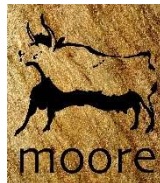


Report for the purposes of  
Appropriate Assessment Screening

Ennell Court Stage 2  
Residential Development


Prepared by: Moore Group – Environmental Services

1 April 2022



On behalf of Westmeath County Council

<b>Project Proponent</b>	Westmeath County Council
<b>Project</b>	Ennell Court S2 RD
<b>Title</b>	Report for the purposes of Appropriate Assessment Screening Ennell Court S2 RD

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### Appendix A – Finding of No Significant Effects Report

## Abbreviations

AA	Appropriate Assessment
EEC	European Economic Community
EPA	Environmental Protection Agency
EU	European Union
GIS	Geographical Information System
LAP	Local Area Plan
NHA	Natural Heritage Area
NIS	Natura Impact Statement
NPWS	National Parks and Wildlife Service
OSI	Ordnance Survey Ireland
pNHA	proposed Natural Heritage Area
SAC	Special Area of Conservation
SPA	Special Protection Area
SuDS	Sustainable Drainage System
WFD	Water Framework Directive

# 1. Introduction

## 1.1. General Introduction

This report for the purposes of Appropriate Assessment (AA) Screening has been prepared to support a Planning Application for the Proposed Development (described in Section 3 below). This report contains information required for the competent authority to undertake screening for Appropriate Assessment (AA) in respect of the construction of a residential development at Ennell Court, Mullingar, Co. Westmeath, (hereafter referred to as the Proposed Development) to determine whether it is likely individually or in combination with other plans and projects to have a significant effect on any European sites, in light of best scientific knowledge.

Having regard to the provisions of the Planning and Development Act 2000 – 2021 (the “Planning Acts”) (section 177U), the purpose of a screening exercise under section 177U of the PDA 2000 is to assess, in view of best scientific knowledge, if the proposed development, individually or in combination with another plan or project is likely to have a significant effect on a European site.

If it cannot be *excluded* on the basis of objective information that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site then it is necessary to carry out a Stage 2 appropriate assessment under section 177V of the Planning Acts.

When screening the project, there are two possible outcomes:

- the project poses no potential for a likely significant effect and as such requires no further assessment; and
- the project has potential to have likely significant effect (or this is uncertain) unless mitigation measures are applied, and therefore an AA of the project is necessary.

This report has been prepared by Moore Group - Environmental Services to enable Westmeath County Council to carry out AA screening in relation to the Proposed Development. The report was compiled by Ger O’Donohoe (B.Sc. Applied Aquatic Sciences (GMIT, 1993) & M.Sc. Environmental Sciences (TCD, 1999)) who has 27 years’ experience in environmental impact assessment and has completed numerous Appropriate Assessment Screening Reports and Natura Impact Statements on terrestrial and aquatic habitats for various development types.

## 1.2. Legislative Background - The Habitats and Birds Directives

Article 6 of the Habitats Directive is transposed into Irish Law inter alia by the Part XAB of the Planning Acts (section 177U and 177V) govern the requirement to carry out appropriate assessment screening and appropriate assessment, where required, per Section 1.1 above.

The Habitats Directive (Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora) is the main legislative instrument for the protection and conservation of biodiversity in the European Union (EU). Under the Habitats Directive, Member States are obliged to designate Special Areas of Conservation (SACs) which contain habitats or species considered important for protection and conservation in a EU context.

The Birds Directive (Council Directive 2009/147/EC on the conservation of wild birds), transposed into Irish law by the Bird and Natural Habitats Regulations 2011, as amended, is concerned with the long-term protection and management of all wild bird species and their habitats in the EU. Among other things, the Birds Directive requires that Special Protection Areas (SPAs) be established to protect migratory species and species which are rare, vulnerable, in danger of extinction, or otherwise require special attention.

SACs designated under the Habitats Directive and SPAs, designated under the Birds Directive, form a pan-European network of protected sites known as Natura 2000. The Habitats Directive sets out a unified system for the protection and management of SACs and SPAs. These sites are also referred to as European sites.

Articles 6(3) and 6(4) of the Habitats Directive set out the requirement for an assessment of proposed plans and projects likely to have a significant effect on Natura 2000 sites.

Article 6(3) establishes the requirement to screen all plans and projects and to carry out an appropriate assessment if required (Appropriate Assessment (AA)). Article 6(4) establishes requirements in cases of imperative reasons of overriding public interest:

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

## 2. Methodology

The Commission’s methodological guidance (EC, 2002, 2018, 2021 see Section 2.1 below) promotes a four-stage process to complete the AA and outlines the issues and tests at each stage. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

Stages 1 and 2 deal with the main requirements for assessment under Article 6(3). Stage 3 may be part of Article 6(3) or may be a necessary precursor to Stage 4. Stage 4 is the main derogation step of Article 6(4).

**Stage 1 Screening:** This stage examines the likely effects of a project either alone or in combination with other projects upon a Natura 2000 site and considers whether it can be objectively concluded that these effects will not be significant. In order to screen out a project, it must be excluded, on the basis of objective information, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on a European site.

**Stage 2 Appropriate Assessment:** In this stage, there is a consideration of the impact of the project with a view to ascertain whether there will be any adverse effect on the integrity of the Natura 2000 site either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are predicted impacts, an assessment of the potential mitigation of those impacts is considered.

**Stage 3 Assessment of Alternative Solutions:** This stage examines alternative ways of implementing the project that, where possible, avoid any adverse impacts on the integrity of the Natura 2000 site.

**Stage 4 Assessment where no alternative solutions exist and where adverse impacts remain:** Where imperative reasons of overriding public interest (IROPI) exist, an assessment to consider whether compensatory measures will or will not effectively offset the damage to the sites will be necessary.

