



An
Bord
Pleanála

Inspector's Report

ABP-319136-24

Development

Demolition of a dwelling and associated sheds/ buildings for the construction of 2No. motor sales showrooms, 2No. wash buildings, parking and all associated site works. A Natura Impact Statement (NIS) accompanies this application.

Location

Creggan Upper, Fardrum, Athlone, Co. Westmeath

Planning Authority

Westmeath County Council

Planning Authority Reg. Ref.

23113

Applicant(s)

Michael Moore Car Sales

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

Transport Infrastructure Ireland

Observer(s)

None

Date of Site Inspection

4th of December 2024

Inspector

Caryn Coogan

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1.0 Site Location and Description

- 1.1. The subject site (1.6ha) is located on the south-east outskirts of Athlone town, in an area called Creggan Upper. It is positioned just south of the M6 Interchange (no. 8) and is accessed from the National Secondary Route, N62.
- 1.2. The landholding is a greenfield site. It includes a vacant farmhouse and a number of out buildings/ sheds. The remainder of the site is agricultural land. The topography is flat, and the landholding is slightly below the level of the national road.
- 1.3. The subject site is positioned immediately north-west of the applicant's, Michael Moore Motor's two existing car showrooms/ sales. The applicant Michael Moore Ltd, own the Audi, Mercedes, Skoda and Volkswagen dealerships on the contiguous site south east of the subject site. This is the old Dublin Road out of Athlone town.
- 1.4. The existing access to the site is at the north-western extremity of the roadside boundary.
- 1.5. There is a stream/ ditch to the rear of the site which flows south away from the site.
- 1.6. Photographs taken during my site inspection on the 4th of December 2024 are included for reference with this report.

2.0 Proposed Development

- 2.1. The proposal consists of the following;
 - Demolition of non-habitable existing dwelling and associated buildings.
 - Construction of a motor vehicle service and sales facility Consisting of
 - (i) Building A; a single storey 1780sq.m. service and sales building ;
 - (ii) Building B: a partial two storey 952sq.m. service and sales building
 - (iii) Building C a detached single storey ancillary building to the south-east of the site (310sq.m.) to be used for valeting and washing vehicles solely in the operation of the facility;
 - (iv) Building D a detached single storey ancillary building (326sq.m.) to be used for valeting and washing vehicles solely in the operation of the facility;

- Access Road off the N62 which will also serve, the current proposal and future development lands to the west and south of the site.
- Site development works to provide for 316No. car parking/ display spaces and bicycle parking areas.
- Boundary treatments to include walls, fencing, gates, landscaping and free-standing signs.

2.2 The development includes two different car sales and service buildings both with a contemporary design including glazed facades and metal cladding facing directly onto the N62. The eastern showroom (Building A, 1,780sq.m.) is intended for Mercedes Benz cars. The showroom will have a green roof. It will have three functional zones to reduce the massing of the buildings. The western showroom (Building C 952sq.m.) has not been assigned any specific motors brand. The customer area car parking and limited vehicle display will be located to the north of the site alongside the N62. The southern portion of the site will not be accessible to the public, and will provide parking, valeting and wash buildings (Buildings B and D, 310sq.m. and 326sq.m.).

2.3 Traffic and Transport Impact Assessment (TAA) have been undertaken by Coakley Consulting Engineering. The road design is accompanied by an independently prepared Stage 1 and Stage 2 Road Safety Audit.

2.4 The planning application is accompanied by a **Natura Impact Statement** and an Ecological Impact Assessment Report.

2.5 Alterations to the proposed development arising from the Request for Further Information include:

- Revised elevational treatment of Building B
- Relocation of Building D in an eastern direction
- Lighting Design
- A preliminary CEMP, RWMP and design specifications of the tertiary treatment plant to be installed on site.

3.0 Planning Authority Decision

3.1. Decision

Westmeath Co. Co. granted planning permission for the proposed development subject to 14No. conditions which were standard conditions, including Condition No. 4 relating to archaeological investigations,

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The First Planning Report

- There was further information recommended in terms of a Construction and Environmental Management Plan (CEMP) and a Construction and Demolition Resource Waste Management Plan (RWMP) and lighting spillage report.

The Second Planning Report

- Recommendation to grant permission

3.2.2. Other Technical Reports

- ***Environment Section:*** The site is hydrologically linked to the River Shannon Callows SAC and Middle Shannon Callows SPA. The site is situated on the Inny groundwater body
- ***District Engineer:*** Further information required.

3.3. Prescribed Bodies

3.3.1 The ***Department of Housing, Local Government and Heritage*** requested further information regarding an archaeological assessments.

3.3.2 ***Transportation Infrastructure Ireland:*** Objected to the proposed development on the grounds it is contrary to official policy, create adverse impact on national roads, and a traffic hazard.

3.4. Third Party Observations

There were none received.

4.0 Planning History

- 4.1 There is a series of planning applications associated with Michael Moore Car Sales dating from 1999-2022, on the two sites adjoining the subject site to the north. The most recent area as follows:

Planning Ref: 22/500 : Permission granted for a single storey motor showroom.

Planning Ref: 18/7179: removal of existing reception and construction of a new reception.

Planning Ref: 17/7179 Permission granted for alterations to front and side facades of the Mercedes Benz showroom.

5.0 Policy Context

5.1. Development Plan

The relevant developments plans are:

- (i) Westmeath County Development Plan 2021-2027
- (ii) Athlone Town Development Plan 2014-2020 (as extended)
- (iii) Creggan Local Area Plan 2010-2025

- 5.2 The subject site is zoned **Strategic Gateway Zone** in the Athlone Town Development Plan 2014-2020. Car Sales and Repair are 'Open For Consideration' under this zoning. In addition Chapter 6 of the Athlone Town Development Plan outlines policies relating to National Roads.

O-NR3 To upgrade the N62 route, thereby increasing connectivity between the M6 and M8

Section 6.17.2 New Development Areas The Creggan Local Area Plan (LAP) provides for the development of a significant land bank to the east of Athlone, including the development of a Strategic Gateway Zone with an international trading

profile. Such development has been identified as a major generator of traffic affecting both the National road network (M6 and N6 bypass) and local roads. The Plan was subject to a Strategic Transport and Traffic Assessment, which recommended a number of upgrades to the local road network and provision of public transport services, including bus services, together with pedestrian and cycle infrastructure to serve the area.

5.3 The site is also located within '**Area C Strategic Gateway Zone** in the **Creggan Local Area Plan 2010-2025**.

5.4 **Character Area C in the Creggan Local Area Plan 2010-2025.**

- A new access is highlighted at the subject site, on the *Access and Movement Strategy Map* in the LAP.
- There is 152Ha zoned in Character Area C and is earmarked for intensive enterprise activity which would generate significant inward investment and job creation.
- The relevant extract from the LAP is appended to this report including the objectives for Character Area C.

5.5 **Westmeath County Development Plan 2021-2027**

10.5.1 National Roads

Due to its strategic location in the middle of the country, Westmeath and its main urban centres are particularly well served by a hierarchy of roads including sections of motorways, national roads, regional roads, local roads and urban roadways. Westmeath has a total public road network accounting for 2,332 km in length of which approximately 193 km comprise of National Primary and Secondary roads. The M6/N6, M4/N4, N51, N52, N55 and N62 traverse the County providing important linkages and networks within, into and out of the County.

The Council will preserve a corridor to enable design options for National Road improvement and upgrade projects to be advanced.

