



WESTMEATH COUNTY COUNCIL
Local Authority Development

**Newbrook Road to Lynn Road via Zone A Mullingar Business Park,
Mullingar –
File Ref. LA (M) 112**

**Planning Report in Accordance with Section 179 of the Planning and
Development Act 2000-2014 and Part 8 of the Planning and Development
Regulations**

1. Site/Location

The proposed Link Road is located within Mullingar town and situated to the south of the town centre. The Link Road is from Newbrook Road which is local primary road L-2200-0 to a roundabout on Lynn Road which is local primary road L-1136-43 via Zone A Mullingar Business Park, Mullingar.

2. Description of nature and extent of the proposed development

The works consist of:-

- The construction of a 2-lane carriageway for a distance of approximately 275 metres, from Newbrook Road to Lynn Road through Zone A Mullingar Business Park, Mullingar.
- The road cross section will comprise of 2 no. 2m wide footpaths, 2 no. 1.75m off road cycle track, 2 no. 3m traffic lane and 3m central median, road markings, road drainage, public lighting and ancillary works.
- Installation of traffic signals with associated road signage and markings and ancillary works at the junction of the Newbrook Road (L-2200) and Grove Avenue(L-22062).

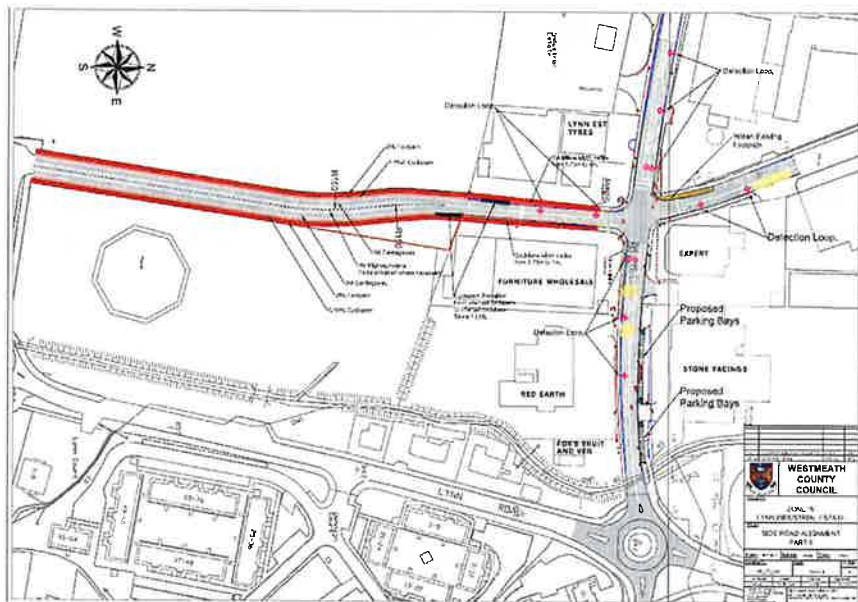
Full details of all works are shown on the submitted drawings.

Drawing no:

LIE_17_01 Location Map

LIE_17_02A Proposed Road Alignment

LIE_17_03A Signal Control Junction



Map 1 - Proposed Road Alignment

3. Planning History

File Ref 08/5132: was granted planning permission for REVISIONS TO THE DEVELOPMENT PREVIOUSLY GRANTED PERMISSION UNDER PLANNING REF. NO. 07/5500 COMPRISING OF THE RE-LOCATION OF THE EASTERN CARPARK ENTRANCE IN A SOUTHERLY DIRECTION ALONG THE INTERNAL ACCESS ROAD. ALSO, THE PROVISION OF A NEW ACCESS JUNCTION FROM THE INTERNAL ACCESS ROAD TO THE LANDS TO THE NORTH OF THE PREVIOUSLY GRANTED RETAIL PARK AND PROVISION OF A NEW ACCESS JUNCTION FROM THE INTERNAL ACCESS ROAD TO THE OPW LANDS TO THE EAST OF THE INTERNAL ACCESS ROAD TOGETHER

WITH THE ERECTION OF A NEW TOTEM POLE AT THE SOUTHERN JUNCTION OF THE INTERNAL ACCESS ROAD AND THE DISTRIBUTOR ROAD WITH ALL ASSOCIATED SITE WORKS AND SERVICES, LANDSCAPING AND BOUNDARY TREATMENTS OF THE PERMITTED RETAIL WAREHOUSE PARK TO THE REAR OF THE FORMER PENN FACTORY SITE AND SOUTH OF THE CLONMORE ROAD. Planning permission expired and never commenced.

