



An
Bord
Pleanála

Inspector's Report

ABP-306445-20

Development	Change of use and refurbishment of the existing derelict 588sqm National School building to proposed new living accommodation consisting of 15 no. apartments and 12 no. houses.
Location	(Former) St Joseph's National School, Rathwire Lower, Co.Westmeath.
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	18/6394
Applicants	Liam Leech
Type of Application	Permission
Planning Authority Decision	Grant permission (14 no. conditions)
Type of Appeal	Third Party
Appellant	Katrina Duffy
Date of Site Inspection	24/04/2020
Inspector	Conor McGrath

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1.0 Site Location and Description

- 1.1. The appeal site located in the village of Rathwire, Co. Westmeath, approximately 12km east of Mullingar and approx. 6.5km north of Kinnegad. Rathwire and the adjoining Killucan village to the north together effectively comprise one settlement. The site of 0.8175ha was formerly in use as St. Josephs National School, which relocated to a new school site at the eastern edge of the village. The original 1960's school building occupies the northern part of the site, fronting the main street in the village, with a later 1980's extension running south along the western boundary. The southern / rear part of the site is under grass, while lands further south are in agricultural use. The school is identified in the development plan as a protected structure and is described in the NIAH.
- 1.2. Adjoining lands are generally in residential use. To the east of the site is a small development of five houses Beechview whose access road bounds the appeal site. To the west of the site is Greenfield Heights, wherein ground levels are elevated above the appeal site.

2.0 Proposed Development

- 2.1. The development proposes the retention of the existing school buildings and conversion to residential use as apartments. The remainder of the site will be developed as housing. 25 no. residential units in total are proposed. Access is to be provided from the adjoining residential estate road to the east.
 - Within the northern part of the site, the existing school buildings comprise two blocks to the north and west. The original northern block will accommodate two 1-bed, ground floor apartments at either end and four central two-storey 2-bed units. The western block will accommodate 3 single-storey, 2-bed units, each provided with rear gardens and storage. All units have own-door access.
 - Along the eastern boundary four new two-storey houses will form a courtyard with the school buildings, with frontage to the adjoining access road as well as the courtyard.

- On the southern part of the site, twelve 3-bed detached houses are to be provided. Five houses back onto the western site boundary (Types A and D), while six detached houses back onto the southern site boundary (Type B). House Type C comprises one house backing onto the eastern site boundary.
- A central public open space is provided, opening onto the adjoining access road to the east, while the existing landscaped area to the north / street-side of the school buildings is to be provided as an area of public open space / park.

3.0 Planning Authority Decision

3.1. Decision

In considering the application, the planning authority sought further information from the applicants in relation to a number of matters which included the omission of proposed apartment units in line with development plan policy.

On 16th October 2019, notice of intent to consider granting permission for the proposed development in contravention of the land use zoning objectives for the site was published. The report and recommendation to the elected members noted the following points:

- The land was zoned to reflect its use as a school site and provide for its future expansion. The national school since relocated to another site and the zoning objective is no longer relevant at this established residential location.
- The current Core Strategy identifies a yield of 12 no. houses for the settlement. Revised growth targets have been prescribed for the county under the NPF and the existing core strategy is no longer appropriate, pending review of the CDP. The development supports national policy objectives for residential development in settlements. The development can assist in achieving effective density and consolidation, rather than urban sprawl.
- The proposal brings a vacant protected structure back into use.

At a meeting of the County Council on 25th November 2019, the members approved the Chief Executive's recommendation on the materially contravention of the plan.

The decision to grant permission was subject to 14 no. mainly standard conditions, including the following:

5. No elements of the permission shall be constructed independently except under a phasing plan to be submitted to the planning authority for agreement.
7. Part V agreement.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 19/02/2019: The proposal would exceed the Core Strategy housing allocation for Killucan / Rathwire, identified as 12 housing units during the life of the plan. The proposal is considered to materially contravene the land use zoning objective. The adjoining residential access road is identified as a tertiary road (L-10218-0) in the road schedule.

Subject to EPA licence and the provision of surface water attenuation, it is considered that the proposal would not give rise to significant effects on the integrity of any Natura 2000 site. There is no reason not to concur with the conclusions of the Architectural Heritage Impact Assessment report. The provision of apartment is not appropriate or in accordance with development plan policy. Densities accord with national guidance but the current configuration does not reinforce existing urban form. A footpath and grass verge is preferable to on-street parking to the north. Refusal recommended.

