

8.2.15. In relation to birds, a survey was undertaken of the site, recording 14 species as set out in table 3.2 of the EclA. None of these were Annex I species, there were 2 Amber-listed species (house martin and spotted flycatcher), and the remaining species recorded were common (Green-Listed species, such as Blackbird, Robin, Great Tit, and Wren, etc). Given the characteristics of habitats on the site and the species recorded, the proposed development site is considered to provide locally valuable habitat for a range of common bird species. While proposed works will cause short term disturbance to bird species present on the site, as the species recorded are typical for Irish farmland and woodland, with ample similar habitat in the wider area, and permanent habitat loss being limited, no significant negative effects are anticipated.

8.2.16. With respect to other species, while no amphibians (common frog and smooth newt) were observed on the site, suitable habitat is evident within the site boundary.

8.2.17. I note comments from DAU and An Taisce with respect to 'Dark Sky' lighting. The applicant's response confirms that changes will be addressed in the design and this can be secured by condition. I am satisfied that the lighting levels described in the applicant response will be acceptable and no significant adverse effect upon biodiversity will result from lighting as part of operation of the development.

8.2.18. Flood Risk

8.2.19. The application includes a Services Design Report. This describes a desktop-based flood risk study of the site. The site is situated within Flood Zone C (where there is low probability of flooding from rivers or the sea, being compatible with residential development). With respect to drainage, mitigation is set out in section 5.3 of the

submitted report and relates to a storm network strategy to ensure minimal risk to the proposed site and surrounding area. The proposed drainage network includes SuDS features which will be regularly maintained, runoff from the site will be controlled through separate hydrobrakes and features will be designed in accordance with the Greater Dublin Strategic Drainage Study recommendations.

8.2.20. I am satisfied that the proposal would not increase the risk of flooding on the site or to the surrounding area, with an appropriate approach to mitigating surface water drainage.

### **8.3. The likely consequences for the proper planning and sustainable development of the area**

8.3.1. From a review of the application documents and consultation responses, I am satisfied that the main consequences for the proper planning and sustainable development of the area can be addressed under the following headings:

- Principle of Development
- Density
- Sustainable Design and Layout
- Impact upon Amenities of Adjacent Properties
- Quality of Residential Accommodation
- Transport Impacts

#### **8.3.2. Principle of Development**

8.3.3. The proposed development concerns the construction of 94 residential dwellings on a site with a primary zoning of residential. The footprint of the proposed residential development is within this residentially zoned portion of the site. I note that a new access road is proposed to the south of the site in an area zoned 'Open Space' where, 'Only development that is incidental to, or contributes to the enjoyment of open space, amenity or recreational facilities will be permitted within this zone' (Page 186 of the Athlone Town Development Plan). Currently in this location there is an existing hardstanding for agricultural structures and activities, with a track leading to the field. The proposed development will remove this hardstanding area, replacing it

with the proposed access road bounded by soft landscaping as part of open space. The proposed access road is parallel to the existing gravel track, allowing preservation of an existing treeline and hedgerow along the gravel track. I am satisfied that the proposed development is in accordance with the land use zoning of the site, particularly in consideration of the existing characteristics of the site, the contribution of the proposed access road towards amenity, and the proposed footprint of the residential development being situated within the residentially zoned portion of the site.

- 8.3.4. The principle of the proposed works also corresponds with policies and objectives under the Development Plan, including CPO 2.2 concerning the growth of Athlone, CPO 3.3 concerning the provision of social and affordable housing and CPO 3.14 concerning provision of universal design units.
- 8.3.5. The principle of the proposed housing development is therefore supported under the Development Plan.
- 8.3.6. Density
- 8.3.7. I note that CPO 4.7 under the Westmeath County Development Plan asks development to achieve densities that respect the local character of surrounding areas, whilst making efficient use of land. Table 3.3 of the Athlone Town Development Plan 'Density for New Residential Development' gives a range of 30-35 dph for Outer Suburban/Greenfield sites. While I note reference to the 2009 Sustainable Development Guidelines in the Town Development Plan, the Compact Settlement Guidelines 2024 have been introduced to supersede the 2009 Guidelines on Sustainable Residential Development in Urban Areas. Section 2.2 of the Compact Settlement Guidelines outlines that where there are differences between the Guidelines and Section 28 Guidelines issued prior to them, it is intended that the policies and objectives (including those relating to density) and specific planning policy requirements of these Guidelines will take precedence. As per Table 3.4 of the Compact Settlement Guidelines, it is a policy and objective of the Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at 'Regional Growth Centre - Suburban/Urban Extension' locations, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' locations (as defined in Table 3.8).

8.3.8. The subject site is 6.497 hectares, with a proposed development footprint of c.3 hectares, equating to a density of c.31 dph (net). While this is marginally lower than the range recommended in the Guidelines, I note that the Guidelines state that these densities shall 'generally' be applied. Section 2.1.2 of the Guidelines, states that decision makers 'have regard', to this policy objective, as opposed to a mandatory application of the SPPRs. Section 3.2 also outlines that the policies and objectives are intended as a tool to guide the appropriate scale of development at different locations, rather than as a prescriptive methodology. Flexibility is offered so that planning authorities can operate a plan-led approach and take the circumstances of a plan area or an individual site into account as part of the decision-making processes. Policy and Objective 3.1 of the Guidelines require that that the density ranges are refined further at a local level using the criteria set out in Section 3.4 of the Guidelines where appropriate. In terms of the 'step 1' consideration of access to public transport, for the subject site public transport is limited and not frequent, and therefore the site can be considered a peripheral location, where densities below the mid-density range apply. In relation to 'step 2' considerations of the character of the site, I note emerging densities influencing the character of the area, with development ranging between 18 and 32 dph for decisions in the area (ABP Ref. 318736-23 - 32 dph; ABP. Ref. PL 25.244826 - 18 dph; ABP. Ref. 318510-23 - 32 dph; and ABP. Ref. 319902-24 - 32 dph). With reference to other 'step 2' considerations under the Guidelines, there are no sensitivities or impacts that arise (as set out in the wider assessment in this report), and the site can be serviced as confirmed by Uisce Éireann and a condition is recommended to secure this connection.

8.3.9. As a result of the foregoing, I am satisfied that the proposed density is acceptable with reference to the relevant policy, objectives and guidelines highlighted above, and in reflection of the characteristics of the site and emerging character of the area.

#### 8.3.10. Sustainable Design and Layout

8.3.11. I note the submission from An Taisce requesting the development to support a modal shift toward increased pedestrian, public transport and cycle friendly development in adherence with the National Sustainable Mobility Policy and the Compact Settlement Guidelines. As well as confirming conformity to DMURS,

recommending a Social and Community Infrastructure Assessment is carried out and that there is a commitment to low carbon measures and technologies.

- 8.3.12. In relation to permeability and a modal shift to sustainable transport forms, the applicant response provides confirmation of the proximity of the site to public transport, its frequency, and the accessibility of the site to local services via cycling and on foot. The proposed development demonstrates good accessibility to local services and access to public transport (albeit infrequent services which are characteristic of this location). The site layout promotes permeability with through routes connecting into the adjacent residential estate and a minimum number of cul-de-sacs, in conformity with DMURS. A DMURS report is included with the application and details how the proposed development responds to applicable criteria. The applicant's response also provides sufficient detail on access to social and community infrastructure in the area, and a separate assessment is not required in my view. Overall, I am satisfied that the proposed design and layout is appropriate with respect to permeability and accessibility, with particular reference to DMURS.
- 8.3.13. In relation to a commitment to low carbon technologies and measures, the submitted Housing Quality and Design Statement confirms that a key concept for the proposal is the promotion of energy efficiency through the use of materials, insulation, efficient heating systems, and SuDS. The buildings are described as being designed to maximise energy efficiency and promote sustainability through modern construction methods. In addition, the applicant response states that the DHLGH climate action roadmap 2024 requires all new dwellings constructed under the 'Housing for All' programme (such as the proposed scheme) to be "Nearly Zero Energy Buildings" (NZEB) with new dwellings typically achieving a minimum A2 BER rated external envelope, as well as incorporating renewable energy heating systems such as heat pumps and solar panels. Each dwelling will have access to either private or shared Electric Vehicle charging points. I am therefore satisfied that the proposal is acceptable in this regard.
- 8.3.14. In terms of housing design and typologies, the proposal is formed of a mix of 2 storey detached, semi-detached and terrace dwellings (including apartment block). A consistent material palette is proposed of brick, lime cement napped render, aluwood composite windows, fibre cement slate and aluminium canopy, allowing for sufficient variation across the elevational appearance whilst ensuring a clear character

typology across the site. I am satisfied that the proposed elevational design and materials are suitable for this location.