File Ref 07/5500: was granted planning permission to CONSTRUCTING A RETAIL WAREHOUSING DEVELOPMENT WITH A TOTAL GROSS FLOOR AREA OF 11,937 SQ.M. ON A SITE AREA OF 4.49 H. AT THE SITE OF THE FORMER PENN FACTORY AND TO THE REAR, LYNN ROAD, MULLINGAR. THE DEVELOPMENT COMPRISES 7 NO. RETAIL WAREHOUSE UNITS WITH A TOTAL GROSS FLOOR AREA OF 11,739 SQ.M., A FOOD KIOSK 136 SQ.M. , A SITE SECURITY / MANAGEMENT OFFICE 14 SQ.M., AN ESB SUB STATION/ SWITCH ROOM 23 SQ.M., SPRINKLER PUMP HOUSE 25 SQ.M., SPRINKLER TANK AND 5 NO. TOTEM ADVERTISEMENT SIGNS AT A HEIGHT OF 9M. THE RETAIL WAREHOUSING COMPRISES 7 NO. UNITS OF WHICH : UNIT 1 - MEASURES 4,510 SQ.M. (OF WHICH 2,345 SQ.M. IS ON GROUND FLOOR LEVEL, 1,105 SQ.M. AT MEZZANINE LEVEL, A GARDEN CENTRE OF 930 SQ.M. AND ENCLOSED STORAGE UNIT 130 SQ.M.); UNIT 2 - 710 SQ.M.; UNIT 3 - 1,175 SQ.M. (OF WHICH 709 SQ.M. ON GROUND FLOOR LEVEL AND 466 SQ.M. IS PROVIDED AT MEZZANINE LEVEL; UNIT 4 - 1,562 SQ.M.; UNIT 5 - 933 SQ.M.; UNIT 6 - 1,444 SQ.M.) OF WHICH 933 SQ.M. ON GROUND FLOOR LEVEL AND 511 SQ.M. IS PROVIDED AT MEZZANINE LEVEL; UNIT 7 - 1,405 SQ.M. THE DEVELOPMENT IS PROPOSED TO BE ACCESSED OFF A PROPOSED LINK ROAD BETWEEN LYNN ROAD AND CLONMORE ROAD WITH A PRINCIPAL ACCESS OFF THE LYNN ROAD VIA A NEW ROUNDAABOUT AND A SECONDARY ACCESS FROM THE CLONMORE ROAD. THE PROPOSED DEVELOPMENT INCLUDES NEW INTERNAL ACCESS AND CIRCULATION ROUTES, A SURFACE CARPARK PROVIDING 475 NO. CARPARKING SPACES; 20 NO. CYCLE PARKING STANDS PROVIDING FOR A TOTAL OF 40 NO. CYCLES, REAR SERVICING AND DELIVERY AREAS; PROVISION OF A NEW (TEMPORARY) FOUL WATER PUMPING STATION, ASSOCIATED HARD AND SOFT LANDSCAPING, BOUNDARY TREATMENTS AND ALL ASSOCIATED SERVICES ABOVE AND BELOW GROUND. Planning permission expired and never commenced.

4. Observations/Submissions

No observations or submissions were received from any party.

5. REPORTS:

Internal reports:

Water Services - File referred

Area Engineer - report dated 03.10.2017:

No objection subject to the inclusion of conditions in relation to road drainage and surface water collection and disposal.

