



Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 - 2021

Proposed Strategic Housing Development at Cartrontrouy, Kilnafaddoge, Lissywollen and
Ardnaglug (townlands), Athlone, Co. Westmeath

Avenir Homes Limited

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Contents

01. Introduction	1
1.1 Background	1
1.2 Policy Context	1
1.3 Development Description	2
02. Statement on the Results of Other Environmental Assessments	4
2.1 EU Legislation	4
2.1.1 Directive 92/43/EEC, Habitats Directive, and Directive 2009/147/EC, Birds Directive	4
2.1.2 Directive 2007/60/EC, Floods Directive	6
2.1.3 Directive 2002/49/EC, Environmental Noise Directive.	7
2.1.4 Directive 2000/60/EC, Water Framework Directive	8
2.1.5 Directive 2001/42/EC, SEA Directive:	8
2.1.6 Directive 2008/50/EC, Clean Air for Europe Directive.	9
2.1.7 Directive 92/57/EEC, Safety and Health at Temporary or Mobile Construction Sites	9
03. Conclusion	11

01. Introduction

1.1 BACKGROUND

HW Planning have been appointed by the Applicant, Avenir Homes Limited, to prepare this statement in accordance with Article 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 to 2021 (the “Planning Regulations”) in relation to the proposed Strategic Housing Development (SHD) at Cartrontroty, Kilnafaddoge, Lissywollen and Ardnaglug (townlands), Athlone, Co. Westmeath.

This statement is part of the information provided by the Applicant so that the Board may complete an examination for the purposes of a screening determination in accordance with Articles 299B and 299C of the Planning Regulations.

In particular, it is provided so that the Board may have regard to the “the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive” in accordance with Article 299C(1)(a)(iv) of the Planning Regulations.

1.2 POLICY CONTEXT

The proposed SHD is a sub-threshold development, as it comprises 264 residential/student units¹ and this is below the 500 dwelling threshold at paragraph (1)(b)(i) of Part 2 of Schedule 5 to the Planning Regulations.

No screening determination was requested or made under Section 7 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) (the “2016 Act”).

Articles 299B and 299C of the Planning Regulations prescribe the requirements for sub-threshold development where no screening determination was made under Section 7 of the 2016 Act.

The application is not accompanied by an Environmental Impact Assessment Report (EIAR).

In cases where an application for sub-threshold development is not accompanied by an EIAR, but where there is “significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development”, Article 299B(1)(b)(ii)(II) of the Planning Regulations requires that the must Board satisfy itself that the Applicant has provided the following:

(A) the information specified in Schedule 7A,

(B) any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, and

¹ Based on 122 conventional housing units and 142 (no. rounded up) student accommodation units, whereby 2 no bed spaces are considered to equate to 1 unit for the purposes of EIA, as per established practice. Refer to Section 3.1 of EIA Screening Report.

(C) a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account

Article 299B(1)(c) of the Planning Regulations indicates that:

The information referred to in paragraph (b)(ii)(II) may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

The information required by sub-paragraphs (A) and (B) of Article 299B(1)(b)(ii)(II), namely, the information specified in Schedule 7A and any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, is contained in the Environmental Impact Assessment Screening document prepared by HW Planning and enclosed with the application.

The information required by sub-paragraph (C) of Article 299B(1)(b)(ii)(II), namely, a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, is contained in this standalone statement.

All of this information is provided by the Applicant so that the Board may complete an examination for the purposes of a screening determination in accordance with Articles 299B and 299C of the Planning Regulations. It is provided so that the Board may have regard to the all of the matters prescribed at Article 299C(1)(a) of the Planning Regulations.

This statement, in particular, is provided so that the Board may have regard to the “the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive” in accordance with Article 299C(1)(a)(iv) of the Planning Regulations.

1.3 DEVELOPMENT DESCRIPTION

The nature and extent of the proposed development is described in full detail within the application documents.

The development will consist of the construction of a mixed use residential development of 122 no. residential units with ancillary creche, 46 no. student apartments consisting of 283 bed spaces, and all associated site development works. The proposed development makes provision for 60 no. dwelling houses comprising 38 no. 2-storey 3-bed townhouses, 7 no. 2-storey 4-bed townhouses, 7 no. 3-storey 4-bed townhouses, 6 no. 2 storey 4-bed semi-detached and 2 no. 2 storey 4-bed detached. The proposed development includes 62 no. apartments / duplexes to be provided as follows: Block R1 containing 38 no. apartments (16 no. 1 bed units and 22 no. 2 bed units) in a 3-6 storey building, and Block R2 containing 20 no. duplex units (10 no. 2 bed units and 10 no. 3 bed units) over 4 storeys with 4 no. apartments (4 no. 2 bed units) in one 5th storey feature area. The proposed student accommodation makes provision for 283 no. bed spaces in 3 no. blocks to be provided as follows: Block S1 containing 18 apartments with 117 bed spaces over 5-6 storeys, Block S2 containing 16 apartments with 107 bed spaces over 6-7 storeys, and Block S3 containing 12 apartments with 59 bed spaces over 4-5 storeys.