8.3.15. In relation to provision of childcare facilities, I note that this is addressed in section 10 of the submitted Housing Quality and Design Statement, with reference to provision of facilities to be provided as part of adjacent sites. This approach has been agreed in discussion with County Childcare Committee in accordance with the County Development Plan. I am satisfied that these facilities will provide more centralised larger childcare provision, in preference to a smaller facility as part of the proposal which could be unviable.

8.3.16. Impact upon Amenities of Adjacent Properties

8.3.17. CPO 16.14 generally requires a separation distance of 22m between opposing rear first floor windows to avoid overlooking and protect private residential amenity.

8.3.18. I have undertaken my own measurements from the submitted plans, and I am satisfied that separation distances to neighbouring properties (existing and under construction / approved) exceeds 22m to neighbouring dwellings in all cases, with separation generally exceeding 25m in most cases.

8.3.19. CPO 16.15 states that the recommendations of the BRE Daylight and Sunlight Guidance should be applied.

8.3.20. The application includes a Daylight Impact Assessment report, which has been prepared with regard to the recommendations set out in the BRE Daylight and Sunlight Guidance. It considers the effect that the proposed development would have on the light levels of neighbouring residents. The assessment demonstrates that adequate daylight (skylight) and sunlight would continue to be received to neighbouring properties and external amenity areas with the proposed development in place. Similarly, conditions within the proposed development will also be acceptable, as supported by the shadow diagrams in the submitted assessment.

8.3.21. Quality of Residential Accommodation

8.3.22. In relation to separation distances between proposed blocks in the development, these are not specifically addressed in the submitted documentation for the application. I have undertaken my assessment based upon my own measurements from submitted drawings.

- 8.3.23. Rear to rear adjacencies for the central part of the site are less than 22m where proposed blocks 1, 2, 3, 4, 8, 9 and 12 are located. Separation is between c.18m between these blocks. However, I note that CPO 16.14 states: '**Generally**, require a separation distance of 22m between opposing rear first floor windows to avoid overlooking and protect private residential amenity. **Innovative dwelling types, such as houses which have their main sleeping and living areas on one side, and circulation and bathrooms on the other, may allow for a reduction in this standard.** Any window proposed at ground floor level should not be less than 1m from the boundary it faces'. (My emphasis in bold text).
- 8.3.24. In the proposed development, I have reviewed the submitted floor plans and note that in a rear-to-rear arrangement, the relevant proposed blocks have opposing bedroom and bathroom arrangements (i.e. the bathroom in one house is situated directly across from a bedroom in the house to the rear). This means that there is no direct overlooking between habitable room windows (i.e. bedroom windows), and bathroom windows will be obscured, which can be secured by condition. This reflects the suggested innovative dwelling type described in CPO 16.14 (set out above). In addition, I note that in proposed blocks 9 and 8, for the second-floor roof accommodation, there is no rear dormer, and the bedroom at this level relies upon a side window, also ensuring no direct overlooking between windows at this level. As a result, I am satisfied that the proposed development complies with CPO 16.14.
- 8.3.25. With respect to internal space standards, I note the minimum areas set out in Section 28 Guidelines, specifically the Quality Housing for Sustainable Communities 2007 and the Design Standards for Apartments.
- 8.3.26. In relation to the proposed houses, and with reference to the submitted schedules of floor space areas, I am satisfied that these meet and exceed the minimum areas and dimensions set out in the Quality Housing for Sustainable Communities. For the proposed apartments, these also exceed the minimum area set out in the Apartment Guidelines.
- 8.3.27. I note provisions under the County Development Plan with respect to the provision of private open space / garden areas. CPO 16.19 states that proposals for new apartment schemes should be designed in line with design criteria as set out in the Sustainable Urban Housing: Design Standards for New Apartments. CPO 16.20

states that new dwelling houses should generally have an area of private open spaces located to the rear, with 48sqm for 1-2 beds and 60-75sqm for 3-5 beds. The policy objective then sets out discretionary provisions to be considered by the Planning Authority in the assessment of schemes with reduced provision, including where open space standards cannot be achieved, provision of recreational (including all weather) facilities and where the development is close to a public park and other amenity provisions.

8.3.28. In relation to Section 28 Guidelines, SPPR2 of the Compact Settlement Guidelines requires a minimum provision of private open space as follows:

- 1 bed house – 20sqm;
- 2 bed house – 30sqm;
- 3 bed house – 40sqm;
- 4 bed + house – 50sqm; and
- 1 bed Apartments – 5sqm.

8.3.29. Application documents describe that Open Space in the proposed development is provided in accordance with the Design Manual for Quality Housing which sets out guidance for the design of new social housing.

8.3.30. Schedules of garden / private amenity space sizes within the proposed development are not provided in the application documentation, however the submitted Housing Quality and Design Statement confirms that external private amenity spaces are in accordance with the minimum provision set out in SPPR2 of the Compact Settlement Guidelines.

8.3.31. From a review of the submitted plans, I am satisfied that external private amenity space in the proposed development will comply with SPPR2. I note that some of the proposed rear gardens will exceed the SPPR2 minimums and meet the minimum areas set out in the County Development Plan, albeit not all gardens appear to achieve the quantum's set out in CPO 16.20. However, I note that the standards under the Development Plan are a general provision, with circumstances described where reduced provision will be acceptable. I am satisfied that the proposed development would fulfil these discretionary provisions, particularly in light of the conformity with SPPR2, the provision of significant areas of communal open space

throughout the layout of the development, the largest area being to the south of the site (discussed further below), and the provision of a games area. In relation to the proposed apartments, these conform with the provisions under both the County Development Plan and Section 28 Guidelines for apartments.

8.3.32. I note in relation to public open space; CPO 16.21 of the County Development Plan states a general requirement of 15% of the gross site area to be provided for multifunctional open spaces. While the quantum of open space provision is not confirmed in the application documents, I have based my assessment upon a review of the submitted plans for the application. Public open space and communal open space is also addressed in section 9 of the submitted Housing Quality and Design Statement.

8.3.33. I am satisfied that the provision of public open space as part of the proposed development will exceed 15% of the site area, with provision of a large area of public open space on the open space zoned parcel of the site. This will also include a playing pitch area and an informal flexible games area. Much of the existing vegetation in this area will also be retained, contributing to the overall landscape visual interest and amenity of this area. Within the areas zoned for residential, communal open space and play areas are proposed, within close proximity to all future residents to public / communal open space. As such, I am satisfied that the proposed development conforms with policy objectives CPO 16.20 and 16.21 under the Development Plan.

8.3.34. In relation to dwelling mix, I note that applicable planning policy requires a range of housing types and sizes that respond to the housing need of the area. The proposed development includes 8x 1 bed apartments, 55x 2 bed houses, 14x 3 bed houses and 19x 4 bed houses, in 13 different block types (as well as an apartment block type). This equates to a diverse range of housing types, responding to the need for both single, small family, and larger family, housing. I am satisfied that the proposed development is acceptable in this regard.