Prescribed bodies:

Irish Water - file referred

Office of Public Works – file referred and no response at time of writing this report.

DAHG (Dev App Unit) Natural Heritage: – file referred and no response at time of writing this report.

An Taisce – file referred and no response at time of writing this report.

The Heritage Council – file referred and no response at time of writing this report.

6. PUBLIC NOTICE

Site Notice:

The Area Engineers report notes no issues with the site notice regarding articles 19 and 20 of the Planning & Development Regulations 2001 as amended.

Newspaper Notice:

The proposed works were advertised in the Westmeath Examiner dated Saturday 29th July 2017.

7. ASSESSMENT:

I have inspected the site and considered the plans and particulars submitted with the application and referral report received. I propose to assess the application under the following:

- Development Plan Policies/Objectives
- Flooding
- Appropriate Assessment
- EIA Screening
- Recommendation

7 a) DEVELOPMENT PLAN POLICIES/OBJECTIVES:

Policies/Objectives – Mullingar Local Area Plan 2014 - 2020

8.4 TRANSPORT POLICIES & OBJECTIVES

It is a policy of Westmeath County Council

P-TR1 To support the sustainability principles set out in national and regional policy documents and guidelines, thus ensuring the integration of land use planning and zoning with transportation.

P-TR2 To promote the sustainable development of walking, cycling, public transport and other sustainable forms of transport, as an alternative to the private car, by facilitating and promoting the development of necessary infrastructure and by promoting initiatives contained within “Smarter Travel, A Sustainable Transport Future 2009-2020”

P-TR3 To provide for the efficient movement of goods and people in the interest of commerce and enterprise.

P-TR6 To support the implementation of the Coordinated Sustainable Transport Plan for the Midland Region 2012-2022.

P-TR7 To have regard to the Design Manual for Urban Roads and Streets 2013, in the design and construction of traffic management measures in urban areas.

P-NR3 To prevent the undermining of the strategic transport function of national roads, including junctions, by providing an adequate local transport infrastructure, as advocated in the Department of Environment, Community and Local Government/Department of Transport, Tourism and Sports/Dublin Transportation Office publication “Traffic Management Guidelines”.

It is an objective of Westmeath County Council

O-TR3 To develop and implement a Strategic Transportation Plan for Mullingar.

O-TR4 To progressively implement design guidance and standards for constructing new and re-configuring existing urban roads and streets in the urban areas of the county, including Mullingar and Athlone, in accordance with the Design Manual for Urban Roads and Streets 2013.

Mullingar Local Area Plan 2014 - 2020

P-ED3 To ensure that provision for education facilities is made with regard to access arrangements, road safety, high quality design and efficiency in the use of resources.

7 b) FLOODING:

The application site is not located within a designated flood area as per the latest CFRAMs assessment. The Area Engineers report noted that the site is located on benefitting lands. The Strategic Flood Risk Assessment contained within the Mullingar Local Area Plan 2014-2020 states ***"The designation by OPW of lands of Fluvial Flooding also includes assessment of benefitting lands"***. There are no lands designated for fluvial flooding contained within the proposed site and therefore the benefitting lands identified in the Area Engineer report have been previously assessed by the OPW.

7 c) APPROPRIATE ASSESSMENT:

A screening exercise for an appropriate assessment has been carried out and it has been deemed that the development is unlikely to have significant effects on any European sites. Please see attached report.

7 d) EIA SCREENING:

This screening exercise was undertaken in two stages. The first stage considered the requirement for a mandatory EIA, which was discounted, while the second stage considered the requirement or need for a sub-threshold EIA.

Table 1 Summary of Legislative Requirements for EIA Screening – From the Roads Act (1993–2016); based on the original format in the NRA Guidelines on EIA (2008).