Significant investment and improvements in the existing road infrastructure have been made by the Local Authority in terms of upgrades, realignments, maintenance, traffic management measures, traffic calming measures and road safety measures,

and it is important to protect and maintain the carrying capacity of this road network in the future as deemed necessary and as resources allow. In doing so, regard will be made to the Spatial Planning and National Roads Guidelines for Planning Authorities 2012, relating to development affecting National Primary and Secondary roads, including motorways and associated junctions.

The policy objectives within this Plan will seek to support and encourage sustainable and compact forms of development which will have minimal impact on the carrying capacity, efficiency and safety of the road network.

Consideration also needs to be given to avoid adverse impacts when introducing noise sensitive uses in proximity to existing and future national roads. Where warranted, proposals should include mitigation and should have regard to Section 3.7 of the DoECLG 'Spatial Planning and National Roads Guidelines'.

Transport and Infrastructure Policy Objectives – National Roads	
It is a policy objective of Westmeath County Council to:	
CPO 10.45	Maintain and protect the safety, capacity and efficiency of National roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, DECLG, (2012) and the Trans-European Networks (TEN-T) Regulations.
CPO 10.46	Protect national roads from inappropriate access in order to protect the substantial investment in the national road network, to preserve the carrying capacity and safety of the National Road Network and to prevent the premature obsolescence of the network.
CPO 10.47	Support and provide for improvements to the national road network, including reserving corridors for proposed routes, free of development, so as not to compromise future road scheme.
CPO 10.48	Prevent, except in exceptional circumstances, the creation of additional access points from new developments or the generation of increased traffic from existing accesses to national roads, to which speed limits greater than 60 km/h apply.
CPO 10.49	Require all applications for significant development proposals to be accompanied by a Traffic and Transport Assessment (TTA) and Road Safety Audit (RSA), carried out by suitably competent persons, in accordance with the TII's Traffic and Transport Assessment Guidelines.

5.6 Ministerial Guidelines

21. Spatial Planning and National Roads Guidelines for Planning Authorities 2012.

Where a development plan or local area plan proposes development to take place on zoned lands adjacent to national roads which could affect the operation and capacity of such roads, the planning authority must prepare its plans in such a way that demonstrates that such roads can continue to perform their strategic transport function into the future by:

- protecting undeveloped lands adjoining national roads and junctions from development so as to cater for potential capacity and safety enhancements (in consultation with and subject to the agreement of the NRA);
- ensuring, where appropriate, and taking account of these Guidelines, that capacity enhancements and/or traffic management measures can be put in place to facilitate new development around national roads and associated junctions, together with enhancement funding mechanisms, and
- improving operational efficiency of the non-national road and transportation infrastructure – e.g. where appropriate, promoting new non-national road networks and alternative transport/travel modes.

Planning authorities must therefore develop an evidence-based approach to planning policy and undertake detailed transport modelling, as necessary. The NRA and NTA can assist the process by data exchange and assisting with the development of assumption.

Lands adjoining National Roads to which speed limits greater than 60 kmh apply: The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

2.6 Exceptional Circumstances Notwithstanding the provisions of Section 2.5 above, planning authorities may identify stretches of national roads where a less restrictive approach may be applied, but only as part of the process of reviewing or varying the relevant development plan and having consulted and taken on board the advice of the NRA and having followed the approach outlined below. (1)

Developments of National and Regional Strategic Importance A less restrictive approach may be adopted in the case of developments of national and regional strategic importance which by their nature are most appropriately located outside urban areas, and where the locations concerned have specific characteristics that

make them particularly suitable for the developments proposed. Such proposals must be in accordance with the National Spatial Strategy, Regional Planning Guidelines and other Guidelines issued by the Minister for the Environment, Community and Local Government under the provisions of section 28 of the Planning Acts

5.2. Natural Heritage Designations

There is an NIS accompanying the planning application. There were 11No. Natura sites identified within 15km of the proposed development. Hydrological connectivity has been identified between the site and two European sites:

River Shannon Callows SAC

Middle Shannon Callows SAC

See Section 8 of this report relates to Appropriate Assessment

5.3. EIA Screening

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required. See Appendix Forms 1 and 2.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 Transportation Infrastructure Ireland (TII) has taken this appeal against the notification to grant planning permission made by Westmeath Co. Co. The development relates to the proposed intensification of an existing private lane access and the creation of a new access to the N62 a National Secondary Road, where a 80 kmph limit applies. TII considers the development has the potential to compromise the safety and efficiency of the national road network where a speed limit of 80kmph applies. The proposal is at variance with the provisions of official policy as required

by Section 28 Ministerial Guidelines ‘Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012). The proposal and decision to grant are considered to be at variance with official national, regional and local planning policy. The proposal is premature pending the preparation of the Joint Urban Area Plan for Athlone. The appeal has been presented under a number of headings which I will summarise.

6.1.2 Relevant National and Regional Policy

Athlone is recognised as a key location for regional economic development supporting the provision of increased employment through the expansion existing enterprise. The following policy is cited in the submission as been relevant to the current development:

- National Policy Objective No. 74 relates to the securing of National Strategic Outcomes. National Strategic Outcomes. No. 2 the maintenance of the strategic capacity and safety of the national routes. The TII seeks to ensure the official national objectives are not undermined and that investments into national roads are not jeopardised.
- Project Ireland, National Development Plan 2021-2030 sets out key priorities to maintain the existing national road network. The National Strategic Outcome 2 (NSO2) objective is to maintain the capacity of the existing roads. The N62 provides an important regional and interregional connectivity to within and throughout the midlands.
- Section 28 Ministerial Guidelines Spatial Planning and National Roads Guidelines for Planning Authorities state additional accesses are to be avoided on national roads on speeds over 60kmph.
- The subject site has not been identified as a site where exceptional circumstances would apply for a new access onto a national road as prescribed by Westmeath County Development Plan 2021-2027.
- The Regional Spatial and Economic Strategy (RSES) of the Eastern and Midland Region in Chapter 8 Connectivity includes Regional Policy Objectives to promote the management and enhancement of strategic transport networks. (RPOs 8.1 & 8.2)

- The proposal is premature in the absence of the Joint Urban Area Plan for Athlone.

6.1.3 Local Development Plan Policy Related to National Roads

- The grant of permission is contrary to the provisions of the *Westmeath County Development Plan 2021-2027* and the Athlone Town Development Plan.
- **CPO 2.1:** Maintain the strategic function, capacity and safety of the national roads network and to ensure the existing extensive transport networks, which have been greatly enhanced over the past two decades are maintained to a high level to ensure quality levels of service, safety, accessibility and connectivity to transport users.
- **CPO 10.3:** Support the implementation of the listed national and regional transport policies as they apply to Westmeath.
- **CPO 10.45** Maintain and protect the safety, capacity and efficiency of National roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, DECLG, (2012) and the Trans-European Networks (TEN-T) Regulations.
- **CPO 10.46** Protect national roads from inappropriate access in order to protect the substantial investment in the national road network, to preserve the carrying capacity and safety of the National Road Network and to prevent the premature obsolescence of the network
- **CPO 10.48** Prevent, except in exceptional circumstances, the creation of additional access points from new developments or the generation of increased traffic from existing accesses to national roads, to which speed limits greater than 60 km/h apply.
- **CPO 16.33** Safe unobstructed sight distances should be provided and maintained thereafter from vehicular entrances onto the road network as follows: -

Local Roads: 90 metres, (subject to the discretion of the Planning Authority where a lesser distance is demonstrably adequate in terms of traffic safety). -
Regional Roads: 150 metres –

National Roads: 230 metre

The site is located in an area designated for employment, under the Strategic Gateway Zone, and there is reference in the planning application on a number of occasions to 'possible future access point'. TII highlights the Council did not seek the application of a less restrictive approach to non-residential accesses onto national roads, nor has it approached the TII in respect of exceptional circumstances of CPO 10.48 taking account of section 2.6 of the DOECLG Guidelines. The Planning report does not refer to these or the relevant policies cited above either.