The proposed development will provide for two new vehicular accesses as well as pedestrian entrances onto Lissywollen Avenue east-west access road (as permitted under An Bord Pleanála Reference ABP-309513-21). Minor modifications to ABP-309513-21 are proposed to cater for these access points, alterations to cycle/pedestrian paths, the removal of a central island to facilitate the south-eastern entrance, and provision of bus stop infrastructure. Ancillary site works include public and communal open spaces, hard and soft landscaping, pedestrian / cycleways, car parking, cycle parking, bin storage, public lighting, roof mounted solar panels, ESB substation and supporting distribution kiosks, and all other ancillary works above and below ground. The proposal includes pedestrian and cycle linkages onto the Old Rail Trail Greenway to the south and Blackberry Lane (L40061) to the west.

In addition to the above specified works within the red-line boundary, Westmeath County Council are facilitating some offsite works to support the project for which the applicant has confirmed written consent. These include:

- Resurfacing Blackberry Lane along the western extent of the site. A special development contribution has been agreed with the applicant for such purposes.
- Facilitating works to complete connections to the Old Rail Trail Greenway, including
 - » Completion of pedestrian/cycle path between Blocks R1 and S1 to the surfaced area of the greenway to the south, and;
 - » Replacement of existing gated access between the greenway and Blackberry Lane (southwest of the site) with a revised arrangement with dedicated cycle/pedestrian access. Final works to be agreed with Westmeath County Council.

The working title for the project is 'The Green Quarter' reflecting the green credentials of the site and policy objectives to establish a new urban quarter in this part of Athlone.

02. Statement on the Results of Other Environmental Assessments

2.1 EU LEGISLATION

The following sections outline the various EU Directives (other than the EIA Directive) relevant to the proposed Strategic Housing Development. It highlights the nature of the assessments carried out in accordance with the said directives. Where individual assessments have influenced the details of the proposed scheme, this is also described below, to show how the results of those assessments have been taken into account.

2.1.1 Directive 92/43/EEC, Habitats Directive, and Directive 2009/147/EC, Birds Directive

The Birds Directive (Directive 2009/147/EC on the conservation of wild birds), first adopted by the Member States in 1979, is the European Union's oldest piece of nature legislation.

Adopted in 1992, the Habitats Directive (Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements. It forms the cornerstone of Europe's nature conservation policy with the Birds Directive and establishes the EU wide Natura 2000 ecological network of protected areas, safeguarded against potentially damaging developments.

Based on completed survey work (including site walkovers and deployment of trail cameras) and the findings of the prepared Ecological Impact Assessment, habitats listed on Annex I of the EU Habitats Directive were not recorded within the proposed development site boundary.

Botanical species protected under the Flora (Protection) Order 2015, listed in Annex II or IV of the EU Habitats Directive (92/43/EEC), or Red listed in Ireland (Wyse Jackson et al., 2016) were not recorded during the site visits.

No bird species are listed on Annex I of the EU Birds Directive for the 2km grid square N04Q (NBDC online database). No associated species were identified via walkover surveys. In general, the study site contains limited foraging, commuting, breeding and resting habitats for any of the listed bird species. The open nature and regularly disturbed, rank, bare substrates, with limited woody vegetation and/or linear features, is such that the site study is of low local importance for the local avian community.

An invasive species and ecological walkover was undertaken in July 2021. No species listed on the Third Schedule of the 2011 European Communities (Birds and Natural Habitats) Regulations (i.e. species of which it is an offense to disperse, spread or otherwise cause to grow in any place)

were recorded within the proposed development site boundary. Non-native, potentially invasive plant species were recorded within the proposed development site, notably 'risk of medium impact' Traveller's Joy as well as Snowberry and Montbretia. It is recommended that a suitably experienced contractor is employed to undertake an invasive species eradication programme at the site in line with best available methods of control and eradication (e.g. NRA Guidelines (2010); Fennell *et al.* (2018) to ensure that non-native, potentially invasive plant species are not spread across the site during development and/or to surrounding areas due to construction activities.

The findings mean that no changes to the proposed development were required.