Mandatory		Regulatory Reference
(1) Construction of a motorway		S. 50.—(1) (a)(i) of the Roads Act, 1993-2016.
(2) Construction of a busway		S. 50.—(1) (a)(ii) of the Roads Act, 1993-2016.
(3) Construction of a service area		S. 50.—(1) (a)(iii) of the Roads Act, 1993-2016.
(4) Any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of an existing public road, namely:	The construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500m or more in length in an urban area;	Article 8 of the Roads Regulations, 1994 (Part V Environmental Impact Assessment)
	The construction of a new bridge or tunnel which would be 100 metres or more in length	Article 8 of the Roads Regulations, 1994 (Part V Environmental Impact Assessment)

Sub-Threshold	Regulatory
---------------	------------

		Reference
(4) Where An Bord Pleanála considers that any proposed road development (other than development to which mandatory requirement applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment, he shall direct the road authority to prepare an environmental impact statement in respect of such proposed road development and the authority shall comply with such direction.		S. 50.—(1) (b) of the Roads Act, 1993 - 2016.
(5) Where a road authority considers that any proposed road development (other than development to which mandatory requirement applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have Environmental Assessment Unit Planning and Sustainable Development significant effects on the environment, it shall inform the Board in writing and where the Board concurs with the road authority he shall give a direction to the road authority (as above).		S. 50.—(1) (c) of the Roads Act, 1993 - 2016.
(6) Where a proposed road development (other than development to which mandatory requirement applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be located on certain environmental sites, the road authority concerned shall decide whether the proposed road development would or would not be likely to have significant effects on the environment. The sites concerned are:	(i) a European Site, meaning (I) a candidate site of Community importance, (II) a site of Community importance, (III) a candidate special area of conservation, (IV) a special area of conservation, (V) a candidate special protection area, or (VI) a special protection area (v) Land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act, 1976 (No. 39 of 1976) (vi) Land designated as a refuge for fauna under section 17 of the Wildlife Act, 1976 (No. 39 of 1976)	S. 50.—(1) (d) of the Roads Act, 1993 – 2016.
If the authority decides that the proposed road development would be likely to have significant effects, it shall inform An Bord Pleanála in writing (as outlined in (6) above).		

Mandatory requirements:

The proposed scheme has been assessed in terms of the mandatory requirement for an EIA based on the nature or scale of the development, as addressed in the EU Directive 85/337/EEC (as amended) and also the Roads Act 1993 - 2016. It is considered that the proposed road scheme is not one which falls within the scope of this category. As part of this the requirements laid out in Table 1 have been taken into account. In particular it is noted that a roadway of 4 or more lanes is not proposed as part of this proposal and that the overall length of the roadway would be approx 275m. It should be noted that mandatory EIA requirements for non-road type development have also been considered and discounted in this instance. As part of this infrastructure type projects listed in Annex I and II of the EIA Directive, as amended, were taken into account.

Sub-threshold:

Where a proposed road development would be located on certain environmental sites (see Table 1), the road authority shall decide whether the proposed road development would be likely to have significant effects on the environment. The key issue, in the context of the possible need for EIA of sub-threshold development, is whether or not such development is likely to have significant effects on the environment. Article 103 (1) of the 2001 Planning and Development Regulations requires that where a Planning Authority considers that the sub-threshold development is likely to have significant effects on the environment, it shall request the applicant to submit an EIS. As specified by Article 103 (1), (2) and (3) and Schedule 7 of the Planning and Development Regulations 2001 as amended, and also the DoEHLG publication; *'Environmental Impact Assessment (EIA) - Guidance for Consent Authorities regarding Sub-threshold Development'* 2003, if it is considered that the proposed development would be unlikely to have significant effects on the environment an EIS will not be required. It is considered that the proposal is not located within or in close proximity to an environmentally sensitive site and that there are no sensitivities relating to the characteristics and location of the proposed development, nor are there potential impacts, that would result in a likely significant impact on the environment. A sub-threshold EIA is therefore not considered necessary in this instance.

8. PLANNING ISSUES

The main issues to be considered in the determination of the proposal is the principle of the link road, visual impact, impact upon neighbours and surrounding uses, architectural heritage and archaeological impact, and flooding.