The Creggan Local Area Plan 2010-2025 involves an extensive area of zoned land for development, due to its proximity to the M6 and N62. Land use and Climate Policy has changed significantly since its adoption, especially 'the possible future access point'. TII can confirm there was no consultation with them regarding the future access point. The old N6 could have been reclassified as a Regional Road.

There is a piecemeal approach to development impacting on national roads which has significant implications for on official policy and road safety of strategic national road network. This would set an undesirable precedent for similar developments throughout the country.

There is an necessity to apply 'exceptional circumstances' in accordance with Section 2.6 of the DoECLG Guidelines for a development accessing the national road at a location where the 80kmph applies. The proposal is in conflict with government policy set out in Section 28 Ministerial Guidelines.

6.1.4 *Local Development Plan Policy – Integrated Land Use and Transport Policy*

Policy CPO 2.3 of the Westmeath County Development Plan indicates the need to prepare a joint Urban Area Plan for Athlone with Roscommon Co. Co. There is to be an updated masterplan and future land use proposals for the Strategic Gateway lands. TII is of the opinion, the current future proposals are reliant upon a new access onto the N62 at a high speed location. The approach does not align with the National Investment Framework for Transport Ireland and the RSES. Land use and transport policies have evolved since the Creggan LAP. The proposal is not a plan-

led approach and it does not promote an integrated approach to land use and transport planning as required by section 2.6 of the National Guidelines.

6.1.5 Roads Safety Considerations

National roads account for 6% of public roads throughout the county, and they carry 45% of all traffic. There is a critical need to maintain the strategic function.

Restricting access and intensification of use of direct access to high-speed national roads will contribute to a reduction in the number of collisions and fatalities.

The planning assessment relies on the Creggan LAP. The Road Safety Authority Section 3.1 indicates significant safety concerns arising from the access. The Planning and Engineering reports on file do not explicitly address the issues related to the stated recommendations and feedback within the Road Safety Audit. It should be highlighted there is availability of access from the local road network as noted in the 3.1 of the report. The feedback accepted relies on undocumented traffic calming measures to be undertaken by the Council. The required measures are not clarified in the application documentation. It should be noted the traffic calming measures mentioned in the report need to be accepted by TII in the first instance. TII would highlight Section 38(5) of the Roads Traffic Act which state '*Traffic calming measures shall not be provided or removed in respect of a national road without the prior consent of the National roads authority.*' No such consent was applied for.

TII was not evaluated against TII standards, but it refers to DMURS standards. A Design Report is required in accordance with TII Publications DN-GEO-03030 (Design Phase Procedure for Road Safety Improvement Schemes.) In addition, the works involved may require a departure from the standard. There has been no consultation regarding same.

In the absence of information on critical design and road safety information, TII considers the proposal conflicts with the provision of official policy related to land use and road safety. This will result in the substantial increase in the intensification of the existing access onto the national road and also for future development as demonstrated by the roads layout indicated in given stated official policy for national roads and road safety, having regard to the high speed section and acknowledged heavily trafficked nature of the national road concerned.

TII is concerned that in the absence of a plan-led evidence based approach the proposed development fails to address provisions of official policy and critically road safety concerns appropriately. It is considered the proposal by itself and by precedent would endanger public safety by reason of a traffic hazard. The traffic turning movements generated onto the N62 at a point where 80kmph speed limit applies would interfere with the free flow of traffic on the road.

6.1.5 Precedence

The proposed development involves the intensification of use of a direct access and creation of a new road to service future development onto the N62, subject to an 80kmph speed limit is contrary to the provisions of official policy outlined in Section 28 Ministerial Guidelines 'Spatial Planning and National Strategic Outcomes of the National Planning Framework, and regional policy objectives of the Eastern Midlands Regional Assembly Regional Spatial and Economic Strategy.

6.1.6 Protecting Public Investment

National Strategic Objective 2 of the National Planning Framework page 140 states, *Maintaining the strategic capacity and safety of the national roads networks including planning for the future capacity enhancements.* In addition, Chapter 7 'Enhanced Regional Accessibility' of the National Development Plan 2021-2030 sets out key sectoral priority of maintaining Ireland's existing national road network to a robust and safe standard for users.

The EMRA Regional Assembly Regional Spatial and Economic Strategy 2020-2032 supports RPO 8.2 for the Strategic Road Network recognises the importance of achieving steady state maintenance and safety of National Road networks as a priority.

6.2. Applicant Response

6.2.1 The original submission from TII regarding the planning application raises generic issues and lacks detail and site-specific objections.

6.2.2 Archaeological Assessment Undertaken

- Condition No. 4 of the planning authority's decision to grant permission for the proposed development requires archaeological investigations to be carried

and a written report to be submitted to the planning authority. Archaeological issues did not form part of TII's appeal, however, the applicant appointed an archaeologist, and the report is appended to the appeal. There was no archaeological material found in the trenches dug on site.

6.2.3 Development Contrary to National, Regional and Local Planning Policy

- The Creggan LAP adopted in 2014 is valid until 2025. The site is located within a designated zoning 'Strategic Gateway Zone'. The entire area has been designated because of its accessibility, centrality and opportunities, to generate investment and job creation opportunities.
- The proposal would be a catalyst for further development of the area, by initiating access to the lands.
- The development supports the policies of Westmeath County Development Plan 2021-2027 in terms of the growth of Athlone.
- Car sales/ repair use is Open To Consideration under the zoning.
- The LAP identifies the site in the Access and Movement Strategy Map and contains objective 2(a) to provide for access off the former N6 as identified on the objectives map. The TII are incorrect in stating the access is not plan-led.
- The Creggan LAP is the most up to date plan for the area. The Creggan Plan pre-dates Section 2.6 of the Guidelines introduced in 2012. Therefore, to obtain exceptional circumstances to open an access onto a national route do not apply in this instance.
- Permission for an International Trading Hub (Ref 11/1025) was granted permission adjacent to the site with a new access of the N62. This would have involved a significant quantum of traffic compared to the proposed development. The NRA was supportive of the development at that time.
- Given the Creggan LAP 2010-2025 is valid until November 2025, the proposal is not premature ending the completion of the Joint Urban Area Plan.
- Given the findings of the Traffic and Transportation Assessment, the development is in accordance NPF and the regional RESS, the county development plan and the Creggan LAP.

6.2.4 Road Safety Considerations

- The Planning authority's engineer department has no issue with the proposed development and new junction layout.
- The geometric junction design complies with TII publications, and it has been the subject of a Road Safety Audit, Stage 1 and 2.
- The applicant is also willing to contribute towards traffic calming on the N62.
- The proposed development generates very little traffic. The TTA estimates 25 trips in AM peak and 46 trips in the PM peak, which are well below the threshold values for a TTA.
- Any future development of adjoining lands will have to go through their own application process.

6.2.5 Undesirable Precedent

- The proposed development has been identified in the Creggan LAP and is an objective of same. The proposal will not endanger traffic safety due to the limited amount of traffic been generated and the turning movements.

6.2.6 Similar Cases Considered by the Board

- The Board has considered similar cases that were TII appeals as a result of grant of permissions. The Board considered site specific issues and undertook a holistic planning assessment. The following cases are cited: ABP-3000994-18, 307213-20, 315845-23, 314420-22. Each case sets a precedent for further development on the national road network. Each case had site specific issues that allowed for a reasoned assessment of the proposals.

