



Enviroguide
CONSULTING

APPROPRIATE ASSESSMENT SCREENING REPORT

FOR
PROPOSED DEVELOPMENT

AT
RATHGOWAN, MULLINGAR, CO.
WESTMEATH

ON BEHALF OF
DSPL LIMITED

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Enviroguide Consulting

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1 INTRODUCTION

1.1 Background

Enviroguide Consulting was commissioned by DSPL Limited to prepare a Screening Report for Appropriate Assessment in respect of the Proposed Development at the Rathgowan, Mullingar, Co. Westmeath. This Appropriate Assessment Screening Report contains information to enable the Competent Authority to undertake Stage 1 Appropriate Assessment screening in respect of the Proposed Development.

1.2 Legislative Background

The Habitats Directive (92/43/EEC) seeks to conserve natural habitats and wild fauna and flora by the designation of Special Areas of Conservation (SACs) and the Birds Directive (2009/147/EC) seeks to protect birds of special importance by the designation of Special Protection Areas (SPAs). SACs and SPAs are collectively known as Natura 2000 or European Sites. It is the responsibility of each member state to designate SPAs and SACs. SACs are selected for the conservation of Annex I habitats (including priority types which are in danger of disappearance) and Annex II species (other than birds). SPAs are selected for the conservation of Annex I birds and other regularly occurring migratory birds and their habitats. The annexed habitats and species for which each site is selected correspond to the qualifying interests of the sites; from these the conservation objectives of the site are derived.

An 'Appropriate Assessment' (AA) is an assessment required prior to the grant of planning permission to determine whether a plan or project, based on best scientific knowledge, will have an adverse effect on the integrity of a European site, either alone or in combination with other plans and projects. It is required for any plan or project not directly connected with or necessary to the management of a site but likely to have a significant effect on it. Accordingly, a screening for AA determines whether a plan or project, either alone or in combination with other plans and projects, is likely to have significant effects on a European site, in view of its conservation objectives.

A competent authority must determine that an Appropriate Assessment is required in respect of any European site where, following screening, it cannot be excluded that the plan or project will have a significant effect on the European site, in view of its conservation objectives.

This AA Screening has been undertaken to determine whether the Proposed Development is likely to have a significant effect, alone or in combination with other plans and projects, on any European Site, in view of their conservation objectives.

1.2.1 Legislative Context

An Appropriate Assessment is required under Article 6 of the Habitats Directive where a project or plan may give rise to significant effects upon a European Site. Paragraph 3 states that:

"6(3) 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.”

These obligations in relation to Appropriate Assessment have been implemented in Ireland under Part XAB of the Planning and Development Act 2000, as amended (“the 2000 Act”), and in particular Section 177U and Section 177V thereof. The relevant provisions of Section 177U in relation to AA screening have been set out below:

“177U.— (1) *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.*

(2)...

(3)...

(4) *The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is required if it cannot be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.*

(5) *The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed development, as the case may be, is not required if it can be excluded, on the basis of objective information, that the draft Land use plan or proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.”*

1.2.2 Stages of AA

This Appropriate Assessment Screening Report (the “**Screening Report**”) has been prepared by Enviroguide Consulting. It considers whether the Proposed Development is likely to have a significant effect on a European Site and whether a Stage 2 Appropriate Assessment is required.

The AA process is a four-stage process, with issues and tests at each stage. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

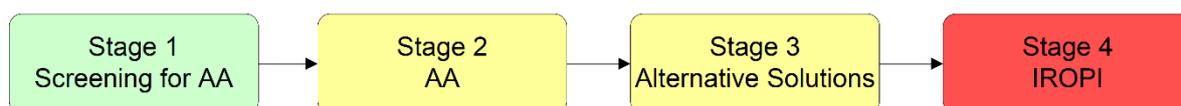


FIGURE 1. THE FOUR STAGES OF THE APPROPRIATE ASSESSMENT PROCESS (DEHLG, 2010).

The four stages of an AA, can be summarised as follows:

- Stage 1 *Screening* addresses:
 - whether a plan or project is directly connected to or necessary for the management of the site, or
 - whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a European Site in view of its conservation objectives.
- Stage 2: *Appropriate Assessment (AA)*. The second stage of the AA requires the competent authority to determine whether the project or plan (either alone or in combination with other projects or plans) will have an adverse effect on the integrity of the European site, having regard to the conservation objectives of the site and its ecological structure and function. The developer must provide a Natura Impact Statement (NIS) to the competent authority to inform the AA, which is a statement, for the purposes of Article 6 of the Habitats Directive, of the implications of a proposed development, on its own or in combination with other plans or projects, for one or more than one European site, in view of the conservation objectives of the site or sites. It must include a report of a scientific examination of evidence and data, carried out by competent persons to identify and classify any implications for one or more than one European site in view of the conservation objectives of the site or sites. The competent authority must consult with the public in relation to any plan or project that requires AA. If the competent authority determines that the plan or project would have an adverse effect on the integrity of any European site, it can only grant consent after proceeding through steps 3 and 4.
- Stage 3: *Assessment of alternative solutions*. If the outcome of Stage 2 is negative i.e., adverse impacts to the sites cannot be scientifically ruled out, despite mitigation, the plan or project should proceed to Stage 3 or be abandoned. This stage examines alternative solutions to the proposal.
- Stage 4: *Assessment where no alternative solutions exist and where adverse impacts remain*. The final stage is the main derogation process examining whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project to adversely affect a European Site, where no less damaging solution exists.

2 METHODOLOGY

2.1 Guidance

This AA Screening Report has been undertaken in accordance with the following guidance:

- *Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities*. (Department of Environment, Heritage and Local Government, 2010 revision).
- *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities*. Circular NPW 1/10 & PSSP 2/10.
- *Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission, 2001).

- *Communication from the Commission on the precautionary principle* (European Commission, 2000).
- *Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC* (European Commission, 2019).
- *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* (European Commission, 2021).
- *Appropriate Assessment Screening for Development Management, OPR Practice Note PN01, Office of the Planning Regulator March 2021.*

2.2 Screening Steps

Screening for AA involves the following steps:

- Establish whether the plan or project is directly connected with or necessary for the management of a European Site.
- Description of the plan or project and the description and characterisation of other projects or plans that in combination have the potential for having significant effects on the European Site.
- Identification of European Sites potentially affected.
- Identification and description of potential effects on the European Site.
- Assessment of the likely significance of the effects identified on the European Site; and
- Exclusion of sites where it can be objectively concluded that there will be no significant effects.

