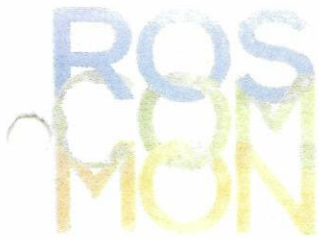


APPENDIX D

Roscommon Co. Co. Enforcement Notice Register Reference: UDR 2589





Comhairle Contae  
Ros Comáin  
County Roscommon



REGISTERED POST

Edvinas Cinge & Giedre Cinga  
91 Esker Park  
Lucan  
Co. Dublin

Planning Ref. No.: UDR 2589

Date: 23 February, 2021

THE COUNTY COUNCIL OF THE COUNTY OF ROSCOMMON  
PLANNING & DEVELOPMENT ACTS, 2000 (as amended)

ENFORCEMENT NOTICE

Section 154 of the Planning and Development Act 2000

**WHEREAS:** Alleged unauthorised development on site without the benefit of planning permission and a necessary appropriate assessment and flood risk assessment at Barrymore Townland, Kiltoom, Athlone, Co. Roscommon.

**Situated at:** Barrymore Townland, Kiltoom, Athlone, Co. Roscommon

has been, and/or is being carried out.

**TAKE NOTICE** that Roscommon County Council being the planning authority for the area in which the above land is located, in exercise of the powers conferred on it by Section 154 of the Planning and Development Act 2000, having investigated the matter has decided to serve this Enforcement Notice on you,

Edvinas Cinge & Giedre Cinga, 91 Esker Park, Lucan, Co. Dublin

the owner and/or occupier or person in control of the aforesaid lands;

**YOU ARE HEREBY REQUIRED**, pursuant to Section 154, to cease all unauthorised development in relation to the alleged unauthorised development on site without the benefit of planning permission and a necessary appropriate assessment and flood risk assessment at Barrymore Townland, Kiltoom, Athlone, Co. Roscommon.

Take notice that the Planning Authority hereby:

Requires you to undertake the following within 2 days of the date of the enforcement notice:

- Cease all works on site within 2 days of the date of the enforcement notice.
- Refrain from all works on site (with the exception of the works required in the steps below) and including works that would otherwise be deemed to constitute exempted development.

Requires you to undertake the following with 2 months of the enforcement notice:

- Remove the raised stone platform erected on site together with all serving pipes lain on site and connecting to public services currently being erected on site (if any).
- Grade all the lands in order to facilitate the natural revegetation of the lands.

**AND TAKE NOTICE THAT**, if within the period specified above, or within such extended period (being not more than six months) as Roscommon County Council may allow, the steps specified in this notice to be taken by you have not been taken, the Planning Authority may enter on the said land and take such steps and may recover any expenses reasonably incurred by them in that behalf.

**AND FURTHER TAKE NOTICE** that you are hereby required to refund to the Roscommon County Council the costs and expenses reasonably incurred by them in relation to the investigation, detection and issue of this Enforcement Notice concerned and any Warning Letter under Section 152, including costs incurred in respect of the remuneration and other expenses of Employees, Consultants and Advisers, and the Planning Authority may recover these costs and expenses incurred by it.

**YOU ARE HEREBY WARNED THAT** if you do not take the steps specified in this Notice within the specified period or within such extended period, (not being more than six months), as Roscommon County Council may allow, you may be guilty of an offence.

Dated: 22nd day of February 2021.

Signed: Tracy Davis  
Tracy Davis, Senior Executive Planner  
Planning Department

APPENDIX E

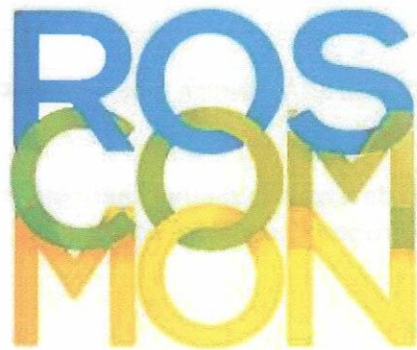
Roscommon Co. Co. Appropriate Assessment Screening Report DED 515



**APPROPRIATE ASSESSMENT  
SCREENING REPORT**

**For**

**DED 515 at Chalet 3, Barrymore Townland, Hodson Bay, Athlone, Co. Roscommon.**



**Comhairle Contae  
Ros Comáin  
Roscommon  
County Council**

**Screening for Appropriate Assessment: 2262**

**Table 1: Project Details**

<b>Development Consent Type</b>	Declaration under Section 5 of the Planning and Development Act 2000 as amended.
<b>Development Location</b>	Barrymore Townland, Hodson Bay, Kiltoom, Athlone, Co. Roscommon
<b>File Reference Number</b>	DED 515
<b>Description of the Project</b>	<p>A question has arisen as to whether</p> <p>(a) The carrying out of works for the improvement/refurbishment of the existing chalet</p> <p>(b) The maintenance and renewal of the existing level access for parking and servicing of the subject chalet by motorised vehicle</p> <p>(c) The clearing of scrub, under and overgrowth of self-seeded and other vegetation and replanting of grassland, native tree species and general landscaping</p> <p>(d) The formation of new boundary treatment to define the chalet boundary (as replacing previous boundary structures and gate) not exceeding 1.2metres</p> <p>(e) The reconnection and maintenance of existing water supply, wastewater connections and electrical services</p> <p>is or is not development or is or is not exempted development.</p>

**Table 2: Identification of Natura 2000 Sites (SACs and SPAs) which may be impacted by the proposed development**

Please answer the following questions in order to determine whether there are any Natura 2000 sites which could potentially be impacted by the proposed development.