6.2.7 Development would jeopardise the anticipated benefits of investment made.

- This argument is generic and does not relate to the subject site. The applicant is willing to contribute to traffic calming along the N62. The proposed development is modest in scale compared to the extensive lands zoned in the immediate vicinity for development and employment opportunities.

6.3. Planning Authority Response

Westmeath Co. Co. made three points regarding the third-party appeal by Transport Infrastructure Ireland:

1. Under the National Spatial Strategy Athlone is designated as a 'Regional Centre' and has been identified as a focal point within the region and neighbouring regions. Given the importance of regional interdependence, Westmeath and Roscommon are in the process of preparing an Athlone Joint Urban Plan to ensure the town grows sustainability and to secure investment as a key Regional Centre.
2. Expansion of the town is confined due to the presence of environmentally sensitive land surrounding Athlone. Lands to the west is restricted by the River Shannon floodplains, Natura 2000 sites, while the north also has Natura 2000 sites. The M6 motorway is a further restriction to development of the town. Because of these restrictions the future development of Athlone will most likely be to the south and east of the town, where the subject site is located.
3. The proposed development complies with the zoning. There has been a significant reduction in traffic on the road since the opening of the M6. The proposal relates to the expansion of a business started 24 years ago. The proposal will not result in an intensification of traffic that would give rise to a traffic hazard. Proposals include the provision of a right turning lane, and the District Engineer's Report of the 6th of June 2023 does not raise any concerns regarding traffic safety.

7.0 Assessment

7.1. I have inspected the site and considered the planning application and appeal considerations I will assess the case under the following headings:

- Planning History
- Planning Policy
- Traffic and the National Route

- Design and Layout
- Infrastructure
- Archaeology

7.2 Planning History

- 7.2.1 The applicant, Michael Moore Sales Limited has a long-established business of car sales in the immediate vicinity of the site. They currently have two large sites along the N62 on the approach to Athlone town on the same side as the subject site. Presently, both sites are accessed from a local road off the N62 which serves a number of businesses. The general area where the existing developments are located is known as the Creggan Industrial Estate. Michael Moore currently sells and services Volkswagen, Skoda, Audi and Mercedes Benz at the sites. The current proposal is to provide a separate site for Mercedes Benz and a new dealership.
- 7.2.2 The applicant has a long planning history of permissions for their respective sites which are detailed in the First Planning Report on the planning file. The precedent is established for car sale by the applicant in the Creggan area of Athlone town, which is located to the southeast of the town just off the M6 motorway. The local NCT centre is located just off the Creggan Lower interchange, northwest of the site.
- 7.2.3 In my opinion, the subject site, which is contiguous to the two existing premises, is the natural progression of this business along the N62. It is not unusual for car dealerships and showrooms to be located on the main approach roads to towns. The applicants have a long list of planning applications associated with their existing premises, with no apparent planning enforcement issues or non-compliance issues arising. Therefore, I am satisfied that a precedent has been established for the applicant to extend onto a neighbouring greenfield site in the area.

7.3 Planning Policy

- 7.3.1 The relevant planning policy has been cited in Section 5 of this Report. The zoning maps indicate the subject site is located within the designated area of *Character Area C – Strategic Gateway Zone* as per the Athlone town Development Plan 2024-2020 and Creggan Local Area Plan 2010-2025. Relevant planning policy and objectives associated with the site/area are outlined in the Creggan Local Area Plan 2010-2025, which is effective until November 2025.

7.3.2 Creggan is seen as a strategic location in Athlone for enterprise and employment opportunities. The input of the planning authority to this appeal outlines Athlone is a designated Regional Centre in the National Spatial Strategy. The expansion of Athlone is severely restricted by the environmentally sensitive land surrounding the town to the west and north. The M6 motorway is a further restriction to the growth of the town. Therefore, these lands in the south eastern outskirts of Athlone are critical to the growth of Athlone. The Strategic Gateway Zone encompasses the entirety of Character Area C (152Ha) as per the current development plans for the area. There are a list of objectives associated with the area in the Creggan LAP, which include but are not limited to the following:

- To provide for the integrated development of lands within the Strategic Gateway Zone (152ha)
- To provide for an internal network of roads with the Strategic Gateway Zone

I refer specifically to the to the **Access and Movement Strategy Map** of the Creggan LAP, where I note an objective to provide future access off the N62 to the Strategic Gateway Zoned lands. This access is located contiguous to the subject site. There are Pedestrian and Cycle routes indicated along the road frontage of the site. The Access and Movement Strategy Map provides for an integrated and permeable network of roads, thereby maximising inter connectivity within the plan area. In addition, the plan endeavours to ensure the safety and capacity of the National road network is protected. It is my opinion, the proposed development complies with this specific objective because the new enhanced entrance/ junction design of an existing access will serve the proposed development, and the zoned lands to the south and west of the site, which will avoid a proliferation of access points onto the N62 to serve the zoned lands.

7.3.3 The zoning objective **Strategic Gateway Zone** in the Athlone Town Development Plan, Car Sales and Repair is 'Open For Consideration' under this zoning.

7.3.4 The proposed development should also comply with the parameters of the Westmeath County Development Plan 2021-2027. The relevant Transportation policy and objectives relating to National Routes are outlined in Section 5 of this report. The proposal is supporting the continued growth of Athlone, and the applicant's current commercial enterprise in Creggan, is an economic asset to the

locality. The relevant transportation policies in the Westmeath County Development Plan 2021-2027 relate to safety, capacity and efficiency of National Routes,

- CPO 10.45 Maintain and protect the safety, capacity and efficiency of National roads,
- CPO 10.46 Protect national roads from inappropriate access in order to protect the substantial investment in the national road network, to preserve the carrying capacity and safety of the National Road Network,
- CPO 10.48 Protect national roads from inappropriate access in order to protect the substantial investment in the national road network, to preserve the carrying capacity and safety of the National Road Network

In my opinion based on the findings of the Traffic and Transportation Impact Assessment submitted with the planning application, the applicant has demonstrated the proposed is in compliance with the Westmeath County Development Plan 2021-2027. It has been demonstrated the proposed development will not materially impact on the capacity or efficiency of the N62. The appellant, TII, claims the proposed development is contrary to the provisions of Ministerial Guidelines 'Spatial Planning and National Roads, which was introduced in 2012. In terms of exceptional circumstances, the plan-led access objective to serve the zoned lands pre-dates this requirement. The Creggan LAP 2010-2025 has been in place for fifteen years and this is due to expire in November 2025. The Creggan LAP was not varied to include the Ministerial Guidelines of 2012 relating to National Roads. I also note there is no reference to the Ministerial Guidelines in section 6.15 of the Athlone Town Development Plan 2014-2020 (as extended). Therefore, I conclude, the applicant has complied with the provisions of the development plans governing the Creggan area. On balance, it is clear that the propose development is plan-led, and I am satisfied the proposed development complies with local planning policy.

7.3.4 Of interest, under planning reference 11/1025, a substantial development 102,388sq.m. on 31.6Ha was granted planning permission beside the subject site with direct access onto the N62, which brought no objections from the NRA at the time. The development was not constructed, and the lands have remained undeveloped to date.

7.3.5 The Athlone Town Development Plan 2014-2020 (as extended) includes a specific objective- **O-NR3** to upgrade the N62 route, therefore increasing connectivity between the M6 and M8. In addition under Section 6.172, the Creggan LAP is referenced as New Development Areas for Athlone, and it states the LAP was the subject of Strategic Transport and Traffic Assessment with recommendations for the upgrades of the local road network. It is clear the extensively zoned lands were earmarked to be accessed off the N62.