2.3 Desk Study

A desktop study was carried out to collate and review available information, datasets, and documentation sources relevant for the completion of this Screening Report. The desktop study relied on the following sources:

- Information on the network of European Sites, boundaries, qualifying interests and conservation objectives, obtained from the National Parks and Wildlife Service (NPWS) at www.npws.ie
- Text summaries of the relevant European Sites taken from the respective Standard Data Forms and Site Synopses available at www.npws.ie
- Information on species records and distributions, obtained from the National Biodiversity Data Centre (NBDC) at www.maps.biodiversityireland.ie
- Information on waterbodies, catchment areas and hydrological connections obtained from the Environmental Protection Agency (EPA) at www.gis.epa.ie

- Information on bedrock, groundwater, aquifers and their statuses, obtained from Geological Survey Ireland (GSI) at www.gsi.ie
- Satellite imagery and mapping obtained from various sources and dates including Google, Digital Globe, Bing and Ordnance Survey Ireland.
- Information on the existence of permitted developments, or developments awaiting decision, in the vicinity of the Proposed Development from Westmeath County Council.

For a complete list of the specific documents consulted as part of this assessment, see *Section 5 References*.

2.4 Field Study

2.4.1 Ecological surveys

The Site was visited by Enviroguide Consulting on the 22nd of June 2022. The Site was surveyed for any potentially important ecological receptors and/or potential impact pathways, to inform the completion of this AA Screening Report. A full description of the field surveys can be found in the EclA accompanying this application.

2.5 Assessment of Significant Effects

The potential for significant effects that may arise from the Proposed Development were considered through the use of key indicators, namely:

- Habitat loss or alteration
- Habitat/species fragmentation
- Disturbance and/or displacement of species
- Changes in population density
- Changes in water quality and resource

In addition, information pertaining to the conservation objectives of the European Sites, the ecology of the designated habitats and species and known or perceived sensitivities of the habitats and species was considered.

3 STAGE 1 SCREENING

3.1 Management of European Sites

The Proposed Development is not directly connected with or necessary to the management of European Sites. There are no European Sites located within or immediately adjacent to the Site of the Proposed Development.

3.2 1Description of Proposed Development

3.2.1 Site location

The Site of the Proposed Development is located in Rathgowan, Mullingar, Co. Westmeath. The Site is located north and east of an existing housing estate at Ardilaun Heights and Rathgowan Wood, north-west of the R394, and south of the R303 Ashe Road.

3.2.2 Description of Development

The Proposed Development will consist of 212 no. dwellings and a creche. The residential dwellings are comprised of 107 no. 2 and 3 storey houses, 86 no. 2 and 3 bed duplex units in 8 no. 3 storey blocks and 19 no. 1 and 2 bed apartments accommodated in 1 no. 4 storey building which also accommodates a creche at ground floor level, with associated outdoor play area. The proposed houses consist of 31 no. 2 bed, 70 no. 3 bed and 6 no. 4 bed detached, semi-detached and terraced houses.

The Proposed Development provides for all associated Site development works, relocation of existing underground surface water attenuation tank, car parking, bin and bicycle storage, public and communal open spaces, hard and soft landscaping and boundary treatments, underground utilities, substation and public lighting. Vehicular access to the Proposed Development will be off the R393 Ashe Road to the north.

3.2.3 Stormwater

The following information has been extracted from the Engineering Planning Report (Punch, June 2022).

3.2.3.1 Existing Stormwater Drainage

There is an existing stormwater sewer flowing north-south along the eastern edge of the Proposed Development and a stormwater culvert running through the Site. An attenuation tank is currently on Site to serve the existing adjacent developments.

3.2.3.2 Proposed Stormwater Drainage

The proposed stormwater drainage for the Site has been designed using Causeway Flow software in accordance with the Department of Environment and Local Government's guidance document 'Recommendations for Site Development Works for Housing Areas', with guidance taken from the 'Greater Dublin Strategic Drainage Study' (GDSDS) and the Westmeath County Council Development Plan.

A new surface water management system will be installed on Site which will be entirely separate from the foul water sewer network. All surface water run-off from roof areas and hardstanding areas are designed to be collected by a gravity pipe network. The existing drainage infrastructure on Site will be diverted to allow for the Proposed Development. The existing surface water pipes within the Site will be combined and diverted along the eastern edge of the Site.

Due to the extent of the Proposed Development Site and the variation in levels, 3 no. new attenuation tanks are included in the project design. The Site has been divided into two drainage areas, area 1 and area 2. Drainage from area 1 will outfall to 2 no attenuation tanks in series. The first attenuation tank will have a hydrobrake to restrict outflow to 16l/s, the second attenuation tank will have a hydrobrake installed to limit the outflow rate to 14l/s. This

drainage will then discharge to the surface water sewer east of the Site. A third attenuation tank is provided to accommodate the drainage from area 2 of the Site. A hydrobrake will also be fitted to this attenuation tank and outflow will be limited to 3l/s. Surface water will ultimately discharge to the surface water network east of the Site. The hydrobrakes from area 1 and area 2 will have a combined discharge rate of 17 l/s. The 3 proposed attenuation tanks will provide 1500m³ of attenuation.

Three attenuation tanks are currently on Site, tank D, E and F. Tank D will be replaced and relocated to the east to accommodate the Proposed Development. Tank E is no longer required and will be removed as part of the proposed works, tank F will be retained, and minor alterations will be required to allow for the construction of service routes for the Proposed Development.

A variety of Sustainable urban Drainage Solution (SuDS) measures are included in the stormwater management design to comply with Westmeath County Council requirements. SuDS measures incorporated into the Project design include:

- Permeable paving will be utilised for car parking bays on Site.
- Swales and infiltration trenches.
- Tree Pit Systems.
- Bio Retention Areas/Modified Planters.
- 3 no. Attenuation tanks will provide 1500m³ of attenuation.

It is a policy of the Westmeath County Development Plan (2021 - 2027) Policy CPO 10.97: *“To resist the discharge of additional surface water to combined sewers and promote Sustainable Urban Drainage Systems (SuDS) and solutions to maximise the capacity of towns with combined drainage systems.”* It is noted that these design features are a requirement in all new development, as per the above policy; to contribute to both the improvement of water quality in receiving waterbodies and the easing of pressures on existing drainage networks. SuDS measures are in **no way** being relied upon as a method of mitigating potential impacts to European Sites arising from the Proposed Development.

3.2.4 Foul Water

3.2.4.1 Existing Foul Water Drainage

According to the Engineering Services Report (Punch, June 2022), an existing foul sewer is located within the existing Rathgowan Wood housing estate road network. This sewer discharges to a combined sewer in Mount Merrion Avenue and ultimately discharges to the foul sewer located on the R394.