- 21/02/2019: District Manager recommended further information be sought.
- 08/10/2019: The applicants have not demonstrated how the development complies with development plan policy P-AP1 in relation to apartment provision in smaller towns and villages. It is not clear how the play area will be managed. Retention of the school is welcome but the development and alterations to the building detracts from the original fabric which was essentially a community use set in spacious grounds. No justification for the material contravention of the zoning objective is provided. Use of the site for community use has not been explored and development plan policy resists the loss of educational sites to

non-community uses. The level and type of housing proposed is not justified in the context of the core strategy. Refusal recommended.

- 09/10/2019: District Manager - The stand alone block of apartments is replaced with housing but retains apartments within the school buildings. This is a reasonable response as it brings the school building back into use. As a new school has been built, the objective of this zoning objective has been met and a material contravention should be considered. The Core Strategy has been overtaken by the National Planning Framework. Over-development and impact on the open setting are not considered essential components of the protected structure. Recommend material contravention.

3.2.2. Other Technical Reports

- Housing: As the site is not currently zoned residential, Part V would not apply to any grant of permission for residential development.
- Area Engineer: Further information received in relation to surface water, roads and public lighting is satisfactory. Conditions recommended.

3.3. Prescribed Bodies

- Dept of Culture, Heritage and the Gaeltacht: There is potential for impacts on European sites due to increased discharge to the municipal wastewater treatment plant and its capacity to treat additional loads. There is potential interference with bat and bird roost and nest sites. Screening for AA recommended. This should consider increased water abstraction from Louth Owel SAC and SPA. Further information required in relation to use of the site by bats and birds.
- Irish Water: No objection subject to conditions.

3.4. Third Party Observations

Issues raised in submissions to the planning authority included the following:

- Contravention of the zoning objectives for the site.

- Lack of demand for housing and adequate levels of residentially zoned lands.
- Apartments are not permissible in smaller towns and villages.
- Inappropriate use of the Beechview access road.
- Deficient surface water drainage design.
- Over-development of the site.
- Inadequate parking provision resulting in overflow onto adjoining roads.
- Interference with safe access to the farmlands to the south.
- Inappropriate design and layout of House Type C.
- Impact on the privacy and security of adjoining properties.
- Maintenance of access to lands to the south for future development.

4.0 Policy Context

4.1. Development Plan

4.1.1. Westmeath County Development Plan 2014-2020

The appeal site is zoned for *Community, Educational and Institutional* uses. Within this zone *Dwelling* is open for consideration. Adjoining lands to the east and west are zoned for residential use.

The combined settlement of Killucan / Rathwire is identified as Tier 4 Local Service Town. The Core Strategy identifies a housing yield of 12 no. units for the village in the period to 2020.

P-CS4: Prioritise sequential development including the development of infill and brownfield lands and to consider the relationship of new areas with existing development, in the assessment of development proposals in urban areas.

P-CS7: To implement all land use planning policy and objectives in a manner which takes account of and is consistent with the Core Strategy. Where a policy conflict arises, the Core Strategy shall have primacy.

P-CS9: To facilitate sustainable development in the towns and villages in the county, of a nature that supports their defined role at county and regional level at a scale appropriate to the availability of supporting infrastructure.

P-RD3: Ensure new housing development in towns and villages is of an appropriate scale, layout and design quality, and relates to the character and form of the settlement.

P-AP1: To permit apartment development in the town centres of the Gateway towns or where provided for in LAP's associated with gateways. Apartment schemes will not be permitted in smaller towns and villages.

Killucan-Rathwire

13.7.6 Future Housing Supply, notes that adequate lands have been reserved to accommodate future housing demand in Killucan-Rathwire within designated consolidation sites and mixed-use areas.

P-KR1: To provide for new residential development in accordance with the requirements of the Core Strategy and Housing Strategy.

O-KR2: To upgrade the surface water drainage system to facilitate the projected growth set out in the plan, subject to the consideration of habitats and species including Appropriate Assessment and consultation with NPWS.

4.1.2. **Draft Westmeath County Development Plan 2021-2027**

The Core Strategy identifies Killucan / Rathwire as a Tier 4 - Self-Sustaining Town: Towns with high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services and which require targeted 'catch up' investment to become more self-sustaining.

The RSES states that population growth in Self- Sustaining towns shall be at a rate that seeks to achieve a balancing effect and shall be focused on consolidation and inclusion of policies in relation to improvements in services and employment provision.

The Core Strategy of the draft plan projects a population change of +223 between 2016 and 2027, with 4.37ha of residential lands zoned. Within the Draft Plan, the appeal site is zoned for *Proposed Residential use*.

Policy Objective CPO 2.7: Promote commensurate population and employment growth in the designated Self- Sustaining towns, providing for natural increases and

to become more economically self- sustaining, in line with the quality and capacity of public transport, services and infrastructure available.