To ensure that the Proposed Development complies fully with the requirements of Article 6 of the Habitats Directive and all relevant Irish transposing legislation, Moore Group compiled this report to enable Westmeath County Council to carry out AA screening in relation to the Proposed Development to determine whether the Proposed Development, individually or in combination with another plan or project will have a significant effect on a Natura 2000 site.

## 2.1. Guidance

This report has been compiled in accordance with guidance contained in the following documents:

- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities. (Department of Environment, Heritage and Local Government, 2010 rev.).
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPWS 1/10 & PSSP 2/10.
- Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission Environment Directorate-General, 2001); hereafter referred to as the EC Article 6 Guidance Document.
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (EC Environment Directorate-General, 2000); hereafter referred to as MN2000.
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (EC, 2018).

- Guidance document on the strict protection of animal species of Community interest under the Habitats Directive (EC, 2021).
- Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2021).
- Office of the Planning Regulator (OPR) Practice Note PN01 Appropriate Assessment Screening for Development Management (OPR, 2021).

## 2.2. Data Sources

Sources of information that were used to collect data on the Natura 2000 network of sites, and the environment within which they are located, are listed below:

- The following mapping and Geographical Information Systems (GIS) data sources, as required:
  - National Parks & Wildlife (NPWS) protected site boundary data;
  - Ordnance Survey of Ireland (OSI) mapping and aerial photography;
  - OSI/Environmental Protection Agency (EPA) rivers and streams, and catchments;
  - Open Street Maps;
  - Digital Elevation Model over Europe (EU-DEM);
  - Google Earth and Bing aerial photography 1995-2022;
- Online data available on Natura 2000 sites as held by the National Parks and Wildlife Service (NPWS) from [www.npws.ie](http://www.npws.ie) including:
  - Natura 2000 - Standard Data Form;
  - Conservation Objectives;
  - Site Synopses;
- National Biodiversity Data Centre records;
  - Online database of rare, threatened and protected species;
  - Publicly accessible biodiversity datasets.
- Status of EU Protected Habitats in Ireland. (National Parks & Wildlife Service, 2019); and
- Relevant Development Plans;
  - Westmeath County Development Plan 2021-2027

## 3. Description of the Proposed Development

The Proposed Development consists of the construction a residential development consisting of 15 units, together with all associated and ancillary development, on 4 sites, at Ennell Court, Mullingar, Co. Westmeath.



The development will be connected to the existing municipal wastewater system for the treatment of wastewater.

Figure 1 shows the Proposed Development location and Figure 2 shows a detailed view of the Proposed Development boundary on recent aerial photography. Figure 3 shows the layout of the Proposed Development.