3.2.4.2 Proposed Foul Water Drainage

The proposed foul water sewers have been designed using Causeway Flow control software in accordance with the DOE's *‘Recommendations for Site Development Works for Housing Areas’*. The foul loading has been calculated in accordance with the *‘Code of Practice for Wastewater Infrastructure’* published by Irish Water. It is proposed to divert the existing foul lines within the Site boundary and the two existing foul lines will outfall to a new single foul pipe proposed as part of the Proposed Development. Foul water will outfall to an existing manhole on the R394 to the east of the Site.

The foul water calculations for the residential category of the Proposed Development are as follows: Daily Flow Rate of 150 l/person/day, Daily Flow of 94,545 l/day, Dry Weather Flow of

1.094 l/s and Design Peak Flow of 6.564. The foul water calculations for the creche category of the Proposed Development are as follows: Daily Flow Rate of 100l/person/day, Daily Flow of 6,710 l/day, Dry Weather Flow of 0.078 l/s and Design Peak Flow of 0.468 l/s.

The total foul loading as a result of the Proposed Development is calculated as a: Daily Flow of 101,255 l/d, Dry Weather Flow of 1.172l/s and Design Peak Flow of 7.032l/s.

A Pre-Connection Enquiry Form has been issued to Irish Water in relation to the Proposed Development and a confirmation of feasibility has been received (Irish Water Pre-Connection Enquiry Reference Number:CDS20006113).

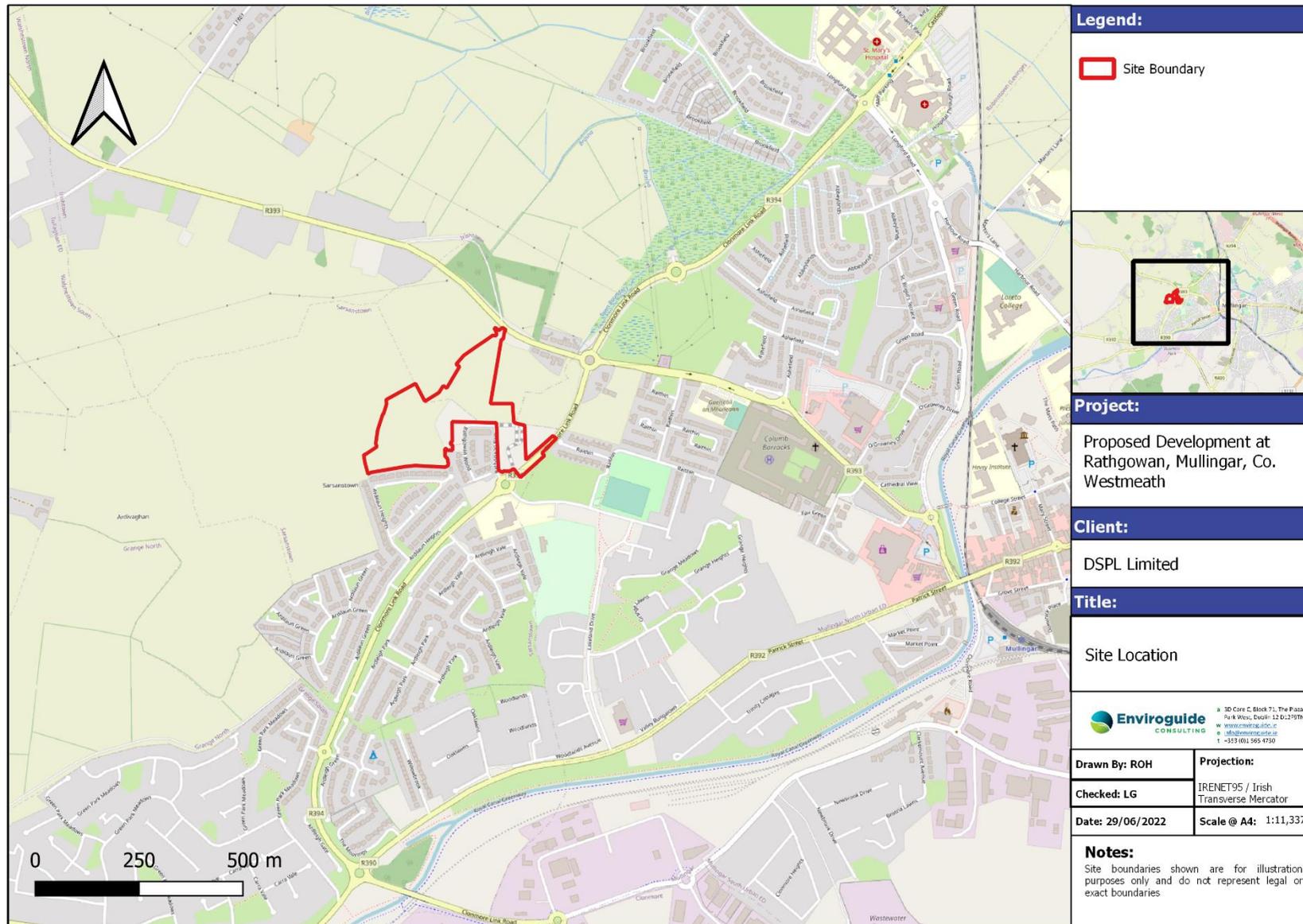


FIGURE 2. SITE LOCATION

3.3 Existing Environment

3.3.1 Geology, Hydrology and Hydrogeology

The Site of the Proposed Development is within the Lower Shannon catchment and Brosna_SC_010 sub catchment (EPA, 2022).

The River Brosna lies 1.1km north east of the Proposed Development. The River Brosna flows through Mullingar Town Prior to discharging to Lough Ennell 3.6 km south of the Proposed Development Site. The River Brosna (IE_SH_25B090006) was assigned a Water Framework Directive (WFD) status of *Poor* and the waterbody is *At Risk* of not achieving its status objectives under the WFD (EPA, 2022). Downstream of the Proposed Development Site at two locations, the River Brosna was assigned a Q-Value of 3 (i.e., *Poor* quality) in the most recent EPA water quality assessment carried out (2021, station codes RS25B090040 and RS25B090100) (EPA,2022). Lough Ennell was assigned a WFD status of *Good* and the waterbody is *Not At Risk* of not achieving its status objectives under the WFD (EPA,2022). The Royal Canal Main Line (Lower Shannon) lies 0.7km south of the Proposed Development. The Royal Canal (Code: IE_25A_AWB_RCMLW) has a WFD status of *Good* and is *Not At Risk* of not meeting its status objectives under the WFD (EPA,2022).

The Site of the Proposed Development is situated on the Clara (IE_SH_G_240) groundwater body which was assigned a status of *Good* and is *Not At Risk* of not achieving its status objectives under the WFD. The aquifer type in the area is *Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones* (GSI, 2022). The groundwater rock units underlying the Site are classified as *Dinantian Upper Impure Limestones*. The level of vulnerability to groundwater contamination from human activities is *High* throughout the Site (GSI,2022).