8.3.35. Transport Impacts

8.3.36. Traffic impact:

- 8.3.37. The application includes a Transport Statement for the proposed development. This describes the transport baseline characteristics for the area and outlines the potential effect of the proposed development.
- 8.3.38. The main vehicle access to the site is proposed via the eastern boundary through the Gracefields residential area (recently constructed). A secondary access to facilitate emergency vehicle and pedestrian / cycle connectivity, is proposed from the south of the site connecting to Lissywollen, and a local road providing onward connection to the N55.
- 8.3.39. Junction analysis is described in the submitted Transport Statement and demonstrates that there is sufficient capacity to accommodate the proposed development without significant impact. The analysis is described using outputs from the 2040 Athlone ABTA Local Area Model at the Cornamaddy Roundabout.
- 8.3.40. I am satisfied that the proposed development will not result in significant adverse traffic impact upon the area.
- 8.3.41. Car parking:
- 8.3.42. SPPR 3 in the Compact Settlement Guidelines describes that in intermediate and peripheral locations (such as the subject site), the maximum rate of car parking is 2 spaces per dwelling, equating to 188 spaces in the proposed scheme. Table 16.2 of the County Development Plan sets out the car parking standards applicable to the proposed development, which would equate to a total of 125 spaces, being residential parking = 94 spaces (1 per dwelling); visitor parking = 31 spaces (1 per 3 dwellings).
- 8.3.43. The submitted Transport Statement for the application described that there are a total of 192 parking spaces for the proposed development, which therefore exceeds maximum car parking provisions set out under both SPPR3 and the County Development Plan. However, as discussed further below, application drawings do not clearly depict these spaces.
- 8.3.44. With respect to SPPR3, the quantum of parking set out in the submitted Transport Statement for the proposed development exceeds the maximum level marginally, by 4 spaces. In relation to the County Development Plan, while the proposed parking set out in the Transport Statement for the development exceeds the quantum set out

under table 16.2, these are described as a general provision with application of CPO 16.36. However, I am satisfied that the quantum of car parking spaces can easily be reduced via a condition to any grant of planning consent, should Commissioners agree with this approach (discussed further below).

- 8.3.45. I also note that CPO 16.36 requires the provision of disabled parking and EV charging points as part of new development.
- 8.3.46. The submitted drawings do not clearly identify the provision of car parking to units or for visitors. The majority of the proposed dwellings have a driveway, which would appear to accommodate at least 2no. parking spaces. There are 3no. proposed houses with no driveway, with 6no. parking spaces situated nearby and adjacent to a proposed centralised green space. There are also 12 parking spaces illustrated adjacent to the proposed apartment block. This equates to circa 184 spaces for dwellings and therefore it is not clear from the submitted drawings that there are 192 spaces as detailed in the submitted Transport Statement. The location of visitor car parking spaces is also unclear from the submitted drawings.
- 8.3.47. In my view, in light of the lack of clarity around proposed car parking quantum in the proposed development (i.e. drawings compared to Transport Statement), and in consideration of the standards set out in planning policy, proposed car parking should be controlled by condition, to ensure that this reflects the maximum levels set out in table 16.2 under CPO 16.36 of the County Development Plan. Should Commissioners agree with this approach, I am suggesting that revised plans illustrating parking provision in accordance with CPO 16.36 (including private, visitor, disabled and EV provision) be prepared and submitted to the Local Planning Authority for record, and that the proposed development be implemented in accordance with this reduced parking provision. I am satisfied that this revision will not have a significant impact upon the design of the proposed development as it can involve minor amendments to driveway design to ensure reduced provision in accordance with table 16.2. This will also free up space within the front curtilage of dwellings to accommodate cycle parking provision as described below.
- 8.3.48. Cycle parking:
- 8.3.49. The submitted Transport Statement states that 2 residential cycle spaces for the houses will be provided within the curtilage of each proposed unit (equating to 172

spaces), with a total of 16 cycle spaces for the proposed apartments (totalling 188). It is also stated that a total of 47 visitor cycle spaces is proposed across the site at appropriate locations. The submitted report then goes on to identify the requirements according to Table 16.3 of the County Development Plan, with a total required quantum for the proposed development of 228 secure private cycle spaces and 47 visitor spaces.

8.3.50. It is not apparent from the submitted drawings where all the described cycle storage will be provided and in what form this storage will take. While some visitor storage is shown on the submitted landscape plan in the form of cycle stands, this does not reflect the quantum described and private storage is not shown. It is therefore not possible to clarify that the County Development Plan standards for cycle storage are complied with, however I am satisfied that there is ample space within the proposed site and curtilage to dwellings, to accommodate necessary provision. As such, I am recommending a condition to require conformity with table 16.3 'Cycle Storage Standards' of the County Development Plan, requiring 1 private secure bicycle space per bed space (with a minimum provision of 2 spaces per dwelling, and design ensuring access does not require bicycles to pass through living areas), along with visitor cycle spaces.

#### **8.4. The likely significant effects on a European site**

8.4.1. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

#### **8.4.2. Compliance with Articles 6(3) of the EU Habitats Directive**

8.4.3. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's

conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

#### 8.4.4. **The Natura Impact Statement**

8.4.5. The application was accompanied by an NIS which describes the proposed development, the project site and the surrounding area. A Stage 1 Screening for Appropriate Assessment formed part of the NIS. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

8.4.6. The NIS was informed by the following studies, surveys and guidance:

- Government and European Guidance documents.
- A desk top study.
- Ecological walkover.
- Winter bird surveys.

8.4.7. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not undermine the conservation objectives or have an adverse effect upon the integrity of any European sites (the Natura 2000 network) during the construction or operational phases of the project, either alone or in-combination with other plans/projects.

8.4.8. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

## 8.5. Appropriate Assessment

### 8.5.1. Stage 1 – Screening for Appropriate Assessment

8.5.2. I have had regard to submissions in relation to the potential impacts on European sites, as part of the Natura 2000 Network of sites. Appendix 3 attached to this report sets out a detailed screening for AA and should be read in conjunction with this section of my report.

### 8.5.3. AA Screening Conclusion

8.5.4. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development, alone or in combination with other plans and projects will give rise to significant effects on Lough Ree SPA and Lough Ree SAC European Sites in view of the sites' conservation objectives. Appropriate Assessment is required.

8.5.5. This determination is based on:

- (i) Potential for impact upon water quality through increased risk of sediment / surface run-off and dust. During construction phase, run-off or dust from earthworks may enter waterbodies. There is a hydrological link between the subject site and European sites at Lough Ree. Silt or fine sediment can directly negatively affect aquatic fauna, fish and invertebrates, and algae / plants, as well as QI flora. This could in turn reduce prey species for QI species.

8.5.6. The potential impacts are expanded upon in further detail as part of a Stage 2 Appropriate Assessment below.

8.5.7. In relation to other European sites, taking into consideration the characteristics of the proposed development, the distance between the proposed development site to other designated European sites, as well as the lack of any pathway or link to these European sites, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the construction and operation of the proposed development, individually or in combination with other plans or projects, would not be likely to have an adverse effect on other European sites. Therefore, I agree with the applicant's submitted

screening report that a Stage 2 Appropriate Assessment is not required with respect to any other European sites.

**8.5.8. Stage 2 – Appropriate Assessment**

8.5.9. The submitted NIS identifies the potential for negative effects upon Lough Ree SPA and Lough Ree SAC as a result of the proposed development and I concur that an Appropriate Assessment (AA) of the proposed development is required with respect to these aforementioned European sites.

8.5.10. Appendix 4 of this report sets out the detailed consideration of potential effects upon the European site as part of an Appropriate Assessment for this proposed development. The site-specific conservation objectives and species of conservation interest for Lough Ree SPA and Lough Ree SAC is set out in Appendix 3 and 4. The AA determination is set out below.

**8.5.11. AA determination – Conclusion**

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

8.5.13. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Lough Ree SPA and Lough Ree SAC in view of the conservation objectives of those sites and that Appropriate Assessment was required.

8.5.14. Following an examination, analysis and evaluation of the NIS all associated material submitted including NIS, and taking into account observations, I consider that adverse effects on site integrity of Lough Ree SPA and Lough Ree SAC can be excluded in view of the conservation objectives of those sites and that no reasonable scientific doubt remains as to the absence of such effects.

8.5.15. My conclusion is based on the following: The application of mitigation measures to protect water quality and control / minimise dust.

## 9.0 Recommendation

9.1. I recommend that the Commission APPROVE the proposed development, for the following reasons and considerations and subject to the conditions set out below.

## 10.0 Reasons and Considerations

### DRAFT ORDER

### REASONS AND CONSIDERATIONS

In performing its functions in relation to the making of its decision, the Commission had regard to:

10.1. Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

The Commission also had regard to the following in coming to its decision:

- European legislation, including of particular relevance:
  - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
  - Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.

- Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.
- National and regional planning and related policy, including:
  - National policy with regard to targeted growth in appropriate locations, particularly the NPF First Revision 2025 and National Policy Objectives 42 and 43.
  - The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- Regional and local planning policy, including:
  - Regional Spatial Economic Strategy for the Eastern and Midland Region 2019-2031 including Regional Policy Objectives RPO 4.4 – 4.10.
  - Westmeath County Development Plan 2021-2027 and the Athlone Town Development Plan.
- Other relevant national policy and guidance documents.
- The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites.
- The Natura Impact Statement submitted.
- The submissions and observations made in connection with the planning application.
- The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment.

### **Appropriate Assessment Stage 1:**

The Commission noted that the proposed development is not directly connected with or necessary for the management of a European Site. The Commission completed an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the Screening Report for Appropriate Assessment submitted with the application and the report and screening assessment completed by the Inspector. The Commission agreed with the Inspector's assessment and conclusion that the European Sites for which there is potential for significant effects are Lough Ree SPA and Lough Ree SAC. The Commission concluded, in agreement with the Inspector, that Appropriate Assessment is required for those European Sites.

### **Appropriate Assessment Stage 2:**

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and carried out an Appropriate Assessment of the implications of the proposed development for European Sites in view of the conservation objectives for Lough Ree SPA and Lough Ree SAC. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment and to allow it to reach complete, precise and definitive conclusions for Appropriate Assessment.

In completing the assessment, the Commission considered, in particular, the likely direct and indirect impacts arising from the proposed development, both individually and in combination with the other plans and projects and taking into account any mitigation measures which are included as part of the current proposal, in view of the conservation objectives for the European Sites.

The Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report with respect to the potential effects of the proposed development on the integrity of the aforementioned European Site, having regard to the Site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the

integrity of European Sites, in view of the Sites' conservation objectives of those Sites and there is no reasonable scientific doubt as to the absence of such effects.

This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects of relevance and took into account all submissions received during the course of the application.

### **Proper Planning and Sustainable Development**

The proposed development is in accordance with aims and objectives of the Westmeath County Development Plan 2021-2027 and the Athlone Town Development Plan, is therefore acceptable in principle. In particular, the proposed development accords with CPO 2.2 concerning the growth of Athlone, CPO 3.3 concerning the provision of social and affordable housing and CPO 3.14 concerning provision of universal design units. Subject to conditions, the Commission concludes that the residential development, is in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.  <b>Reason:</b> In the interest of clarity.
2.	The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

	<p><b>Reason:</b> To protect the integrity of European Sites.</p>
3.	<p>All works shall be supervised by an on-site Ecological Clerk of Works who will report on compliance with the relevant mitigation measures. The Ecological Clerk of Works shall be empowered to halt works where they consider that the continuation of the works is likely to result in a significant pollution or siltation incident or impact on protected habitats or species, and on-site works will cease until authorised to continue by the planning authority. A compliance monitoring report shall be prepared by the Ecological Clerk of Works and shall be submitted to the planning authority at the end of the main construction period.</p> <p><b>Reason:</b> To ensure compliance with mitigation measures and to protect biodiversity.</p>
4.	<p>The proposed development shall be amended as follows:</p> <p>(a) Bicycle spaces to be provided in accordance with table 16.3 ‘Cycle Storage Standards’ of the Westmeath County Development Plan 2021-2027: 1 private secure bicycle space per bed space (with a minimum provision of 2 spaces per dwelling, and design ensuring access does not require bicycles to pass through living areas) and 1 visitor bicycle space per two housing units.</p> <p>(b) Car parking to reflect the maximum levels set out in table 16.2 under CPO 16.36 of the Westmeath County Development Plan 2021-2027 (including provision of visitor, disabled and EV bays).</p> <p>(c) Bathroom windows to be obscured.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to the planning authority prior to commencement of development (and held on record). The development to be carried out in accordance with</p>

	<p>these specifications.</p> <p><b>Reason:</b> In the interests of residential amenity.</p>
5.	<p>Artificial lighting shall be designed in accordance with the 2023 BCT Lighting Guidance (GN08/23 Bats and Artificial Lighting At Night). A lighting plan shall be submitted the planning authority to be held on file, prior to commencement of development. Lighting to meet the following specifications:</p> <ul style="list-style-type: none"> <li>- Colour temperature (less than 2,700 Kelvtns);</li> <li>- Light distribution (luminaire's beam less than 80 degrees);</li> <li>- Illuminance (less than 5 lux for pedestrian and decorative surfaces);</li> <li>- Luminance (100 cd/m2 or less);</li> <li>- Colourrendering index (CRI) (exterior lighting should not exceed CRI Ra90);</li> <li>- Energy efficiency (40 lumens per watt or greater);</li> <li>- Use low and fully shielded/cowled downward-pointing lights, smart sensors and trimming (part-night lighting) schemes;</li> <li>- Avoid upward and horizontal facing lighting; and</li> <li>- Conserve dark areas, particularly around native vegetation and any areas that may be in use by bats, birds and nocturnal mammals.</li> </ul> <p><b>Reason:</b> To minimise disturbance-related impacts on protected species.</p>
6.	<p>Prior to the commencement of development activity, protective fencing in accordance with best practice, shall be installed to protect all trees identified to be retained. The fencing shall be installed in such a manner as to provide protection to the critical root zone of trees to be protected and it shall be retained on site until all construction works are completed. No soil, spoil, construction material or waste will be stored or tipped within the fenced off area and no construction plant or vehicles will be parked within</p>

	<p>the spread of trees/hedgerows identified to be retained. The fencing shall be retained until such time as works are completed.</p> <p><b>Reason:</b> In the interests of protecting biodiversity value within the site</p>
7.	<p>The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and prepare an archaeological impact assessment report to be submitted to the planning authority to be held on file, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work.</p> <p><b>Reason:</b> To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>
8.	<p>Prior to commencement of works, the developer shall prepare a final Construction Environmental Management Plan, which shall be adhered to during construction. This plan shall reflect all required mitigation for the</p>

	<p>project and provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste. The CEMP shall be submitted to the Local Planning Authority to be held on file prior to the commencement of works.</p> <p><b>Reason:</b> In the interest of public safety and amenity.</p>
9.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connections to the public water supply and/or wastewater collection network. (a) All development to be carried out in compliance with Uisce Éireann’s Standard Details and Codes of Practice. (b) Where build over of Uisce Éireann assets is proposed, Confirmation of Feasibility of Diversion(s) from Uisce Éireann is required prior to works commencing.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water/wastewater facilities.</p>

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Rachel Gleave O’Connor  
Senior Planning Inspector

7<sup>th</sup> April 2026

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## 13.0 Appendix 1: EIA Screening

### 13.1. Form 1 - EIA Pre-Screening

<b>Case Reference</b>	323923
<b>Proposed Development Summary</b>	Proposed development comprising of 94 no dwelling units
<b>Development Address</b>	Lissywollen, County Westmeath
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Schedule 5, Part 2 10. Infrastructure projects: (b) (i) Construction of more than 500 dwelling units.</p>

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input checked="" type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

13.2. Form 3 - EIA Screening Determination

<b>A. CASE DETAILS</b>		
<b>An Bord Pleanála Case Reference</b>	<b>323932-25</b>	
<b>Development Summary</b>	<b>Proposed development comprising of 94 no dwelling units</b>	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	<b>N/A</b>	<b>Direct Application, Local Authority Housing Development.</b>
<b>2. Has Schedule 7A information been submitted?</b>	<b>Yes</b>	
<b>3. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	
<b>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	
<b>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	<b>Yes</b>	<b>SEA undertaken in respect of the Westmeath County Development Plan 2021-2027. An AA Screening Report / NIS and Ecological Report have been submitted with reference to the Habitats Directive. An Ecological Impact Assessment has been submitted and refers to the Water Framework Directive, Habitats Directive, Environmental Impact Assessment Directive, and the Birds Directive. An EIA Screening Report is submitted and refers to the EIA Directive.</b>

