



An
Bord
Pleanála

Inspector's Report 25.HA.0051 & 25.KA.0036

Development	Cycleway and pedestrian bridge over the Shannon River.
Location	Athlone, County Westmeath.
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	WH-9901_12_00014
Applicant(s)	Westmeath County Council
Type of Application	CPO and Section 50 Roads Act
Planning Authority Decision	N/A
Oral Hearing Date	24 th August 2017
Type of Appeal	N/A
Appellant(s)	Westmeath
Observer(s)	<ol style="list-style-type: none">1. Robin Knox, Silver Quay Management Company.2. Joseph & Marjorie Dolan.
Date of Site Inspection	1 st & 24 th August 2017
Inspector	Hugh Mannion

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1.0 Introduction

- 1.1. An application has been made by Westmeath County Council for the provision of a bridge, approach ramps and stairs and associated works carrying a cycleway and footpath over the River Shannon immediately north of Custume Bridge in the centre of Athlone town, County Westmeath. The compulsory purchase order (CPO) is referred to as the Westmeath County Council Compulsory Purchase Order (Number 1), 2017. The CPO was made pursuant to the powers conferred on the local authority by section 86 of the Housing Act, 1966, as amended by section 6 and the Second Schedule to the Roads Act, 1993, and amended by the Planning and Development Act, 2000-2017.
- 1.2. The CPO would, if confirmed, authorise the local authority to compulsorily acquire the lands described in Map WH9901-04-01 and Part II of the Schedule to the CPO and extinguish the right of way described in Map WH9901-04-02 and Part II of the Schedule attached to the CPO for the purposes of construction of the Athlone pedestrian and cycleway bridge and associated works on both banks of the Shannon River in Athlone, County Westmeath.
- 1.3. The request for confirmation of the CPO was received by the Board on the 16th May 2017.
- 1.4. An application is also made to the Board for approval of the proposed cycle and pedestrian bridge, ramps, stairs and associated works on both sides of the River Shannon in Athlone under Section 51 of the Roads Act 1993-2007. This application is accompanied by an Environmental Impact Statement (EIS) and a Natura Impact Statement (NIS).

2.0 Description of Lands

- 2.1. The application site is located in Athlone town and on both east and west sides of the River Shannon. There are three bridges over the River Shannon in Athlone. The first, Custume bridge (built 1844), is south of the application site and links east and west sides of the river in the town centre and carries vehicular and pedestrian traffic. The second is north of the application site and is a railway bridge for the Dublin/Galway railway line. The third, further north again, is another road bridge

which carries the N6/M6 over the river. The CPO lands are located entirely on the eastern side of the Shannon (25.KA.0036) while the area covered by the EIA application under the Roads Act (25.HA.0051) are on both sides of the river.

- 2.2. The CPO lands on the east side the Shannon comprise an existing riverside walkway about 123m long which runs generally north/south along the river. The width varies slightly but is generally 5m/6m wide. The walkway is raised over the river with a metal guard fence. On the eastern side is the rear of a 5/6 storey building which accommodates two uses; the Radisson hotel and an apartment block (Silver Quay apartments). Athlone Marina is located in the river on its eastern side. The walkway is accessed from the northern end over a laneway (Marina Lane) from Abbey Road but this laneway is gated and access is restricted to those using the marina which connects via a gangway to the walkway at its northern end. The southern end of the walkway is accessed first over a narrow vehicular access (Methodist Church Street) which allows cars to drive into a car park behind the Methodist Church and then over a gravelled lane with a high stone wall on its southern side and the side wall of the Radisson hotel on its northern side. This south end of the walkway is also gated but this gate was open during my inspections. Towards the northern end of the walkway there is a further closed gate which turns the southern element of the riverside walkway into a cul de sac.
- 2.3. The Radisson hotel/Silver Quay apartment block addressers the riverside walkway with a blank rendered wall which is punctuated with grills which serve a car park. About mid-way along this hotel/apartment block elevation at first floor level, and therefore not visible from the walkway, is an open air terrace associated with the hotel. A metal stairway links the walkway with the hotel terrace.
- 2.4. On the western side of the River Shannon the proposed bridge will connect with a public pedestrian walkway which at present separates the Luan Gallery from the river and is protected by a metal railing. The Luan Gallery is an art/exhibition space which opened in 2012 and incorporates and extends the Father Mathew temperance hall dating from 1897. North of Luan Gallery is a riverside walkway, a grassed area and trees. Behind and to the north of Luan Gallery is St Peter's and Paul's Church on Grace Road (the R446). The riverside walk way extends south along the river with the Luan Gallery on its west and there is an arch under the western end of Custume Bridge which allows pedestrians to walk through without having to cross

the bridge/public road (R446). Through this arch and now south of the bridge the riverside walkway continues with the wall of Athlone castle to the west. There are 13 car parking spaces under the castle wall and two-way vehicular traffic recommences south of the castle at the intersection of The Quay/Castle Street/Main Street.

3.0 Proposed Development

- 3.1. The proposed development comprises a two span shared pedestrian/bicycle bridge across the River Shannon from the riverside walkway to the rear of Radisson Hotel/Silver Quay apartment block on the eastern side to the Luan Gallery on the western side. There is a single central supporting pier in the River Shannon.
- 3.2. The bridge is 104m long, generally 3m wide, with a slightly narrower ramp on the west bank to minimise impact on an existing tree line. The link widens out to 13m at the two landing areas on either end of the bridge to create a civic space.
- 3.3. Works will removal of 13 parking spaces to the east of Athlone castle and south of Custume Bridge, removal of 3 or 4 existing ornamental trees to the east of the castle, streetscape works to the east of the castle and south of the pedestrian arch under Custume Bridge, including paving to emphasise a pedestrian and cyclist environment.
- 3.4. Widening of the existing riverside promenade/boardwalk to the east of the Luan Gallery, removal of the existing stairway and ramp between Grace Road and the riverside promenade to the north of the Luan Gallery, removal of a tree and relocating a bust of Count John McCormack along Grace Road.
- 3.5. On the west side of the river, construction of an extensive ramp layout for the use of pedestrians and cyclists linking the riverside promenade to the east side footpath on Grace Road, modifications to the existing riverside promenade for approximately 75m north of the Luan Gallery and widening of the promenade into the river by 1.8m generally but by up to 2.8m at one location. Modifications to the roof of the service area to the Luan Gallery to accommodate the west landing area of the new bridge.
- 3.6. Temporary removal of a number of berths of the Athlone Marina to facilitate construction of the proposed development, construction of a landing area at the east side of the bridge to tie in to the existing terrace of the Radisson Hotel, construction

of a new ramp on the line of the existing riverside walkway beside the Radisson Hotel and Silver Quay apartments accessing Marina Lane, construction of stairs on the line of the riverside walkway to provide access to Methodist Church Street.

- 3.7. Removal of the existing security gate between Marina Lane and the riverside walkway, and a further two gates further south on the walkway, and provision of a new security gate from the riverside walkway to the marina.
- 3.8. A temporary construction compound to allow for on-site assembly of sections of the proposed bridge deck prior to floating downstream on river barges will be created adjacent to the river at the southern end of Wansboro Park.

4.0 Submissions by Prescribed Bodies

Transport Infrastructure Ireland made a submission stating that it had no specific comments to make on the Road Act application.

The Department of Arts, Heritage, Regional Rural and Gaeltacht Affairs made the following observations;

- The Board should satisfy itself that the cumulative impacts of the proposed development are adequately considered in the application and that the proposed development does not comprise project splitting as it is only one section of the larger Dublin/Galway cycleway.
- The Board should consider if a construction management plan, an environmental operating plan and a waste management plan can be appropriately considered at post consent stage.
- The EIS (chapter 16) refers to post consent consultations with the NPWS; the Board should note that the NPWS has no post consent consultation role.
- The archaeological impact mitigation measures set out in the EIS should be carried out.

4.1. **Third Party Observations on the Roads Acts Application**

There were no third party observations in relation to application for permission under the Roads Acts.