The subsoil is comprised of *Till derived from Limestones*. The soils (Teagasc) at the Site are mapped as *Tills derived chiefly from limestone*. The bedrock beneath the Site is mapped as *Dark Limestone and shale ('calp') of the Lucan Formation* (New Code: CDLUCN) (GSI,2022).

3.4 Identification of Relevant European Sites

To identify the European Sites that potentially lie within the Zone of Influence (ZOI) of the Proposed Development, a Source-Pathway-Receptor method (S-P-R) was adopted, as described in 'OPR Practice Note PN01 - Appropriate Assessment Screening for Development Management' (OPR, 2021), a practice note produced by the Office of the Planning Regulator. This note was published to provide guidance on screening for appropriate assessment (AA) during the planning process, and although it focuses on the approach a planning authority should take in screening for AA, the methodology is also readily applied in the preparation of Appropriate Assessment Screening Reports such as this.

The guidance document published by the Department of Housing, Planning and Local Government (then DEHLG) 'Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities' (2009) recommends an arbitrary distance of 15km as the precautionary ZOI for a plan or project being assessed for likely significant effects on European Sites, stating however that this should be evaluated on a case-by-case basis.

As such, the 15km ZOI is used in this report as an initial starting point for collating European Sites for AA screening.

The methodology used to identify relevant European Sites comprised the following:

- Use of current GIS spatial datasets for European Sites and water catchments – downloaded from the NPWS website (www.npws.ie) and the EPA website (www.epa.ie) to identify European Sites which could potentially be affected by the Proposed Development;
- The catchment data were used to establish or discount potential hydrological connectivity between the Project Boundary and any European Sites.
- All European Sites within the zone of influence (within 15km of the Proposed Development Site) were identified and are shown in Figure 4.
- The potential for connectivity with European Sites at distances greater than 15km from the Proposed Development was also considered in this initial assessment. In this case, there is no potential connectivity between the Proposed Development Site and European Sites located at a distance greater than 15km from the Proposed Development based on the S-P-R model.
- Table 1 provides details of all relevant European Sites as identified in the preceding steps. The potential for pathways between European Sites and the Proposed Development Site was assessed on a case-by-case basis using the Source-Pathway-Receptor framework as per the OPR Practice Note PN01 (March 2021). Those European Sites where a pathway has been identified are highlighted in green. Pathways considered included:
 - a. Direct pathways (e.g., proximity (i.e., location within the European Site), water bodies, air (for both air emissions and noise impacts).
 - b. Indirect pathways (e.g., disruption to migratory paths, 'Sightlines' where noisy or intrusive activities may result in disturbance to shy species).
- The site synopses and conservation objectives of these sites, as per the NPWS website (www.npws.ie), were consulted and reviewed at the time of preparing this report.
- There is absolutely no reliance placed in this Appropriate Assessment Screening Report on measures intended to avoid/reduce harmful effects on the European Sites.

The result of this preliminary screening concluded that a total of six SACs and five SPAs are located within the 15km ZOI of the Proposed Development Site. The distances to each site listed in Table 1 are taken from the nearest possible point of the Proposed Development Site boundary to the nearest possible point of each European Site.

Potential impacts between the Proposed Development Site and four European Sites within the ZOI were identified. The European Sites linked to the Proposed Development include:

- Lough Ennell SAC
- Lough Owel SAC
- Lough Ennell SPA
- Lough Ennell SAC

TABLE 1. EUROPEAN SITES WITHIN THE 15KM PRECAUTIONARY ZONE OF INFLUENCE OF THE PROPOSED DEVELOPMENT AND POTENTIAL PATHWAYS BETWEEN THEM. THOSE EUROPEAN SITES FOR WHICH A S-P-R LINK WAS IDENTIFIED ARE HIGHLIGHTED IN GREEN.

Site Name & Site Code	Qualifying Interests (*= priority habitats) / Special Conservation Interest Species	Distance to Site	Connections (Source- Pathway- Receptor)
Special Areas of Conservation (SAC)			
Lough Owel SAC (000688)	[3140] Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [7140] Transition mires and quaking bogs [7230] Alkaline fens [1092] White-clawed Crayfish <i>Austropotamobius pallipes</i>	2.2 km	<p>Yes –</p> <p>Mullingar water supply is abstracted from Lough Owel. As such, there is potential for negative effects due to an increased water abstraction requirement to serve the public water supply for the Proposed Development during the Operational Phase.</p> <p>There is no potential for groundwater pollution effects or changes in groundwater levels or flow. Lough Owel SAC is within a separate groundwater body (GWDTE- Lough Owel Fens and Mires) to the Proposed Development which is within the Clara groundwater body.</p> <p>The Construction and Operational Phase of the Proposed Development does not have the potential to affect water quality within the SAC.</p>
Lough Ennell SAC (000685)	[3140] Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [7230] Alkaline fens	2.9 km	<p>Yes –</p> <p>There is an indirect hydrological linkage via the existing stormwater drainage infrastructure on the adjacent roadway during the Construction Phase of the Proposed Development and via on Site storm drains during the Operational Phase. Surface water infrastructure in the vicinity of the Proposed Development discharges to the River Brosna which ultimately flows to Lough Ennell.</p> <p>The distance of 2.9km is sufficient to exclude the possibility of significant effects on the SAC arising from the emissions of noise, dust and/or vibrations emitted from the Site during the Construction Phase; increased traffic volumes during the Construction Phase and associated</p>

Site Name & Site Code	Qualifying Interests (* = priority habitats) / Special Conservation Interest Species	Distance to Site	Connections (Source- Pathway- Receptor)
			emissions; and increased human presence at the Site during the Construction and Operational Phases.
Scragh Bog SAC (000692)	[7140] Transition mires and quaking bogs [7230] Alkaline fens [6216] Slender Green Feather-moss <i>Hamatocaulis vernicosus</i>	5 km	<p>None –</p> <p>There is no hydrological connection. The intervening distances between the Site and the SACs are sufficient to exclude the possibility of significant effects on the SACs arising from the emissions of noise, dust, pollutants and/or vibrations emitted from the Site during the Construction Phase; increased traffic volumes during the Construction Phase and associated emissions; and increased human presence at the Site during the Construction and Operational Phases.</p>
Wooddown Bog SAC (002205)	[7120] Degraded raised bogs capable of natural regeneration	5.8 km	
River Boyne and River Blackwater SAC (002299)	[7230] Alkaline fens [91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> [1099] River Lamprey <i>Lampetra fluviatilis</i> [1106] Salmon <i>Salmo salar</i> [1355] Otter <i>Lutra lutra</i>	13.5 km	
Garriskil Bog SAC (000679)	[7110] Active raised bogs [7120] Degraded raised bogs still capable of natural regeneration [7150] Depressions on peat substrates of the Rhynchosporion	14 km	
Special Protected Area (SPA)			
Lough Owel SPA (004047)	[A056] Shoveler <i>Anas clypeata</i> [A125] Coot <i>Fulica atra</i> [A999] Wetland and Waterbirds	2.3 km	<p>Yes –</p> <p>Mullingar water supply is abstracted from Lough Owel. As such, there is potential for negative effects due to an increased water abstraction requirement to serve the public water supply for the Proposed Development during the Operational Phase.</p> <p>There is no potential for groundwater pollution effects or changes in groundwater levels or flow. Lough Owel SPA is within a separate groundwater body (GWDTE- Lough Owel Fens and Mires) to the Proposed Development.</p>

