

# Part 8 MEMO

<b>To:</b>	Barry Kehoe, Director of Services
<b>From:</b>	Cathaldus Hartin, Senior Planner
<b>Date:</b>	31 March 2023
<b>Subject:</b>	Part 8 AA/EIA Requirements in relation to proposed Road Footpath and Cycleway Improvements under the Active Travel Scheme at Ardmore Road

## 1. Project Description

Westmeath County Council (WCC) proposes to carry out works which comprise the provision of cycleway and footpaths along Ardmore Road including:

1. Widening of the roadway to accommodate the provision of a hard-surfaced shared footpath/cycleway segregated from the vehicular carriageway
2. Widening of existing footpaths to create a shared pedestrian cycle route
3. Provision of crossing point
4. All ancillary enabling works

### Details Received

- Site Layout Plan; Proposed Plans; Sections
- Draft Construction Environmental Management Plan
- Environmental Impact Assessment Screening Report
- Appropriate Assessment Screening Report
- Baseline Environmental Noise Survey Report

### Overview

The proposed works are located along the Ardmore Road, Mullingar and will provide active travel connectivity between Ardmore Hills and Ardmore Close.

The subject lands are not located within or immediately adjacent to any European Site (designated SAC/SPA). The closest designated site to the subject site is Woodland Bog SAC situated c.3.3km to the northeast of the site and Lough Ennell SAC and SPA c.3.8km to the southwest.

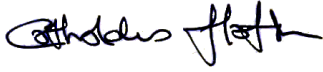
## 2. Recommendation

Having reviewed the preliminary documentation associated with the above-named proposed works on lands at Ardmore Road, it is considered, based on a preliminary assessment, that a **Stage 2 Appropriate Assessment (AA) & Environmental Impact Assessment (EIA)** are **not** required at this time.

It is recommended that the project proceed to detailed application design in accordance with Part 8 of the Planning and Development Regulations (as amended), based on which the Planning Section will issue final determinations.

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Considerations are set out as per the associate headings hereunder.



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**Cathaldus Hartin | Senior Planner**

Westmeath County Council | Planning, Transportation and Economic Development

05 April 2023

## 3. Appropriate Assessment (AA) Screening

### Stage 1 Preliminary Examination

#### 3.1 Legislative Context

The European Communities (Birds and Natural Habitats) Regulations, 2011 which transpose into Irish law both the European Union (EU) Directive 2009/147/EC (the Birds Directive) and the Habitats Directive and list habitats and species that are of international conservation importance and require protection. This protection is afforded in part through the designation of areas that represent significant examples of habitats that support populations of listed species within a European context, known as Natura 2000 sites. An area designated for bird species is classed as a Special Protection Area (SPA) and an area designated for other protected species and habitats is classed as a Special Area of Conservation (SAC). Together, SPAs and SACs form the Natura 2000 network of protected sites.

The Habitats Directive requires competent authorities to carry out an Appropriate Assessment (AA) of plans and projects that, alone and/or in combination with other plans and projects, would be likely to have significant effects on one or more Natura 2000 sites. The assessment process is divided into a Stage 1 Screening for Appropriate Assessment and where required, a full Stage 2 Appropriate Assessment.

#### 3.2 Natura 2000 Sites

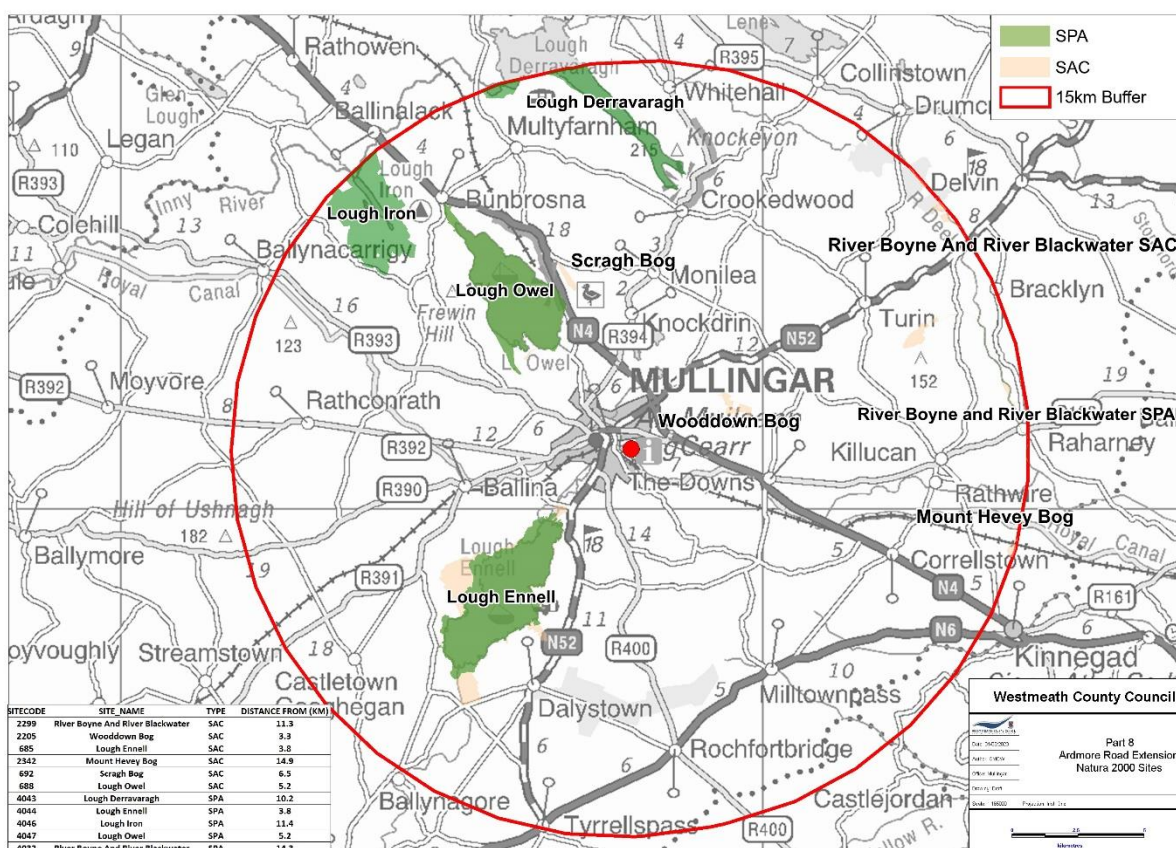
Note: European Natura 2000 sites include SACs, cSACs, SPAs and pSPAs, but not NHAs. This Stage 1 screening assessment covers Natura 2000 sites within a 15km radius of the development boundary. Sites situated with 15km of the proposed works, are set out at **Table 1** below. The site synopsis' and details of the conservation objectives of these site are available at: <https://www.npws.ie/protected-sites/sac> and <https://www.npws.ie/protected-sites/spa>