<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)  <b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	<b>Is this likely to result in significant effects on the environment?</b>  <b>Yes/ No/ Uncertain</b>
<b>This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith</b>			
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	<b>No</b>	<b>The proposed development comprises 2 storey housing and apartment blocks. In the wider area there are examples of similar existing housing typologies.</b>	<b>No</b>
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	<b>Yes</b>	<b>The site is formed of former agricultural land, with no demolition works proposed. The proposed development will require site clearance, although it is also proposed to retain a large number of trees and hedgerows. A drainage ditch runs along the northeast of the proposed development between the site and residential development there, which is retained in the proposal. The works are in keeping with the wider character of the</b>	<b>No</b>

		area, being a built up environment with housing use established in adjacent areas.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction works will necessitate the use of natural resources for construction materials and the use of energy for machinery. Construction materials will be typical of such development. While the development will result intensity of land coverage by buildings and loss of trees/vegetation, this is not on a significant scale at either national or county level. The proposed landscape works also incorporate mitigation measures through landscape planting.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction	No

		<b>Environmental Management Plan will satisfactorily mitigate potential impacts. Construction waste can be managed via a Construction and Demolition Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</b>	
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	<b>Yes</b>	<b>Risk of contamination to adjacent watercourses is identified in submitted documentation. A NIS is submitted outlining required mitigation to obviate risk of contamination to adjacent watercourses. Proposed surface water management systems as required of a project of this scale will prevent the escape of potential pollutants from the site. With the application of mitigation, no contamination will result.</b>	<b>No</b>
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	<b>Yes</b>	<b>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction and Environmental Management Plan. No significant operational impacts anticipated.</b>	<b>No</b>
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	<b>No</b>	<b>Construction activity is likely to give rise to noise and dust emissions; however such emissions would not be significant, and would not impact human health. These construction impacts would be temporary and localised in nature and the application of a Construction and Environmental</b>	<b>No</b>


		<b>Management Plan to include traffic movements, would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</b>	
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	<b>No</b>	<b>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.</b>	<b>No</b>
<b>1.10</b> Will the project affect the social environment (population, employment)	<b>Yes</b>	<b>Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the scale of the development, its situation in an existing urban area and the surrounding pattern of land uses.</b>	<b>No</b>
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	<b>Yes</b>	<b>Table 5.1 of the submitted EIA Screening Report identifies projects at various stages in close proximity (and/or bordering) the site, alongside potential interactions. The risk of in-combination effects is identified due to the large scale and close proximity of certain projects alongside the proposal, with respect to construction stage impacts for dust, as well as surface water runoff in both construction and operation phase. Mitigation is set out for these projects under their own EIA and/or AA requirements. Mitigation is also set out in the submitted NIS for the proposal. No significant in-combination adverse effects with the application of mitigation.</b>	<b>No</b>

## 2. Location of proposed development

<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	<p><b>Yes</b></p>	<p><b>Lough Ree SAC and Lough Ree SPA are located approximately 1.3km from the site. SCI species associated with the SPA can commute up to 20km for ex-situ foraging and there is a hydrological connection from the site via a drainage ditch to SAC.</b></p> <p><b>In relation to SPA SCI species, winter bird surveys carried out show that there are no SCI species utilising the subject site for ex-situ foraging or roosting.</b></p> <p><b>With respect to the hydrological connection to the SAC, a NIS has been submitted with the application. This report concludes that with the application of mitigation, it is not expected that the proposed project will cause any impact on the SAC (or any other Natura Sites). No impact to any other designated / conservation sites anticipated.</b></p>	<p><b>No</b></p>
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p><b>Yes</b></p>	<p><b>Table 4.3 of the submitted Ecological Impact Assessment Report (EclAR) for the application identifies the Key Ecological Receptors present on the site. There is the potential for the disturbance of bats, a protected species in Ireland under Wildlife Acts. The potential to disturb badgers, also a protected species, and other mammal species is identified. Works will require the removal of some trees and hedgerow, although large numbers are</b></p>	<p><b>No</b></p>

		identified for retention. This could impact a range of aviation species, including nesting birds in the absence of mitigation. Nesting birds are protected under Irish legislation. The potential for pollution of ecological receptors through surface run-off is also identified. The EclAR sets out mitigation measures to reduce and eliminate potential effects, with no significant residual effects anticipated at scale.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The nearest archaeological sites to the proposed development are a promontory fort (WM029-047) approximately 1km northwest of the proposed development and a pair of standing stones (WM029-002) approximately 1.22 km northwest of the proposed development. There are no items listed on the national inventory of architectural heritage located in the immediate vicinity of the Site. There will be no impacts on Cultural Heritage in the area as a result of the proposed development. Mitigation is outlined in the submitted archaeological assessment to ensure no impact upon currently undiscovered heritage.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	The site comprises former agricultural lands and is surrounded by similar lands, which is identified for residential development. There is numerous examples of agricultural land in active use in the wider area and the loss of agricultural use	No

		on the subject site is not significant in this context.	
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	There is an existing drainage ditch to the northeast of the site. This connects to the Kippinstown Stream approximately 189m to the northeast, which flows into the Garrynafela River and into the Lough Ree SAC and SPA. The ditch was dry at the time of the survey which was during summer, however the submitted EIA Screening Report states it has been recorded as supporting water. The proposed development will connect to the Kippinstown stream directly via the drainage ditch in the operational phase of the proposed development, to facilitate surface water drainage. Mitigation is outlined in the submitted NIS to prevent and address the potential for pollution effects associated with this. Flood risk is addressed in the submitted Services Design Report. No existing flood risk is identified associated with the site, and mitigation is included to minimise risk to the site and surrounding area following development of the site, with measures to control discharge rates from the site.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence in the submitted documentation that the lands proposed for development are susceptible to lands slides or erosion.	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the	Yes	The N55 national road is situated to the south, and immediately adjacent to the	No

location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?		site. The main access to the site is via a planned residential development to the east, and not directly from the national road. Temporary (during construction) and emergency access is via an existing entrance from the N55. There will be no significant effects to this national road.	
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	<b>No</b>	There is an existing cemetery to the west of the site, however the boundary wall to this neighbouring site is to be retained and no effects are anticipated. Other sensitive uses are further removed from the site, with the N55 providing a significant buffer to the south.	<b>No</b>
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	<b>Yes</b>	See 1.11 above. Development in the wider area is of a scale and nature that would be anticipated under the Westmeath Development Plan 2021-2027 and would not give rise to significant cumulative environmental effects alongside this development.	<b>No</b>
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	<b>No</b>	No trans boundary considerations arise.	<b>No</b>
<b>3.3</b> Are there any other relevant considerations?	<b>No</b>		<b>No</b>
<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>		EIAR Not Required	

Real likelihood of significant effects on the environment.		EIAR Required
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**D. MAIN REASONS AND CONSIDERATIONS**

Having regard to: -

1. the criteria set out in Schedule 7, in particular
  - (a) the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure
  - (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone
  - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_

## 14.0 Appendix 2: Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	323932-25	Townland, address	Lissywollen, County Westmeath
Description of project		Proposed construction of 94 no. dwellings.	
Brief site description, relevant to WFD Screening		<p>The site is located on undeveloped agricultural lands. There is no watercourses within the proposed development site, there is a drainage ditch to the north east of the site with connects to the Kippinstown Stream (EPA code: 26K74), which in turn connects to the Garrynafela River (EPA code: 26G51) and into Lough Ree SAC (000440) and SPA (004064) at Balaghkeeran Bay, approximately 1.6km from the proposed development site. The proposed development site is located within the Athlone gravels (IE-SH-G-246) groundwater body, which has a WFD status of 'Good' and is currently classified as 'Not at Risk' (EPA, 2025). This groundwater body is shared with the Lough Ree SAC and SPA. The proposed development site is mapped by the EPA (EPA, 2025) as being within the Upper Shannon Water Framework</p>	