2.1.1.1 AA Screening

Article 6.3 of the Habitats Directive 92/43/EEC requires that an Appropriate Assessment (AA) should be carried out where plans or projects are likely to have a significant effect on any European Site. A Stage One AA Screening Report has been prepared by Ecology Ireland. The proposed development site is not located within or near to any designated wildlife conservation site. The nearest designated sites from the proposed site boundary are; Crosswood Bog SAC 002337 (c. 1.6km), Middle Shannon Callows SPA 004096 (2.0km) and River Shannon Callows SAC 000216 (2.0km). There are a total of thirteen Natura 2000 sites within 15km of the application site. The table below shows the minimum distances of the designated sites from the application site boundary.

Site Name	Site Code	Minimum Distance (km)
Natura 2000 sites		
Crosswood Bog SAC	002337	1.6
Middle Shannon Callows SPA	004096	2.0
River Shannon Callows SAC	000216	2.0
Lough Ree SAC	000440	2.5
Lough Ree SPA	004064	2.5
Carn Park Bog SAC	002336	3.9
Pilgrim's Rd. Esker SAC	001776	9.8
Mongan Bog SAC	000580	10.2
Mongan Bog SPA	004017	10.4
Castlesampson Esker SAC	001625	11.0
Ballynamona Bog & Corkip Lough SAC	002339	11.4
Fin Lough SAC	000576	11.9
Lough Funshinagh SAC	000611	14.3

Figure 2.1 Designated Natura 2000 Sites near the Subject Site

The assessment objectively concludes that the proposed development will have no significant effects in relation to the Natura 2000 sites: Crosswood Bog SAC, Middle Shannon Callows SPA and the River Shannon Callows SAC (or any other Natura 2000 site in the wider area) having regard to the following:

- The proposed development site is not within or adjacent to any Natura 2000 site, and nor does it provide habitat suitable for any qualifying interest species of Natura 2000 sites.

- The proposed construction will take place at a site with habitats of low ecological value where no invasive species or protected species have been recorded.
- There is >1.5km separation distance between the proposed development site and the nearest Natura 2000 site overland ruling out disturbance or displacement of qualifying interest species through noise or visual cues.
- The local WWTP is operating within the licence limits and appears to have significant additional design capacity.

As it has been concluded that no direct or indirect construction/operational stage impacts on any European Site are expected as a result of the proposed development, progression to Stage 2 Appropriate Assessment was not required. The results of the assessment confirm that no changes to the proposed development were required.

2.1.1.1 Bat Assessment

In addition to domestic legislation bats are also protected under the EU Habitats Directive (92/43/EEC). The Irish government is also a signatory to the 1979 Bonn convention (Convention on the conservation of migratory species of wild animals) and the 1982 Bern convention (The convention on the conservation of European wildlife and natural habitats) and has a commitment to the 1991 Eurobats agreement (Agreement on the conservation of bats in Europe).

An assessment of the suitability of the site for bats was undertaken to inform the design approach. A baseline bat study of the usage of the study site was achieved by undertaking a passive bat detector study in accordance with current best practice guidelines (Collins 2016, Kelleher & Marnell 2006). Bat call registrations were recorded from sunset to sunrise on each night. The deployment ran through the nights of 8th–15th July 2021. All recorded bat registrations were analysed using Wildlife Acoustics Kaleidoscope Professional sound analysis software to confirm bat species, times of activity and behaviour where possible. In all, five species were confirmed present, three of which are the most common and widespread of the Irish bat species: Common Pipistrelle, *Pipistrellus pipistrellus*, Soprano Pipistrelle, *Pipistrellus pygmaeus* and Leisler's Bat, *Nyctalus leisleri* which made up the majority of registrations detected. There were also a limited number of records of a 40/50kHz Pipistrelle and Brown Long Eared Bat *Plecotus auritus*. The bat species identified at the study site are considered to be relatively widespread and common nationally (Lysaght & Marnell 2016, Roche *et al.* 2014, Marnell *et al.* 2019) and are largely considered to be of least concern in terms of conservation status. The study site currently provides some feeding opportunities for bats through the presence of linear/edge hedgerow habitat features on the southern boundary of the study site, which it is proposed to retain. While the study site does not currently support roosting opportunities for bats, such existing linear/edge features will support commuting/feeding bats associated with roosts in the wider area also. The study site is therefore considered to be of low-moderate local value for bats overall. The results of the assessment mean that no changes to the proposed development were required.

2.1.2 Directive 2007/60/EC, Floods Directive

2.1.2.1 Flood Risk Assessment

The Floods Directive requires Member States to assess if all water courses and coast lines are at risk from flooding, to map the flood extent and assets and humans at risk in these areas and to take adequate and coordinated measures to reduce this flood risk. The Directive also reinforces the rights of the public to access this information and to participate in the planning process.