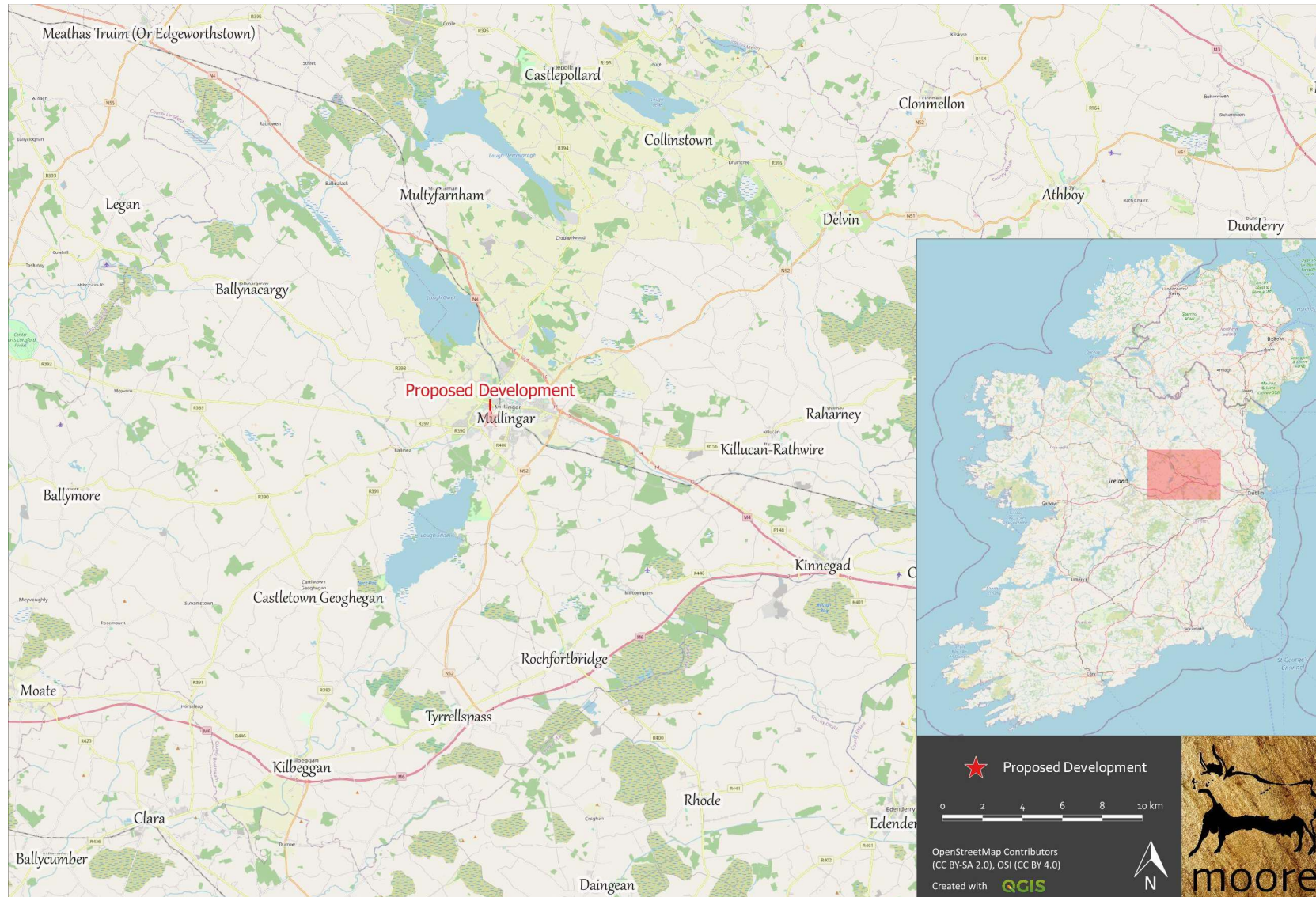


Figure 1. Showing the Proposed Development location at Mullingar, Co. Westmeath.



Figure 2. Showing the Proposed Development boundary on recent aerial photography.

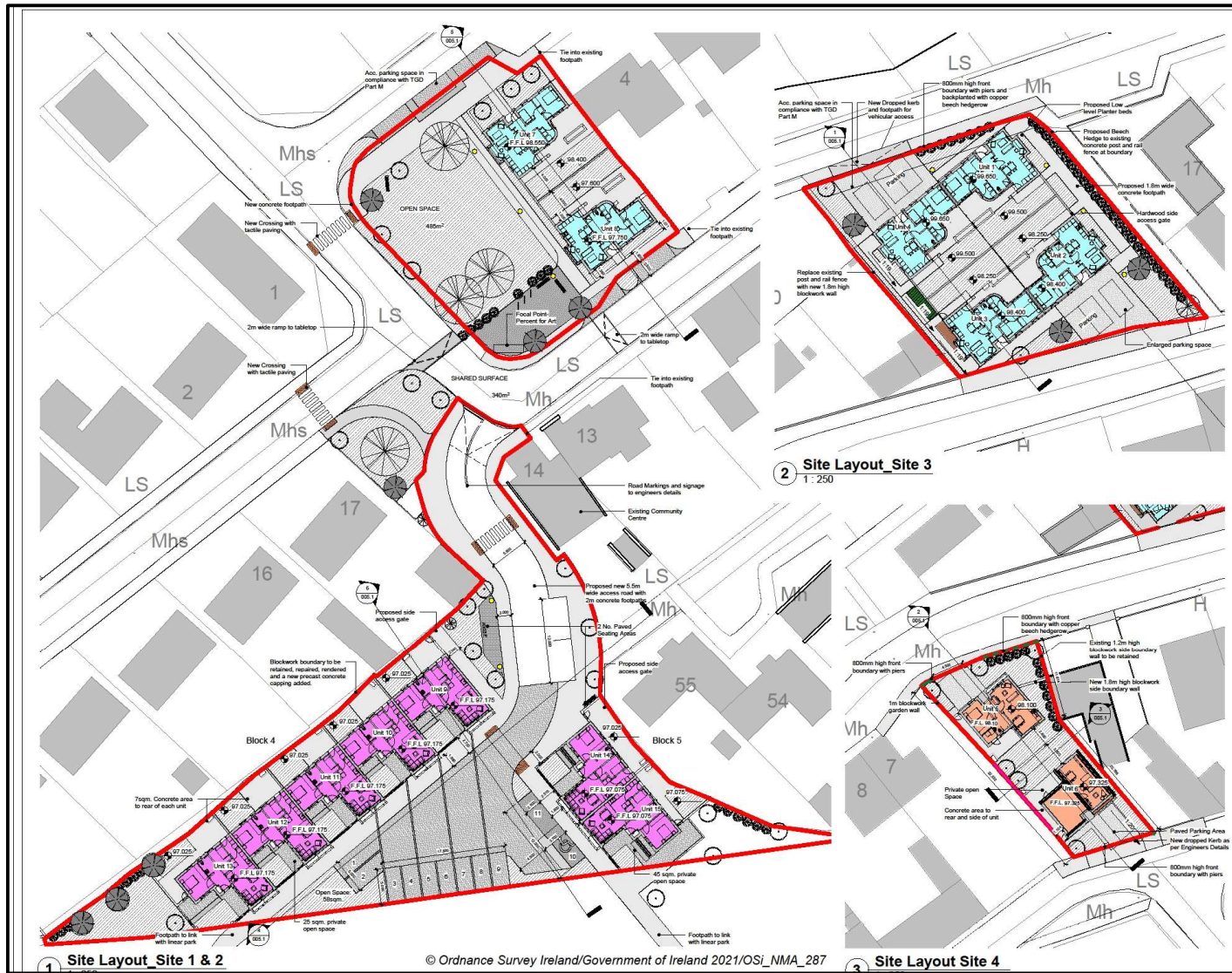


Figure 3. Plan of the Proposed Development.

## 4. Identification of Natura 2000 Sites

### 4.1. Description of Natura Sites Potentially Significantly Affected

The Department of Housing, Planning and Local Government (previously DoEHLG)'s Guidance on Appropriate Assessment (2009) recommends an assessment of European sites within a Zone of Influence (ZoI) of 15km. However, this distance is a guidance only and a zone of influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the ZoI should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km).

The Zone of Influence may be determined by considering the Proposed Development's potential connectivity with European sites, in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

The potential for source pathway receptor connectivity is firstly identified through GIS interrogation and detailed information is then provided on sites with connectivity. European sites that are located within a potential Zone of Influence of the Proposed Development are listed in Table 1 and presented in Figures 4 and 5, below. Spatial boundary data on the Natura 2000 network was extracted from the NPWS website ([www.npws.ie](http://www.npws.ie)) on 18 March 2022. This data was interrogated using GIS analysis to provide mapping, distances, locations and pathways to all sites of conservation concern including pNHAs, NHA and European sites.