CPO 2.15: Support the regeneration of underused town centre and brownfield/infill lands along with the delivery of existing zoned and serviced lands to facilitate population growth and achieve sustainable compact growth targets of 30% of all new housing to be built within the existing urban footprint of targeted settlements.

CPO 2.16: Promote measures to reduce vacancy and the underuse of existing building stock and support initiatives that promote the reuse, refurbishment and retrofitting of existing buildings within urban centres and targeted settlements.

Killucan-Rathwire - General Policy Objectives

CPO 8.156: Support the regeneration of existing under-utilised and vacant buildings and sites to enhance service provision and economic opportunities.

CPO 8.157: Provide for new residential development in accordance with the requirements of the Housing and Core Strategy.

CPO 8.158: Require an appropriate mix of housing types, tenure, density and size in all new residential areas and appropriate brownfield/infill areas to meet the needs of the population.

CPO 8.159: Encourage appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up area.

4.2. National and Regional Policy

4.2.1. Eastern and Midland Regional Spatial and Economic Strategy

The Strategy has regard to the population targets set out in the National Planning Framework for the region. Killucan / Rathwire is located on the eastern edge of the Core region.

RPO 4.83: Support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans.

The policy response in respect of self-sustaining towns is consolidation coupled with targeted investment where required to improve local employment, services and sustainable transport options and to become more self-sustaining settlements.

The strategy notes that there should be a graded reduction in residential densities for lower tier settlements.

4.2.2. Project Ireland 2040: National Planning Framework

Key future planning and development and place-making policy priorities for the Eastern and Midland Region include an emphasis on consolidating places that grew rapidly with large scale commuter driven housing development with a particular focus on addressing local community and amenity facility provision through targeted investment under NPF National Strategic Outcomes.

Section 4.5 notes that the NPF targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. This is applicable to all scales of settlement.

National Policy Objective 18a: Support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

The NPF sets out a two-tier approach to land zoning. Tier 1 Serviced Zoned Land comprises lands that are able to connect to existing development services, for which there is service capacity available, and can therefore accommodate development.

These lands will generally be positioned within the existing built-up footprint of a settlement or contiguous to existing developed lands. The location and geographical extent of such lands shall be determined by the planning authority at a settlement scale as an integral part of the plan-making process.

4.2.3. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas

Section 2.3 notes that the development plan should identify where practicable the sequential and co-ordinated manner in which zoned lands will be developed, to avoid a haphazard and costly approach to provision of social and physical infrastructure.

Key overall messages for Small Towns and Villages in Chapter 6 include:

- (a) Development must be plan led.
- (b) New development should contribute to compact towns and villages
- (c) Higher densities are appropriate in certain locations
- (d) Lower densities may offer alternatives to urban generated housing
- (e) The scale of new residential schemes should be in proportion to the pattern and grain of existing development.
- (f) Local authorities have a vital role to play in encouraging development.

The overall order and sequencing of development of small towns and villages must avoid “leap-frogging” where development of new residential areas takes place at some remove from the existing contiguous town / village.

4.2.4. Architectural Heritage Protection Guidelines for Planning Authorities

Section 7.3.1 notes that the best method of conserving a historic building is to keep it in active use. Where a change of use is approved, every effort should be made to minimise change to, and loss of, significant fabric and the special interest of the structure should not be compromised.

Section 7.7.1 notes that the principle of promoting minimum intervention in a protected structure is best summed up by the maxim ‘do as much as necessary and as little as possible’. Dramatic interventions in a protected structure are rarely appropriate. The best work in conservation terms is often that which is low key, involves the least work and can be inexpensive.

4.3. Natural Heritage Designations

The appeal site is not designated for any nature conservation purposes. The closest sites are

- The River Boyne and Blackwater SAC (002299) and SPAC (004232), approx. 3km northeast of the site. The Riverstown River flows east to this site.
- Mount Hevey Bog SAC (002342), approx. 3.5km southeast of the site.

The buildings were in active use up until 2015 / 2016 approximately. I note the submission received from the Dept of Culture, Heritage and the Gaeltacht. I consider that the issue of protected species of birds and bats being present on the site could be adequately addressed by way of condition, in the event of a decision to grant permission.

4.4. EIA Screening

The proposed development comprises the development of 25 no. dwelling units within this established settlement, including the reuse of existing structures. There are mains services available to serve the proposal. Having regard to the nature and scale of the proposed development, and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.0 The Appeal

5.1. Grounds of Appeal

Katrina Duffy makes the following points in the appeal against the decision to grant permission for the proposed development;

- Construction and operational access to the development along Beechview estate road is inappropriate and will impact on the amenities of residents of this estate.
- No traffic or road safety assessment was undertaken.
- This road is not a public roadway.