7.4 Traffic and National Route

7.4.1 Transportation Infrastructure Ireland state the proposed intensification of an existing private lane access and the creation of a new access to the N62 a National Secondary Road, where a 80 kmph limit applies, has the potential to compromise the safety and efficiency of the national road network.

7.4.2 The proposed access to the development is an existing access off the N62 which is currently serving a vacant farmhouse and outbuildings. The proposed development includes for a new access road to serve the proposed development (2No. car showrooms and 2No. stores/ wash buildings, and car display and storage areas). The access road will also serve the future development of neighbouring lands. The planning application documentation included a Traffic and Transportation Assessment Report.

7.4.3 The site and the surrounding area are served by a high quality and a high capacity road network. The site is approximately 5km east of Athlone Town Centre (drive 9minutes), and 1.5km south of the M6 motorway. The N62 fronting the site is approximately 15metres wide in terms of the carriageway and road verges. The preliminary junction design takes into account the existing road layout, the 80 kmph speed limit, predicted traffic flows as per Section 2.5 of the Traffic and Transportation Assessment Report and the TII Geometric Design for Junctions.

7.4.4 The key components to the new junction design include:

- It has been designed to cater for the predicted 'worse case' masterplan traffic flows and future development of zoned lands;

- Replace existing hatching on the N62 to introduce a Right Turn Lane for current design speed of 80kmph;
- Junction radii of 12m;
- Sightlines 160m + in both directions (exceeding TII requirements)
- Recommendations of the Road Safety Audit , Stages 1 & 2 are included.

7.4.5 The predicted traffic/ trip generation to and from the proposed car showroom development was estimated using the standard TRICS trip rate database. In general, car showrooms generate relatively low volumes of traffic spread evenly across the day with negligible impact on peak times. A high volume of the traffic generated by them are passer-by traffic and not new trips on the local road network. Table 4.1a illustrates the weekday TRICS findings. The traffic flows are well below the TII threshold values for the requirements of a Traffic and Transportation Assessment. Therefore, the impact of the proposed development on the N62 is considered to be negligible.

7.4.6 A junction capacity analysis was undertaken using the programme PICADY, and using the traffic flows as outlined in Table 4.2, demonstrate the proposed access onto the N62 will operate significantly below capacity up to the future design year 2040 peak hour analysis periods with zero queues and delays predicted. Given the findings of the TTA, the proposed development is considered to be in compliance with the essence of the National Planning Framework Strategic Outcome 2 and to the Eastern and Midlands Regional Assembly Regional Economic and Spatial Strategy policy RPO 8.2, because it has been demonstrated there is no significant traffic impact anticipated on the carrying capacity or safety of the N62.

7.4.7 The Engineering Report on the planning file dated 12/09/2023 had no objection to the proposed development. The applicant has also offered to contribute towards traffic calming along the N62. I note from the planning file, there are no details regarding traffic calming design or proposals along the N62. The appellant expressed concern over the lack of detailed assessment in the Engineering Report and the traffic calming proposals are indicative only. The appellant believed it was not acceptable for the applicant to suggest contributing towards something that was just a concept. I would agree with Transportation Infrastructure Ireland on this issue. However, the Special Contribution towards enhancements to the N62 or traffic

calming, could be in place over a 7year period. During this time more detailed objectives might be included in the new Joint Urban Plan for Athlone. The applicant will be providing a right turning lane and island as part of this proposal.

- 7.4.6 The Road Safety Audit Stage 1 recommended that the proposed access to the development should be from the nearby local road to the south-east of the proposed access. The same local road currently serves the applicant's two existing showrooms and a number of other commercial developments. There is an existing ghost-island right turn lane at this junction. The rear access via the applicant's existing site would involve accessing the new development to the rear along the southern site boundary. I do not believe this would open up the Strategic Gateway zoned lands, nor would it function properly as a sale/ show case access to the extended facility on the subject site. The Roads Safety Audit also recommended where the rear access was not practical, then measures should be provided onto the N62 to reduce speeds of through traffic in order to minimise the likelihood of collisions. In my opinion, the backland access to the subject site and other zoned lands is not practical given the layout of the existing developments served by the local road. The applicant has proposed to contribute to traffic calming measures along the N62 and the new junction will be clearly controlled, marked and signposted. Condition No. 11 (i) requires a Stage 3 Road Safety Audit be prepared and agreed with the planning authority prior to the occupation of the building. The applicant is agreeable to a contribution been payable towards traffic calming along the N62, and I recommend a condition to this affect is attached to any favourable decision.

7.5 Design and Layout

- 7.5.1 A revised site layout drawing was submitted by way of Further Information and date stamped 4th of December 2024. 'Building A,' the larger of the two showrooms, has a similar building line to the existing showroom east of the site. The smaller showroom is setback deeper into the site to allow for EV parking to the front of the site. There are 138No. carparking spaces proposed to the side and rear of the showrooms, some will be used to display vehicles and others will be storage of vehicles. In addition, there will 2No. valeting and washroom rooms located along the rear boundary of the site.

- 7.5.2 The junction and access road to the development and zoned lands to the west, creates the norther western site boundary. There is hard and soft landscaping proposed throughout the scheme including permeable paving for the car parking spaces. The boundary treatment onto the N62 will consist of a low level wall, rendered and painted grey. The eastern boundary will reuse the existing boundary wall and fencing to Audi Athlone. There will be post and rail fencing on the residual boundaries.
- 7.5.3 The two buildings fronting the N62 have a contemporary design and a glazed finish, with an oversailing roof canopies. They will compliment the existing buildings along the N62 in terms of deisgn and layout.

7.6 Infrastructure

- 7.6.1 It is proposed to connect the proposed development to the public water mains. A pre-connection enquiry form has been submitted to Uisce Eireann.
- 7.6.2 The foul water generated from the proposed development will connect to a sequential batch reactor followed by a tertiary treatment system. The resulting clean water will discharge to an existing open drain. Details of the wastewater treatment system are included with the submission documents. The system has been designed based on the loading criteria. There is a new precast concrete primary buffer tank, a new precast concrete reactor tank and 1No. tertiary treatment system. The one issue that concerns me regarding the sewage treatment system, the loading and deisgn criteria does not include the effluent from the 2No. washing/ Valet buildings proposed on site. I consider this to be a material consideration and a concerning omission from the planning application. I note the site layout drawings illustrate two boxes along the southern site boundary as a effluent treatment proposal with discharge to the adjoining surface water drain. According to the planning application as Water Discharge Licence will be required. Therefore, the Water Discharge Licence will determine the exact details of the on-site tertiary treatment catering for the foul sewage and washing effluent generated on site. The water quality of the adjoining surface water channel along the southern site boundary cannot be undermined as discussed in section 8 Appropriate Assessment of this report. There is a hydrological link from this drain to two European site.

7.6.3 The surface water will be collected in a separate system and connected to an underground attenuation tank. The attenuated surface water will discharge to an existing open drain which connects to Clonbonny Stream. There is a new on-site petrol/ oil interceptor. A hydro-brake flow control valve will be installed in the manhole directly outside of the attenuation tank, which will have a maximum discharge from the site 5l/s/ha.

7.7 **Archaeology**

7.7.1 The planning authority referred the planning application to various prescribed bodies. The Department of Housing, Local Government and Heritage replied on the 31st of August 2023). The Department recommended an Archaeological Impact Assessment is required. There were three items of Archaeological Investigations required. The applicant in response to further information received on the 4th of December 2023 requested the investigations form part of the conditions. The planning authority accepted this solution. On appeal the applicant provided the test trenching investigations report. The site had operated as a farm for many years. There were 16 No. test trenches excavated across the site using a mechanical digger covering 648 linear metres. One trench may have had the remains of a Fulacht Fiadh or ancient cooking place. It is advisable to attached a condition requiring further testing at Trenches 13 and 16 to establish the nature and extent of the deposits. The works on site should not proceed until the Department of Housing, Local Government and Heritage have considered findings and site investigations from the applicant as per their letter of the 31st of August 2023.