Site Name & Site Code	Qualifying Interests (*= priority habitats) / Special Conservation Interest Species	Distance to Site	Connections (Source- Pathway- Receptor)
			<p>The Construction and Operational Phase of the Proposed Development does not have the potential to affect water quality within the SPA.</p> <p>The distance of 2.5 km is sufficient to exclude the possibility of significant effects on the SPA arising from the emissions of noise, dust, pollutants and/or vibrations emitted from the Site during the Construction Phase; increased traffic volumes during the Construction Phase and associated emissions; and increased human presence at the Site during the Construction and Operational Phases.</p> <p>The Site is dominated by high sward dense meadows and wet grassland habitat and does not provide <i>ex-situ</i> habitat for the Special Conservation Interest (SCI) species of Shoveler or Coot or other waterbirds.</p>
Lough Ennell SPA (004044)	[A059] Pochard <i>Aythya ferina</i> [A061] Tufted Duck <i>Aythya fuligula</i> [A125] Coot <i>Fulica atra</i> [A999] Wetland and Waterbirds	3.2 km	<p>Yes –</p> <p>There is an indirect hydrological linkage via the existing stormwater drainage infrastructure on the adjacent roadway during the Construction Phase of the Proposed Development and via on Site storm drains during the Operational Phase. Surface water infrastructure in the vicinity of the Proposed Development discharges to the River Brosna which flows to Lough Ennell.</p> <p>The distance of 3.2 km is sufficient to exclude the possibility of significant effects on the SPA arising from the emissions of noise, dust and/or vibrations emitted from the Site during the Construction Phase; increased traffic volumes during the Construction Phase and associated emissions; and increased human presence at the Site during the Construction and Operational Phases.</p> <p>The Site is dominated by high sward dense meadows and wet grassland habitat and does not provide <i>ex-situ</i> habitat for the SCI species of Pochard, Tufted Duck or Coot or other waterbirds.</p>
Lough Iron SPA (004046)	[A038] Whooper Swan <i>Cygnus cygnus</i> [A050] Wigeon <i>Anas Penelope</i> [A052] Teal <i>Anas crecca</i> [A056] Shoveler <i>Anas clypeata</i> [A125] Coot <i>Fulica atra</i> [A140] Golden	8.5 km	<p>None –</p>

Site Name & Site Code	Qualifying Interests (*= priority habitats) / Special Conservation Interest Species	Distance to Site	Connections (Source- Pathway- Receptor)
	Plover <i>Pluvialis apricaria</i> [A395] Greenland White-fronted Goose <i>Anser albifrons flavirostris</i>		There is no hydrological connection. The intervening distances between the Site and the SPAs are sufficient to exclude the possibility of significant effects on the SPAs arising from the emissions of noise, dust, pollutants and/or vibrations emitted from the Site during the Construction Phase; increased traffic volumes during the Construction Phase and associated emissions; and increased human presence at the Site during the Construction and Operational Phases.
Lough Derravaragh SPA (004043)	[A038] Whooper Swan <i>Cygnus cygnus</i> [A059] Pochard <i>Aythya farina</i> [A061] Tufted Duck <i>Aythya fuligula</i> [A125] Coot <i>Fulica atra</i> [A999] Wetland and Waterbirds	9.9 km	
Garriskil Bog SPA (004102)	[A395] Greenland White-fronted Goose <i>Anser albifrons flavirostris</i>	14 km	The Site is dominated by high sward dense meadows and wet grassland habitat and does not provide <i>ex-situ</i> habitat for the SCI species of these SPAs.