*Table 1 European Sites located within the potential Zone of Influence<sup>1</sup> of the Proposed Development.*

Site Code	Site name	Distance (km) <sup>2</sup>
000685	Lough Ennell SAC	2.38
000688	Lough Owel SAC	3.43
004044	Lough Ennell SPA	2.70
004047	Lough Owel SPA	3.43

<sup>1</sup> All European sites potentially connected irrespective of the nature or scale of the Proposed Development.

<sup>2</sup> Distances indicated are the closest geographical distance between the Proposed Development and the European site boundary, as made available by the NPWS.

The nearest European sites to the Proposed Development are the Lough Ennell SAC (Site Code 000685) and SPA (004044), both approximately 2.5km to the south.

The Proposed Development is located within the urban environment of Mullingar, and consists of infilling development in an existing housing estate. A portion of the development lies adjacent to the Greenway running alongside the Royal Canal.

A review of aerial photography, Ordnance Survey Ireland (OSI) mapping and OSI Geographical Information System (GIS) data for rivers and streams indicates that there are no notable surface water features onsite and no direct hydrological pathways to offsite surface water bodies. This was confirmed during fieldwork on habitat assessment on 29 March 2022.

The Qualifying Interests (QIs) and Special Conservation Interests (SCIs) of the European sites in the Zone of influence of the Proposed Development are provided in Table 2 below.

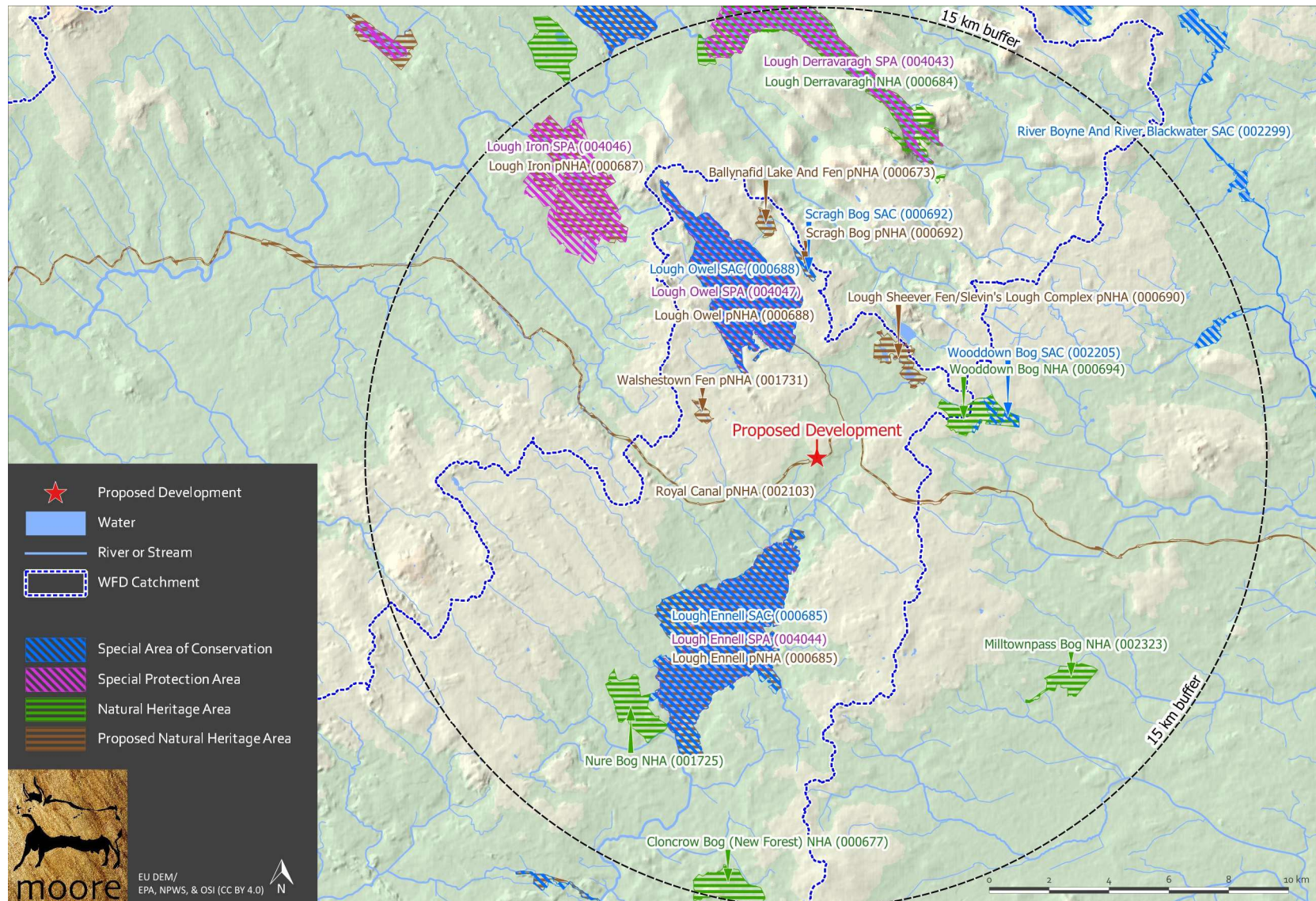


Figure 4. Showing European sites and NHAs/pNHAs within the wider Potential Zone of Influence of the Proposed Development.



Figure 5. Detailed view of conservation sites in the nearer Potential Zone of Influence of the Proposed Development.