8.0 **AA Screening**

8.1. **Introduction**

The Planning Report carried out an Appropriate Assessment Screening of the proposed development (Report dated 15/09/2023). It is noted the connection from the drainage ditch on the site that ultimately outflows via the Cloonbonny Stream into the River Shannon. The application included a Natura Impact Statement reports unmitigated construction works have the potential to cause pollution in the drain. , therefore causing pollution potential to protected sites, River Shannon Callows SAC (Site Code 000216) and Middle Shannon Callows SPA (site code 004096).

8.2. Stage 1 Appropriate Assessment Screening

8.2.1 Having reviewed the documents and submissions, I am satisfied that the information on the file which I have referred to in my assessment allows for a complete examination and identification of any potential significant effects of the proposed development, alone, or in combination with other plans and projects on European sites. I have reviewed the applicant's Natura Impact Statement which was received with the planning application on 28th of July 2023. I have carried out a full Screening Determination for the development.

8.3 Description of Project:

8.3.1 The proposed development consists of the following elements:

- Demolition of a non-habitable dwelling and associated buildings.
- Construction of a motor service and sales facility consisting of four buildings, 2No. showrooms and 2No. wash/ valeting buildings
- Proposed access road off the N62
- Site development works to provide 321No. parking/ display spaces
- Boundary treatments
- Associated site drainage and infrastructure

I have considered the proposed development and all associated site works, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Natura Impact Statement has been prepared by Gannon and Associates on behalf of the applicant and the objective information presented in that report informs this screening determination.

8.3.2 The subject site is located on lands located on the south eastern outskirts of Athlone town, 5 km from the town centre. The site with an area of 1.64 hectares has an square shape. It was grazing land, and a domestic house with outbuildings land use. Adjoining lands are in agricultural use and to the west is the Creggan Industrial Estate, including two existing motor sales sites owned and operated by the applicant.

8.3.4 The Middle Shannon Callows SPA (Site Code 004096) and Middle Shannon Callow SAC (Site Code 000216) are 2.3km south-west of the site.

8.4 Submissions and Observations

8.4.1 There were no specific concerns raised about the AA Screening. Westmeath reported no specific concerns about the submitted AA/ NIS subject to conditions.

8.4.2 The Department of Housing Local Government and Heritage made no comment on the issue.

8.5 Potential Impact Mechanisms from the Project

8.5.1 The subject lands are not under any wildlife or conservation designation. The following sites are identified within the 15km zone of influence or where there is a source-pathway receptor link, as detailed in Table 1 of the applicant's NIS:

- Crosswood Bog SAC (Site Code 002337)
- River Shannon Callows SAC (Site Code 000216)
- Car Park Bog SAC (Site Code 002336)
- Lough Ree SAC (Site Code 00440)
- Pilgrim's Road Esker (Site Code 001776)
- Mongan Bog SAC (Site Code 000580)
- Fin Lough SAC (Site Code 00576)
- Castlesampson Esker SAC (Site Code 001625)
- Ballynamona Bog and Corkip Lough SAC (Site Code 002339)
- Ferbane Bog SAC (Site Code 000575)
- Moyclare Bog Sac (Site Code 000581)
- Middle Shannon Callows SPA (Site Code: 004096)
- Lough Ree SPA (Site Code 0046064)
- Mongan Bog SPA (Site Code 004017)

8.5.2 The following impacts could occur because of this development:

- Potential for indirect effects through impact to water quality and resource for the construction and operational phases of the development.
- Possible potential for negative impact on water quality during the operational phase of the d development.

Site and Code	Distance from site	Qualifying features	Source Pathway Receptor
Crosswood Bog SAC (Site Code 002337)	430m	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120]	The SAC is situated upstream of the proposed development and there is no hydrological link connectively to the SAC. There is no potential for impact.
River Shannon Callows SAC (Site Code 000216)	2.3km	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] Alkaline fens [7230] Limestone pavements [8240] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Lutra lutra (Otter) [1355]	There is a drainage ditch along the southern boundary of the farmyard, which flows south and joins the Cloonbonny River circa 250m downstream of the subject site. This ultimately joins the R. Shannon. This is a hydrological connection between the subject site and the SAC. There is potential for pollutants to enter the stream and subsequently the SAC during the construction and operational phases. Requires further assessment. Screened In
Carn Park Bog SAC (Site Code 002336)	3.4km	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120]	The SAC is situated upstream of the proposed development and there is no hydrological link connectively to the SAC. There is no potential for impact.

Lough Ree SAC (Site Code 00440)	4.7km	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Alkaline fens [7230] Limestone pavements [8240] Bog woodland [91D0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Lutra lutra (Otter) [1355]	The SAC is situated upstream of the proposed development and there is no hydrological link connectively to the SAC. There is no potential for impact.
Mongan Bog SAC (Site Code 000580)	8.6km	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the	The SAC is located in a different water catchment to the proposed development and there is no hydrological Connectivity.

		Rhynchosporion [7150]	
Fin Lough SAC (Site Code 00576)	10.3km	Alkaline fens [7230] Vertigo geyeri (Geyer's Whorl Snail) [1013]	The SAC is located in a different water catchment to the proposed development and there is no hydrological Connectivity.
Castlesampson Esker SAC (Site Code 001625)	12.2km	Turloughs [3180] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]	The SAC is located in a different water catchment to the proposed development and there is no hydrological Connectivity.
Ballynamona Bog and Corkip Lough SAC (Site Code 002339)	13.0km	Turloughs [3180] Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] Bog woodland [91D0]	The SAC is located in a different water catchment to the proposed development and there is no hydrological Connectivity.
Ferbane Bog SAC (Site Code 000575)	13.2km	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	The SAC is located in a different water catchment to the proposed development and there is no hydrological Connectivity.

Moyclare Bog Sac (Site Code 000581)	14.4km	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	The SAC is located in a different water catchment to the proposed development and there is no hydrological Connectivity.
Lough Ree SPA (Site Code 0046064)	4.7km	Little Grebe (Tachybaptus ruficollis) [A004] Whooper Swan (Cygnus cygnus) [A038] Wigeon (Anas penelope) [A050] Teal (Anas crecca) [A052] Mallard (Anas platyrhynchos) [A053] Shoveler (Anas clypeata) [A056] Tufted Duck (Aythya fuligula) [A061] Common Scoter (Melanitta nigra) [A065] Goldeneye (Bucephala clangula) [A067] Coot (Fulica atra) [A125] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Common Tern (Sterna hirundo) [A193]	The SAC is situated upstream of the proposed development and there is no hydrological link connectively to the SAC. There is no potential for impact.

		Wetland and Waterbirds [A999]	
Mongan Bog SPA (Site Code 004017)	8.8km	Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]	The SAC is located in a different water catchment to the proposed development and there is no hydrological Connectivity.
Middle Shannon Callows SPA (Site Code: 004096)	2.3km	Whooper Swan (Cygnus cygnus) [A038] Wigeon (Anas penelope) [A050] Corncrake (Crex crex) [A122] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Black-tailed Godwit (Limosa limosa) [A156] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999]	There is a drainage ditch along the southern boundary of the farmyard, which flows south and joins the Cloonbonny River circa 250m downstream of the subject site. This ultimately joins the R. Shannon. This is a hydrological connection between the subject site and the SAC. There is potential for pollutants to enter the stream and subsequently the SAC during the construction and operational phases. Requires further assessment. Screened In

There is a hydrological connectivity between the proposed development site and the two following European Sites :

River Shannon Callows SAC (000216)

Middle Shannon Callows SPA (004096)

I am satisfied all other European sites can be excluded from further assessment due to distance, nature of development and lack of ecological connection between the designated site and the subject lands.