**Special Areas of Conservation (SAC)**

**Impacts on habitats**

<b>1.</b>	<b>Impacts on Freshwater Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats, or in the catchment of same?</p> <p><b>Sites to consider</b>  <b>Lough Ree SAC</b> (Site Code: 000440)                      Distance from Site: Intersects Designated Site Boundary                      Designated features: Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation (#3150)</p>	<p>Yes</p> <p>It is considered there could be potentially direct and indirect impacts on this site as a result of the developments location within the designated area. In the absence of details in relation to the treatment and disposal of waste water, surface water collection and disposal and the type &amp; amount of material imported to the site, significant impacts cannot be ruled out and therefore a stage 2 AA is required.</p>



	<p><b><u>Ballynamona Bog And Corkip Lough SAC</u></b> (Site Code: 002339) Distance from Site: 6.69 km Designated features: Turloughs (#3180)</p> <p><b><u>Lough Funshinagh SAC</u></b> (Site Code: 000611) Distance from Site: 7.08 km Designated features: Turloughs (#3180)</p> <p><b><u>Castlesampson Esker SAC</u></b> (Site Code: 001625) Distance from Site: 8.14 km Designated features: Turloughs (#3180)</p> <p><b><u>Lough Croan Turlough SAC</u></b> (Site Code: 000610) Distance from Site: 11.55 km Designated features: Turloughs (#3180)</p>	<p>No significant impacts on this Natura site are likely</p> <p>No significant impacts on this Natura site are likely</p> <p>No significant impacts on this Natura site are likely</p> <p>No significant impacts on this Natura site are likely</p>
2.	<b>Impacts on Bog Mires and Fens Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Bog Mires and Fens habitats, or within 1km of same?</p> <p><b>Sites to consider</b> <b><u>Lough Ree SAC</u></b> (Site Code: 000440) Distance from Site: Intersects Designated Site Boundary Designated features: Degraded raised bogs still capable of natural regeneration (#7120), Alkaline fens (#7230)</p> <p><b><u>Ballynamona Bog And Corkip Lough SAC</u></b> (Site Code: 002339) Distance from Site: 6.69 km Designated features: Depressions on peat substrates of the Rhynchosporion (#7150), Active raised bogs (#7110), Degraded raised bogs still capable of natural regeneration (#7120)</p> <p><b><u>Crosswood Bog SAC</u></b> (Site Code: 002337) Distance from Site: 8.88 km Designated features: Active raised bogs</p>	<p>Yes</p> <p>It is considered there could be potentially direct and indirect impacts on this site as a result of the developments location within the designated area. In the absence of details in relation to the treatment and disposal of waste water, surface water collection and disposal and the type &amp; amount of material imported to the site, significant impacts cannot be ruled out and therefore a stage 2 AA is required.</p> <p>No significant impacts on this Natura site are likely</p> <p>No significant impacts on this Natura site are likely</p>

	<p>(#7110), Degraded raised bogs still capable of natural regeneration (#7120)</p> <p><b>Carn Park Bog SAC</b> (Site Code: 002336)  Distance from Site: 10.35 km  Designated features: Degraded raised bogs still capable of natural regeneration (#7120), Active raised bogs (#7110)</p>	<p>No significant impacts on this Natura site are likely</p>
<b>3.</b>	<b>Impacts on Forests Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Forests habitats, or within 1km of same?</p> <p><b>Sites to consider</b>  <b>Lough Ree SAC</b> (Site Code: 000440)  Distance from Site: Intersects Designated Site Boundary  Designated features: Old sessile oak woods with Ilex and Blechnum in the British Isles (#91A0), Bog woodland (#91D0)</p> <p><b>River Shannon Callows SAC</b> (Site Code: 000216)  Distance from Site: 5.98 km  Designated features: Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) (#91E0)</p> <p><b>Ballynamona Bog And Corkip Lough SAC</b> (Site Code: 002339)  Distance from Site: 6.69 km  Designated features: Bog woodland (#91D0)</p>	<p>Yes</p> <p>It is considered there could be potentially direct and indirect impacts on this site as a result of the developments location within the designated area. In the absence of details in relation to the treatment and disposal of waste water, surface water collection and disposal and the type &amp; amount of material imported to the site, significant impacts cannot be ruled out and therefore a stage 2 AA is required.</p> <p>No significant impacts on this Natura site are likely</p> <p>No significant impacts on this Natura site are likely</p>
<b>4.</b>	<b>Impacts on Grasslands Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Grasslands habitats, or within 1km</p>	<p>Yes</p>

	<p>of same?</p> <p><b>Sites to consider</b>  <b>Lough Ree SAC</b> (Site Code: 000440)  Distance from Site: Intersects Designated Site Boundary  Designated features: Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) (#6210)</p> <p><b>River Shannon Callows SAC</b> (Site Code: 000216)  Distance from Site: 5.98 km  Designated features: Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) (#6410), Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) (#6510)</p> <p><b>Castlesampson Esker SAC</b> (Site Code: 001625)  Distance from Site: 8.14 km  Designated features: Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) (#6210)</p> <p><b>Killeglan Grassland SAC</b> (Site Code: 002214)  Distance from Site: 14.39 km  Designated features: Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) (#6210)</p>	<p>It is considered there could be potentially direct and indirect impacts on this site as a result of the developments location within the designated area. In the absence of details in relation to the treatment and disposal of waste water, surface water collection and disposal and the type &amp; amount of material imported to the site, significant impacts cannot be ruled out and therefore a stage 2 AA is required.</p> <p>No significant impacts on this Natura site are likely.</p> <p>No significant impacts on this Natura site are likely</p> <p>No significant impacts on this Natura site are likely</p>
5.	<b>Impacts on Heath and Scrub Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Heath and Scrub habitats, or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	NA

6.	<b>Impacts on Rocky Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Rocky habitats, or within 1km of same?</p> <p><b>Sites to consider</b>  <u>Lough Ree SAC</u> (Site Code: 000440)  Distance from Site: Intersects Designated Site Boundary  Designated features: Limestone pavements (#8240)</p> <p><u>River Shannon Callows SAC</u> (Site Code: 000216)  Distance from Site: 5.98 km  Designated features: Limestone pavements (#8240)</p>	<p>Yes</p> <p>It is considered there could be potentially direct and indirect impacts on this site as a result of the developments location within the designated area. In the absence of details in relation to the treatment and disposal of waste water, surface water collection and disposal and the type &amp; amount of material imported to the site, significant impacts cannot be ruled out and therefore a stage 2 AA is required.</p> <p>No significant impacts on this Natura site are likely</p>
7.	<b>Impacts on Dunes Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Dunes habitats, or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	NA
8.	<b>Impacts on Coastal Habitats</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Coastal habitats, or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	N/A

## Impacts on Species

1.	Impacts on Amphibians	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Amphibians, or in the catchment of same?</p> <p><b>Sites to consider</b> None</p>	N/A
2.	Impacts on Anthropods	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Anthropods or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	N/A
3.	Impacts on Fish	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Fish, or within 1km of same?</p> <p><b>Sites to consider</b> None</p>	N/A
4.	Impacts on Mammals	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Area of Conservation whose qualifying interests include Mammals, or within 1km of same?</p> <p><b>Sites to consider</b>  <u>Lough Ree SAC</u> (Site Code: 000440)                      Distance from Site: Intersects Designated Site Boundary                      Designated features: Lutra lutra (Otter) (#1355)</p> <p><u>River Shannon Callows SAC</u> (Site Code: 000216)</p>	<p>Yes</p> <p>It is considered there could be potentially direct and indirect impacts on this site as a result of the developments location within the designated area. In the absence of details in relation to the treatment and disposal of waste water, surface water collection and disposal and the type &amp; amount of material imported to the site, significant impacts cannot be ruled out and therefore a stage 2 AA is required.</p> <p>No significant impacts on this Natura site are likely</p>

	Distance from Site: 5.98 km Designated features: Lutra lutra (Otter) (#1355)	
<b>5.</b>	<b>Impacts on Mollucs</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	Is the development within a Special Area of Conservation whose qualifying interests include Mollucs, or within 1km of same?  <b>Sites to consider</b> None	NA
<b>6.</b>	<b>Impacts on Non-vascular Plants</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	Is the development within a Special Area of Conservation whose qualifying interests include Non-vascular plants, or within 1km of same?  <b>Sites to consider</b> None	N/A
<b>7.</b>	<b>Impacts on Reptiles</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	Is the development within a Special Area of Conservation whose qualifying interests include Reptiles, or within 1km of same?  <b>Sites to consider</b> None	N/A
<b>8.</b>	<b>Impacts on Vascular Plants</b>	<b>Likely Effects (direct, indirect or cumulative)</b>
	Is the development within a Special Area of Conservation whose qualifying interests include Vascular Plants, or within 1km of same?  <b>Sites to consider</b> None	N/A

**Special Protection Areas (SPA):**

1.	Impacts on Birds	Likely Effects (direct, indirect or cumulative)
	<p>Is the development within a Special Protection Area, or within 1km of same?</p> <p><b>Sites to consider</b></p> <p><b><u>Lough Ree SPA</u></b> (Site Code: 004064)            Distance from Site: Intersects Designated Site Boundary            Designated features: Little Grebe (<i>Tachybaptus ruficollis</i>) (#A004), Whooper Swan (<i>Cygnus cygnus</i>) (#A038), Wigeon (<i>Anas penelope</i>) (#A050), Teal (<i>Anas crecca</i>) (#A052), Mallard (<i>Anas platyrhynchos</i>) (#A053), Shoveler (<i>Anas clypeata</i>) (#A056), Tufted Duck (<i>Aythya fuligula</i>) (#A061), Common Scoter (<i>Melanitta nigra</i>) (#A065), Goldeneye (<i>Bucephala clangula</i>) (#A067), Coot (<i>Fulica atra</i>) (#A125), Golden Plover (<i>Pluvialis apricaria</i>) (#A140), Lapwing (<i>Vanellus vanellus</i>) (#A142), Common Tern (<i>Sterna hirundo</i>) (#A193), Wetland and Waterbirds (#A999)</p> <p><b><u>Middle Shannon Callows SPA</u></b> (Site Code: 004096)            Distance from Site: 5.98 km            Designated features: Whooper Swan (<i>Cygnus cygnus</i>) (#A038), Wigeon (<i>Anas penelope</i>) (#A050), Corncrake (<i>Crex crex</i>) (#A122), Golden Plover (<i>Pluvialis apricaria</i>) (#A140), Lapwing (<i>Vanellus vanellus</i>) (#A142), Black-tailed Godwit (<i>Limosa limosa</i>) (#A156), Black-headed Gull (<i>Chroicocephalus ridibundus</i>) (#A179), Wetland and Waterbirds (#A999)</p> <p><b><u>Lough Croan Turlough SPA</u></b> (Site Code: 004139)            Distance from Site: 11.65 km            Designated features: Shoveler</p>	<p>Yes</p> <p>It is considered there could be potentially direct and indirect impacts on this site as a result of the developments location adjacent to the designated area. In the absence of details in relation to the treatment and disposal of waste water, surface water collection and disposal and the type &amp; amount of material imported to the site, significant impacts cannot be ruled out and therefore a stage 2 AA is required.</p> <p>No significant impacts on this Natura site are likely</p> <p>No significant impacts on this Natura site are likely</p>

	(Anas clypeata) (#A056), Golden Plover (Pluvialis apricaria) (#A140), Greenland White-fronted Goose (Anser albifrons flavirostris) (#A395), Wetland and Waterbirds (#A999)	
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All designated sites within a 15km radius of the subject site have been considered in this screening for Appropriate Assessment.

**Conclusion Table 2:** If the answer to all of these questions is no, significant impacts can be ruled out for Natura 2000 sites. No further assessment is required; proceed to the Habitats Directive Conclusion Statement.

**Screening for Appropriate Assessment - Conclusion Statement**

<b>Development Type:</b> Declaration under Section 5 of the Planning and Development Act 2000 as amended.
<b>Development Location:</b> Barrymore Townland, Hodson Bay, Kiltoom, Athlone, Co. Roscommon
<b>Natura 2000 sites within impact zone:</b> SPA:004064, SPA:004096, SPA:004139, SAC:000216, SAC:000440, SAC:000610, SAC:000611, SAC:001625, SAC:002214, SAC:002336, SAC:002337, SAC:002339
<b>Planning File Reference Number:</b> DED 515
<p><b>Description of the Project:</b></p> <ul style="list-style-type: none"> <li>(a) The carrying out of works "for the improvement/refurbishment of the existing chalet"</li> <li>(b) The maintenance and renewal of the existing level access for parking and servicing of the subject chalet by motorised vehicle</li> <li>(c) The clearing of scrub, under and overgrowth of self-seeded and other vegetation and replanting of grassland, native tree species and general landscaping</li> <li>(d) The formation of new boundary treatment to define the chalet boundary (as replacing previous boundary structures and gate) not exceeding 1.2metres</li> <li>(e) The reconnection and maintenance of existing water supply, wastewater connections and electrical services</li> </ul> <p><b>Describe how the project or plan (alone or in combination) could affect Natura 2000 sites(s):</b> Potential direct and indirect impacts have been identified – due to the sites location within Lough Ree SAC and adjacent to Lough Ree SPA.</p>
<p><b>If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not:</b></p> <p>In the absence of information in relation to the treatment and disposal of waste water, surface water collection and disposal and the type &amp; amount of material imported to the site, significant impacts cannot be ruled out and therefore a Stage 2 AA is required.</p>



**Conclusion of Screening Assessment:**


Following an assessment of the development and any potential relationships with European Sites, it is concluded that either alone or in combination with other plans or projects, significant impacts on Lough Ree SAC and SPA cannot be ruled out.

**Documentation reviewed for making this statement:**


Roscommon County Development Plan 2014 – 2020,  
Documentation submitted with the planning application  
National parks and wildlife website.

**Completed by: Paula Connaughton**


**Date: 06/05/2022**

Signed: 

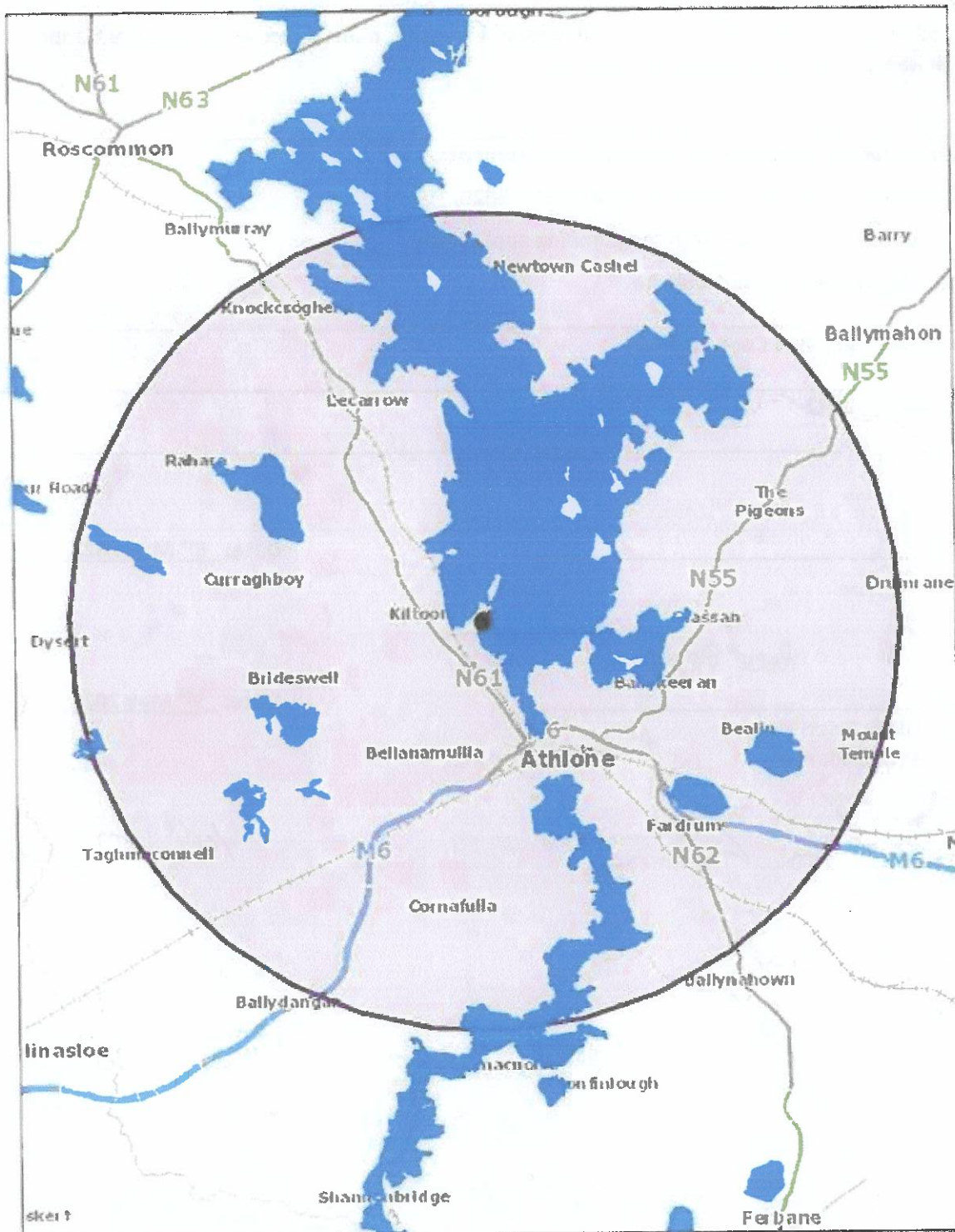
Date: 6<sup>th</sup> May 2022

Signed:   
Mary Grier  
Senior Planner

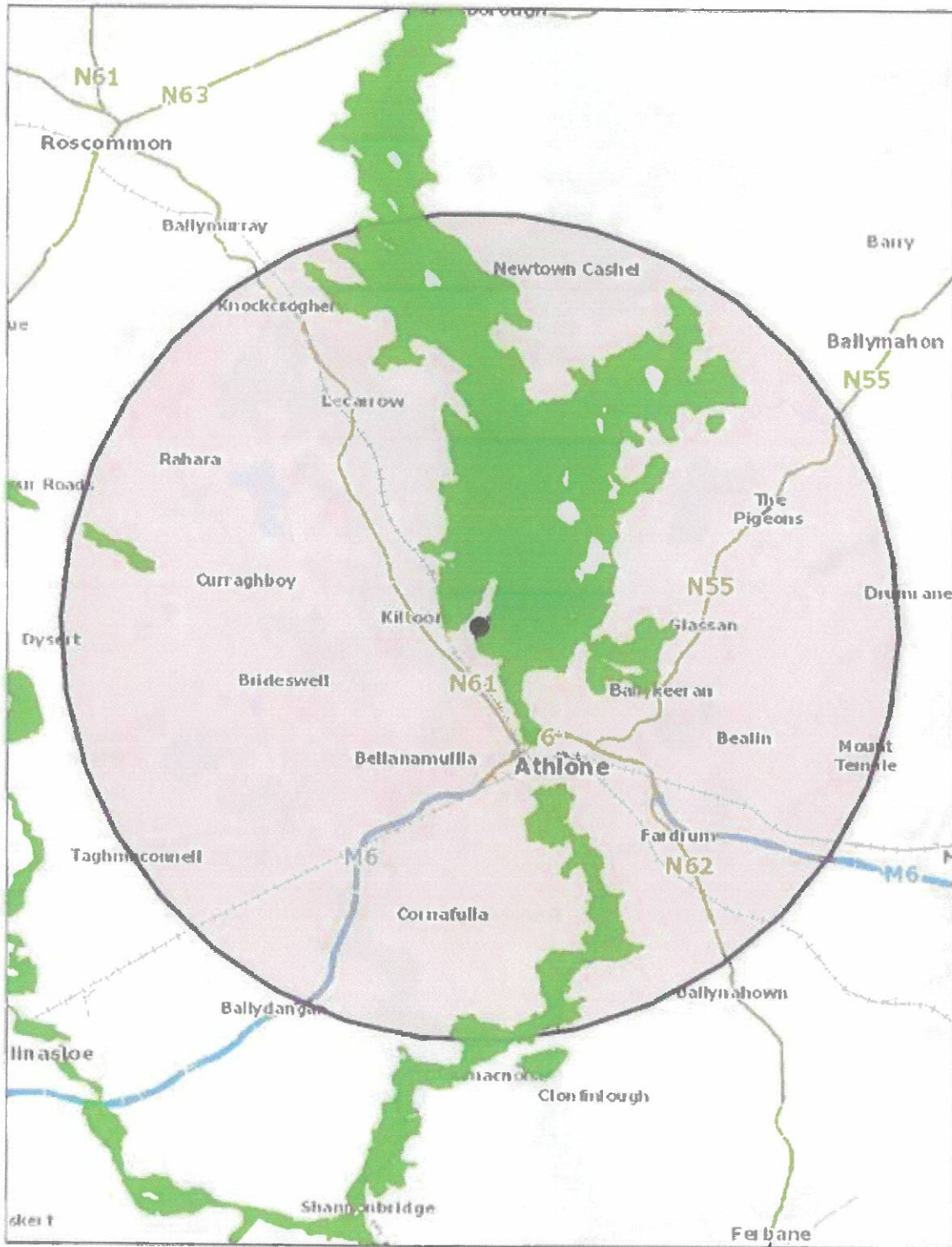
Date: 9<sup>th</sup> May 2022

  
D. J.

16<sup>th</sup> May 2022

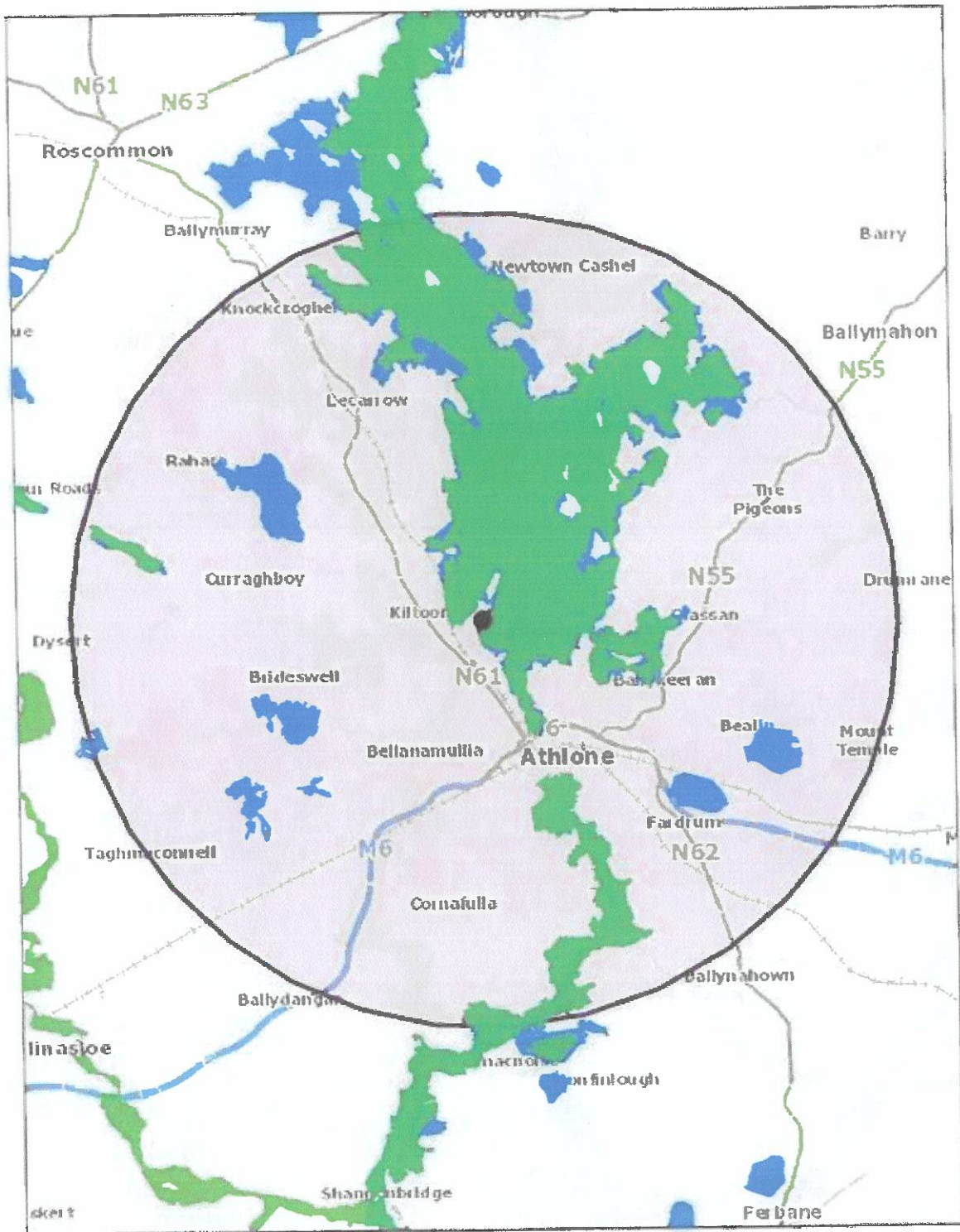


**SAC (blue) within 15km of DED 515**



SPA (green) within 15km of DED 515





**SAC & SPA within 15km of DED 515**

APPENDIX F  
Review of Roscommon Co. Co. AA Screening Report by  
APEM Environmental Consultants Ltd.





## Introduction

APEM Ireland Ltd was commissioned by The Planning Partnership, on behalf of Edvinas Cinga and Giedre Cinge, on 01 June 2022 to review the Appropriate Assessment Screening Report for DED 515 at Chalet 3, Barry More Townland, Athlone, Co. Roscommon prepared by Roscommon County Council.

## Background

The Planning Partnership (The Bank Building, 52 Oliver Plunkett Street, Mullingar, Co. Westmeath N91 FAA6) was instructed by Edvinas Cinga and Giedre Cinge (91 Esker Park, Lucan, Co. Dublin) to refer a recent declaration by Roscommon County Council for review by the Board under Section 5 (3)(a) of the Planning and Development Act 2000-2021 (as amended) (the "PDA").

Roscommon County Council issued a Notification of Decision dated 10 May 2022 summarised as follows:

*"it is hereby declared that the said works outlined consisting of:*

- a) The carrying out of works for the improvement/refurbishment of the existing chalet.*
- b) The maintenance and renewal of the existing level access for parking and servicing of the subject chalet by motorised vehicle,*
- d) The formation of new boundary treatment to define the chalet boundary (as replacing previous boundary structures and gate) not exceeding 1.2metres.*
- e) The reconnection and maintenance of existing water supply, wastewater connections and electrical services, at Barrymore Townland, Hodson Bay, Athlone, Co. Roscommon **constitutes development that is not exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.***
- c) The clearing of scrub, under and overgrowth of self-seeded and other vegetation and replanting of grassland, native tree species and general landscaping at Barrymore Townland, Hodson Bay, Athlone, Co. Roscommon **does not constitute development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.**"*

## Brief Description of the Project

The Project refers to the Maintenance and Improvement Works at Chalet 3, Barry More Townland, Athlone, Co. Roscommon. Chalet 3 has been in intermittent and occasional use since circa. 1965.

The chalet refurbishment was undertaken off site so as not to endanger the surrounding Lough Ree area. The refurbished chalet remains on the existing foundations and the works carried out at the site did not raise the level of any part of the site. The overgrowth on the existing dilapidated chalet and immediate surrounds was cleared by the scraping back the top layer of vegetation. Then a new top layer of stone material was added so that the level remains unchanged.

All available services associated with power, water supply and wastewater collection are in situ and as such have remained continuously in place since from its original date of first use and occupation as a holiday chalet in 1965.





The site has a water and a wastewater connection serving the chalet site for flushing toilet, bathing and kitchen connections. The site is linked to the original septic tank to the north of Chalet's 1-3 and on the north side of the access road.

ESB connections have been maintained to the site. ESB Supply can simply be reconnected with no on-site additional works necessary. It should be noted that the ESB have erected new infrastructure recently in the locality to serve the Chalets 1-3 accordingly.

In summary, the treatment and disposal of waste water has not been altered since the site was first occupied and the refurbished chalet avails of existing services associated with power, water supply and wastewater. The "hard core" and / or "hardstanding" surface is permeable.

### Purpose of the Document

The purpose of this document is to provide a technical review of the screening for appropriate assessment carried out by Roscommon County Council on 6 May 2022 for Maintenance and Improvement Works at Chalet 3, Barry More Townland, Athlone, Co. Roscommon.

### Relevant Legislation

The main pieces of relevant legislation are as follows:

- The Habitats Directive 92/43/EEC.
- The Birds Directive 2009/147/EC.
- European Communities (Birds and Natural Habitats) Regulations 2011 – 2015.
- Planning and Development Acts 2000 to 2020 - PART XAB.

Article 6 (3) of the Habitats Directive states that *"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."*







## Review of Screening Report

This section of the document reviews the screening report prepared by Roscommon County Council planner, Paula Connaughton, on 6 May 2022.

The Roscommon County Council screening report states that *“All designated sites within a 15km radius of the subject site have been considered in this screening for Appropriate Assessment.”* The report then goes on to state that *“Potential direct and indirect impacts have been identified — due to the sites location within Lough Ree SAC and adjacent to Lough Ree SPA.”* and that *“In the absence of information in relation to the treatment and disposal of waste water, surface water collection and disposal and the type & amount of material imported to the site, significant impacts cannot be ruled out and therefore a Stage 2 AA is required.”*

The report concludes that *“Following an assessment of the development and any potential relationships with European Sites, it is concluded that either alone or in combination with other plans or projects, significant impacts on Lough Ree SAC and SPA cannot be ruled out.”*

### Zone of Influence

The screening report prepared by Roscommon County Council does not discuss the zone of influence adopted for the purposes of its screening assessment and there is no evidence presented to indicate that the use of 15 km zone of influence was identified through a review of the nature of the project, the type of impacts and effects that could arise as a result, the distance between the project and Natura 2000 sites, and the qualifying interests of the Natura 2000 sites. The use of 15 km is quite clearly arbitrary and does not in fact follow Irish guidance. Irish guidance (DoEHLG, 2010) states, for the zone of influence of plans, that *“A distance of 15 km is currently recommended in the case of plans derives from UK guidance (Scott Wilson et al, 2006)”*. The guidance goes on to state that *“for projects, the distance could be much less than 15 km, and in some cases less than 100 m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, the sensitivities of the ecological receptors, and the potential for in-combination effects.”*

We would contend that the approach adopted by Roscommon County Council is not correct and that the zone of influence of the project is not accurately presented and thus the screening assessment is flawed.

### Description of Natura 2000 Sites

Roscommon County Council identified both Lough Ree SAC and Lough Ree SPA as Natura 2000 sites potentially affected by the project. The descriptions of Lough Ree SAC and Lough SPA were extracted from the supporting information available on the NPWS website<sup>1</sup>.

#### Lough Ree SPA (004064)

*“Lough Ree is of high ornithological importance for both wintering and breeding birds. It supports nationally important populations of seven wintering waterfowl species, as well as other important species including Whooper Swan and Greenland White fronted Goose (both of which are listed on Annex I of E.U. Birds Directive). The site has a range of breeding waterfowl, notably nationally important populations of Common Scoter, Great Crested Grebe and Tufted Duck. It also has a colony of Common Tern, another species listed on Annex I of the E.U. Birds Directive.”*

<sup>1</sup> <https://www.npws.ie/protected-sites> (last accessed 02 June 2022)



Lough Ree SAC (000440)

*“Lough Ree and its adjacent habitats are of major ecological significance. Some of the woodlands around the lake are of excellent [sic]. St John’s Wood is particularly important; it is one of the very few remaining ancient woodlands in Ireland. The lake itself is an excellent example of a mesotrophic to moderate-eutrophic system, supporting a rare fish species and a good diversity of breeding and wintering bird.”*

### Qualifying Interests

Species and habitat types for which SAC are designated and bird species for which SPA are classified are referred to as Qualifying Interests on the NPWS website pages for protected sites<sup>2</sup>.

Roscommon County Council identified both Lough Ree SAC and Lough Ree SPA as Natura 2000 sites potentially affected by the project. The Qualifying Interests for Lough Ree SAC and Lough Ree SPA are presented in Table 1 below.

There is no information presented in the Roscommon County Council screening report to demonstrate that Qualifying Interests were considered when identifying the potential for effects on Lough Ree SAC and Lough Ree SPA as a result of the maintenance and improvement works at Chalet 3. In other words the assessment did not consider the nature of the Qualifying Interests and whether or not they might be at risk as a result of the maintenance and improvement works at Chalet 3.

It is difficult to understand how the risk of significant effects were ascertained if the Qualifying Interests of the Natura 2000 sites in question were not considered during the screening for appropriate assessment

### Conservation Objectives

The Habitats Directive defines when the conservation status of the listed habitats and species is considered as favourable. The definitions it uses for this are specific to the Directive. In summary, they require that the range and areas of the listed habitats, and the range and population of the listed species, should be at least maintained at their status at the time of designation. Site-specific conservation objectives aim to define favourable conservation conditions for a particular habitat or species at that site.

Article (1) of the Habitats Directive (92/43/EEC) describes favourable conservation status for habitats and species as follows.

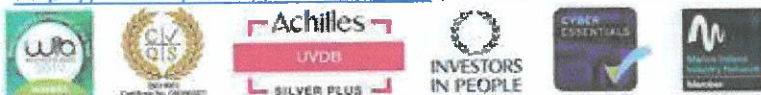
Favourable conservation status of a habitat is achieved when:

- Its natural range, and area it covers within that range, are stable or increasing, and
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- The conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- Population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and

<sup>2</sup> <https://www.npws.ie/protected-sites> (last accessed 02 June 2022)





- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Roscommon County Council identified both Lough Ree SAC and Lough Ree SPA as Natura 2000 sites potentially affected by the project. The conservation objectives for the Lough Ree SAC and Lough Ree SPA are available on the NPWS website<sup>2</sup> and are summarised in Table 1 below.

A significant effect is defined in paragraph 49 of the Waddenzee Case C-127/02 8 as follows “.....pursuant to the first sentence of Article 6(3) of the Habitats Directive, where a plan or project not directly connected with or necessary to the management of a site is likely to undermine the site’s conservation objectives, it must be considered likely to have a significant effect on that site. The assessment of that risk must be made in the light inter alia of the characteristics and specific environmental conditions of the site concerned by such a plan or project.” [emphasis added]

There is no evidence presented in the appropriate assessment screening report prepared by Roscommon County Council that the conservation objectives of Lough Ree SAC and Lough Ree SPA were ever considered when carrying out screening for appropriate assessment.

#### Threats, Pressures and Activities With Impacts on the Natura 2000 sites

The documentation available on the NPWS website provides a list of threats, pressures and activities with high effects on Lough Ree SAC and Lough Ree SPA.

Sylviculture / forestry, leisure fishing, nautical sports, walking, horse riding and non-motorised vehicles, invasive non-native species and fertilisation are all identified as activities with impacts on Lough Ree SPA.

Siltation rate changes, forest and plantation management & use, diffuse groundwater pollution due to agricultural and forestry activities, diffuse pollution to surface waters due to household sewage and waste waters, grazing and invasive non-native species are all identified as activities with impacts on Lough Ree SAC.

The main threat to the aquatic life in the lake comes from artificial enrichment of the waters by agricultural and domestic waste, and also by peat silt in suspension which is increasingly limiting the light penetration, and thus restricting aquatic flora to shallower waters. Eutrophication may be a problem but at present Lough Ree is less affected than other midland lakes, notably Lough Derg.

There is no evidence presented in the Roscommon County Council screening report that the threats, pressures and activities with high effect on the Lough Ree SAC and Lough Ree SPA were considered. As described previously in this document the assessment of the risk of significant effects on Natura 2000 sites must be made “in the light inter alia of the characteristics and specific environmental conditions of the site concerned by such a plan or project.” This assessment of risk cannot be made without consideration of the nature of the project and whether it has potential to result in the identified activities with impacts on Lough Ree SAC and / or Lough Ree SPA.







Table 1 Qualifying Interests and Conservation Objectives of Lough Ree SAC and Lough Ree SPA

Natura 2000 site	Distance from Site <sup>3</sup>	Qualifying Interests	Conservation objectives
Lough Ree SAC 000440	Chalet and grounds within SAC boundary	<ul style="list-style-type: none"> <li>Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i> - type vegetation [3150]</li> <li>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</li> <li>Active raised bogs [7110]</li> <li>Degraded raised bogs still capable of natural regeneration [7120]</li> <li>Alkaline fens [7230]</li> <li>Limestone pavements [8240]</li> <li>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</li> <li>Bog woodland [91D0]</li> <li><i>Lutra lutra</i> (Otter) [1355]</li> </ul>	<ul style="list-style-type: none"> <li>To restore the favourable conservation condition of Natural eutrophic lakes.</li> <li>To restore the favourable conservation condition of Semi-natural dry grasslands and scrubland facies on calcareous substrates.</li> <li>To restore the favourable conservation condition of Degraded raised bogs still capable of natural regeneration.</li> <li>To maintain the favourable conservation condition of Alkaline fens.</li> <li>To maintain the favourable conservation condition of Limestone pavements.</li> <li>To restore the favourable conservation condition of Bog woodland.</li> <li>To maintain the favourable conservation condition of otter.</li> </ul> <p><a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000440.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000440.pdf</a></p>
Lough Ree SPA 004064	Chalet and grounds within SPA boundary	<ul style="list-style-type: none"> <li>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</li> <li>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</li> <li>Wigeon (<i>Anas penelope</i>) [A050]</li> <li>Teal (<i>Anas crecca</i>) [A052]</li> <li>Mallard (<i>Anas platyrhynchos</i>) [A053]</li> <li>Shoveler (<i>Anas clypeata</i>) [A056]</li> <li>Tufted Duck (<i>Aythya fuligula</i>) [A061]</li> <li>Common Scoter (<i>Melanitta nigra</i>) [A065]</li> <li>Goldeneye (<i>Bucephala clangula</i>) [A067]</li> <li>Coot (<i>Fulica atra</i>) [A125]</li> <li>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</li> <li>Lapwing (<i>Vanellus vanellus</i>) [A142]</li> <li>Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>Wetland and Waterbirds [A999]</li> </ul>	<ul style="list-style-type: none"> <li>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</li> <li>To maintain or restore the favourable conservation condition of the wetland habitat at Lough Ree SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</li> </ul> <p><a href="https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004064.pdf">https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004064.pdf</a></p>

<sup>3</sup> When measured in a straight line between the closest points



## Conclusion of Screening Assessment

Roscommon County Council, as the competent authority, did not meet the requirement to provide a **substantiated decision recording their reasons** for reaching their conclusion. The European Commission 2021 guidance 'Assessment of plans and projects in relation to Natura 2000 sites -Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC' states the following:

- a) *"Just like the appropriate assessment stage, the screening stage must conclude with a **written substantiated decision by the competent authority** in order to provide a record of the reasons for reaching this conclusion. The opinion of the management body of the Natura 2000 site should also be taken into consideration in drafting the conclusions. The decision should also be made publicly available....."*

Similarly DoEHLG guidance (2009 revised 2010) states *"The **findings and conclusions** of the screening process should be documented, with the necessary supporting evidence and objective criteria."*[emphasis added].

The Office of the Planning Regulator in its March 2021 Practice Note PN01 titled 'Appropriate Assessment Screening for Development Management' states that *"The screening determination statement should include four key elements, to varying degrees of detail depending on the characteristics of the project/proposal and the site location:*

- (1) Describe: Provide a description of the project/proposal and local site characteristics,*
- (2) Identify: Identify the relevant European sites,*
- (3) Assess: **Assessment of likely effects – direct, indirect and in-combination,** and*
- (4) Conclude: Provide a clear statement on the outcome of the screening process and **a summary of the reasons for reaching the conclusion** (without reliance on mitigation measures)." [emphasis added]*

Part XAB Section 177U (1) of the Planning and Development Acts 2000 - 2021<sup>4</sup> states *"A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development **shall be carried out by the competent authority to assess, in view of best scientific knowledge,** if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site."* [emphasis added]

The appropriate assessment screening report prepared by Roscommon County Council could not be considered to record a substantiated decision as it does not provide any assessment of likely effect and does not provide supporting evidence and objective criteria. Furthermore the screening assessment carried out by Roscommon County Council clearly neglected to assess, in view of best scientific knowledge, if the chalet maintenance and refurbishment is likely to have a significant effect on Lough Ree SAC and Lough Ree SPA.

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<sup>4</sup> Updated to 17 December 2021 <https://revisedacts.lawreform.ie/eli/2000/act/30/revised/en/html> (last accessed 31 May 2022)



## Request for Information

Part XAB Section 177U (3) of the Planning and Development Acts 2000 – 2021 states that *“In carrying out screening for appropriate assessment of a proposed development a **competent authority may request such information from the applicant as it may consider necessary to enable it to carry out that screening, and may consult with such persons as it considers appropriate** and where the applicant does not provide the information within the period specified, or any further period as may be specified by the authority, the application for consent for the proposed development shall be deemed to be withdrawn.”* [emphasis added]

The competent authority states in their screening report that *“In the absence of information in relation to the treatment and disposal of waste water, surface water collection and disposal and the type & amount of material imported to the site, significant impacts cannot be ruled out and therefore a Stage 2 AA is required.”*

This information was already available to the competent authority in the form of the Section 5 declaration dated 12 April 2022 as submitted to Roscommon County Council. The Section 5 declaration was prepared by The Planning Partnership on behalf of their client and included multiple references to the use of *“existing associated services (power, water and wastewater supply) in situ”*. The declaration also stated that *“The refurbished chalet remains on the existing foundations and no material change of use has occurred.”* Indeed the declaration document provides clear photographic evidence of the material imported and Appendix E of the declaration also provides photographic evidence of service connections existing.

Furthermore, if the competent authority required further information on treatment of surface water and disposal of wastewater etc why did they not avail of their ability to request such information under the provisions of Part XAB Section 177U (3) of the Planning and Development Acts 2000 – 2021.

We respectfully submit that the information submitted in the Section 5 declaration was adequate to allow the competent authority to consider if significant effects Lough Ree SAC and / or Lough Ree SPA were likely as a result of maintenance and improvement works at Chalet 3. We also contend that the competent authority did not avail of the provisions of the Planning and Development Acts that allow it to request information to carry out screening for appropriate assessment.







## Summary of Findings

The screening for appropriate assessment carried out by Roscommon County Council was reviewed by experienced and qualified ecologists from APEM Ltd. The findings of this review are as follows:

1. The screening report provides no justification for the chosen zone of influence of 15 km and there is no evidence provided to support the use of 15 km when selecting Natura 2000 sites for inclusion in the assessment.
2. The Qualifying Interests do not appear to have been considered when identifying the potential for effects on Lough Ree SAC and Lough Ree SPA as a result of the maintenance and improvement works at Chalet 3
3. The conservation objectives of Lough Ree SAC and Lough Ree SPA were not considered when carrying out screening for appropriate assessment.
4. The assessment of the risk of significant effects on Natura 2000 sites was not made in the light the characteristics and specific environmental conditions of Lough Ree SAC and Lough Ree SPA.
5. The screening report does not record a substantiated decision as it does not provide any assessment of likely effect and does not provide supporting evidence and objective criteria.
6. The screening assessment carried out by Roscommon County Council neglected to assess, in view of best scientific knowledge, the likely significant effect on Lough Ree SAC and Lough Ree SPA.
7. The Section 5 declaration included multiple references to the use of “existing associated services (power, water and wastewater supply) in situ.” The Section 5 declaration also provide photographic evidence of the existing service connections.
8. The competent authority did not avail of the provisions Part XAB Section 177U (3) of the Planning and Development Acts 2000 – 2021 to request information to carry out screening for appropriate assessment.

The maintenance and improvement works at Chalet 3 were contained within a site that had been used for a holiday chalet since ca.1965. The site is serviced by electricity and water and a septic tank that services three chalets including Chalet 3. There has been no changes to the water, electricity and wastewater infrastructure with works limited to the extents of the site which is separated from Lough Ree by trees and scrub. There is an existing French drain on site for surface water run-off and the material imported to provide a hard surface beside the chalet is permeable allowing percolation to the ground.

It is our opinion that the screening for appropriate assessment carried out by Roscommon County Council contains a number of fundamental errors in its approach and methods used to carry out the assessment. We would also contend that if the screening assessment had been carried out correctly and / or if the competent authority had availed of the provisions of the Planning and Development Act to request information the finding of no Likely Significant Effects could have been made.