Table 2 Identification of relevant European sites using Source-Pathway-Receptor model and compilation of information QIs and conservation objectives. \*Priority Habitats

European site name & Site code	Location Relative to the Proposed Development Site	Connectivity – Source-Pathway-Receptor	Considered further in Screening – Y/N
<p><b>Lough Ennell SAC (000685)</b></p> <p>7230 Alkaline fens</p> <p>NPWS (2018) Conservation Objectives: Lough Ennell SAC 000685. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.</p>	2.38km to the south of the Proposed Development	No There are no pathways or connectivity to the habitats and/or species of this site.	N
<p><b>Lough Owel SAC (000688)</b></p> <p>1092 White-clawed Crayfish <i>Austropotamobius pallipes</i></p> <p>3140 Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.</p> <p>7140 Transition mires and quaking bogs</p> <p>7230 Alkaline fens</p> <p>NPWS (2018) Conservation Objectives: Lough Owel SAC 000688. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.</p>	3.43km to the northwest of the Proposed Development	No There are no pathways or connectivity to the habitats and/or species of this site	N
<p><b>Lough Ennell SPA (004044)</b></p> <p>A059 Pochard <i>Aythya ferina</i></p> <p>A061 Tufted Duck <i>Aythya fuligula</i></p> <p>A125 Coot <i>Fulica atra</i></p> <p>A999 Wetlands</p> <p>NPWS (2022) Conservation objectives for Lough Ennell SPA [004044]. Generic Version 9.0. Department of Housing, Local Government and Heritage.</p>	2.70km to the south of the Proposed Development	No Due to distance and the lack of any relevant ex-situ factors of significance to bird species or wetland habitat.	N
<p><b>Lough Owel SPA (004047)</b></p> <p>A056 Shoveler <i>Anas clypeata</i></p> <p>A125 Coot <i>Fulica atra</i></p> <p>A999 Wetlands</p> <p>NPWS (2022) Conservation objectives for Lough Owel SPA [004047]. Generic Version 9.0. Department of Housing, Local Government and Heritage.</p>	3.43km to the northwest of the Proposed Development	No Due to distance and the lack of any relevant ex-situ factors of significance to bird species or wetland habitat.	N

## 4.2. Ecological Network Supporting Natura 2000 Sites

A concurrent GIS analysis of the proposed Natural Heritage Areas (pNHA) and designated Natural Heritage Areas (NHA) in terms of their role in supporting the species using Natura 2000 sites was undertaken along with GIS investigation of European sites. It was assumed that these supporting roles mainly related to mobile fauna such as mammals and birds which may use pNHAs and NHAs as “stepping stones” between Natura 2000 sites.

Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account during the preparation of this AA Screening report.

The NHAs and pNHAs identified in Figure 4 are either located outside the Zone of Influence with the exception of the Royal Canal pNHA. The scale and nature of the proposed development, i.e. an infilling development in an existing housing estate, which will be connected to the municipal wastewater system means there is no real likelihood of any significant effects on this site.

## 5. Identification of Potential Impacts & Assessment of Significance

The Proposed Development is not directly connected with or necessary to the management of the sites considered in the assessment and therefore potential impacts must be identified and considered.

### 5.1. Assessment of Likely Significant Effects

The Proposed Development is located within the urban environment of Mullingar, and consists of infilling development in an existing housing estate. A portion of the development lies adjacent to the Greenway running alongside the Royal Canal. A review of aerial photography, Ordnance Survey Ireland (OSI) mapping and OSI Geographical Information System (GIS) data for rivers and streams indicates that there are no notable surface water features onsite and no direct hydrological pathways to offsite surface water bodies.

There is no connectivity to any European sites within or outside the potential Zone of Influence.

The consideration of all potential direct and indirect impacts that may result in significant effects on the conservation objectives of a European site, taking into account the size and scale of the Proposed Development are presented in Table 3.

Table 3 Assessment of Likely Significant Effects.

<b>Identification of all potential direct and indirect impacts that may result in significant effects on the conservation objectives of a European site, taking into account the size and scale of the project.</b>	
<b>Impacts:</b>	<b>Significance of Impacts:</b>
<p><b>Construction phase e.g.</b></p> <p>Vegetation clearance</p> <p>Demolition</p> <p>Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</p> <p>Dust, noise, vibration</p> <p>Lighting disturbance</p> <p>Impact on groundwater/dewatering</p> <p>Storage of excavated/construction materials</p> <p>Access to site</p> <p>Pests</p>	<p>None</p> <p>The Proposed Development site is located within an existing housing development, and consists of infilling vacant sites.</p>
<p><b>Operational phase e.g.</b></p> <p>Direct emission to air and water</p> <p>Surface water runoff containing contaminant or sediment</p> <p>Lighting disturbance</p> <p>Noise/vibration</p> <p>Changes to water/groundwater due to drainage or abstraction</p> <p>Presence of people, vehicles and activities</p> <p>Physical presence of structures (e.g. collision risks)</p> <p>Potential for accidents or incidents</p>	<p>All foul and surface water runoff, once the facility is operational, will be contained on site and discharged to urban drainage systems.</p> <p>There is no real likelihood of any significant effects on European Sites in the wider catchment area.</p> <p>The facility is located at a distance of removal such that there will be no disturbance to qualifying interest species in any European sites.</p>
<b>Describe any likely changes to the European site:</b>	
<p><b>Examples of the type of changes to give consideration to include:</b></p>	<p>None</p>

<p>Reduction or fragmentation of habitat area</p> <p>Disturbance to QI species</p> <p>Habitat or species fragmentation</p> <p>Reduction or fragmentation in species density</p> <p>Changes in key indicators of conservation status value (water quality etc.)</p> <p>Changes to areas of sensitivity or threats to QI</p> <p>Interference with the key relationships that define the structure or ecological function of the site</p> <p>Climate change</p>	<p>The Proposed Development site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI habitats or species directly or ex-situ.</p> <p>The Proposed Development site is located within the boundary of the Permitted Development, which has been cleared and prepared for development.</p>
<p><b>Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b></p>	
<p>No</p>	<p>N/A</p>

On the basis of the information supplied, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the intervening land uses and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

It may be concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

## 5.2. Assessment of Potential In-Combination Effects

In-combination effects are changes in the environment that result from numerous human-induced, small-scale alterations. In-combination effects can be thought of as occurring through two main pathways: first, through persistent additions or losses of the same materials or resource, and second, through the compounding effects as a result of the coming together of two or more effects.