8.6 Likely significant effects on the European sites 'alone' –

8.6.1 This section of the assessment considers if there are significant effects alone and whether it is possible that the conservation objects might be undermined from the effects of only this project.

8.6.3 The following table provides the relevant information:

Table 2: Could the project undermine the conservation objectives 'alone'		
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?
The River Shannon Callows SAC (Site Code: 000216)	To maintain or restore the favourable conservation status of habitats and species of community interest.	Yes Potential indirect risk through runoff into a drainage ditch during periods of high rainfall/ storms – hydrological connection. Possible negative impact on water quality due to treated effluent discharge from the onsite effluent treatment plant.
The Middle Shannon Callows SPA (Site Code: 004096)	To maintain or restore the favourable conservation status of habitats and species of community interest	Yes Potential indirect risk through runoff into a drainage ditch during periods of high rainfall/ storms – hydrological connection.

I conclude that the proposed development would have a likely significant effect 'alone' on QIs associated with The River Shannon Callows SAC (Site Code: 000216) and The Middle Shannon Callows SPA (Site Code: 004096) due to potential impact on water quality/ resource. An Appropriate Assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and other projects is not required at this time.

Stage 2 Appropriate Assessment

8.6.4 The applicant has provided a Natura Impact Statement (NIS), prepared by Gannon and Associates, in accordance with the requirements of the Stage 2 Appropriate Assessment process.

8.6.5 I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on The River Shannon Callows SAC (Site Code: 000216) and The Middle Shannon Callows SPA (Site Code: 004096, where it has been established that there is a possibility for significant indirect effects on these European sites, in the absence of mitigation as a result of hydrological impacts, habitat degradation/ loss/ fragmentation. As reported in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

8.6.6 Table 53 below lists those habitats/QIs that there may be potential for significant effects for the River Shannon Callows SAC (Site Code: 000216). The development may provide a potential for significant effects to the following qualifying features

Qualifying Feature	Potential for Significant Effects	Cause of Effect
Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	No	The nearest examples of these qualifying interests are located approximately 3.5km south of the proposed development. Given the distance and lack of direct hydrological connection it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests.
Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]	No	The nearest examples of these qualifying interests are located approximately 3.5km south from the proposed development. Given the considerable distance, it is not

		anticipated that the development would have the potential to negatively impact upon these qualifying interests.
Alkaline fens [7230]	No	The full extent of this Alkaline fens in the SAC is currently unknown. A deterioration in water quality is listed as a potential threat to this habitat. The closest record of the habitat is situated over 13km from the proposed development.
Limestone Pavements	No	The nearest examples of these qualifying interests are located approximately 13.km southwest from the proposed development. Given the considerable distance it is not anticipated that the development would have the potential to negatively impact upon these qualifying interests.
Alluvial Woodland) [91E0]	No	The proposed development is located outside the current known distribution, current range and favourable reference range of these qualifying interests
Lutra lutra (Otter) [1355]	Yes	The development is located within the current known distribution and favourable reference range of these qualifying interests. Otter is widespread in the River Shannon and the Athlone area. A significant impact on water quality could indirectly impact upon this qualifying interest by causing a reduction in prey populations and availability.

Table 4 lists those habitats/QIs that there may be potential for significant effects for the Middle Shannon SPA (Site Code: 004096). The development may provide a potential for significant effects to the following qualifying features

Qualifying Feature	Potential for Significant Effects	Cause of Effect
Whooper Swan (Cygnus cygnus) [A038] Wigeon (Anas penelope) [A050] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Black-tailed Godwit (Limosa limosa) [A156] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999]	Yes	Feeds on a range of invertebrates small fish and molluscs. Wintering habitats include ephemeral wetlands and are often encountered on sheltered coasts, estuaries and coastal lakes and lagoons. Water quality would have an impact on the bird species.
Corncrake (Crex crex) [A122]	No	Water quality would not impact on the species.

8.6.6 The following areas in relation to potential impacts from the proposed development on the Natura 2000 sites identified:

Construction Phase: Deterioration of water quality in designated areas arising from pollution to surface water or ground water during site preparation and construction. Possible impacts as outlined in the NIS include the pollution of the surface or groundwaters during construction with silt, oil, cement, hydraulic fluid etc. This would directly affect the habitat of protected species by reducing water quality. These substances would also have a toxic effect on the ecology of the water in general, directly affecting certain species and their food supplies. In short, accidental surface water run-off containing construction related pollutants to the River Shannon Callows SAC and Middle Shannon SPA via the Cloonbonny Stream

Operational Phase: The NIS did not identify this as a concern, however I consider it to be a concern. Effluent discharge from the tertiary treatment plan onsite which may result in pollution pollutants to the River Shannon Callows SAC and Middle

Shannon SPA via the Cloonbonny Stream. The treated effluent is to discharge into the surface water stream onsite. However the design of the system did not take into consideration the effluent from the two washing and valeting buildings proposed.

The uncontaminated surface water will be collected from the roofs and parking areas on site, and channelled into an attenuation tank with a hydrobrake and petrol inceptor.

The Otter is favourable status within the River Shannon Callows SAC. The potential release of pollutants to the R. Shannon from contaminated surface waters during the construction and operational phase via the Cloonbonny Stream has been identified as a potential impact on the species via reductions in prey items from an overall reduction in water quality.

The qualifying interest of 'Wetlands and Waterbirds' within Middle Shannon Callows SPA is currently at a favourable conservation status. The potential release of pollutants to the River Shannon from contaminated surface waters during the construction and operational phase via Cloonbonny Stream has been identified as a potential impact on Wetlands and Waterbirds and by association the SCI species of Whooper Swan, Wigeon, Golden Plover, Lapwing, Black-tailed Godwit and Black-headed Gull via the reductions in aquatic prey and aquatic vegetation from the reduction in water quality.

8.6.7 Mitigation Measures

Section 5.5 of the NIS provides details on 'Mitigation Measures' and this includes for the construction phase but not the operational phase of the development.

The following mitigation measures are summarised, but are detailed in Section 5.5.2 of the NIS:

- Siltation: Silt fencing will be installed along the southern boundary of the proposed development to a 25m distance on each side of the drainage ditch and within the channel of the drainage ditch. The silt fencing will remain in situ until the disturbed areas within the site have been reinstated and revegetated.
- Surface water run-off from areas stripped of topsoil and surface water collected in the excavations will be directed to on-site settlement ponds.

- The construction works contractor would adhere to standard construction best practice, taking cognisance of the Construction Industry Research and Information Association (CIRIA) guidelines and the Preliminary Construction and Environmental Management Plan (CEMP) November 2023.
- Site Based Work – Earth works, dust suppression, machine use and operation, fuel control measures, concrete use control measures and the assignment of role as an environmental officer.
- Refuelling of construction machinery will take place away from the surface water channel and will take place direct from a delivery truck.
- A section of the drainage ditch on-site will be culverted and a headwall/ outflow will be created for the discharge of treated surface and foul waters into the open ditch at the southern boundary of the site.