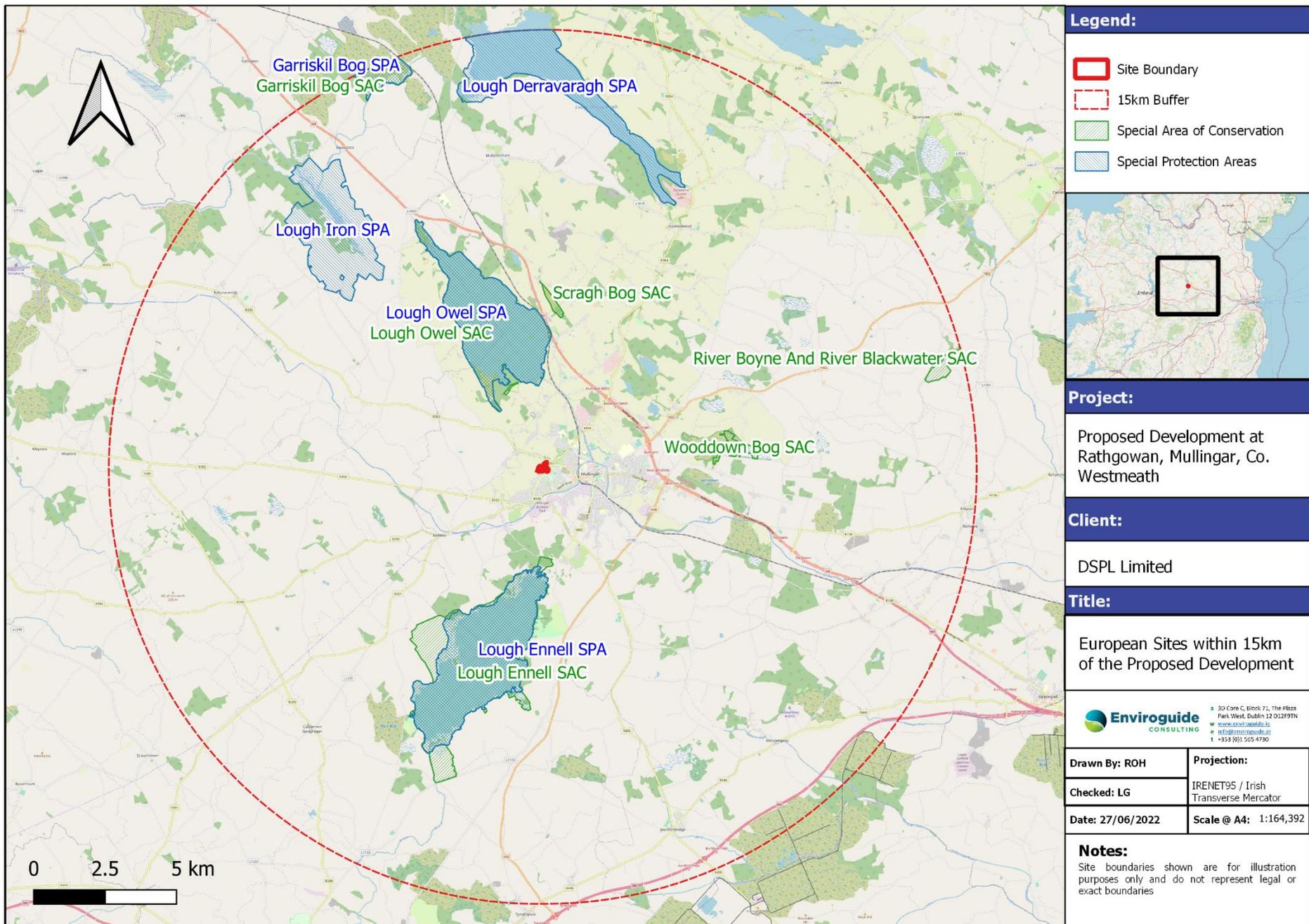


FIGURE 4. EUROPEAN SITES WITHIN 15KM OF THE PROPOSED DEVELOPMENT SITE.

3.5 Assessment of Likely Significant Effects

A European Site will only be at risk from likely significant effects where a Source-Pathway-Receptor link exists between the Proposed Development and the European Site. As such, the remainder of this AA Screening report will focus on the European Sites for which a S-P-R link was identified. Namely:

- Lough Ennell SAC
- Lough Owel SAC
- Lough Ennell SPA
- Lough Owel SPA

3.5.1 Conservation objectives

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them.

Site-Specific Conservation Objectives (SSCO) have been compiled for the European Sites listed above. Site-specific Conservation Objectives aim to define favourable conservation condition for habitats or species at a site.

The maintenance of habitats and species within European Sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing.
- 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.
- 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.
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future.
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

3.5.2 Identification and Assessment of Likely Significant Effects

The conservation objectives of the European Sites within the zone of influence were reviewed and assessed to establish whether the construction and operation of the Proposed Development has the potential to have a negative impact on any of the qualifying interests and/or conservation objectives listed for the sites.

The assessment framework is taken from the best practice guidelines issued by the European Commission, i.e., "Assessment of plans and projects significantly affecting Natura 2000 sites

– Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC”.

The potential for significant effects resulting from the Proposed Development during the Construction and Operational Phases was determined based on a range of indicators, including:

- Habitat loss or alteration
- Habitat/species fragmentation
- Disturbance and/or displacement of species
- Changes in population density; and
- Changes in water quality and resource

The following elements of the Proposed Development were assessed for their potential for likely significant effects on European Sites.

- **Construction Phase**

- Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks.
- Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies and public surface water sewers.
- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.
- Waste generation during the Construction Phase comprising soils, construction, and demolition wastes.
- Increased noise, dust and/or vibrations as a result of construction activity.
- Increased dust and air emissions from construction traffic.
- Increased lighting in the vicinity as a result of construction activity.

- **Operational Phase**

- Surface water drainage from the Site of the Proposed Development.
- Foul water drainage from the Site of the Proposed Development.
- Increased lighting in the vicinity emitted from the Proposed Development; and
- Increased human presence in the vicinity as a result of the Proposed Development.

3.5.3 Habitat Loss and Alteration

The project is not located within any European Site and therefore there will be no direct loss or alteration of habitat as a result of the Proposed Development.

3.5.4 Habitat / Species Fragmentation

As there will be no direct habitat loss within any European Sites, no habitat fragmentation will arise as a result of the Proposed Development.

3.5.5 Changes in Water Quality and Resource

3.5.5.1 Lough Ennell

Construction Phase

A hydrological connection was identified via the existing stormwater drainage infrastructure on the R394 east of the Site, which ultimately discharges to the River Brosna. The River Brosna discharges to Lough Ennell 3.2 km south of the Site.

Due to the remote hydrological connectivity to Lough Ennell SAC and Lough Ennell SPA there is potential for negative effects on water quality of Lough Ennell to arise from the transfer of pollutants or silt laden surface waters from the Site via discharges from the local surface water drainage network to the River Brosna. The potential for significant effects during the Construction Phase could **not be ruled out** particularly in light of the existing poor water quality of the River Brosna, which is the contributing watercourse to Lough Ennell.

Operational Phase

During the Operational Phase, the Site will connect to the existing surface water drainage network adjacent to the Site. This surface water sewer ultimately discharges to the River Brosna.

The potential for surface water generated at the Site of the Proposed Development during the Operational Phase to reach the European Sites in Lough Ennell and cause significant effects, is negligible due to:

- The low volume of any surface water run-off relative to the volume of the receiving River Brosna and Lough Ennell.
- The potential for mixing, dilution and dispersion of any surface water run-off/discharges in the surface water sewer network and the River Brosna prior to reaching Lough Ennell.

It is a policy of the Westmeath County Development Plan (2021 - 2027) Policy CPO 10.97: “*To resist the discharge of additional surface water to combined sewers and promote Sustainable Urban Drainage Systems (SuDS) and solutions to maximise the capacity of towns with combined drainage systems.*” It is noted that these design features are a requirement in all new development, as per the above policy; to contribute to both the improvement of water quality in receiving waterbodies and the easing of pressures on existing drainage networks. As such, the Proposed Development design will entail a suite of SUDS measures to ensure that any surface waters discharged from the Site during its operational lifetime will have been sufficiently treated and attenuated on Site prior to discharge to the public surface water network.

It remains to be seen as to whether SUDS are considered as mitigation when screening for Appropriate Assessment (See *Eoin Kelly v. An Bord Pleanála [2019] IEHC 84* (*‘Eoin Kelly’*) and *People Over Wind and Sweetman v. Coillte Teoranta* (Case C-323/17) (*‘People Over Wind’*)), and this is yet to be unequivocally confirmed by case law. Therefore, for the purposes of this report, SUDS measures are not being relied upon in any way to mitigate against likely significant effects on European Sites.

Foul water from the Operational Phase of the Proposed Development will be discharged to the public foul sewer on the R394 to the east of the Site. Foul water will ultimately be treated at Mullingar Wastewater Treatment Plant, the primary discharge of treated effluent from the plant is to the River Brosna.