As part of the Screening for an Appropriate Assessment, in addition to the Proposed Development, other relevant plans and projects in the area must also be considered at this stage. This step aims to identify at this early stage any possible significant in-combination effects of the Proposed Development with other such plans and projects on European sites.

A review of the National Planning Application Database was undertaken. The first stage of this review confirmed that there were no data gaps in the area where the Proposed Development is located. The database was then queried for developments granted planning permission within 500m of the Proposed Development within the last three years, these are presented in Table 4 below.

*Table 4. Planning applications granted permission in the vicinity of the Proposed Development.*

Planning Ref.	Description of development	Comments
196011	demolition of an existing workshop shed and front boundary wall and the construction of 4 no. one and a half storey, 3 bedroom dormer type residential dwellings. The development includes a) 2 no. 3 bedroom end-terraced units, b) 2 no. 3 bedroom mid-terraced units, c) landscaping and all ancillary site works. Proposed site access is off the existing Ennell Court road	As above. No potential for in-combination effects given the scale and location of the project.
196036	amalgamation of retail units 4 and 5, associated plant to rear of unit and store signage above shop front windows, at Polonez shop	No potential for in-combination effects given the scale and location of the project.
196043	renovate and extend existing Industrial unit and to connect to all on site existing services. Extension to consist of warehousing, office and canteen space. Renovation to include re-roofing and a new cladding system to existing unit. Permission is also sought to alter front and rear boundaries and all associated site works	No potential for in-combination effects given the scale and location of the project.
196101	construction of a first floor extension to the side of existing dwelling to include two bedrooms and a landing and a ground floor extension to the rear to include a dining area and construction of a detached garage at the rear with all ancillary site works	No potential for in-combination effects given the scale and location of the project.
196325	construction of a new single storey extension to the rear and side of existing convenience shop to include retail area, customer seating, customer toilets and staff facilities (gross floor area of extension 118 sq.m), raise and extend existing forecourt canopy, new fuel dispensing pump, change of use of existing convenience shop to include part off-licence use (gross floor area for off-licence use 20 sq.m.) and associated site works	No potential for in-combination effects given the scale and location of the project.
206057	Retention of existing playroom with WC and hall and all ancillary site works	No potential for in-combination effects given the scale and location of the project.
206098	construction of a side extension with dormer 1st floor to act as a granny flat to serve as ancillary family accommodation, make internal alterations and modifications to existing dwelling and all associated site development works and modify existing vehicle entrance width	No potential for in-combination effects given the scale and location of the project.
206185	Reconfiguration and extension of ground floor and first floor office areas and a new mezzanine office area at second floor level within existing industrial unit, to include a new door and alterations to existing windows and new elevation treatment to all elevations and proposed solar panels installed on roof and all associated site works and services	No potential for in-combination effects given the scale and location of the project.
206205	use of the property as a warehouse with ancillary trade counters (for sale of building related products principally to trade). Proposed external changes comprise, southern elevation - removal of the current delivery and public entrances on the south elevation, recladding and creation of a new service entrance to the warehouse and security bollards, East elevation - removal of service entrance and creation of new entrance to the proposed trade counters and inclusion of security bollards. Relining of parking spaces for 12 cars, area for ancillary mechanical plant. All works required to complete the development including the removal of any existing internal walls and ancillary facilities	No potential for in-combination effects given the scale and location of the project.

Planning Ref.	Description of development	Comments
206305	Permission to construct a single storey extension to the rear (southeast) of the existing dwelling. Permission to reconfigure the existing floor layout to include the creation of granny flat accommodation and for the removal of the existing porch area on front elevation and to incorporate this space into the existing two front bedrooms. Permission is also sought for alterations to windows on all elevations and the change of use of the existing garage to ensuite and walk in wardrobe and all associated site at the above address	No potential for in-combination effects given the scale and location of the project.
206311	Permission for the erection of signage pursuant to Condition No 4(a) of planning permission reference 20/6205. All associated works to facilitate the development	No potential for in-combination effects given the scale and location of the project.
206341	Planning permission to retain my existing shed at the rear of my existing dwelling to include a playroom, storage area, study with velux, press, hall and bathroom	No potential for in-combination effects given the scale and location of the project.

The Westmeath County Development Plan in complying with the requirements of the Habitats Directive requires that all Projects and Plans that could affect the Natura 2000 sites in the same potential Zone of Influence of the Proposed Development site would be initially screened for Appropriate Assessment and if requiring Stage 2 AA, that appropriate employable mitigation measures would be put in place to avoid, reduce or ameliorate negative impacts. In this way any, in-combination impacts with Plans or Projects for the proposed development area and surrounding townlands in which the proposed development site is located, would be avoided.

The listed developments have been granted permission in most cases with conditions relating to sustainable development by the consenting authority in compliance with the relevant Local Authority Development Plan and in compliance with the Local Authority requirement with regard to the Habitats Directive. The development cannot have received planning permission without having met the consenting authority requirement in this regard.