Principle:

The lands adjacent and to the east of the proposed link road are zoned "Institutional & Educational", and in order to develop these lands the link road is considered a necessity. It is policy (P-ED3) of the Mullingar Local Area Plan 2014 – 2020 *"To ensure that provision for education facilities is made with regard to access arrangements, road safety, high quality design and efficiency in the use of resources"*. It is considered that the principle of the development accords with the development plan.

Impact:

The site has adjacent commercial properties located to the north along Newbrook Rd and with the exception of the lands zoned "Institutional & Educational" the remaining surrounding lands are zoned "Commercial". There will be no significant cut or fill associated with the development as the finished road levels will be similar to those that currently exists. It is not considered that the proposal will adversely impact on neighbouring properties; in fact it is more likely that it will enhance the neighbourhood. There are no archaeological sites or protected structure located within the vicinity of the proposed development.

9. RECOMMENDATION

It is considered that the proposal is consistent with the provisions of the Mullingar Local Area Plan 2014 - 2020 and therefore accords with the proper planning and sustainable development of the area.

It is recommended that the development be proceeded with in accordance with the submitted drawings and subject to the following provisions.

1. Before commencement, suitable road drainage shall be assessed, designed in accordance with TII Publication, Drainage Systems for National Roads DN-DNG-03022, March 2015 and the TII Publication, Road Drainage and the Water Environment, DN-DNG-03065 published March 2015. The surface water discharge from proposed road shall be limited to the greenfield runoff, 5l/s/ha, for a 100 year flood event.
2. All surface water from the proposed link road shall be collected and discharged to Road Drainage Network, and shall not in any circumstances be allowed discharge to the foul sewer network.
3. Landscaping plan to be agreed prior to commencement of development

Any amendments to the development necessitated by compliance with the foregoing requirements shall be lodged on the public planning file.

APPROPRIATE ASSESSMENT SCREENING

REPORT FOR PART VIII DEVELOPMENT

Screening is used to determine if an AA is necessary by examining:

- *If the plan / project is directly connected with / necessary to the management of the European site.*
- *If the effects will be significant on a European site in view of its conservation objectives, either alone / in combination with other plans / projects.*

Planning Authority:

Westmeath County Council

Planning Application Ref. No.:

LAM 112

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Link Road from Newbrook Road to Lynn Road via Zone A Mullingar Business Park, Mullingar		
Site location:	Zone A Mullingar Business Park, Mullingar		
Site size:	n/a	Proposed Development Extent:	Length 275m
Identification of nearby European Site(s):	Lough Ennell SPA		
Distance to European Site(s):	2.5kms		
The characteristics of existing, proposed or other approved plans / projects which may cause interactive / cumulative impacts with the project being assessed and which may affect the site:	Given the limited scale of the development applied for it is not considered that it will have any interactive / cumulative impacts with any other plan or project in the vicinity.		
Is the application accompanied by an EIS?	No		
(B) IDENTIFICATION OF THE RELEVANT European sites (S):			
The reasons for the designation of the European sites (s):	Lough Ennell is a large, limestone lake located south of Mullingar in Co. Westmeath. It has a length of approximately 6.5 km along its long axis and is mostly about 2 km wide. The River Brosna is the principal inflowing and outflowing river. It is a relatively shallow lake, with a maximum depth of c. 30 m. The water is hard, with low colour and markedly alkaline pH. The lake is classified as a		

mesotrophic system though it has been eutrophic in the past. The lake bottom is of limestone with a marl deposit. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Pochard, Tufted Duck and Coot. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds. Lough Ennell is one of the most important Midland lakes for wintering waterfowl, with nationally important populations of Pochard (738), Tufted Duck (1,303) and Coot (433) - all figures are mean peaks for the 5 winters 1995/96-1999/2000. The population of Tufted Duck represents over 3% of the all-Ireland population. The site is also utilised by an internationally important population of non-migratory Mute Swan (340). Other species which occur include Golden Plover (1,000 in 1998/99), Lapwing (673), Mallard (93), Little Grebe (30), Great Crested Grebe (24) and Goldeneye (22). Lough Ennell is of ornithological significance for wintering waterfowl, with three migratory species having populations of national importance. The occurrence of Golden Plover in the vicinity of the lake is of note as this species is listed on Annex I of the E.U. Birds Directive. Lough Ennell is a Ramsar Convention Site.