The Mullingar WwTP was identified by the EPA as being compliant with the Emission Limit Values (ELVs) as set out in the Wastewater Discharge Licence and discharge from the plant does not have an observable negative impact on the Water Framework Directive status, according to the 2020 Annual Environmental Report (AER) for the facility (Irish Water, 2020).

Westmeath WwTP has a Population Equivalent (P.E.) load of 55,000, according to the 2020 AER the plant had a collected load (peak week) of 26,102 and capacity is not expected to be exceeded in the next three years (Irish Water, 2020).

According to the Engineering Planning Report (Punch, June 2022), the total foul loading as a result of the Proposed Development is calculated as a: Daily Flow of 101,255 l/d, Dry Weather Flow of 1.172l/s and Design Peak Flow of 7.032l/s. Westmeath WwTP has ample capacity to treat the additional loading as a result of the Proposed Development and foul water from the Proposed Development does not represent a potential source of significant impacts to the River Brosna post treatment and discharge from the WwTP.

3.5.5.2 Lough Owel

Construction Phase

There is no hydrological linkage between the Proposed Development and Lough Owel during the Construction Phase of the Proposed Development.

Operational Phase

Over 60% of the public drinking water supply for Westmeath is sourced from Lough Owel and Lough Lene, as such a potential connection between the Proposed Development and Lough Owel was identified during the Operational Phase.

Irish Water are responsible for providing water and wastewater services through Ireland. In discharging its role as the national water services utility, responsible for water services operations and investment, Irish Water is regulated by the EPA which sets standards and enforces compliance with EU and National Regulations for drinking water supply and wastewater discharge to water bodies. Irish Water plan, develop and operate their water services functions in line with the requirements of prevailing relevant national and European legislation including the Birds and Habitats Directive.

It is stated in the Mullingar Local Area Plan that *'for the purposes of policies and objectives cited in this plan in relation to water and wastewater, reference to the Local Authority or Westmeath County Council, shall be interpreted as applying to Irish Water.'*

It is noted in the conservation objectives document for Lough Owel SAC that *'Fluctuations in lake water level are amplified at Lough Owel by abstraction to provide 66% of Westmeath's drinking water and feed the Royal Canal. Water levels were very low in 2017.'*

Similarly, conservation targets for transition mires include maintenance of a permanently high water level with water level fluctuations within the natural range.

Any significant reduction in water levels within Lough Owel could also have a negative impact on the conservation condition of the wetland habitat and/or indirectly negatively effect the conservation condition of the waterbirds that use it.

The Mullingar Town Local Area Plan acknowledges that constraints in relation to abstraction of potable water supply from Lough Owel, taking account of the conservation objectives of this European Site, have been identified.

The effect of the increased water abstraction from Lough Owel was screened out from the Appropriate Assessment in the appropriate assessment screening report for the Mullingar Local Area plan and subsequent amendments. The appropriate assessment screening of the plan concluded that:

'The absence of data presented a particular problem in the consideration of this issue at both the County Development plan and Mullingar Local Area Plan level. In the case of both plans, mitigation by policy was designed and applied in the form of a combined development/future plan led approach.'

'An objective was included in the LAP to collect data and prepare a report in an effort to understand the issues arising from implementation of the LAP, and for this report to be used in the consideration of any future development applications.'

The Appropriate Assessment Conclusion Statement for the Mullingar Local Area Plan 2014 – 2020 declared that *'in view of the best scientific knowledge it can be determined that on implementation, the proposed Plan, with particular reference to section 3.2 of this Report, and to O-WT6, section 6.10 and policy P-WST4 of the proposed LAP, the population targets and zoning objectives, therein shall not adversely affect the integrity of the Natura 2000 network of sites.'*

The plan as adopted will not have an adverse effect on the integrity of any European Site. It is considered that the Council's commitment to the Habitats Directive and Appropriate Assessment as presented in the Mullingar Local Area Plan and the Westmeath County Development Plan, including the mitigation measures in the plans, based on the findings of the Appropriate Assessment process, will be sufficient to prevent inappropriate development that could result in significant negative impacts on the conservation objectives of European Sites from occurring. The Mullingar Local Area Plan 2014-2020 has been formulated to ensure that developments and effects arising from implementation of this Plan (either individually or in combination with other plans or projects) shall not give rise to significant adverse impacts on the integrity of any European Site.

At a county level, it is stated in the Westmeath County Development Plan 2021 - 2027 that it is a policy of Westmeath County Council (CPO-10.81) to *'protect, safeguard and strictly control development within the water catchment areas of Lough Owel and Lough Lene, and other major sources of public water supply that would give rise to pollution of these water sources'*.

As outlined in the abstraction licence for Lough Owel, the abstraction shall be such that the level of the lake does not fall below 98.90 m O.D. and the operation of controls at the southern end of the lake on the feeder canal to the Royal Canal includes the provision and operation of works to provide 3 million gallons compensation water per day to the feeder canal and whenever the level of the lake falls to 99.36 m O.D. to provide the return to the lake of 1 million gallons per day.

In light of the development management strategies and conclusions of the Mullingar Local Area Plan and Westmeath County Development Plan Appropriate Assessment Screening Reports, significant negative impacts on Lough Owel SAC or Lough Owel SPA as a result of

cumulative impacts related to water abstraction will be avoided through the planning consent process and/or the Confirmation of Supply agreements from Irish water. Therefore, no further assessment on the potential impacts of the abstraction of water from Lough Owel are deemed to be required for the Proposed Development.

3.5.6 Disturbance and / or Displacement of Species

The Proposed Development may result in significant effects on the water quality and resource indicator within Lough Ennell, as such SCI species within Lough Ennell SPA may be impacted by water quality impacts.

The Proposed Development does not offer any suitable *ex-situ* habitat for the Special Conservation Interest (SCI) species of Lough Owel SPA or Lough Ennell SPA. The SCI waterbirds concerned are dependent on wetland habitats. There is no wetland habitat at the Proposed Development Site. Lough Owel is situated 2.3 km north of the Proposed Development and Lough Ennell is situated 3.2 km south of the Site, at this remote distance there is no potential for construction related noise disturbance impacts to the SCI bird species.

3.5.7 Changes in Population Density

For the same reasons outlined in section 3.5.6, the link between the Site and the River Brosna has the potential to result in disturbance and/or displacement of SCI species within Lough Ennell SPA. As such, the population density of the SCI species Lough Ennell SPA may be affected.