	Directive (WFD) Catchment (ID: 26E), specifically within the Shannon (upper)_SC_090 Sub-Catchment, (Sub-catchment ID: 26E_6).
<b>Proposed surface water details</b>	The proposed development will connect to the Kippinstown stream directly via a small open drain north of the site in the operational phase of the proposed development, to facilitate surface water drainage. Section 6.2.1 of the EclA sets out construction phase mitigation with respect to surface water and groundwater protection. Section 6.4.1 of the EclA sets out the best practice SUDs measures proposed during operational phase. Surface run-off in operational phase will be limited to greenfield rates; attenuation on site via 3 underground eco block systems with capacity for 1-in-100 year rainfall event and allowance for climate change; 3 no. petrol interceptors. The submitted Services Design Report also describes surface water details.
<b>Proposed water supply source &amp; available capacity</b>	The submitted Services Design Report outlines in section 9 the proposed potable water supply arrangements, via Uisce Éireann infrastructure. There is an existing 160mm PE watermain situated to the northeast of the proposed development, it is proposed to connect to this in accordance with Irish Water Standard details (Drawings 23188-3043-P2 to 23188-3045-P1). Uisce Éireann have confirmed that a confirmation of feasibility has been issued to the applicant. Uisce Éireann capacity register indicates available capacity (LoS improvement required) for Athlone.
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	The submitted Services Design Report describes arrangements for foul water. It is proposed that the development be served by 1 main foul sewer pipe. This 225mm uPVC foul sewer pipe will connect into existing foul sewer (225mm dia.) network to the north of the site by gravity

	connection (drawings 23188-3030-P1 to 23188-3036-P1). Uisce Éireann have confirmed that a confirmation of feasibility has been issued to the applicant. The Uisce Éireann capacity register is 'Green' meaning 'spare capacity available' for Athlone.
<b>Others?</b>	<p>It is proposed to use 10 No. fire hydrants on the loop main. Hydrants shall comply with the requirements of BS 750:2012 and shall be installed in accordance with Irish Waters Code of Practice and Standard Details.</p> <p>Note An Taisce submission with comments concerning assessment against Article 4 of the Water Framework Directive. That assessment is set out below.</p>

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

<b>Identified water body</b>	<b>Distance to</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
Stream	160m (approx. overland)	Kippinstown Stream (EPA code: 26K74)	No WFD status	No status	None	Yes - Surface run-off discharge via drainage ditch following attenuation.

River Waterbody	410m (approx. overland)	Garrynafela River (EPA code: 26G51)	No WFD status	No status	None	Yes - Drainage via Kippinstown Stream.
Lake Waterbody	1.6km (approx. overland)	Ballaghkeeran (IE_SH_26_75 0d) (Lough Ree at Balaghkeeran Bay)	Moderate WFD 2016-2021 status	'At Risk'	Unknown	Yes - Drainage via Garrynafela River.
Groundwater waterbody	Underlying site	Athlone gravels (IE-SH-G-246)	Good WFD 2016-2021 status	'Not At Risk'	None	Surface run-off into local groundwater.
WFD Catchment	Drainage area	Upper Shannon (WFD) Catchment (ID: 26E), and the Shannon (upper)_SC_09 0 Sub-Catchment, (Sub-	'Poor' WFD 2016-2021 status	'At Risk'	Agriculture, hydromorphology pressures	Drainage.

		catchment ID: 26E_6).					
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>							
<b>CONSTRUCTION PHASE</b>							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	Kippinstown Stream (EPA code: 26K74)  Garrynafela River (EPA code: 26G51)	Existing and new run-off.	In the absence of mitigation, there is potential for a range of pollutants (e.g. petrol, diesel, and oils from machinery) to enter watercourses and waterbodies during construction phase. The primary receptor is the drainage ditch to the northeast of the site, which is connected to the	No direct discharge of surface water to relevant waterbodies. Use of drainage system and attenuation. Monitoring of water quality. Spill kits provided. Storage of liquid and hazardous material in designated bunded area. Delivery point for concrete in	Yes – proximity.	Screened in.

	<p>Ballaghkeeran (IE_SH_26_75 Od)</p> <p>Athlone gravels (IE-SH-G-246)</p>	<p>Kippinstown Stream, which flows into the Garrynafela River, and in turn deposits into Ballaghkeeran Lake at Lough Ree. Activities include the stripping of vegetation, ground disturbance, and the storage of stripped soils and aggregates, which if near the drainage ditch, would increase the risk of materials being washed into these connected waterbodies during periods of heavy or prolonged rainfall and flood events. This could lead to potential impacts on water quality through increased turbidity levels and sedimentation, as well as the potential mobilisation of a variety of substances that may be contained within the soils. Construction activities may also alter local groundwater levels, and surface water flows through</p>	<p>bunded area. Drip trays. Maintenance of plan. No washing out of concrete trucks on site. Measures to control groundworks.</p>		
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				extraction activities and/or discharge of water.			
<b>OPERATIONAL PHASE</b>							
2.	Surface	Kippinstown Stream (EPA code: 26K74)  Garrynafela River (EPA code: 26G51)  Ballaghkeeran (IE_SH_26_75 Od)  Athlone gravels (IE-SH-G-246)	Proposed drainage.	The proposed development's operational phase will connect to the Kippinstown stream directly via a small open drain north of the site in order to facilitate surface water drainage from the proposed development. (This flows into Garrynafela River, which in turn flows into Ballaghkeeran Lake). Surface discharge could also disperse to groundwaters, namely Athlone gravels.	Best practice SuDS measures will be implemented as part of the proposed development's operational phase. These are standard measures, recommended as part of objectives of the Westmeath County Development Plan 2021-2027 and best practice guidance on SuDS, and are installed as a matter of course, and are not intended to address potential effects.	No – design of the proposal ensures imperceptible risk.	No – Screened out.
<b>DECOMMISSIONING PHASE</b>							
3.	N/A						

## STAGE 2: ASSESSMENT

### Details of Mitigation Required to Comply with WFD Objectives

#### Surface Water

Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Site clearance and construction works associated with the proposed development, including operation of construction vehicles, plant and equipment.	Site specific construction mitigation methods described in the CEMP, EclA and NIS. Measures around stockpiling, sediment and silt control, water quality monitoring and washing areas. The appointed Contractor will engage the	As per objective 1: Ecologist to advise on exclusion zone to watercourses.	NA	NA	YES

	<p>services of an Ecologist to advise on an appropriate exclusion zone for connecting drains and water course, and ensure that no works are to be carried out in close proximity to the existing water courses. A Method Statement and Risk Assessment will be reviewed and approved by Westmeath County Council before any works take place.</p>				

## 15.0 Appendix 3: Stage 1 Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	The proposed development concerns the construction of 94 residential units comprising 86 houses and 8 apartments. Vehicular access is proposed through the neighbouring Grace Fields estate to the east currently under construction. Connection to wastewater infrastructure under construction to the northeast of the proposed development as part of ongoing works along the northern boundary of the site. All associated site development and infrastructural work, i.e. amenity spaces, landscaping, parking, utilities and footpaths/roads. The application is being made by Laois County Council pursuant to Section 177AE of the Planning and Development Act, 2000 (as amended).
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The subject site is currently composed of agricultural grassland with mature trees occurring within the site and along the boundary hedgerows. No invasive species were recorded on site. There are areas of rush and wetter conditions to the north of the site, and dryer areas or rank grassland to the southern end of the site. Lough Ree

	<p>and its associated European sites of Lough Ree SAC (site code: 000440) and Lough Ree SPA (site code: 004064), are approximately 1.3 km from the proposed development site, at the closest point. A small agricultural drain to the north of the proposed development site connects to the Kippinstown stream. This stream joins with the Garrynafela (IE_SH_26S021660) and empties into Lough Ree SAC and SPA at Balaghkeeran Bay, approximately 1.6 km from the proposed development site.</p>
<b>Screening report</b>	Y
<b>Natura Impact Statement</b>	Y
<b>Relevant submissions</b>	<p><u>An Taisce</u></p> <p>The sufficiency of wintering bird surveys conducted by the applicant should be demonstrated, given that potential habitat was surveyed on site.</p> <p><u>Department of Housing, Local Government and Heritage:</u></p> <p>Mitigations outlined in the submitted NIS and CEMP should be strictly adhered too. It is recommended that a suitably qualified person be appointed to oversee construction phase operations in its entirety. Surface water runoff during operational phase of the development should be adequately controlled by sufficient attenuation and filtration including hydrocarbon interception. Recommend referral to the Dept. guidance document on best practice nature-based solutions for rainwater and surface water runoff.</p>