8.6.9 The planning application also includes a Construction Environmental Management Plan (also prepared by EMD Architects) submitted on the November 2023. Section 4.0 of the Report outlines Environmental Control Measures which include:

- Dust Management Measures
- Litter
- Ecological Impact Control
- Noise and Vibration Control
- Traffic Control
- Waste Management Control
- CO2 Emissions

8.6.10 The NIS concludes due to the proposed design and proposed mitigation measures, there would be no significant risk to water quality and the protected habitats and species of the Lough Ree SAC, Lough Ree SPA, The River Shannon Callows SAC or The Middle Shannon Callows SPA during the construction and operational phases of the proposed development.

8.7 NIS Assessment

8.7.1 I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

8.7.2 The River Shannon Callows SAC or The Middle Shannon Callows SPA are subject to appropriate assessment. A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.

8.8 Aspects of the Development that could adversely affect the designated sites:

8.8.1 The main aspect of the development that could impact the conservation objectives of the European sites is through deterioration of water quality, through surface water runoff/ pollution of watercourses.

8.8.2 Mitigation: A range of mitigation measures are provided in the NIS and the CEMP, and these are noted. These refer to the construction phase of the development as provided in the applicant's reports. Water quality issues are addressed a range of measures to control surface water runoff and potential for pollution. I note the suggestion of the provision of silt fencing along the surface water drain along the southern boundary of the site this would be very specific measure to mitigate against impacts.

8.8.3 Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation measures. I consider that the mitigation measures are necessary having regard to the proximity of the site to the 2 No. European sites and the hydrological link from the site to The River Shannon Callows SAC or The Middle Shannon Callows SPA. Overall, the measures proposed are effective, reflecting current best practice, and

can be secured over the short and medium term and the method of implementation will be through a detailed management plan and appropriate monitoring.

8.8.4 In terms of the operational phase of the proposed development, I am disappointed the design and loading of the proposed wastewater treatment system did not include the effluent from the 2No. proposed car wash buildings proposed to the rear of the site. The NIS did not refer to this issue either, nor did the planning authority's AA screening. The treated effluent from the foul sewage treatment plan will discharge to the stream along the southern boundary of the site. Accordingly, it will be the subject of a Water Discharge Licence. In my opinion, I consider it imperative for the applicant's design team to consult with the planning authority prior to the commencement of the development regarding the adequacy of the proposed wastewater treatment system using Sequential Batch Reactor technology to cater for daily hydraulic and organic load for staff, visitors and the 2No. effluent from the car wash buildings. (A planning condition has been recommended to this effect)

8.9 In Combination Effects:

8.9.1 The in-combination effects are outlined in Section 5.3 of the There are no in-combination effects on habitat loss / fragmentation are anticipated.

8.10 Appropriate Assessment Conclusion:

8.10.1 The proposed motor sales and service buildings at Creggan Upper, Dublin Road, Athlone has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.10.2 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the River Shannon Callows SAC and The Middle Shannon Callows SPA due to construction and operational works. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

8.10.3 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Shannon Callows SAC and The Middle

Shannon Callows SPA subject to the implantation in full of appropriate mitigation measures.

8.10.4 This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the River Shannon Callows SAC and The Middle Shannon Callows SPA
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Shannon Callows SAC and The Middle Shannon Callows SPA.

8.10.4 I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the River Shannon Callows SAC and The Middle Shannon Callows SPA .

9.0 Recommendation

I recommend the decision to grant planning permission made by Westmeath Co. Co. be upheld by the Board for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the Strategic Gateway Zoning objective associated with the subject site and the Access and Movement Strategy Map of the Creggan Local Area Plan 2010-2025, to the transportation policies relating to national routes outlined in the

Westmeath County Development Plan 2021-2027, the design and layout of the proposed development and the pattern of development to the immediate east of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or have an adverse impact on the traffic safety of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 4th of December 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of the proper planning and sustainable development of the area.

2. (i) Treated effluent from the wastewater treatment system shall be subject of a separate wastewater discharge licence in accordance with the European Union (Wastewater Discharge) Regulations 2020.
(ii) Prior to the commencement of the development the applicant is required to submit and agree in writing full details of the design criteria and tertiary treatment specifications to include for staff, visitors and effluent from the two proposed washing and valeting buildings

Reason]: In the interests of public health and to ensure only uncontaminated water if discharged to the surface water drain located within the site boundaries.

3. (a) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

(b) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health.

4. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details of the attenuation and disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of sustainable drainage.

5. Prior to the commencement of the development the applicant shall submit the results and recommendations from the Archaeological Assessment Report submitted on appeal to An Bord Pleanála. The applicant shall agree in writing and comply in writing any recommendations or considerations forward by the Department of Housing, Local Government and Heritage and the planning authority.

Reason: To ensure the continued preservation of places, sites, features and other objects of archaeological interest.

6. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. The landscaping scheme shown on drawing number 3073-P-02 A, as submitted to the planning authority on the 4th of December 2023 shall be carried out within 12 months of the date of commencement of development or within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants/ trees which die or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

8. Prior to commencement of development, the developer shall submit details for the written approval of the planning authority of the proposed access junction including geometry of the access, pedestrian and cycleway lanes/crossings, pavement materials, surfacing of roads, footpaths and carparking areas.

Reason: In the interest of proper planning and sustainable development and to ensure proper facilities for all road users, and robust and durable construction materials

9. Site development, building works and the general operations of the facility in terms of the deliveries/ loading shall be carried out between the hours of 8.00-18.00hrs pm Mondays to Fridays inclusive, between 8.00-14.00 hrs on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In the interests of Residential Amenity.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to

commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

11. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of public health and safety and environmental protection

12. The site development and construction works shall be carried out such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

13. The mitigation measures as set out in the Natura Impact Assessment Report submitted with the further information on the 04/12/2023 shall be carried out.

Reason: In the interest of environmental protection.

14. Prior to the occupation of the proposed development, the developer shall submit to the planning authority for agreement a Stage 3 Road Safety Audit relating to the proposed development.

Reason: In the interest of traffic safety.

15. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, to be agreed with the planning authority in respect of traffic calming measures along the national Route (N62) which benefits the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and

Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed upon between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Caryn Coogan
Planning Inspector
27/02/2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	319136-24		
Proposed Development Summary	Demolition of Non-habitable dwelling and outbuildings, and the construction of two single storey motor vehicle and sales facilities and 2no. valeting and washing buildings, to include access road off the N62		
Development Address	Creggan Upper, Fardrum, Athlone		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	☒
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	☒	Part 2 Class 10 <i>Infrastructure Projects</i> Industrial estate development projects, where the area exceeds 15 hectares	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	X	Part 2 Class 10 <i>Infrastructure Projects</i> Industrial estate development projects, where the area exceeds 15 hectares	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

EIA Preliminary Examination

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319136-24
Proposed Development Summary	Motor sales Showrooms
Development Address	Creggan Upper, Athlone, Co. Westmeath
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development consists of the construction of a two showroom buildings, (1780sq.m. and 952sq.m.) and two buildings for washing and valeting cars 310sq.m. 326sq.m. with an access road off the N62, carparking, signage, boundary treatments and site development works
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas,	The site is currently grazing land, with an uninhabitable dwelling and outhouses, located outside and not immediately adjacent to any designated site. The proposed development will use the public water and wastewater treatment system which will be the subject of an EPA Discharge Licence.

landscapes, sites of historic, cultural or archaeological significance).		It is considered that the proposed development would not likely to have a signifigant effect individually, or in combination with other plans and projects on a European site and appropriate assessment is therefore not required. .
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		Having regard to the nature of the proposed development, its location removed form sensitive habitats/ features, likely limited magnitude and spatial extent effects and absence of in combination effects, there is no potential for signifigant effects on the environmental factors listed in Section 171A of the Act.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	YES
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____ Date: _____