SITECODE	SITE_NAME	Distance_km
004043	Lough Derravaragh SPA	10.2
004044	Lough Ennell SPA	3.8
004046	Lough Iron SPA	11.4
004047	Lough Owel SPA	5.2
000692	Scragh Bog SAC	6.5
002299	River Boyne And River Blackwater SAC	11.3
004232	River Boyne And River Blackwater SPA	14.3
000685	Lough Ennell SAC	3.8
002205	Wooddown Bog SAC	3.3
000688	Lough Owel SAC	5.2
002342	Mount Hevey Bog SAC	14.9

**Table 1:** Natura 2000 Sites within 15km

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There are 11(no.) designated Natura 2000 sites situated within a 15km radius (refer Table 1 above) of the proposed site. The works proposed are not required for the nature conservation management of these sites. It is noted that the conservation objectives for the SACs and SPAs in the vicinity are to maintain or restore favourable conservation condition of habitats and species listed as Special Conservation Interests for which the SPA/SAC has been selected.



**Map 1:** Natura 2000 Sites in proximity to proposal.

Whilst noting the nature and scale of the public realm works proposed, it should also be noted that any project/plan with an apparently small impact on one attribute may have a significant impact on another.

Disturbance to key habitats and species has potential to arise from increased noise, vibration, construction and operation activities or others arising from the inappropriate timing of works or proximity to settlements. Having considered the siting, nature and scale of the development works proposed within the built area of Mullingar and in considering the content of Construction Environmental Management Plan submitted and Stage 1 Screening for Appropriate Assessment prepared by Flynn Furney Environmental Consultants, it is considered that the proposed development would not give rise to any significant adverse direct, indirect or secondary impacts on the integrity of any nearby Natura 2000 sites.

## Relationship with other Relevant Plans and Programmes

The site of the proposed development is located on within a built up urban area on lands identified as part of the Mullingar Local Area Plan 2014 – 2020 (as extended).

An Appropriate Assessment for this Plan was carried out and concluded that the mitigation measures included in the Plan, based on the findings of the Appropriate Assessment process, are sufficient to prevent inappropriate development that could result in significant negative impacts on the conservation objectives of Natura 2000 sites from occurring. As such the effects arising from implementation of the Plan (either individually or in combination with other plans or projects) will not give rise to significant adverse impacts on the integrity of any Natura 2000 sites.

However, all individual plans/projects must also be considered for their compliance with Article 6(3) of the Habitats Directive on a case-by-case basis.

It is considered that having regard to the siting of the proposed development from the SPAs and SACs (illustrated at **Map 1** above), that the proposal would not give rise to any significant adverse direct, indirect or secondary impacts on the integrity of any nearby Natura 2000 sites having regard to the nature of the proposed development and separation distances involved to adjoining Natura 2000 sites.

### 3.3 AA Preliminary Screening Conclusions

It is considered that the proposed development is not likely to give rise to significant effect, either individually or in combination with other plans or projects, on any European Natura 2000 Sites in the vicinity.

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## 4. Environmental Impact Assessment (EIA) Screening

### 4.1 EIA Preliminary Screening Examination

Examination		
	Yes / No / Uncertain	Comment
Is the size of development exceptional in the context of the existing environment?	No	
Is the proposed development located on, in, adjoining or have the potential to impact on a sensitive site or location*?	No	
Will the development result in the production of any significant waste, or result in emissions or pollutants?	No	
Conclusion		
<b>Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment? **</b>		
There is no real likelihood of significant effects on the environment.	EIAR not required.	✓
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment.	Stage 2 Screening Determination required.	
	Schedule 7A information required?	Yes   No
There is a real likelihood of significant effects on the environment.	EIAR required.	

### 4.2 EIA Preliminary Screening Conclusion

On the basis of the preliminary information received, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development of road footpath and cycleway improvements under the active travel scheme at Ardmore Road and an Environmental Impact Assessment is not required in this instance.