The potential for flood risk on the subject site has been reviewed by project engineers ORS. There are no watercourses located within the site. The OPW's online national flood hazard mapping (www.floodmaps.ie) indicates that the subject lands are well removed from any flood risk areas and historical flood events.

It has therefore been concluded that there is no material flood risk on the site. The results of the assessment completed mean that the risk of the development increasing flood risk elsewhere can be minimised through the implementation of proposed SuDS measures, outlined in the Infrastructure Report prepared by ORS that accompanies the application.

2.1.3 Directive 2002/49/EC, Environmental Noise Directive.

The Environmental Noise Directive focuses on three action areas:

- The determination of exposure to environmental noise;
- Ensuring that information on environmental noise and its effects is made available to the public; and,
- Preventing and reducing environmental noise where necessary and preserving environmental noise quality where it is good.

An External Noise Impact Report has been prepared by DK Partnership having regard to the European Environmental Noise Regulations 2018 (S.I. No. 549), World Health Organisation and EPA NG4 guidelines. This examines the effects of existing background noise on the perceived noise levels within the habitable rooms of the new proposed development. The basis for undertaking the report is the EPA generated traffic noise maps. The proposed development site is subject to traffic noise from the N6 to the North and to a slightly lesser degree the R916 to the East. The final resultant external noise exposure at the facades and internal ambient predicted noise levels (table 5.3 and 5.5 of the report) however are all comfortably within the maximum guidelines of the WHO/CIBSE/BS8233 and indeed the relevant internal ambient day time and night time noise levels according to the WHO category table 4.2 is deemed to be "Very Good / Good".

The receiving facades environment of all houses and student apartments for the majority fall under category A in the Noise impact assessment criterion table 4.1 except for the most northern units and although this would be acceptable in a country / suburban environment it is recommend that some noise impact measures be considered as outlined in section 5.8 of the report to ensure the internal ambient noise levels to be "Very Good / Good".

For the amenity spaces, and when comparing the calculated noise exposure without any noise reduction measures only the most northern (closest to the N6) amenity space 10 is marginally outside the EPA NG4 recommendations. However, this is mitigated through the introduction of the proposed berm/vegetation on the landscape plan ensuring that all amenity space fall within the maximum recommended guidelines of the WHO/CIBSE/BS8233/EPA.

In terms of the construction phase, the proposed development shall be carried out in accordance with a Construction Management Plan. The proposed plan, prepared by ORS Consulting Engineers, accompanies the application. The plan outlines various mitigation measures to be employed during construction to ensure the development is operated in a way that minimises detrimental impact to the amenities of local residents.

2.1.4 Directive 2000/60/EC, Water Framework Directive

The Water Framework Directive establishes common principles and an overall framework for action in relation to water protection and developed the overall principles and the structure for protection and sustainable use of water in the European Union.

As detailed in the prepared AA Screening Report, the site is located within the Upper Shannon Catchment, Hydrometric Area 26, and the Shannon River Basin District. There are no watercourses within the proposed site. The closest waterbody is the Shannon (Upper)_120, (named on the EPA Database as IE_SH_26S021800), which is located approximately 904m south of the proposed site boundary. It is a tributary of the River Shannon. It has been given a River Waterbody Framework Directive (WFD) Status (2013-2018) of "Poor" and a WFD Risk Status of "At Risk". The proposed surface water catchment will have a gravity surface water drainage network which will outfall into a dedicated attenuation tank to the north of the site. The attenuation tank has been sized to store the runoff from a 1:30 year storm of critical duration below ground, with the additional storage required for a storm event greater than 1:30 and up to 1:100 year to be stored above ground within a depressed area (detention basin) in the public open space.

The proposed development will not affect the surface water status and, in particular, will not cause any deterioration of the status of the relevant water body. The results of the assessment completed mean that no changes to the proposed development were required.

2.1.5 Directive 2001/42/EC, SEA Directive:

Strategic Environmental Assessment (SEA) is a process for evaluating at the earliest appropriate stage the likely environmental effects of implementing a Plan or other strategic action in order to ensure that environmental considerations are appropriately addressed in the decision making process both during the preparation and prior to adoption of a Plan.

The European Directive (2001/42/EC) on the Assessment of the Effects of Certain Plans and Programmes on the Environment (the SEA Directive) was transposed into national legislation by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435 2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436 2004). The legislation requires that the Planmaking Authority must make available an SEA Statement summarising how the SEA and consultations have been taken into account in the making of the Plan.

The Westmeath County Development Plan 2021-2027, Athlone Town Development Plan 2014-2020 and Lissywollen South Framework Plan 2018-2024 were subject to Strategic Environmental Assessment and included the preparation of SEA statements.

The application for the proposed development is accompanied by a Statement of Consistency prepared by HW Planning which demonstrates that the details of the proposal are, for the most part, consistent with the relevant objectives in these specified plans, and any relevant guidelines issued by the Minister under Section 28 of the Act of 2000.

There are a couple of instances where the proposal could be interpreted to not be consistent with the policy objectives contained in the Athlone Town Development Plan 2014-2020 and Lissywollen South Framework Plan 2018-2024, namely with regard to compliance with building heights, density and open space. As outlined in accompanying Material Contravention Statement prepared by HW Planning, there are certain inconsistencies between policy guidance on these matters at local and national level, principally reflecting different timelines in the preparation of these documents. The statement outlines the manner in which the proposal is

consistent with latest national policy, such as defined by the National Planning Framework, which itself has been subject to SEA and outlines in detail the justification for the proposal to be granted permission despite possibly contravening identified objectives.

No further assessment was considered to be required to demonstrate compliance with the SEA Directive. The results of the completed assessment mean that no changes to the proposed development were required.

2.1.6 Directive 2008/50/EC, Clean Air for Europe Directive.

The 2008 CAFE Directive outlines the appropriate measures to be adopted at a local, regional or national level to provide for the attainment of air quality objectives, including:

- measures to limit transport emissions through traffic planning and management.
- measures to encourage a shift of transport towards less polluting modes.

Subsequent policies at national, regional and local level including but not limited to the National Planning Framework, Regional Spatial Economic Strategy and Cork County Development Plan, have been prepared in accordance with the Directive and include objectives to encourage a shift towards more sustainable modes of travel.

The proposed development has been designed to accord with these policies and includes measures to encourage sustainable travel and to protect air quality. It is proposed to provide significantly enhanced cyclist and pedestrian links between the permitted Lissywollen Avenue to the north and the Old Rail Trail Greenway to the south, as well as a number of permeable links to Blackberry Lane to the west, and tie-ins with Lissywollen Avenue to the east and the existing and permitted pedestrian/cycle network. The high quality of accessibility of the proposed development by non-car modes of travel is addressed in detail in the application and is underpinned by means of the prepared Mobility Management Plan. A Traffic and Transport Assessment has also been prepared by ORS which confirms that the proposed development will have a minimal impact upon the established local traffic conditions and can be accommodated on the road network without significantly contributing to congestion in the area.

During the construction phase, with standard mitigation measures in place, potential impacts of the proposed development on air quality for the construction phase are likely to result in negligible impacts.

The results of the assessment done mean that no changes to the proposed development were required.

2.1.7 Directive 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites

This Directive defines minimum safety and health requirements for temporary or mobile construction sites i.e. any construction site at which building or civil engineering works are carried out and intends to prevent risks by establishing a chain of responsibility linking all the parties involved.

The application is accompanied by a Construction and Environmental Management Plan (CEMP) which includes details of Health and Safety provisions for the construction phase of the proposal and has been informed by the Safety Health and Welfare at Work (Construction) Regulations 2013. The aforementioned regulations were prepared pursuant to Directive 92/57/EEC.

The CEMP outlines preliminary safety requirements in relation to contractors on the site. This will be further informed by more detailed procedures for control of substances hazardous to health as well as emergency fire and accident procedures as part of the final pre-commencement CEMP.

The results of the assessment mean that the proposed development shall be carried out in accordance with a final CEMP.

03. Conclusion

This statement indicates how the available results of relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account in this proposed Strategic Housing Development at Cartronroy, Kilnafaddoge, Lissywollen and Ardnaglug (townlands), Athlone, Co. Westmeath.

Each of the relevant assessments that are available have been identified. The results of those assessments have been identified. This statement also identifies how those results have been taken into account.

This statement should be read in conjunction with the Environmental Impact Assessment Screening document prepared by HW Planning and enclosed with the application.

The Board may complete an examination for the purposes of a screening determination in accordance with Articles 299B and 299C of the Planning Regulations and, in particular, may have regard to the all of the matters prescribed at Article 299C(1)(a) of the Planning Regulations.

This statement, in particular, is provided so that the Board may have regard to the “the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive” in accordance with Article 299C(1)(a)(iv) of the Planning Regulations.

This statement supports the conclusion in the Environmental Impact Assessment Screening document prepared by HW Planning that sub-threshold EIA is not required for the proposed development.

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