<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km approx.)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
Lough Ree SPA (004064)	Little Grebe ( <i>Tachybaptus ruficollis</i> ) [A004] Whooper Swan ( <i>Cygnus cygnus</i> ) [A038] Teal ( <i>Anas crecca</i> ) [A052] Mallard ( <i>Anas platyrhynchos</i> ) [A053] 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] Wigeon ( <i>Mareca penelope</i> ) [A855] Shoveler ( <i>Spatula clypeata</i> ) [A857] Wetland and Waterbirds [A999]	1.31km	<p>There is a small stream to the north east of the proposed site, the Kippinstown stream (IE_SH_26S021660), which joins with the Garrynafela IE_SH_26S021660) and empties into Lough Ree SAC and SPA at Balaghkeeran Bay, approximately 1.6 km from the proposed development site. This stream is connected to the proposed development site via agricultural drains north of the site.</p> <p>Potential ex-situ foraging and over wintering habitat was identified in this agricultural grassland to the north, and the dryer areas to south of the site. SCI species can commute up to 20 km for ex-situ foraging outside of typical foraging sites / designated SPA areas, and the proposed site is within core foraging zones for species such as Whooper swan that Lough Ree SPA is designated for. However, winter bird surveys carried</p>	Y

			out to support the submitted NIS and AA Screening Report showed no SCI species utilising the site for ex-situ foraging or roosting.	
Lough Ree SAC (000440)	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Semi-natural dry grasslands and scrubland 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, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	1.36km	<p>There is a small stream to the north east of the proposed site, the Kippinstown stream (IE_SH_26S021660), which joins with the Garrynafela IE_SH_26S021660) and empties into Lough Ree SAC and SPA at Balaghkeeran Bay, approximately 1.6 km from the proposed development site. This stream is connected to the proposed development site via agricultural drains north of the site.</p> <p>There is a shared groundwater body between the proposed development site and Lough Ree SAC and SPA. The Athlone Gravels groundwater body is shared with part of both European sites to the north. Lough Ree SAC is designated for Alkaline fens (7230) which are groundwater dependant habitats and therefore sensitive to any pollution to groundwater.</p>	Y

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

During construction, due to the proximity of the site to the Lough Ree SPA, there is potential for disturbance effects through noise impacting ex-situ foraging SCI species. Winter bird surveys of the subject site support the conclusion that the site itself is not utilised

by ex-situ SCI species for the SPA, however birds could utilise nearby lands for wintering / ex-situ foraging during the construction phase. Due to the distance to the SPA (over 1km) there is sufficient distance to ensure that there is no likelihood for significant effect to birds within the Lough Ree SPA due to construction phase noise disturbance. Due to the abundance of agricultural lands in the areas surrounding the SPA, and the temporary nature of construction phase noise, any disturbance to ex-situ SCI species is not likely to be significant.

During construction phase there will also be an increase in dust emissions, however the distances between the proposed development site and the European sites at Lough Ree (c.1.3 km), and a zone of influence for dust of 500 m for this project, it is not anticipated that dust will spread to the boundary of Lough Ree. Dust could however be introduced to the Kippinstown Stream, which is directly connected with Lough Ree 1.6km downstream, as such this equates to a source pathway for likely significant effects during construction resulting from dust.

While there is no direct hydrological connectivity to the European sites at Lough Ree, there is indirect connection via a local agricultural drainage ditch which links to the Kippinstown stream, which has downstream connection to Lough Ree. This equates to a source pathway for likely significant effects via water quality and run off during the construction phase of the development.

During operational phase, loss of amenity grassland habitat will result, however as there were no record of ex-situ foraging on the site during roost and winter bird surveys, no effects are anticipated in this regard.

During operational phase, surface-water drainage will connect to the Kippinstown Stream directly via a small open drain north of the site. However, best practice SuDS measures will be implemented through the design of the proposed development. Such measures include: limiting surface run off in the operational phase to greenfield run off rates (Qbar); attenuation on site via 3 (no.) underground eco bloc attenuation systems with capacity for 1-in-100 year rainfall event with additional allowance for climate change and increased development; and, 3 (no.) petrol interceptors with a peak flow of 100 L/S and storage capacity of 1000L. These are standard measures, recommended as part of objectives of the Westmeath County Development Plan 2021-202731 and best practice guidance on SuDS32, and are installed regardless of relationships to European sites and thus not intended to address potential effects. Therefore, there are no sources for effect during operation in this regard.

**AA Screening matrix**

<b>Site name</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
<b>Qualifying interests</b>		
	<b>Impacts</b>	<b>Effects</b>

<b>Site 1: Lough Ree SPA (004064)</b>	There is a hydrological connection during the construction phase due to the close proximity of the Kippenstown Stream to the proposed development boundary, which directly connects to the SPA (approx. 1.6km downstream). Run-off and dust from earthworks during the construction phase may enter the Kippenstown Stream via local agricultural drains or local groundwater bodies.	In the absence of appropriate mitigation for surface run off and dust control during the construction phase; surface water runoff may have the potential to impact the water quality of Lough Ree SPA, and as a result, prey populations could be adversely affected, consequently effecting QI species that feed upon them.
<b>Site 2: Lough Ree SAC (000440)</b>	There is a hydrological connection during the construction phase due to the close proximity of the Kippenstown Stream to the proposed development boundary, which directly connects to the SCA (approx. 1.6km downstream). Run-off and dust from earthworks during the construction phase may enter the Kippenstown Stream via local agricultural drains or local groundwater bodies.	In the absence of appropriate mitigation for surface run off and dust control during the construction phase; surface water runoff may have the potential to impact the water quality of hydrologically sensitive QI habitats for Lough Ree SAC such as alkaline fens and eutrophic lakes, and QI species such as otter ( <i>Lutra lutra</i> ).
<b>Likelihood of significant effects from proposed development (alone): Y</b>		
<b>Possibility of significant effects (alone) in view of the conservation objectives of the site</b>		
<p>The specific conservation objectives and special conservation interests for the potentially affected European site relate to various attributes, including population trends, distribution, range and habitat characteristics. Potential effects arising from emissions associated with the construction of the proposed development have been highlighted above, which have the potential to affect the conservation objectives supporting qualifying interests of the Lough Ree SPA and SAC. As such, likely effects on Lough Ree SPA and SAC cannot be ruled out, having regard to those sites conservation objectives, and a Stage 2 Appropriate Assessment is required. The potential impacts are expanded upon in further detail as part of a Stage 2 Appropriate Assessment below.</p>		
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
<p>It is not possible to exclude the possibility that proposed development alone would result in significant effects on the Lough Ree SPA and Lough Ree SAC from effects associated with water quality impacting Qualifying Features associated with these European sites. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.</p>		

**Proceed to AA.**

### **Screening Determination**

#### **Significant effects cannot be excluded**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development, alone or in combination with other plans and projects will give rise to significant effects on the Lough Ree SPA and Lough Ree SAC European Sites in view of those sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- Potential for impact upon water quality through increased risk of sediment / surface run-off and dust. During construction phase, run-off or dust from earthworks may enter waterbodies. There is a hydrological link between the subject site and European sites at Lough Ree. Silt or fine sediment can directly negatively affect aquatic fauna, fish and invertebrates, and algae / plants, as well as QI flora. This could in turn reduce prey species for QI species.

## 16.0 Appendix 4: Stage 2 Appropriate Assessment

### Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development for 94 residential units (and associated works), in view of the relevant conservation objectives of the Lough Ree SPA and Lough Ree SAC based on scientific information provided by the applicant and considering observations on nature conservation.

The information relied upon includes the following:

- Natura Impact Statement including AA Screening.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

#### **Submissions/observations**

##### An Taisce

The sufficiency of wintering bird surveys conducted by the applicant should be demonstrated, given that potential habitat was surveyed on site.

Department of Housing, Local Government and Heritage:

Mitigations outlined in the submitted NIS and CEMP should be strictly adhered too. It is recommended that a suitably qualified person be appointed to oversee construction phase operations in its entirety. Surface water runoff during operational phase of the development should be adequately controlled by sufficient attenuation and filtration including hydrocarbon interception. Recommend referral to the Dept. guidance document on best practice nature-based solutions for rainwater and surface water runoff.

**The River Barrow and River Nore SAC (site code: 002162):**

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

- (i) Potential for impact upon water quality through increased risk of sediment / surface run-off and dust. During construction phase, run-off or dust from earthworks may enter waterbodies. There is a hydrological link between the subject site and European sites at Lough Ree. Silt or fine sediment can directly negatively affect aquatic fauna, fish and invertebrates, and algae / plants, as well as QI flora. This could in turn reduce prey species for QI species.

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)
<p><b>Lough Ree SPA (004064)</b></p> <p>Little Grebe (Tachybaptus ruficollis) [A004]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p>	<p>Objective is to maintain or restore the favourable conservation condition of the QI bird species.</p> <p>For Common Scoter and Common Tern, attributes and targets relate to: Breeding population trend stable or increasing, productivity rate</p>	<p>Construction phase activities have the potential to impact upon water quality through increased risk of sediment / surface run-off and dust. Run-off or dust from earthworks may enter the Kippinstown Stream. This could occur hydrologically via drainage ditch, or from dust dispersal due to the streams proximity to the site.</p>	<p>Section 8 of the submitted NIS outlines proposed mitigation measures with respect to water quality and dust. Measures are outlined in respect of stockpiles, sediment and silt control, exclusion zone from hydrological pathway, water quality monitoring, oil / diesel storage</p>

Teal ( <i>Anas crecca</i> ) [A052]	to maintain population trend, no significant loss of distribution of nesting habitat, sufficient area of high quality nesting habitat, disturbance at breeding sites not significantly impacting targets, barriers no significantly impacting breeding population access to SPA or other ecologically important sites, forage spatial distribution sufficient and available forage biomass.	This stream eventually disperses downstream into Lough Ree SAC and SPA at Balaghkeeran Bay, approximately 1.6 km from the proposed development site, via the Garrynafela River. Silt or fine sediment can directly negatively affect aquatic fauna, fish and invertebrates, as well as flora in QI Wetland habitat. This could in turn reduce prey species for QI bird species.	and concrete wash, and control / minimisation of dust.
Mallard ( <i>Anas platyrhynchos</i> ) [A053]			
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]	For Wetlands attributes and targets relate to: No significant loss to wetland habitat area within SPA and no significant impact on the quality or functioning of wetland habitat within the SPA.		
Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]			
Lapwing ( <i>Vanellus vanellus</i> ) [A142]			
Common Tern ( <i>Sterna hirundo</i> ) [A193]	For all over QI bird species, attributes and targets relate to the following: Attributes and targets relate to long term winter population trend, winter distribution with sufficient number of locations or area availability,		
Wigeon ( <i>Mareca penelope</i> ) [A855]			
Shoveler ( <i>Spatula clypeata</i> ) [A857]			

<p>Wetland and Waterbirds [A999]</p>	<p>disturbance at winter sites not significantly impacting targets, barriers not significantly impacting access to SPA or other ecologically important sites, sufficient area for forage biomass, sufficient area of roosting habitat, sufficient area of utilisable habitat in ecologically important sites outside the SPA.</p>			
<p><b>Lough Ree SAC (000440)</b></p> <p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Alkaline fens [7230]</p> <p>Lutra lutra (Otter) [1355]</p>	<p>To restore the favourable conservation condition of Natural eutrophic lakes with Magnopotamion or Hydrolcharition – type vegetation. Defined by the following attributes and targets: Habitat area stable or increasing, no decline in habitat distribution, typical species present in good condition and typic abundance / distribution, vegetation composition – characteristic zones present and correctly distributed in good condition, maintain appropriate natural hydrological regime, maintain</p>	<p>Construction phase activities have the potential to impact upon water quality through increased risk of sediment / surface run-off and dust. Run-off or dust from earthworks may enter the Kippinstown Stream. This could occur hydrologically via drainage ditch, or from dust dispersal due to the stream’s proximity to the site. This stream eventually disperses downstream into Lough Ree SAC and SPA at Balaghkeeran Bay, approximately 1.6 km from the proposed development site, via the Garrynafela River. Silt or fine sediment can directly negatively affect hydrologically sensitive habitats (QI flora). This could in</p>		

	<p>appropriate lake substratum quality, maintain/restore appropriate Secchi transparency, maintain the concentration of nutrients in water column, maintain appropriate concentration of nutrients, maintain appropriate water quality to support habitat for phytoplankton biomass, maintain appropriate water quality to support phytoplankton composition, maintain trace/absent attached algal biomass and good phytobenthos status, restore good macrophyte status, maintain appropriate water and sediment pH alkalinity and cation concentrations, maintain appropriate water colour, maintain appropriate organic carbon levels, maintain appropriate turbidity, maintain fringing habitat area necessary to support natural functioning of the lake habitat.</p>	<p>turn directly negatively affect aquatic fauna, specifically fish, reducing prey species for QI species such as Otter.</p>		
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	<p>To maintain the favourable conservation condition of Alkaline fens defined by the following attributes and targets: Habitat area stable or increasing, no decline in habitat distribution, appropriate natural hydrological regimes necessary to support natural structure and functioning, active peat formation, appropriate water quality, maintain vegetation cover of typical species, cover / composition of native trees and shrubs less than 10%, cover of disturbed bare ground less than 10% or 1% where tufa present, and areas showing signs of drainage less than 10%.</p> <p>To maintain the favourable conservation condition of Otter defined by the following attributes and targets: No significant decline in distribution, extent of terrestrial habitat, freshwater habitat (river or lake), couching sites and holts, or</p>			
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	fish biomass; and no significant increase in barriers to connectivity.		
<p>The above table is based on the documentation and information provided on the file, the NPWS website and my own assessment. I am satisfied that the relevant attributes and targets of the Qualifying Interests have been identified.</p>			
<p><b>Assessment of issues that could give rise to adverse effects view of conservation objectives</b></p> <p>The assessment set above identifies the potential for release of sediments/silt in run-off or from dust during construction activities on the site, particularly earthworks. Due to a hydrological pathway, this impact could affect QI habitat quality and QI prey biomass / availability, particularly as a result of adverse effect to water quality. Mitigation is set out which will reduce the risk to negligible, of pollution to Lough Ree via surface water runoff and dust. As a result, the proposed development does not pose a risk of adverse residual effect to the conservation objectives or favourable conservation condition of QI habitats and species and supporting habitats of the SCI species of the Lough Ree SPA and SAC.</p> <p>I note An Taisce comments regarding the sufficiency of wintering bird surveys. Appendix V of the NIS sets out wintering bird survey metadata and Appendix VI of the NIS describes the wintering bird survey data with respect to counts of breeding birds. The EclA also sets out findings with respect to bird surveys of the site. There were no QI bird species for Lough Ree SPA recorded on the site. I am satisfied that the data presented is sufficient. I also concur with the findings of the NIS and agree that there is no risk of significant adverse effect upon ex-situ QI bird species, particularly given the abundance of suitable habitat in the surrounding area.</p> <p>I note the Departments (DAU) comments with respect to the application of mitigation set out in the NIS and CEMP which can be secured by condition. In relation to the appointment of an Ecological Clerk of Works, this can also be secured by condition. The applicant response also reinforces the application of mitigation with respect to surface water drainage from the site, with sufficient and controlled attenuation.</p>			
<p><b>In-combination effects</b></p> <p>I am satisfied that in-combination effects has been assessed adequately in the NIS. Table 7.3 and 7.4 of the NIS identifies relevant permitted developments within 500 m of the proposed development. There are several projects in the Cornmaddy area, that are part of a large-scale residential development (Table 7.3 NIS), these projects are medium to large scale residential developments that are at various stages of construction or completion. The NIS identifies that as a result of the scale of development in the local area, and the potential effects regarding surface water runoff and dust to Lough Ree's European sites,</p>			

the risk for in-combination effects with these developments cannot be reasonably excluded and mitigation is required. With mitigation in place (as set out above), there will be no adverse effect upon the integrity of European sites.

### **Findings and conclusions**

The applicant concluded that the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the European site considered in the Appropriate Assessment.

### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### **Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives of Lough Ree SPA and Lough Ree SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

### **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Lough Ree SPA and Lough Ree SAC in view of the conservation objectives of the site and that Appropriate Assessment was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations, I consider that adverse effects on site integrity of Lough Ree SPA and Lough Ree SAC can be excluded in view of the conservation objectives of that site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

The application of mitigation measures to protect water quality and control / minimise dust.