There are no predicted in-combination effects given that it is predicted that the Proposed Development will have no significant effect on any European site.

Any new applications for the Proposed Development area will be assessed on a case by case basis *initially* by Westmeath County Council which will determine the requirement for AA Screening as per the requirements of Article 6(3) of the Habitats Directive.

## 6. Conclusion

There is no connectivity to any European sites within or outside the potential Zone of Influence.

There are no predicted effects on any European sites given:

- The distance between the Proposed Development and any European Sites, approximately 2.5km;
- The lack of connectivity between the Proposed Development and any hydrological pathways; there are no watercourses within the Proposed Development boundary and there is no connectivity between the Proposed Development site and any watercourses that lead to any European sites;
- The Proposed Development is to be connected to the existing public sewer network for the treatment of wastewater.
- There are no predicted emissions to air, water or the environment during the construction or operational phases that would result in significant effects.

It has been objectively concluded by Moore Group Environmental Services that:

1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that significant effects can be excluded at the screening stage.

It can be *excluded*, on the basis of objective information, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on a European site.

An appropriate assessment is not, therefore, required.

A finding of no significant effects report is presented in Appendix A in accordance with the EU Commission's methodological guidance (European Commission, 2002).

## 7. References

Department of the Environment, Heritage and Local Government (2010) Guidance on Appropriate Assessment of Plans and Projects in Ireland (as amended February 2010).

European Commission (2000) Managing Natura 2000 sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.

European Commission Environment DG (2002) Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43EEC. European Commission, Brussels.

European Commission (2007) Guidance document on Article 6(4) of the 'Habitats Directive '92/43/EEC: Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interests, compensatory measures, overall coherence and opinion of the Commission. European Commission, Brussels.

European Commission (2018) Managing Natura 2000 sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.

European Commission (2021) Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC, Brussels 28.9.21.

European Commission (2021) Guidance document on the strict protection of animal species of Community interest under the Habitats Directive, Brussels 12.10.21.

NPWS (2019) The Status of EU Protected Habitats and Species in Ireland. National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin.

NPWS (2022) National Parks and Wildlife Service Metadata available online at <https://www.npws.ie/maps-and-data>

Office-of-the-Planning-Regulator (2021) Appropriate Assessment Screening for Development Management OPR Practice Note PN01. March 2021



# Appendix A

## FINDING OF NO SIGNIFICANT EFFECTS REPORT

### Finding no significant effects report matrix

#### Name of project or plan

Ennell Court S2 Residential Development

#### Name and location of the Natura 2000 site(s)

The nearest European sites to the Proposed Development are the Lough Ennell SAC (Site Code 000685) and SPA (004044), both approximately 2.5km to the south.

The Proposed Development is located within the urban environment of Mullingar, and consists of infilling development in an existing housing estate. A portion of the development lies adjacent to the Greenway running alongside the Royal Canal. A review of aerial photography, Ordnance Survey Ireland (OSI) mapping and OSI Geographical Information System (GIS) data for rivers and streams indicates that there are no notable surface water features onsite and no direct hydrological pathways to offsite surface water bodies. This was confirmed during fieldwork on habitat assessment on 29 March 2022.

There is no connectivity to any European sites within or outside the potential Zone of Influence.

#### Description of the project or plan

The Proposed Development consists of the construction a residential development consisting of 15 units, together with all associated and ancillary development, on 4 sites, at Ennell Court, Mullingar, Co. Westmeath.

The development will be connected to the existing municipal wastewater system for the treatment of wastewater.

#### Is the project or plan directly connected with or necessary to the management of the site(s)

No

#### Are there other projects or plans that together with the projects or plan being assessed could affect the site

A review of the National Planning Application Database was undertaken. The first stage of this review confirmed that there were no data outages in the area where the Proposed Development is located. The database was then queried for developments granted planning permission within 500m of the Proposed Development within the last three years, these are presented in the Table below.

#### *Planning applications granted permission in the vicinity of the Proposed Development.*

Planning Ref.	Description of development	Comments
196011	demolition of an existing workshop shed and front boundary wall and the construction of 4 no. one and a half storey, 3 bedroom dormer type residential dwellings. The development includes a) 2 no. 3 bedroom end-terraced units, b) 2 no. 3 bedroom mid-terraced units, c) landscaping and all ancillary site works. Proposed site access is off the existing Ennell Court road	As above. No potential for in-combination effects given the scale and location of the project.
196036	amalgamation of retail units 4 and 5, associated plant to rear of unit and store signage above shop front windows, at Polonez shop	No potential for in-combination effects given the scale and location of the project.
196043	renovate and extend existing Industrial unit and to connect to all on site existing services. Extension to consist of warehousing, office and canteen space. Renovation to include re-roofing and a new cladding	No potential for in-combination effects given the scale and location of the project.