5.0 **The Compulsory Purchase Order**

- 5.1. The CPO submitted to the Board is called the Westmeath County Council Compulsory Purchase Order (No1) 2017, Athlone pedestrian and cycleway bridge. The CPO is accompanied by two maps. Map WH-9901-04-001 shows an area outlined in red and coloured grey, this is the land which it is proposed for acquisition if the CPO is approved by the Board. **There has been no objection to this element of the CPO.**
- 5.2. A second map WH-9901-04-002 accompanies the CPO which shows an area coloured green which is the public right of way which will be extinguished by the CPO. **There have been two objections to this element of the CPO.**
- 5.3. The notices of the CPO were published in the Westmeath Independent on Saturday 13th May 2017, the Irish Independent on Thursday 11th May 2017. A copy of the notice was erected on site on the 11th May 2017. Copies of these notices were submitted to the Board.
- 5.4. A certificate of postage regarding the serving of the notice on the landowner was submitted to the Board.

6.0 **Objections to the CPO**

6.1.1. The objections to the CPO may be summarised as follows;

- The public notice of the proposed CPO was inadequate.
- The existing access where the notice was displayed is the only access to Athlone marina and remote from any public road.
- There have been two locked gates on the riverside walk for 17 years. These are secure gates on this access and it is not a public right of way.

- The gate is exclusively for fire brigade access.
- There is a combined foul and surface water sewer from Abbey Road and raw sewage discharges into the River Shannon close to the Athlone marina.
- The riverside walkway provides a fire escape path for the Silver Quay apartments.

7.0 Policy Context

7.1. National Spatial Strategy.

The National Spatial Strategy 2002-2020 defines Counties Laois, Offaly, Westmeath and Longford (chapter 4.4) as the 'midlands region' and designates the towns of Athlone, Mullingar and Tullamore as a 'linked gateway' which benefits from national road and rail networks that can contribute to a self-sustaining pattern of development.

7.2. Smarter Travel – A Sustainable Transport Future 2009-2020.

'Smarter Travel' (Department of Transport 2009) sets out national policy goals which seek to reduce overall travel demand, to maximise the efficiency of the transport network, to reduce reliance on fossil fuels, to reduce transport emissions and to improve accessibility to transport infrastructure. In order to achieve these goals 'Smarter Travel' sets a number of key targets. One key target is to promote cycling and walking which are recognised as the modes of transport with the lowest environmental impact. 'Smarter Travel' states that pedestrian and cycle facilities will be most successful where they form a coherent network, place an emphasis on safety, directly serve the main areas where people wish to travel, provide priority over vehicular traffic at junctions, are free from obstructions and have adequate public lighting. The overall goal is to have around 450,000 people walking and cycling to work/education each day in 2020, up from 240,000 in 2006.

7.3. **National Cycle Policy Framework.**

The National Cycle Policy Framework compliments 'Smarter Travel' and in its National Cycle Network identified 13 national cycle corridors and illustrated them on an attached map. The second longest of these (corridor number 2) is 265.7kms between Dublin and Clifden, County Galway and includes two stretches of cycleway/pedestrian greenway relevant to this application/CPO, the Mullingar to Athlone section and the Athlone to Ballinasloe section.

7.4. A **Department of Transport** policy statement (May 2014) provided €10m for a number of projects within the overall National Cycling Network including the Mullingar to Athlone section.

7.5. **The Regional Planning Guidelines for the Midland Region 2010-2022** (RPGs) were adopted by the Midland Regional Authority on the 20th July 2010. In relation to cycle and pedestrian movements the RPGs states that the Midland Regional Authority supports the Government's 'Smarter Travel' policy and the National Cycle Policy Framework (NCPF) and will aim to develop a strong culture of walking and cycling which is key to the development of an overall sustainable transport strategy. Facilitating cycle and pedestrian movement will contribute to the sustainability of the region, enhance quality of life, help to integrate other public transport modes in the region and also enhance the region's tourism offer. Figure 5.2 in the RPGs illustrates the Mullingar to Athlone section of the national cycle network and commits the regional authority to supporting the network.

7.6. **Westmeath County Council Development Plan 2014-2020**

The County Development Plan (chapter 8) makes the point that walking and cycling are the most sustainable modes of transport and are key components to movement and accessibility in urban and inter-urban areas. Benefits accruing for both the environment and population, include reducing air and noise pollution and traffic congestion as well as contributing to healthy and more active lifestyles. The plan commits the Council to continue to develop an integrated cycle/walking network

under the Smarter Travel Programme in order to ensure viable alternatives to car use. The Council recognises that Mullingar/Athlone element of the Dublin/Galway national cycling network should be supported by the planning authority.

7.7. Specific policies and objectives in relation to the national cycle network include;

P-WC1 “to encourage and facilitate safe walking and cycling routes in the county, as a viable alternative to the private car, in accordance with initiatives contained within “Smarter Travel, A Sustainable Transport Future 2009-2020”, taking account of the need to protect habitats and species of importance”.

P-WC2 “to develop walking and cycling routes within and between the Linked Gateway towns of Mullingar and Athlone”.

P-WC6 “to support and facilitate the provision of a cycleway and walkway between Mullingar and Athlone, as part of the National Cycleway Network within the corridor of the disused railway line, pending the re-opening of this line as a railway, subject to environmental and habitats requirements”.

O-WC1 “To further the development of an integrated cycle network in Mullingar and Athlone”.

O-WC8 “To support the expansion of cycle routes and liaise with Fáilte Ireland in the development of cycling touring routes for the benefit of recreational cyclists and visitors. To implement the relevant policies of the Department of Transport’s National Cycle Policy Framework and support the National Cycle Network. To provide better sign posting, lighting and road surfaces and provide separation from vehicular traffic, together with supporting the production of cycling maps and ensure that the upgrading of roads will not impact negatively on the safety and perceived safety of cyclists”.

7.8. **Athlone Town Development Plan 2014-2020.**

The Town Development Plan states that it is the Council’s intention, pending its reinstatement as a railway, to develop a greenway incorporating a public pedestrian / cycle route along the entirety of the disused Mullingar-Athlone railway, within the rail corridor. It is anticipated that this initiative will appeal to both locals and tourists alike by creating an alternative off-road link across the county. The proposed Greenway

will complement existing cycle pathways and infrastructure in the county and will form part of the National Cycle Network in support of the National Cycling Policy Framework which was adopted in 2009. Specific policies and objectives in relation to the national cycle network include;

O-PT12 “To provide pedestrian and cycle linkages across the River Shannon and canal”.

P-WC6 “To support and facilitate the development through Athlone of the National Cycle Network between Dublin and Galway, including the construction of a new pedestrian and cycle bridge across the River Shannon, subject to the requirements of the Habitats Directive, Water Framework Directive and environmental sensitivities identified in the SEA being addressed”.

O-WC15 “To provide a new pedestrian and cycleway bridge across the River Shannon, in conjunction with the development of the Dublin - Galway National Cycle Network, subject to habitat protection requirements and environmental sensitivities identified in the SEA being addressed”.

O-WC16 “To provide a walking/cycling route from the Athlone Mullingar railway line in Athlone, to the River Shannon, via a new bridge over the Shannon to the west bank and onwards to the Roscommon County boundary, with the potential to connect to Athlone Castle and southwards around the town. This route shall be subject to the requirements of the Habitats, Water Framework and SEA Directives”.

8.0 Oral Hearing

- 8.1. The oral hearing was held in the Prince of Wales Hotel, Athlone, County Westmeath on the 24th August 2017. The hearing opened at 10am and closed at 1pm. Those in attendance were;
- 8.2. For the planning authority; Dermot Flanagan SC, Rory MacEntee Solicitor, Christien Murphy, Hugh O’Sullivan, Michael Kelly, Terence McCabe, Aislinn Collins.
- 8.3. Objectors to the CPO; Robin Knox, Silver Quay Management Company, and Joseph Dolan, Silver Quays Apartments.

- 8.4. The inspector opened the hearing, explained that there were two separate issues; the CPO and the application under the Roads Act to construct the bridge and associated works. The inspector asked the attendees to identify themselves and if there were any others who had not made objections/observations previously but wanted to do so now and pay the required fee where appropriate. There were no additional objectors/observers.
- 8.5. Dermot Flanagan introduced the local authority. Michael Kelly stated that the cycle/pedestrian bridge is part of the 132km eastern section of the Dublin/Galway cycleway and complies with the policies set out in the Athlone Town Development Plan 2014-2020. Notices in relation to the CPO were published in the Irish Independent newspaper 11th May 2017 and the Westmeath Independent 13th May 2017. A notice was erected on site and remained in place between the 11th May 2017 and the 5th July 2017. The lands outlined in the CPO are necessary, sufficient and suitable for the construction of the approach cycle ramp, pedestrian stairs and eastern landing to the proposed bridge. The original permission for the hotel/apartment block provided for a riverside pedestrian walkway. The Athlone sewerage system is subject to an application by Irish Water to the EPA for upgrade and is proposed for completion at end 2017. There is no fire services access to the western (river) side of the Radisson Hotel/Silver Quay apartment building and this will remain the case after the construction of the bridge.
- 8.6. Hugh O'Sullivan of Roughan & O'Donovan Engineers on behalf of the local authority stated that while alternative locations/approach routes for the bridge were considered the local authority concluded that the proposed bridge was the preferred option because it allowed navigation on the river to continue unimpeded, minimised disruption to riverside amenity, complies with Town Development Plan objectives, the approach routes through the town are segregated from traffic, avoids major junctions and has no impact on existing traffic flow, provides for integration with the town centre and aligns in views with the eastern portico of St Peter's and Paul's Church on the west side of the river. The two span beam design with a centrally located pier was chosen because it reduced the ecological impact by minimising in-stream works and additional arches, and minimised visual impact through a simple design without arches or cable stays. The simple design avoids distraction from the heritage context while providing a landmark structure.

- 8.7. The construction compound will be 600m upstream of the construction site. A sheet piled cofferdam will be constructed in stream to provide for the construction works in relation to the in-river pier. Steel tubular piles will be driven into the river bed at the east end to accommodate the proposed ramps. The direct and indirect cumulative impacts of the proposed development were addressed in the SEA for the Dublin/Galway cycleway published in 2016. Mitigation measures are included in chapter 16 of the EIS.
- 8.8. Terence McCabe made a submission for the local authority in relation to the application. The proposed bridge gives effect to policy set out in the Athlone Town Development Plan 2014-2020, the Westmeath County Development Plan 2014-2020 and the National Cycle Network. Waterways Ireland was consulted in the early stages of the development process and the bridge provides for 40m wide navigation channel and clearance matching Custume Bridge. Athlone/Mullingar/Tullamore comprise a linked gateway in the NSS 2002-2020. The policy document 'Smarter Travel' sets out a vision to create a strong cycling culture in the country as part of a sustainable transport infrastructure. The proposal facilitates the Dublin/Cliften cycle corridor as part of the National Cycle Network. The Athlone Town Development Plan policy P-WC6 commits the planning authority to support the national cycle network through the provision of a cycle bridge over the Shannon at Athlone. Objective O-WC15 commits the planning authority to provide a cycle/walking bridge as part of the Galway/Dublin national cycle network. The visual impacts of the design are examined in chapter 9 of the EIS. The proposed development compliments the existing bridges upstream and downstream of the site and other heritage structures in the area.
- 8.9. The Development Applications Units comment in relation to project splitting is unfounded since the bridge is, in its own right, an important element in the transport infrastructure in Athlone. Furthermore, the entire Dublin/Galway cycle route has been subject to SEA by the Department of Transport.
- 8.10. Aislinn Collins for the local authority gave evidence in relation archaeological impacts. There will be significant impacts on the historic town, Athlone castle and the River Shannon. The visual impact on the castle was considered in the assessment but it was recognised that the Radisson hotel had already altered the town centre setting of the castle and overall the visual impact is considered neutral. The removal

of car parking and a low quayside stone wall at the castle will require licensing by the Minister for Arts, Heritage, Regional Rural and Gaeltacht Affairs. Archaeological monitoring will be carried out for the cofferdam and the works on the eastern river bank. In an email (exhibit 4b) the Department confirmed its agreement to the archaeological monitoring arrangement set out in the EIS.

- 8.11. Pat Roberts for the local authority made a submission in relation to the ecological impacts of the proposed development. The AA screening report and NIS accompanying the application fully considered the potential impacts of the proposed development on European Sites. The site, both river and river banks, has been highly modified through anthropogenic activity. It is considered highly unlikely that the proposed development would impact on any bat species. No habitats listed in annex I of the Habitats Directive are present on site. The Lower River Shannon SAC and the Middle Shannon Callows SPA were identified as potential receptors and are assessed in the NIS. No fauna species under the Annex I of the Habitats Directive or Annex I of the Birds Directive are present on site. Potential for silt and hydrocarbon run off during construction was identified but mitigation measures are provided for in the application. No operational impact on fauna or barriers to wildlife movements were identified due to the location of the bridge in the town centre. Emissions to surface water (the river) are set out in 6.5.1 of the EIS. No post consent consultations are required as all design, preventative and best practice measures are set out in the EIS and there will be no significant effects on the ecology of the area.
- 8.12. Joseph Dolan objected to the CPO on the basis that the public notice was inadequate and there was no information available to the public at the planning authority's offices. Part of the marina which is an important element of the tourist industry in the town will be required to be removed to facilitate a bridge serving cyclists who are not big spenders. The proposal will require the removal/opening of gates which will give rise to security problems for the adjoining apartments and the hotel.
- 8.13. Robert Knox of the Silver Quay Management Company made the case that it was unfair that so much material was being submitted at the oral hearing with so little opportunity to prepare comments. There has not been public access to this area covered by the CPO for a minimum of 10 years. There is a hotel fire escape ramp in

the area of the cycle/pedestrian ramp which will be removed. There will be a conflict between pedestrian and cycle traffic. Foul water from the town sewers escapes into the river at this point. The river views available to the occupants of the 86 apartments in the Silver Quay development will be impacted upon by this CPO/application.

- 8.14. Robert Knox questioned the Local Authority on the relationship of the ramp to the apartment/hotel building and noted that there was no elevation drawing illustrating the relationship of the ramp to the car park vents and the balconies on the apartments. The local authority stated that the bridge would bear its own weight, would not rely on support from the apartment/hotel block, and would be the same height as the terrace of the hotel which would allow for a connection between the bridge/ramp and hotel terrace.
- 8.15. The local authority made a closing statement reiterating the case for the CPO and proposed development.

9.0 **Assessment**

- 9.1. This assessment includes the following sections;
- compliance with policy provisions,
 - justification for proposed development,
 - environmental impact assessment and appropriate assessment, and
 - justification for the CPO.

10.0 **Compliance with Policy Provisions.**

- 10.1. 'Smarter Travel – A Sustainable Transport (Department of Transport 2009) recognised that a shift in modal split away from private car based transport would be necessary to achieve the sustainable development goals set out in the NSS. An overreliance on fossil fuels and in particular private motorised transport should be combatted. A key tool in changing transport patterns was identified as the promotion of cycling and walking which are recognised as the modes of transport with the lowest environmental impact. 'Smarter Travel' states that pedestrian and cycle facilities will be most successful where they form a coherent network, place an

emphasis on safety, directly serve the main areas where people wish to travel, provide priority over vehicular traffic at junctions, are free from obstructions and have adequate public lighting. The overall goal is to have around 450,000 people walking and cycling to work/education each day in 2020, up from 240,000 in 2006. The National Cycling Policy Framework seeks to provide a rural and intercity cycle network and outlined 13 national cycleway routes of which the Dublin to Galway/Clifden was the second route. The Department of Transport's policy statement in May 2014 proposed funding for a segregated cycle and walking trail from Dublin to Galway which would be high quality, traffic free, and inter urban. The proposal would be subject to the provisions of the Habitats and Environmental Impact Assessment Directives.

- 10.2. A number of objectives were included in the policy statement the more significant of which were to secure permanent access to the route through land acquisition if necessary, provide for a broad range of users, connect town centres, tourism facilities and transport infrastructure and achieve smarter travel targets for sustainable travel.
- 10.3. The Regional Planning Guidelines for the Midland Region supports the objectives of 'Smarter Travel'. The Westmeath County Development Plan seeks to encourage and facilitate safe walking and cycling routes in the county, as a viable alternative to the private car and to develop walking and cycling routes within and between the Linked Gateway towns of Mullingar and Athlone. Furthermore, it commits the planning authority to support and facilitate the provision of a cycleway and walkway between Mullingar and Athlone, as part of the National Cycleway Network.
- 10.4. The Athlone Town Development Plan seeks to provide pedestrian and cycle linkages across the River Shannon and support and facilitate the development of the National Cycle Network Dublin/Galway corridor through Athlone, including the construction of a new pedestrian and cycle bridge across the River Shannon at Athlone.
- 10.5. On the basis of this review of national, regional and local policy I conclude that the CPO and proposed bridge and associated works are in accordance with the relevant policy provisions and are necessary for the achievement of the policy provisions.

11.0 Justification for Proposed Development

- 11.1. The overall policy context for this application is the creation of a network of inter urban linked greenways comprising cycle paths and pedestrian paths. The policy is explicit in requiring that these paths intersect with other amenities such as tourist attractions, commercial facilities and transport, particularly, public transport facilities. The town centre in Athlone is relatively congested and there is very limited opportunity to maintain the street network and architectural integrity of the street frontages while serving the mix of motor vehicles, pedestrians and cyclists that converge in it. There are three bridges in Athlone, the railway bridge, the N6/M6 bridge and Custume bridge in the town centre. To locate a cycle/pedestrian bridge either north or south of the town centre would undermine the aims of integrating the cycleway/pedestrian path with the commercial/tourist attractions, the town centre and public transport routes.
- 11.2. The application examines 9 possible locations for the bridge and these are detailed in section 3.4 of the EIS. The application makes the point that moving the bridge south of Custume bridge would impact on views of Athlone Castle which are listed for protection in Athlone Town Development Plan. The medieval core of the town is protected under the terms of an architectural conservation area designation and this also impacts on the location options available. There are Natura 2000 sites to the north and south of the town which act as further constraints on the location of a new bridge which requires in-stream construction.
- 11.3. The chosen option of a two span structure of about 52m each side providing for a navigable width of 40m underneath was determined as the preferred option. There are opportunities on both banks, at the Luan Gallery on the west side and the riverside walk behind the Radisson on the east side, to link to public spaces/public paths which will not impact on other forms of traffic. The access ramps are illustrated in figures 4.3, 4.5 and 4.6 in volume 3 of the EIS (the A3 sized booklet) and these were chosen to minimise impacts on trees and minimise gradients on the ramps.
- 11.4. I conclude on the basis of the foregoing that the proposed bridge and associated works have had proper regard to the specific locational context and the constraints imposed by the factors detailed in the application and is acceptable in terms of

impacts within the area and accords with the proper planning and sustainable development of the area.

12.0 Environmental Impact Assessment

12.1. This application was submitted prior to the 16th May 2017, the date for the transposition of Directive 2014/52/EU amending the 2011 EIA Directive. Under the transitional provisions of the 2014 Directive, the 2011 Directive (Directive 2011/92/EU) as transposed into Irish legislation will apply to this application. I am satisfied that the information contained in the EIS complies with article 94 of the Planning and Development Regulations 2001.

12.2. Westmeath County Council is seeking approval for the proposed bridge and associated works and has submitted a mandatory EIS under Article 8(b) of the Roads Regulations 1994. This section of this assessment, generally, follows the chapter sequence set out in the EIS as follows;

- traffic, cyclist and pedestrian integration,
- flora and fauna,
- soils, geology and hydrogeology,
- hydrology and drainage,
- landscape and visual analysis,
- noise and vibration,
- air quality and climate,
- archeologically heritage,
- architectural heritage,
- human beings and material assets,
- interrelationships of the foregoing.

12.3. **Traffic, cyclist and pedestrian integration.**

12.4. The EIS (chapter 5) makes the point that the proposed bridge and associated works will avoid busy streets and focus on the river frontage. There are three main

elements to the proposed development, path sections, promenade widening and bridge and ramp construction. The construction phase will interrupt pedestrians on the riverside walk on both sides at the Luan Gallery and behind the Radisson. The southernmost berths in the Athlone Marina will be temporarily decommissioned and construction phase materials movement will disrupt traffic on the local road network. These construction phase impacts will be mitigated, *inter alia*, through the putting in place of a traffic management plan which will maintain traffic flows and existing access, construction working hours will be limited, construction related compounds will be located at a distance from sensitive receptors, pedestrian traffic will be diverted from the river bank walks for the duration of the works.

12.5. Operational phase impacts will be positive and no mitigation measures are necessary.

12.6. **Flora and fauna.**

12.7. Table 6.1 in the EIS lists all of the European sites and pNHAs within 15kms of the application site. The EIS references the screening exercise carried out to determine if the application should be accompanied by an NIS and subject to AA and in common with that screening exercise identifies the River Shannon Callows SAC/pNHA (000216) and the Middle Shannon Callows SPA (004096) as the sites closest to the application site and for which there are potential impacts arising from the proposed development. The qualifying interests for the River Shannon Callows SAC/pNHA and the annex II species are set out in Table 6.2, the special conservation interest for the Middle Shannon Callows SPA are set out in Table 6.3. The habitats within the site area are described as buildings and amenity grassland, flowerbeds and borders, a tree line, artificial surfaces, spoil and bare ground, a low land depositing river (the River Shannon itself). With the exception of the river none of the habitats listed are ecologically significant and the river, although highly modified, may act as a pathway for pollution to more sensitive habitats/species. In regard to birds/wildfowl the EIS makes the point that there are bridges and buildings close to the site but that there are no records of bird strike associated with these features. There were no signs of otters observed within the site and it was concluded that, having regard to the site's urban location, the site did not provide

significant resting, breeding or foraging habitat for otters. In relation to bats it was considered that the buildings in the area were not suitable as bat roosting. The river provides good foraging habitat which is augmented by the trees especially on the western side but no roosts were identified in the trees.

12.8. Direct construction phase impacts will arise from very minor tree loss and an element of the river where the central pier is located. Trees will be replaced. Bank side and in-river works have the potential to give rise to pollution in the form of silt and indirect impact on the Natura 2000 site downstream. Section 6.5.1 sets out the mitigation measures for instream works, in summary these are;

- All in-stream works will be undertaken within the period May to September inclusive to avoid the period of maximum sensitivity for fisheries.
- The construction of a small (5m x 7m) cofferdam to allow for the capping of piles for the bridge pier. These works will be undertaken from a barge.
- Existing piles, in the area of the marina, will be removed by direct extraction using a machine working from a barge.
- Should the piles require concrete re-enforcement, this will be undertaken within a fully sealed and watertight steel casing, which will be left permanently in place with no direct contact between concrete and the River Shannon, either cured or uncured.
- Clean water will be pumped from inside the cofferdam each morning in advance of the works proceeding. This will be pumped directly to the River Shannon. Any dirty water will be tankered off site and disposed of at a licenced waste facility.

12.9. The mitigation measures for bankside works include;

- Silt fencing will be placed along the river boundary of the site to form a solid barrier to ensure all site water is captured and filtered.
- Monitoring of the works will be carried out by a suitably qualified person during the demolition and construction phase.
- Earth works and concrete works will take place during periods of low rainfall to reduce run-off and potential siltation of watercourses.

- While no significant excavations are proposed, should any ingress of water (ground or rain) require pumping out prior to the pouring of concrete, this will be pumped to a sealed clean tanker and removed from the site and spread to improved agricultural grassland at a distance of over 50m from any watercourse.
- Form work will be constructed with an adequate capacity and additional freeboard to prevent any spillage.
- Concrete trucks will not be washed out at the site of the proposed works. If chutes require wash out, this will be undertaken at a designated wash out tank located in the site compound at Wansboro Park.
- Good construction practices such as dust suppression on site roads, and regular plant maintenance will ensure minimal risk.
- All plant and machinery will be serviced before being mobilised to site, no plant maintenance will be completed on site, refuelling will be completed in a controlled manner using drip trays at all times.
- Containers and bunding for storage of hydrocarbons and chemicals will have a holding capacity of 110% of the volume to be stored. Ancillary equipment such as hoses and pipes will be contained within the bund.
- All wash water will be collected and removed/managed to prevent water pollution.

12.10. No significant operational phase impacts were identified.

12.11. The cumulative impacts are identified as arising, *inter alia*, in conjunction with the remainder of the Dublin/Galway cycleway, the works to the Athlone Main Drainage scheme and the ongoing operation of the Athlone marina but the EIS concludes that there will be no significant cumulative impact arising for ecology from the proposed development.

12.12. Soils, Geology and hydrogeology.

12.13. The EIS notes that as there are no significant excavations associated with the proposed development there are no likely impacts on geology, insignificant stress will be placed on bedrock by the preparations for the in-stream pier. Ground water

impact will be mitigated by prevention of spills/leakages. There will be some compaction of soil but since the works take place within an already developed setting this will not be significant. There are no significant operational phase impacts and no significant cumulative impacts.

12.14. Hydrology and drainage.

12.15. The potential significant impact under this heading is identified as flooding and a flood risk assessment (FRA) was undertaken as part of the preparatory process for the EIS. The single pier in the river will absorb a cross-sectional area of about 30m² from a total river cross sectional area of 707m². The ability of the river to convey water downstream is imperceptibly impacted by this change and the EIS concludes that there will be no increase in flood risk elsewhere in the catchment arising from the proposed bridge. The construction phase impacts are identified as water quality impacts and these are mitigated as set out elsewhere in the EIS. Operational phase impacts are limited as the proposed development will not impact on river flow. Surface water from hardstanding will flow to natural drains/watercourses.

12.16. The issue of water quality in the river in the vicinity of the bridge was raised in the course of the oral hearing. The objectors made the point that there were negative impacts on the amenity of boats moored in the marina and that this injury to amenity rendered the chosen location for the bridge unsuitable. The local authority confirmed that there is an outfall into the river in this area but that the issue is at present one for Irish Water and would be addressed through revisions to the Athlone main drainage system which is currently the subject of a licensing application to the EPA.

12.17. Landscape and visual analysis.

12.18. Chapter 9 of the EIS provides a landscape and visual analysis of the receiving environment of the proposed bridge and associated works. Plate number 9.4 summarises the four character areas in the vicinity of the site. These are; (1) the western bank of the river from Custume bridge to the Luan gallery, Shannon waterfront and Custume barracks, (2) the east bank of the Shannon from the railway bridge to Custume bridge, (3) the eastern bank from Custume bridge to the weir and (4) St Peter's and Paul's Church, Custume Place, Athlone Castle and the western quay.

12.19. Those aspects of the receiving environment that should be protected and conserved are identified as;

- The pedestrian and visual amenity provided by the mature tree lined promenade from Luan Gallery to the Shannon Rail Bridge.
- Views eastwards from the eastern promenade particularly to Abbey House and the Franciscan graveyard, and views to AIB Bank and Custume Bridge.
- Views to the Shannon Rail Bridge.
- Historic parkland setting of Abbey House and Graveyard.
- Distinctive and quality urban character of AIB building and east bank environs with Custume Bridge.
- Views westwards to Luan Gallery / St Peter's and St Paul's Church, the tree lined promenade.
- Traditional street patterns and urban grain to eastern riverside south of Custume Bridge.
- Traditional street patterns and urban grain to western riverside south of Custume Bridge – Castle area and Quay.
- The urban composition looking west towards Athlone Castle and Quay area from east bank.
- The traditional masonry construction materials to key buildings, structures, walls and quays.
- The protected view in the town southwards from Grace Road / Shannon Railway Bridge, and also northwest (to the Castle and Custume Bridge) from the east bank to the south of Custume Bridge.

12.20. There is a detailed and comprehensive analysis of the impacts on these identified aspects of the receiving environment from section 9.4 and following in the EIS. Of these views the more significant for the proposed development are the view north from Custume bridge, the view east from Luan Gallery and the view west from the riverside walkway along the rear of the Radisson hotel. These impacts (and others listed in table 9.2) are judged to be high but these and the overall visual impacts have been mitigated by a number of actions. The chosen location of the proposed

bridge is the preferred location from a townscape and urban form perspective; the architectural design of the bridge as an elegant structure occupying views along the central river corridor creates an attractive new and significant structure with a positive presence in the town centre. Some of the views altered by the bridge are made more enjoyable through being replicated from the structure but in a more pleasant, non-vehicular trafficked setting. Careful design has minimised impact on trees. The works on the eastern river bank assist in integrating the large Radisson Hotel building into the town/riverscape.

12.21. The issue of negative impacts on views from the Silver Quay apartments was raised at the oral hearing. The EIS makes the point that the proposed development will have significant impacts in views from within the study area and it is fair to say that where views are available west across the Shannon from either the public terrace at the Radisson hotel or from balconies within the Silver Quay apartments that these will be impacted upon. However, impacts can be significant without being negative and I agree with the applicant that the slender form of the bridge and its function in tying both banks of the river in a manner which segregates pedestrian and cycle traffic from vehicular traffic is overall a positive impact.

12.22. **Noise and vibration.**

12.23. Chapter 10 identifies the sensitive receptors as; residential areas, hospitals, schools and places of worship, boat users in the marina and residents in the hotel. The NRA Guidelines for the Treatment of Noise and Vibration in National Roads Schemes (2004) is the generally accepted standard in cases such as this. Noise will arise in the construction phase (72 weeks) and will arise from pile driving equipment, ground breaking and excavation, materials transport, paving plant and general works. The mitigation of construction phase impacts will include; selection of plant and equipment taking into account predicted acoustics, setting noise limits during the construction phase in line with NRA guidelines, erection of barriers as necessary around noisy processes and items such as generators and heavy mechanical plant, limiting of hours for which noise generation is expected to be high, setting out procedures for dealing with specific activities with the potential to generate significant

levels of noise, and communication with the general public. Construction phase vibration will be within the NRA guidance limits.

12.24. There will be no operational phase vibrations and imperceptible noise impacts.

12.25. Air quality and climate.

12.26. The proposal will have an imperceptible positive operational phase impact on climate through reduction of greenhouse gasses.

12.27. Direct construction phase impacts on air quality will arise from the generation of PM10, PM2.5, and fugitive dust. These impacts may be mitigated through; regular cleaning of site access roads, sweeping of hard surface roads, restricting traffic on un-surfaced roads to essential traffic only, watering dusty surfaces in dry weather, covering delivery vehicles with tarpaulin at all times to restrict the escape of dust, material handling systems will be designed to minimise exposure to wind, dust monitoring to ensure effective site management.

12.28. Archaeological heritage.

12.29. Chapter 12 makes the point that an underwater archaeological assessment was carried out as part of the preparation of the EIS and no archaeological features, stratigraphy or artefacts were recorded within the area of the proposed bridge pier or coffer dam. The EIS considers the prehistoric, early medieval, later medieval and modern (mid-eighteenth century to present) periods. Thirty-nine sites of archaeological or cultural heritage are identified within 50m of the proposed development. This chapter of the EIS was supplemented by a submission at the oral hearing which summarised that five of the identified sites would be impacted directly. The historic town would experience a significant negative impact but this would be mitigated by archaeological test excavation and resolution of subsurface works. The removal of parking spaces will impact on Athlone castle but this will be mitigated by archaeological test excavation and resolution of subsurface works. The River Shannon will be directly impacted but this will to be mitigated by archaeological test excavation and resolution of subsurface works. The local authority provided a copy of an email received from the National Monuments Service expressing that service's satisfaction with the material set out in the EIS.

12.30. Architectural heritage.

12.31. The EIS identifies the AIB bank on Custume bridge, Custume bridge, pedestrian arch on west side of Custume bridge, Athlone Library, Church of Saints Peter and Paul, Main Street, canal warehouse on The Quay, Athlone castle, river frontage at the castle, the bust of Count John McCormack, the bollards at The Quay, Abbey House, the railway bridge, the wall of Custume barracks and the Luan Gallery as the elements of the architectural heritage which should be assessed. Of these there will be a direct impact (see table 13.3) on the Luan Gallery, the bust of Count John McCormack on Grace Road, and cast iron bollards on the quay on the west side of the river south of Athlone castle (see photo BN-11 page 13/17). There will be a slight residual impact on the gallery from the bridge landing, stairs and ramp. The bust of Count John McCormack will be moved north and placed on a new plinth and the new cycle route passing close to the bollard will be imperceptible.

12.32. Human beings and material assets.

12.33. The EIS identifies the construction phase impacts as movements by about 14 workers to and from the site over a 72-week period, construction related activity will give rise to some impact on visitors, residents of apartments and occupants of commercial premises will experience some disturbance. The most significant operational phase direct negative impact will be the loss of 13 car parking spaces at the eastern side of the existing bridge. The proposed development will give rise to the indirect positive impact of encouraging cycling which will improve health. There will be an insignificant negative impact on the privacy of occupants of the Silver Quay apartments. There are no expected cumulative negative impacts.

12.34. The objectors raised the issue at the oral hearing that the ramp/bridge will be unreasonably close to the balconies of their apartments and will impact negatively on the amenity of those apartments. The application does not include a contiguous elevation drawing illustrating the relationship of the bridge to the apartment balconies. The eastern approach ramps and terminal point of the bridge are illustrated in the application (figures 4.3 and 4.8 in the A3 volume 3 of the EIS and plates 3.13, 9.22 and 9.23 in the written statement of the EIS) and demonstrate that

the ramp from the north, the stairs from the south and the new bridge all converge at a shared point with the hotel existing terrace. In fact, this convergence point is considerably more distant from the apartment balconies than elements the hotel terrace currently is. Having regard to the material submitted with the application, the points raised at the oral hearing, my site inspection and my analysis of the matter I am satisfied that there is sufficient information available to the Board to conclude that the new bridge and associated works will not unreasonably impact on the residential amenity of the apartments in the Silver Quay development. A further point was raised by the objectors at the hearing that the ramp on the eastern side of the proposed bridge may interfere with the car park vents on the elevation of the Radisson hotel/Silver Quay building. The planning authority responded that the ramp bears its own weight and is set off the elevation in a manner so as to not interfere with these vents.

12.35. Interrelationships of the foregoing.

12.36. Chapter 15 of the EIS sets out a table (table 15.1) which assesses the interactions of the impacts identified in the earlier chapters and the assessment determines that there are no additional impacts as a result of the interactions between the topics considered and that no further mitigation measures are required.

12.37. Environmental Impact Assessment – Conclusion

12.38. I agree with the application that the traffic, cyclist and pedestrian related impacts will be beneficial in the operational phase and that no mitigation measures are necessary. There will be construction phase impacts which have been identified in the EIS and the mitigation measures including, *inter alia*, a traffic management plan and limiting working hours and locating the construction material/storage compound away from the town centre are implementable and reasonable.

12.39. In relation to flora and fauna the EIS makes the reasonable point that given the town centre location of the proposed development that it is not an ecologically rich area and the direct impacts will be accordingly limited. Direct construction phase impacts include loss of trees and disturbance to the river bed where the central bridge pier is located. The mitigation measures set out in EIS relate largely to water quality and the most important indirect impact is identified as water quality down stream of the site in

the SAC/SPA. The cumulative impacts that are identified will arise from the on-going operation of the Athlone marina and the remaining sections of the Dublin/Galway cycleway/pedestrian route and are determined not to be significant. I agree with the EIS on this points and conclude that the direct and indirect impacts on water quality are mitigatable and acceptable.

12.40. Having regard to the nature of the development proposed it will give rise to minor direct impacts in relation to soils, geology and hydrogeology through the provision of the pier and bank side works but these may be mitigated as set out in the application and will not be indirect or cumulative impacts.

12.41. In relation to hydrology I agree with the conclusions set out in the EIS that the direct impact of the pier in the ability of the river to convey water will be negligible and that there will be no indirect impacts through flooding or otherwise downstream and no cumulative impacts with other developments. I conclude that given that the works on the river bed will be carried out within a cofferdam there will be no scouring of the riverbed during construction works in a manner so as to release silt.

12.42. The EIS makes the point that there are direct and cumulative visual impacts arising from the proposed development on the townscape, the river and its banks and a number of structures especially heritage structures such as Custume bridge, St Peter's and Paul's church and Athlone castle. Potential impacts have been mitigated through design by providing a slim line two span structure with a single central supporting pier. Where views are impacted upon, for instance from the existing Custume bridge, these will be replicated from the new bridge. I conclude that the direct and cumulative visual and landscape impacts of the proposed development have been fairly set out in the EIS and are acceptable.

12.43. In relation to noise and vibration I agree with the EIS that there will be short term direct and indirect noise impacts on the noise sensitive receptors examined but that these can be reasonably mitigated in the manner proposed. Likewise, I conclude that the cumulative noise impacts within the overall ambient noise within the town centre will be negligible.

12.44. The proposal will have a negligible cumulative impact on climate as it will contribute to a minor reduction in greenhouse gas transport related emissions. The construction phase direct impacts (particulate matter and dust) are reasonably identified and

mitigated. I conclude that there will be no long term direct or indirect negative impacts arising from the propose development.

12.45. There will be minor direct impacts on the archaeology of the area in terms of the positioning of the central pier in the river and bankside works. I conclude on the basis of the mitigation measures set out in the EIS and the additional submissions made at the oral hearing the direct impacts are minor and can be mitigated and that the indirect and cumulative impacts are negligible.

12.46. The EIS accurately describes the direct impacts on the architectural heritage of the town. The setting of certain significant architectural features will be directly impacted upon such as Luan Gallery and the bust of Count John McCormack. Indirect impacts will arise for St Peter's and Paul's church and Custume bridge and other features. The context for architecturally significant cast iron fittings at The Quay south of Custume bridge will be indirectly impacted by the proximity of the cycleway. The cumulative impacts are significant but mitigated by design and the limited interference in the fabric of the features identified. I conclude that the direct, indirect and cumulative architectural heritage impacts are acceptable.

12.47. In relation to human beings and material assets the construction phase direct impacts in terms of construction staff accessing the suite, construction activity impacting of traffic patterns and disturbance to the occupants of the hotel, apartments and offices are reasonably identified and assessed. There are no expected cumulative negative impacts. I agree with the EIS's analysis of this issue and I conclude that the short term direct and indirect impacts will be limited to the 72-week construction period and that the cumulative impacts of the bridge in conjunction with the overall Dublin/Galway cycle/pedestrian route will be positive.

12.48. Finally, and having regard to the material submitted in the EIS and the submissions made at the oral hearing I conclude that the EIS contains the information as set out in Schedule 6 and complies with article 94 of the Planning and Development Regulations 2001, as amended and Section 50(2) of the Roads Acts 1993 to 2015.

13.0 Appropriate Assessment - Screening

13.1. The applicant carried out a AA screening exercise (included as Appendix 1 in the submitted NIS). The proposed development is not located within a Natura 2000 site. The screening report identified all twelve Natura 2000 sites within 15kms of the proposed bridge and screened out 10 of these having regard to their location at a considerable distance from the proposed bridge and/or their location up-stream of the bridge and the absence of any pathways for impacts between the proposed development and the European sites. Having regard to the screening report submitted and the other material on file I agree with the applicant that the European sites listed in the screening report may be excluded for further consideration with the exception of River Shannon Callows SAC (000216) and the Middle Shannon Callows SPA (004096).

14.0 Appropriate Assessment - NIS

- 14.1. The applicant has submitted an NIS in relation to the River Shannon Callows SAC (000216) and the Middle Shannon Callows SPA (004096) as the two European sites for which potential impacts exist. Both these sites are located 0.67km south of the application site. The River Shannon is not itself a European site in Athlone in part it can be assumed because it has been subject to significant levels of anthropogenic activity – a point made by the applicant during the oral hearing.
- 14.2. The site conservation objective for the River Shannon Callows SAC (000216) is “to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected”. The annex I habitats are; Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae), lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis), Limestone pavements and Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae (a priority habitat)). The annex II species is the otter.
- 14.3. The study underlying the NIS identified no otter holts (borrows) or couches (above ground nest-like structures) within the application site which can be damaged by the proposed development. No operational phase impacts are identified. Construction phase impacts on water quality will not be significant but the NIS sets out mitigation

measures in relation to pollution run off for in-stream works and bankside works. Instream works will take place within a water tight cofferdam constructed from a barge. Any dirty water within the area enclosed by the cofferdam will be removed by tanker off-site. No tools or potentially toxic materials will be left within the cofferdam. Piles associated with the existing marina will be removed but the sediment released is regarded as insignificant. In relation to bankside works the appropriate mitigation measure is silt fencing. Machinery refuelling will take place off-site, concrete will be left to cure for the appropriate 48 hours. A staff member will be specifically assigned to environmental monitoring.

- 14.4. The conservation objectives for the Middle Shannon Callows SPA (004096) are (a) to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA and (b) to maintain or restore the favourable conservation condition of the wetland habitat at Middle Shannon Callows SPA as a resource for the regularly-occurring migratory water birds that utilise it. The bird species for which the SPA has been designated are the whooper swan, widgeon, corncrake, golden plover, lapwing, black tailed godwit and the blackheaded gull. The screening exercise concluded that there will be no direct impacts on the bird species for which the SPA has been designated because it is located 0.67kms downstream of the application site, that there are no direct pathways to generate effects on the bird species and because of the nature of the existing environment of the proposed development. The effect of this conclusion on behalf of the applicant was that the NIS did not address potential direct effects on the bird species for which the SPA was designated.
- 14.5. I have had regard to the material set out in the AA screening report, in the NIS and in the EIS and my site inspection. In particular, I consider that habitat types within the application site are accurately described in the EIS (see especially section 6.3.7) and that these are, with the exception of the river itself, constructed habitats (buildings, planted trees, flower beds, lawns and borders and artificial surfaces). These constructed habitats are of low ecological value. The EIS references the bird survey undertaken as part of the preparation for the application (table 6.7 in the EIS) and it may be noted that the only one bird species for which the SPA was designated was also identified within the application site - the blackheaded gull.

14.6. Having regard to;

- the nature and modest scale of the proposed development located within a context of three other bridges and a marina which have extensively negatively impacted upon the ecological value of the application site,
- the anthropogenic nature of the river within the application site which has been subject to extensive building works and embanking dating to the middle ages,
- the absence of significant nesting, roosting, feeding areas within the application site as evidenced by the nature of the habitat types contained in the application site and described in the application and the relative absence of bird species, with the exception of the blackheaded gull, for which the SPA has been designated,
- the material set out in the application (see especially section 6.3.8 of the EIS) that there are no known records of bird strike on Costume bridge, the railway bridge or the N6/M6 road bridge and that no evidence was found during the preparation of the EIS that the urbanised section of the river was a significant flightpath for commuting wild fowl,
- the separation distance of 0.67kms between the application site and the SPA,

I am satisfied that the proposed development will not give rise to direct or indirect impacts on the SPA and that there will be no adverse impact on the integrity of the SPA in so far as use by the bird species identified as special conservation interests are concerned.

14.7. The NIS does identify potential indirect impacts on wetlands in the form of emissions to surface water but these have been addressed through the design measures indicated in the NIS (especially a single pier minimising in-river works) and working practices in relation to bank side works which will prevent contaminated run off (see paragraph 4.3.3 of the NIS).

14.8. The NIS addresses cumulative impacts. The Westmeath County Development Plan and Athlone Town Development Plan have, themselves, been subject to AA and SEA and no cumulative impacts with the proposed pedestrian/cycle bridge are

identified. No significant permitted projects have been identified as contributing to cumulative impacts and it is concluded that no significant cumulative impacts will arise from the ongoing operation of the existing marina, other sections of the Dublin/Galway cycleway and a planned upgrade of the Athlone main drainage scheme.

14.9. The Development Applications Unit of the Department of Arts, Heritage, Regional Rural and Gaeltacht Affairs in its written submission in this case advised that the Board should satisfy itself that the cumulative impacts of the proposed development are adequately considered in the application and that the proposed development does not comprise project splitting as it is only part of the larger Dublin/Galway cycleway. The local authority responded to this point at the oral hearing to the effect that the overall project of the Dublin/Galway cycleway has been subject to SEA and AA.

14.10. I have reviewed both the SEA and the AA (Department of Transport, Tourism and Sport, December 2016). The AA identifies in table 1 the SACs within 15kms of the cycleway/pedestrian route and table 2 identifies the SPAs. The qualifying interests and the special conservation interests of the SACs and the SPAs are identified and potential significant effects are considered. The AA concludes that the plan for the cycleway/pedestrian route will not have significant impacts on the Natura 2000 sites considered.

14.11. I conclude that a reasonable approach has been adopted by the sponsoring department which complies with the SEA Directive and with the Habitats Directives in that the overall plan for the cycleway/pedestrian route has been subject to SEA and AA while separate elements within the overall plan are being made subject to EIA and AA within the planning consent process. I conclude therefore that the present application does not constitute project splitting and the sufficient material is available to the Board to determine the direct, indirect and cumulative impacts of the proposed development.

14.12. Within this process and as part of this assessment I have considered cumulative and incombination effects in the context of the requirement for both EIA and AA of the project. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate

Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Shannon Callows SAC (000216) and the Middle Shannon Callows SPA (004096) or any other European site, in view of the sites' Conservation Objectives.

15.0 Compulsory Purchase Order

15.1. There are four general principles whereby a CPO may be justified; (1) that there is a community need to acquire the land/extinguish a right of way, (2) that the proposed development accords with the relevant Development Plans, (3) that the scale and nature of the proposed development is appropriate and, (4) the requirement for the extinguishment of the right of way and the acquisition of all the lands included in the CPO.

15.2. Community Need

15.3. The proposed cycleway/pedestrian bridge is part of a wider intercity greenway network through which it is proposed to meet a number of national policy objectives. These national policy objectives include a modal shift in transport away from car based and fossil fuel fuelled transport to more sustainable and less energy consuming modes of transport such as public transport and cycling. These cycleway/pedestrian paths are proposed to meet a community need generated by both locally based commuters and the tourist industry by the provision of off-road, segregated and safe cycling and walking facilities. The proposal in this instance is to compulsorily purchase a riverside walkway to which the landowner has no objection and extinguish a right of way to which there are public objections. I conclude that in order to build this bridge and associated works (specifically a ramp and stairs) that it is necessary the acquire the land and extinguish the right of way as proposed in this CPO.

15.4. CPO Accords with Development Plan Policy

15.5. I have set out in detail previously at 7.6 and 7.7 the policies and objectives included in the current Westmeath County Development Plan and the Athlone Town

Development Plan which support the provision of sustainable forms of transport in general, recognise the importance of and support the overall policy objective in relation to the provisions of the national cycle network. There are specific objectives to support the cycle way from Mullingar to Athlone and to provide a cycle/pedestrian bridge over the River Shannon in Athlone. I conclude therefore that the acquisition of the land the subject of this CPO and the extinguishment of the right of way are provided for in the County Development Plan and the Town Development Plan.

15.6. Appropriate Scale and Nature of CPO

15.7. Figure 3.3 in the volume 3 of the EIS and chapter 3 in the written statement illustrate and examine the wider route options for the cycleway/pedestrian path and the options for the bridge locations, respectively. Alternative routes would bring the cycleway/pedestrian bridge out of the town centre and therefore away from the commercial, hotel and other tourist amenities which the overall national cycle network scheme is proposed to facilitate access to. Removal of the route away from the town centre would compromise its utility to local cyclists where they wish to access town centre educational, employment and commercial facilities. Movement up or down the river has the potential to bring the route into conflict with built heritage and natural heritage areas and items of importance that it is national and local objectives set out in public and local policy to protect. I conclude that alternative methods of meeting the community need for a cycleway/pedestrian bridge have been explored in the application and have been found wanting in the aspects outlined above.

15.8. The extinguishment of the right of way and acquisition of all the lands.

15.9. The application makes the case that the land the subject of this CPO is necessary to accommodate the eastern landing of the bridge, the ramp from the north linking the bridge with Martina Lane and the stairs to the south linking with Methodist Church Street. There are no objections to the acquisition of the land I conclude having regard to the necessity to locate the bridge in the town centre, the desirability to segregate cycle/pedestrian traffic from vehicular traffic, the necessity to provide a ramped and step access to the eastern terminus of the bridge that the acquisition of the land meets an identified community need.

15.10. There are two objections to the closure of the right of way of the reasons discussed above. These objections relate to impacts on water quality, security of the apartments in Silver Quay apartment block, impacts on views from the apartments and fire brigade access. I have reviewed elsewhere the foreseeable water quality impacts and conclude that these will be minor and acceptable. The existing outfall from Abbey Road into the river is not impacted upon by the proposed development nor will it impact on the proposed development. The landing area at the eastern end of the bridge adjoins the terrace associated with Raddission hotel and is sufficiently distance from the apartments to obviate and unreasonable impact in terms of security or noise intrusion. The bridge will be visible from these apartments but I conclude that this aspect will not seriously injure the residential or visual amenity of these properties. Having regard to the material submitted with the CPO application I conclude that the lands are suitable to meet the purpose of the CPO and that it is reasonable and proportionate to extinguish the right of way to facilitate the works related to the provision of the ramp, stairs, bridge landing and that the extinguishment of this right of way and the improvement of the access is justified in the interests of community need and the common good.

16.0 Conclusions and Recommendation (CPO 25.KA.0036)

16.1. I consider that the land take and extinguishment of the right of way is reasonable and proportional to the stated purpose to provide the cycle/pedestrian bridge, ramp and associated works as part of the Dublin to Galway greenway. I am satisfied that the process and procedures undertaken by Westmeath County Council have been fair and reasonable and it has demonstrated the need for the lands and extinguishment of the right of way and that all the lands being acquired are both necessary and suitable and and extinguishment of the right of way is necessary and suitable. I consider that the proposed acquisition of the lands would be in the public interest and the common good and would be consistent with the policies and objectives of the Westmeath County Development Plan and the Athlone Town Development Plan. I therefore recommend the CPO be confirmed.

Decision

CONFIRM the compulsory purchase order for the reasons and considerations set out in the Schedule below.

Schedule 1

Reasons and Considerations

Having considered the objections made to the compulsory purchase order, and not withdrawn, the report of the person who conducted the oral hearing into the objections, the purpose of the compulsory acquisition as set out in the form of the compulsory purchase order and also having regard to:

- (a) Smarter Travel – A Sustainable Transport Future 2009-2020 which seeks to promote cycling and walking which are recognised as the modes of transport with the lowest environmental impact.
- (b) The National Cycle Policy Framework which identifies 13 national cycle corridors of which the Dublin to Galway greenway is number 2.
- (c) The Regional Planning Guidelines for the Midland Region 2010 – 2022 which supports the National Cycle Policy Framework in creating a strong culture of walking and cycling.
- (d) the provisions of the Westmeath County Development Plan and the policies and objectives stated therein,
- (e) the provisions of the Athlone Town Development Plan and the policies and objectives stated therein,
- (f) the congestion in Athlone Town Centre and the desirability of providing a separated cycle and pedestrian crossing of the River Shannon.
- (g) the community need, public interest served and overall benefits to be achieved by the extinguishment of the right of way for the purpose identified in the order, and the proportionate design response to the identified need, it is considered that the extinguishment of the right of way as set out in the order

and on the deposited maps, is necessary for the purpose stated, and that the objections cannot be sustained having regard to the said necessity.

17.0 Conclusions and Recommendation (Roads Application 25.HA.0051)

I consider that the need for the proposed development has been adequately demonstrated and that the applicant has provided sufficient justification for the cycle and pedestrian bridge and associated works. The EIS and NIS, supplemented by the information provided at the oral hearing are sufficient to allow for a full environmental impact assessment and appropriate assessment and, in conclusion, I submit that the proposed development would accord with the national, regional and local planning policy, would not, subject to the identified mitigation and environmental commitments, have a significant impact on the environment. I therefore recommend that the proposed development be approved for the reasons and considerations set out in Schedule 1 subject to conditions set out in Schedule 2.

DECISION

APPROVE the above proposed road development in accordance with the said documentation based on the reasons and considerations under and subject to the condition set out below.

REASONS AND CONSIDERATIONS

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

- (a) The national, regional and local strategic road policies and objectives, inclusive of those set out in the, National Spatial Strategy, Smarter Travel - A Sustainable Transport Future, the National Cycle Policy Framework 2009-2020, the Regional Planning Guidelines for the Midland Region 2010-2022, the Westmeath County Development Plan 2014-2020, and Athlone Town Development Plan 2014-2020,

- (b) The scheme constituting a key element of the National Greenway Network and in particular the Mullingar to Athlone part of that network,
- (c) The design and layout of the proposed development which the impact of the development on the River Shannon,
- (d) The range of proposed mitigation measures set out in the submitted Environmental Impact Statement and Natura Impact Statement.

Schedule 1

Having regard to:

- (a) The provisions of the Roads Acts 1993 to 2015,
- (b) the provisions of the European Communities (Environmental Impact Assessment) Regulations 1989 – 1999 (as amended), and the European Communities (Birds and Natural Habitats) Regulations, 2011,
- (c) Smarter Travel – A Sustainable Transport Future 2009-2020 National Cycle Policy Framework which seeks to promote cycling and walking which are recognised as the modes of transport with the lowest environmental impact.
- (d) The Regional Planning Guidelines for the Midland Region 2010 – 2022 which supports the creation of a strong culture of walking and cycling.
- (e) the policies and objectives of the Westmeath County Development Plan 2014-2020 P-WC6 which seeks to bring support and facilitate the provision of a cycleway and walkway between Mullingar and Athlone as part of the National Cycleway Corridor.

- (f) the congestion in Athlone Town Centre and the desirability of providing a separated cycle and pedestrian crossing of the River Shannon.
- (g) the submissions on file, including the environmental impact statement, natura impact statement and associated documentation and the submissions made in connection with the application at the oral hearing and the range of mitigation measures set out in the documentation received.

It is considered that, subject to compliance with the conditions set out below, the proposed cycle and pedestrian bridge development would not have significant negative effects on the community in the vicinity, would not give rise to a risk of pollution, would not have a significant effect on the environment of any designated Natura 2000 site or site of ecological interest, would not have a significant impact on any protected species, would not have a detrimental impact on archaeological and architectural heritage, would not give rise to detrimental visual or landscape impacts, and would not seriously injure the amenities of the area or of property in the vicinity. It is considered that the proposed road development, which would constitute an improvement in terms of cyclist and pedestrian safety and convenience, would be in the interests of the common good and would be in accordance with the proper planning and sustainable development of the area.

Schedule 2

Conditions

- 1 The proposed development shall be carried out in accordance with the plans, drawings and documentation submitted with the application, as amended by the information submitted to An Bord Pleanála at the oral hearing on 24th August 2017, including the Environmental Impact Statement and the Natura Impact Statement and supporting documentation, except as may be otherwise required in order to comply with the condition set out below.

Reason: In the interest of clarity

- 2 All mitigation measures and commitments set out in the Environmental Impact Statement and the Natura Impact Statement shall be implemented as part of the proposed cycle and pedestrian bridge development.

Reason: In the interest of clarity and to mitigate the environmental effects of the proposed cycle and pedestrian bridge development and to protect the amenities of the area and of property in the vicinity.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Shannon Callows SAC (000216) and the Middle Shannon Callows SPA (004096) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the River Shannon Callows SAC (000216) and the Middle Shannon Callows SPA (004096) in view of the sites' conservation objectives. The Board considered that the information before it was

adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Environmental Impact Assessment

The Board considered that the environmental impact statement submitted with the application, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, were adequate in identifying and describing the direct and indirect effects of the proposed road development. The Board completed an environmental impact assessment, and agreed with the Inspector's assessment of the likely significant effects of the proposed development, and generally agreed with the Inspector's conclusions on the acceptability of the mitigation measures proposed and residual effects and concluded that the proposed road development would not be likely to have significant adverse effects on the environment. The Board generally adopted the report of the Inspector. It is considered that, subject to compliance with the condition set out below, the proposed road development would not have significant negative effects on the community in the vicinity, would not give rise to a risk of pollution, would not give rise to detrimental visual or landscape impacts, would not have a detrimental

impact on architectural or archaeological heritage, would not seriously injure the amenities of the area and of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. It is considered that the proposed road development would be in the interest of the common good and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Hugh Mannion

Inspectorate

6th October 2017