3.5.8 Potential for In-combination Effects

Existing Planning Permissions

There are several existing planning permissions on record in the area ranging from small-scale extensions and alterations to existing residential properties to some larger-scale developments. Larger-scale developments identified within the vicinity of the Proposed Development are as follows:

176150 Soltec (Ireland) Ltd: Planning permission was sought for a development consisting of a production and recovery facility for producing solvents from waste/recovered materials; 2 no. product manufacturing units, 6 no associated air circulation stacks; a tank farm for the recovered (raw material) and manufactured liquids, two storey administration building, a sprinkler tank, a surface water attenuation tank, a single storey pump house, a weighbridge and 22 no. carparking spaces, 6 no.cycle parking spaces, 2 no. HGV/container parking spaces, all ancillary works above and below ground, landscaping and boundary treatments. The application as described is for an activity which will be subject of an Industrial Emissions, (IE) Licence. An Environmental Impact Assessment Report (EIAR) was submitted with this application. **Planning permission granted, decision date: 20/04/2018.**

186042 Andrews Construction Ltd: Planning permission was sought for the construction of 9 no. units consisting of 6 no. two storey 3 bed semi detached houses type A, and 2 no. two storey 3 beds semi detached house type A1 and A2, 1 no. two storey 3 bed detached house type A3 and proposed areas of public open space at Cloon Lara, Mullingar, Co. Westmeath. **Planning permission granted, decision date: 15/01/2019.**

196159 Lampbell Ltd: Planning permission was sought for the construction of 98 no. residential units consisting of 14 no. 2 bed terraced houses, 10 no. 3 bed end-terraced houses,

12 no. 3 bed semi-detached houses, 8 no. 4 bed semi-detached houses and 54 no. duplex units (comprising 27 no. 1 bed units and 27 no. 3 bed units). Provision of a creche and community facility, 142 no. car parking spaces, 8 no. motorcycling spaces and 102 no. bicycle spaces. Access from the R390. All site development and servicing works, bin stores, ESB substation, pumping station, open space, landscaping and boundary treatments. **Planning permission granted, decision date: 19/06/2020.**

206350 Sheever Developments: Planning permission was sought for the development of a new car park 120 no. spaces to serve the HSE and Primary Care Centre at Harbour Road/Martins Lane, Robinstown(Tyrrell) Mullingar, Co Westmeath. a site of 0.623 Hectares. The proposed development proposed the use of the extended access road permitted under WCC reg. ref 17/6068 and LA(M) 76(Part 8) with an amended and deflected run to access the proposed car park across Martins Lane. The proposed development will comprise the construction of a new access road and barrier-controlled car park with pedestrian links to the developed Primary Care Centre (reg ref 11/5040,& 17/6270) complementary soft and hard landscaping treatments, boundary treatments and all ancillary site services and above and below ground works. **Planning permission granted, decision date: 24/03/2021.**

2197 Glenveagh Homes Ltd: Planning permission was sought for a residential development comprising of the construction of 98 no. residential units, 1 no. childcare facility, 1 no. pumping station and all associated ancillary development works including a shared cycle and pedestrian pathway which runs along the southern, western and northern boundary, access footpaths, parking, drainage, landscaping and amenity areas at Rathgowan, Mullingar, Co. Westmeath. A Natura Impact Statement was submitted with this application with a finding of no significant effects. **This planning application is currently under appeal with An Bord Pleanala (Ref: ABP312841-22).**

3.5.9 Relevant Policies and Plans

The following policies and plans were reviewed and considered for possible in-combination effects with the Proposed Development.

- Mullingar Local Area Plan 2014 - 2020
- Westmeath County Development Plan 2021 – 2027
- Westmeath Biodiversity Action Plan 2014 – 2020

The Westmeath Biodiversity Plan is set out to protect and improve biodiversity, and as such will not result in negative in- combination effects with the Proposed Development. The core strategy, policies and objectives of the Westmeath County Development Plan have been developed to avoid the need for developments that would be likely to significantly affect the integrity of a European Site. Policy responses within the plan include that of restricting development which might overload the existing wastewater treatment systems. Furthermore, such developments are required to conform to the relevant regulatory provisions for the prevention of pollution, nuisance or other environmental effects likely to significantly affect the integrity of European Sites.

Upon examination of the listed plans and projects, it is concluded that there is no possibility for any in-combination effects between these projects and plans and the Proposed Development.

TABLE 2. SUMMARY OF IMPACT ASSESSMENT ON EUROPEAN SITES AS A RESULT OF THE PROPOSED DEVELOPMENT.

Site	Habitat Loss / Alteration	Habitat or Species Fragmentation	Disturbance and/or Displacement of Species	Changes in Population Density	Changes in Water Quality and/or Resource	In-combination effects	Stage 2 AA Required
SAC							
Lough Owel SAC (000688)	No	No	None	None	No	None	No
Lough Ennell SAC (000685)	No	No	None	None	Yes	None	YES
Scragh Bog SAC (000692)	No	No	No	None	None	None	NO
Wooddown Bog SAC (00225)	No	No	No	None	None	None	NO
River Boyne and River Blackwater SAC (02299)	No	No	No	None	None	None	NO
Garriskil Bog SAC (000679)	No	No	No	None	None	None	NO
SPA							
Lough Owel SPA (004047)	No	No	No	None	None	None	NO
Lough Ennell SPA (004044)	No	No	Yes	Yes	Yes	None	YES
Lough Iron SPA (004046)	No	No	No	None	None	None	NO
Lough Derravaragh SPA (04043)	No	No	No	None	None	None	NO
Garriskil Bog SPA (004102)	No	No	No	None	None	None	NO

4 APPROPRIATE ASSESSMENT SCREENING CONCLUSION

The Proposed Development at Rathgowan, Mullingar, Co. Westmeath has been assessed taking into account:

- the nature, size and location of the proposed works and possible impacts arising from the construction works.
- the qualifying interests and conservation objectives of the European Sites
- the potential for in-combination effects arising from other plans and projects.

In conclusion, upon the examination, analysis and evaluation of the relevant information and applying the precautionary principle, it is concluded by the authors of this report that, on the basis of objective information; the possibility **may be excluded** that the Proposed Development will have a significant effect on any of the European Sites listed below, either alone or in-combination with other plans or projects:

- Lough Owel SAC
- Scragh Bog SAC
- Wooddown Bog SAC
- River Boyne and River Blackwater SAC
- Garriskil Bog SAC
- Lough Owel SPA
- Lough Derravaragh SPA
- Lough Iron SPA
- Garriskil Bog SPA

However, upon examination of the relevant information including the nature of the Proposed Development and the potential for significant effects on European Sites, the possibility may not be excluded that the Proposed Development will have a likely significant effect on the following European Sites:

- Lough Ennell SAC
- Lough Ennell SPA

The Appropriate Assessment Screening Report concludes that a degree of exists that the Proposed Development could give rise to potentially significant effects on Lough Ennell SAC and Lough Ennell SPA during the Construction Phase. Accordingly, a Natura Impact Statement has been prepared for the Proposed Development and is included under a separate cover.

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