Planning Ref.	Description of development	Comments
	system to existing unit. Permission is also sought to alter front and rear boundaries and all associated site works	
196101	construction of a first floor extension to the side of existing dwelling to include two bedrooms and a landing and a ground floor extension to the rear to include a dining area and construction of a detached garage at the rear with all ancillary site works	No potential for in-combination effects given the scale and location of the project.
196325	construction of a new single storey extension to the rear and side of existing convenience shop to include retail area, customer seating, customer toilets and staff facilities (gross floor area of extension 118 sq.m), raise and extend existing forecourt canopy, new fuel dispensing pump, change of use of existing convenience shop to include part off-licence use (gross floor area for off-licence use 20 sq.m.) and associated site works	No potential for in-combination effects given the scale and location of the project.
206057	Retention of existing playroom with WC and hall and all ancillary site works	No potential for in-combination effects given the scale and location of the project.
206098	construction of a side extension with dormer 1st floor to act as a granny flat to serve as ancillary family accommodation, make internal alterations and modifications to existing dwelling and all associated site development works and modify existing vehicle entrance width	No potential for in-combination effects given the scale and location of the project.
206185	Reconfiguration and extension of ground floor and first floor office areas and a new mezzanine office area at second floor level within existing industrial unit, to include a new door and alterations to existing windows and new elevation treatment to all elevations and proposed solar panels installed on roof and all associated site works and services	No potential for in-combination effects given the scale and location of the project.
206205	use of the property as a warehouse with ancillary trade counters (for sale of building related products principally to trade). Proposed external changes comprise, southern elevation - removal of the current delivery and public entrances on the south elevation, recladding and creation of a new service entrance to the warehouse and security bollards, East elevation - removal of service entrance and creation of new entrance to the proposed trade counters and inclusion of security bollards. Relining of parking spaces for 12 cars, area for ancillary mechanical plant. All works required to complete the development including the removal of any existing internal walls and ancillary facilities	No potential for in-combination effects given the scale and location of the project.
206305	Permission to construct a single storey extension to the rear (southeast) of the existing dwelling. Permission to reconfigure the existing floor layout to include the creation of granny flat accommodation and for the removal of the existing porch area on front elevation and to incorporate this space into the existing two front bedrooms. Permission is also sought for alterations to windows on all elevations and the change of use of the existing garage to ensuite and walk in wardrobe and all associated site at the above address	No potential for in-combination effects given the scale and location of the project.
206311	Permission for the erection of signage pursuant to Condition No 4(a) of planning permission reference 20/6205. All associated works to facilitate the development	No potential for in-combination effects given the scale and location of the project.
206341	Planning permission to retain my existing shed at the rear of my existing dwelling to include a playroom, storage area, study with velux, press, hall and bathroom	No potential for in-combination effects given the scale and location of the project.

There are no predicted in-combination effects given that the reasons discussed in the 'Comments' column of the Table above and given that the Proposed Development is unlikely to have any adverse effects on any European sites.

The Westmeath County Development Plan in complying with the requirements of the Habitats Directive requires that all Projects and Plans that could affect the Natura 2000 sites in the same potential Zone of Influence of the Proposed Development site would be initially screened for Appropriate Assessment and if requiring Stage 2 AA, that appropriate employable mitigation measures would be put in place to avoid, reduce or ameliorate negative impacts. In this way any, in-combination impacts with Plans or Projects for the proposed development area and surrounding townlands in which the proposed development site is located, would be avoided.

The listed developments have been granted permission in most cases with conditions relating to sustainable development by the consenting authority in compliance with the relevant Local Authority Development Plan and in compliance with the Local Authority requirement for regard to the Habitats Directive. The development cannot have received planning permission without having met the consenting authority requirement in this regard. There are no predicted in-combination effects given that it is predicted that the Proposed Development will have no effect on any European site.

Any new applications for the Proposed Development area will be assessed on a case by case basis *initially* by Westmeath County Council which will determine the requirement for AA Screening as per the requirements of Article 6(3) of the Habitats Directive.

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## ***THE ASSESSMENT OF SIGNIFICANCE OF EFFECTS***

**Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.**

A review of aerial photography, Ordnance Survey Ireland (OSI) mapping and OSI Geographical Information System (GIS) data for rivers and streams indicates that there are no watercourses in the vicinity of the Proposed Development site. This was confirmed during fieldwork on habitat assessment on 29 March 2022.

There is no connectivity to any European sites within or outside the potential Zone of Influence.

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**Explain why these effects are not considered significant.**

There are no predicted effects on any European sites given:

- The distance between the Proposed Development and any European Sites, approximately 2.5km;
- The lack of connectivity between the Proposed Development and any hydrological pathways; there are no watercourses within the Proposed Development boundary and there is no connectivity between the Proposed Development site and any watercourses that lead to any European sites;
- The Proposed Development is to be connected to the existing public sewer network for the treatment of wastewater.
- There are no predicted emissions to air, water or the environment during the construction or operational phases that would result in significant effects

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**List of agencies consulted: provide contact name and telephone or e-mail address**

The requirement for Appropriate Assessment Screening was determined during pre-planning discussion with Westmeath County Council.

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**Response to consultation**

N/A.

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## ***DATA COLLECTED TO CARRY OUT THE ASSESSMENT***

**Who carried out the assessment**

Moore Group Environmental Services.

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**Sources of data**

NPWS database of designated sites at [www.npws.ie](http://www.npws.ie)

National Biodiversity Data Centre database <http://maps.biodiversityireland.ie>

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**Level of assessment completed**

Desktop Assessment and Fieldwork for AA screening assessment.

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**Where can the full results of the assessment be accessed and viewed**

Westmeath County Council Planning web portal.

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## *OVERALL CONCLUSIONS*

There is no connectivity to any European sites within or outside the potential Zone of Influence.

There are no predicted effects on any European sites given:

- The distance between the Proposed Development and any European Sites, approximately 2.5km;
- The lack of connectivity between the Proposed Development and any hydrological pathways; there are no watercourses within the Proposed Development boundary and there is no connectivity between the Proposed Development site and any watercourses that lead to any European sites;
- The Proposed Development is to be connected to the existing public sewer network for the treatment of wastewater.
- There are no predicted emissions to air, water or the environment during the construction or operational phases that would result in significant effects.

It has been objectively concluded by Moore Group Environmental Services that:

1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that significant effects can be excluded at the screening stage.

It can be *excluded*, on the basis of objective information, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on a European site.

An appropriate assessment is not, therefore, required.