The conservation objectives / qualifying interests of the site and the factors that contributes to the conservation value of the site: (which are taken from the European sites synopses and, if applicable, a Conservation Management Plan; all available on www.npws.ie) **(ATTACH INFO.)**

Conservation objectives for Lough Ennell SPA [004044]

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network. European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites. The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level. Favourable conservation status of a habitat is achieved when: • its natural range, and area it covers within that range, are stable or increasing, and • the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and • the conservation status of its typical species is favourable. The favourable conservation status of a species is achieved when: • population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and • the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and • there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis. Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: Bird Code Common Name Scientific Name A059 Pochard *Aythya ferina* A061 Tufted Duck *Aythya fuligula* A125 Coot *Fulica atra* To acknowledge the importance of Ireland's wetlands to wintering waterbirds, "Wetland and Waterbirds" may be included as a Special Conservation Interest for some SPAs that have been designated for wintering waterbirds and that contain a wetland site of significant importance to one

15/08/2016 Generic Conservation Objectives For more information please go to: www.npws.ie/protected-sites/conservation-management-planning 2 of 2 or more of the species of Special Conservation Interest. Thus, a second objective is included as follows: Objective: To maintain or restore the favourable conservation condition of the wetland habitat at Lough Ennell SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. Citation: NPWS (2016) Conservation objectives for Lough Ennell SPA [004044]. Generic Version 5.0. Department of Arts,

Heritage, Regional, Rural and Gaeltacht Affairs.

(C) NPWS ADVICE:

Advice received from NPWS over phone:	None received.
Summary of advice received from NPWS in written form (ATTACH SAME):	None received.

(D) ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS:

*(The purpose of this is to identify if the effect(s) identified could be significant – if **uncertain** assume the effect(s) are significant).*

Given the location the limited nature and size of the development applied for and the characteristics of European sites in the vicinity it is considered that 100 metres should be used as a potential zone of impact of the project in accordance with section 3.2.3 of the appropriate assessment guidelines. There are no European sites within 100 metres of the development applied for and therefore no significant effects on any European sites either alone or in combination with other plans and projects.

<i>Would there be...</i> ... any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance).	Not likely due to the location and type of development. The site is sufficient distance from the European site.
... a reduction in habitat area on a European site(s)?	There will be no reduction in the habitat area.
... direct / indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the European Site(s)?	Not likely due to the location and type of development. The site is sufficient distance from the European site.
... serious / ongoing disturbance to species / habitats for which the European site is selected (e.g. because of increased noise, illumination and human activity)?	Not likely due to the location and type of development. The site is sufficient distance from the European site.
... direct / indirect damage to the size, characteristics or reproductive ability of populations on the European site?	Not likely to have an adverse impact due to its location, scale and characteristics.

<p>Would the project interfere with mitigation measures put in place for other plans / projects. [Look at <i>in-combination effects</i> with completed, approved but not completed, and proposed plans / projects. Look at projects / plans within and adjacent to European sites and identify them]. Simply stating that there are no cumulative impacts' is insufficient.</p>	No
(E) SCREENING CONCLUSION:	
Screening can result in:	
1.	<i>AA is not required</i> because the project is directly connected with / necessary to the nature conservation management of the site.
2.	<i>No potential for significant effects / AA is not required.</i>
3.	<i>Significant effects are certain, likely or uncertain.</i> (In this situation seek a Natura Impact Statement from the applicant, or reject the project. Reject if too potentially damaging / inappropriate.
Therefore, does the project fall into category 1, 2 or 3 above?	
Category 2	
Justify why it falls into relevant category above:	The proposed development is unlikely to have significant effects on any European site.

Signed:



Deputy Chief Executive

Date:

