

From: Lauren Griffin
Sent: Tuesday 11 August 2026 12:53
To: 'catherinekelly77@gmail.com'
Subject: RE: Request for EIA and NIS Westmeath county council Part 8 development LAM72006

A Chara,

The Commission acknowledges receipt of your email; official correspondence will issue in due course.

Kind regards,
Lauren

From: Catherine Abbott <catherinekelly77@gmail.com>
Sent: Friday 7 August 2026 13:20
To: LAPS <laps@pleanala.ie>
Cc: Mary Kelly <mary.rachel.kelly@gmail.com>
Subject: Request for EIA and NIS Westmeath county council Part 8 development LAM72006

You don't often get email from catherinekelly77@gmail.com. [Learn why this is important](#)

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To: An Coimisiún Pleanála

RE: Request for a Screening Determination for Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) under the Planning and Development Act 2000 regarding a proposed Part 8 residential development ref LAM7 2006 at Harbour Road Mullingar, Co. Westmeath.

A Chara

I wish to make the following submission regarding the proposed development.

1. Requirement for Appropriate Assessment (AA) Screening

Article 6(3) of the Habitats Directive (92/43/EEC), as transposed into Irish law through the Planning and Development Act 2000 (as amended), requires that any plan or project likely to have a significant effect on a European Site, either individually or in combination with other plans or projects, must be subject to Appropriate Assessment screening.

The proposed development site lies immediately adjacent to the Royal Canal, creating a direct hydrological and ecological connection with the surrounding aquatic environment. The Royal Canal is hydrologically connected to **Lough Owel Special Area of Conservation (SAC Site Code 000688)** and **Lough Owel Special Protection Area (SPA Site Code 004047)**.

Given this connection, the possibility of effects on the conservation objectives of these European sites cannot be excluded without objective scientific assessment. Construction activities, alterations to drainage patterns, sediment mobilisation, accidental pollution incidents and long-term surface water runoff all represent potential pathways through which impacts could occur.

The Court of Justice of the European Union has consistently held, including in **Case C-127/02 Waddenzee**, that where reasonable scientific doubt exists regarding the absence of significant effects, Appropriate Assessment screening must be undertaken. Subsequent decisions, including **People Over Wind (C-323/17)** and **Kelly v An Bord Pleanála**, reinforce the requirement that screening must be based upon objective scientific information and cannot rely upon assumptions or mitigation measures at the screening stage.

Accordingly, I respectfully request that An Coimisiún Pleanála undertake Appropriate Assessment screening and, if likely significant effects cannot be excluded on the basis of objective scientific evidence, require the applicant to submit a **Natura Impact Statement (NIS)**.

2. Environmental Impact Assessment (EIA) Screening

Although the proposed development may fall below the mandatory thresholds for Environmental Impact Assessment, the Planning and Development Regulations require consideration of the Schedule 7 criteria when determining whether sub-threshold development should be subject to EIA.

In this case, a number of characteristics indicate that formal screening is warranted, including:

- the site's immediate proximity to the Royal Canal;
- its location adjacent to the **Royal Canal proposed Natural Heritage Area (pNHA Site Code 002103)**;
- the environmental sensitivity of the receiving aquatic environment;
- the cumulative effects of increasing urbanisation adjacent to the canal corridor;
- the presence of mature hedgerows and established ecological corridors; and
- the potential presence of protected species.

These characteristics suggest that the environmental sensitivity of the site should be carefully evaluated through formal EIA screening in accordance with Schedule 7 of the Planning and Development Regulations.

3. Hydrology and Water Quality

The proposal has the potential to affect the hydrology and water quality of the adjacent Royal Canal.

During construction, excavation works, vegetation clearance and earthworks may increase the risk of:

- sediment entering the canal;
- accidental discharge of fuels, oils or cementitious materials;
- deterioration in water quality; and
- impacts on aquatic habitats and fisheries.

Following completion, replacement of a permeable greenfield site with roads, roofs and paved areas has the potential to increase the volume and rate of surface water runoff entering the canal unless carefully managed.

These matters should be considered having regard to the objectives of the **Water Framework Directive**, including the obligation to prevent deterioration in the ecological status of protected water bodies.

4. Loss of Hedgerows and Ecological Connectivity

The mature hedgerows surrounding the site provide established ecological corridors linking terrestrial habitats with the Royal Canal corridor.

These hedgerows are likely to function as important commuting, nesting and foraging habitat for birds, bats and other wildlife and contribute to ecological connectivity in accordance with Article 10 of the Habitats Directive.

Their removal has the potential to fragment existing habitat networks and reduce biodiversity within the locality.

I respectfully request that detailed ecological surveys be undertaken before any decision is made regarding the extent of vegetation removal.

5. Protected Species

The Royal Canal corridor provides suitable habitat for several species protected under Irish and European legislation.

Bats

All bat species occurring in Ireland are strictly protected under Annex IV of the Habitats Directive.

The canal and adjoining hedgerows are likely to function as established commuting and foraging corridors. Increased artificial lighting associated with residential development has the potential to disrupt these routes unless appropriate assessment and mitigation measures are incorporated.

Otter

The otter is protected under Annex II and Annex IV of the Habitats Directive.

The Royal Canal provides suitable habitat for this species. In the absence of site-specific ecological survey information, potential effects arising from increased human activity, lighting, noise and domestic disturbance cannot be excluded.

Comprehensive ecological surveys should therefore be undertaken to determine whether protected species are present and whether additional mitigation measures are required.

Conclusion

Having regard to:

- the site's immediate proximity to the Royal Canal;
- its hydrological connection with European designated sites;
- its location adjacent to the Royal Canal proposed Natural Heritage Area;
- the potential effects on protected habitats and species;
- the potential impacts on water quality and hydrology; and

- the environmental sensitivity of the receiving environment,

I respectfully submit that it cannot presently be concluded, on the basis of objective scientific information, that likely significant effects on European sites are absent.

Accordingly, I respectfully request that An Coimisiún Pleanála:

1. undertake Appropriate Assessment screening in accordance with Article 6(3) of the Habitats Directive;
2. require the submission of a Natura Impact Statement if likely significant effects cannot be excluded following screening;
3. undertake Environmental Impact Assessment screening having regard to the Schedule 7 criteria; and
4. ensure that adequate ecological, hydrological and water quality assessments are completed before determining the application.

Thank you for your consideration of this submission.

Yours faithfully,

Catherine and Mary Kelly, Harbour Road, Mullingar