- The proposed development is contrary to the “Community, education and institutional” land use zoning objective.
- The development will obviate potential community related uses on these centrally located lands, contrary to development plan policy.
- This protected structure is not suitable for conversion to apartments.
- The proposal constitutes over-development of the site and the design and layout does not meet the needs of this area for 3/4-bed houses.
- The development plan does not allow apartments in such small towns / villages.
- The development will impact on amenities and security of Beechview properties due to overlooking, removal of boundary wall.
- There is adequate existing / permitted housing in the area and no demand for additional apartment provision.
- The development plan indicates that residentially zoned lands were sufficient for future demand and there is no requirement to change the zoning objective.

5.2. Applicant Response

In response to the third-party appeal, the first party make the following points:

- Material contravention of the zoning objective is justified by the relocation of the school to an alternative site. There is no loss of educational facilities.
- The existing protected structure would be difficult to repurpose and there is no demand for educational / community or institutional uses on the site.
- The development plan advocates consolidation of such Tier 4 Local Service Towns, while the NFP promotes housing in existing settlements.
- The development integrates appropriately with surrounding development and the site is suitable for residential development.
- The site is proximate to existing educational and community services.
- Beechview residents will have access to a new area of open space and removal of the boundary wall will not impact on their privacy or amenities.
- The development will retain and reuse these protected structures in line with the Architectural Heritage Protection Guidelines, contributing to a sense of place.
- Densities and mix of residential units and sizes are appropriate and accord with national policy.

- The scheme meets the design criteria set out in the Urban Design Manual.
- Beechview access road has been taken in charge and the scale of development does not require a traffic impact assessment.
- Liaison regarding construction access will take place with adjoining residents.
- Detached house Type C provides surveillance of open space and road, while the scheme will provide for passive surveillance of Beechview open space.
- This centrally located development will reduce demand for housing on more peripheral sites or rural locations.

6.0 Assessment

6.1. It is proposed to consider the development under the following broad headings:

- Land use and development principle
- Protected structures
- Design and layout
- Drainage
- Access and parking

6.2. Land use and development principle

6.2.1. The appeal site is zoned for Community / educational / institutional uses in the current (2014) county development plan. The planning authority undertook a material contravention of the plan in deciding to grant permission for the proposed residential development. I note the rationale set out in the report to the elected members in respect of this material contravention which are generally considered to be reasonable. Educational uses have relocated to a new site at the eastern edge of the settlement and correspondence on the file indicates that there are no proposals for development by the HSE in Killucan / Rathwire.

I note the provisions of the core strategy contained in the 2014 County Development Plan which provided for 12 no. additional dwelling units in the village. This strategy was based on the 2010 RPG's for the Midland area. The Core Strategy is currently under review as part of the Draft County Development Plan, taking account of the

2019 Eastern and Midlands Regional Spatial and Economic Strategy and the National Planning Framework. This revised strategy provides for an increased population of the settlement and the rezoning of lands accordingly. This review would indicate that there is adequate capacity for the proposed development within this settlement. I note that the development otherwise achieves the development plan objectives regarding the consolidation of settlements and reuse of vacant / brownfield sites.

6.2.2. The proposed residential development is located in a central position in the village, bounded by established residential uses to the east and west. The proposal retains and reuses a protected structure on the site and provides a variety of housing types thereon. I note development plan policy P-AP1 with regard to apartment provision in smaller towns and villages, however, having regard to the specifics of this site entailing the reuse of a protected structure I would not consider the proposal to be unacceptable. Dwelling units within the school buildings are provided as own door terraced units and are considered to make positive reuse of these existing structures.

6.2.3. I note the revisions made to the proposed development at further information stage replacing proposed new build courtyard apartments with four semi-detached houses. While I consider the original scheme to be preferable in terms of the relationship with the school buildings and courtyard, I acknowledge the likely level of demand for such apartment units in the village and the revised layout is therefore regarded as acceptable.

6.3. **Protected Structures:**

6.3.1. St. Josephs National School is a protected structure and is described in the National Inventory of Architectural Heritage (reg no. 15312030), as being of regional architectural and social interest. This description refers to the original building and does not make reference to the later 1980's extension to the west.

6.3.2. An Architectural Heritage Impact Assessment accompanied the application, which notes that the site has been vacant since 2015/2016. Submissions on the file indicate that there is no demand from social or community users such as the HSE for the school buildings. The structure is not unique within the country and I note the

NIAH description of the architectural style as typical of the linear style used throughout Ireland, particularly for school buildings, which blended traditional Irish building forms with contemporary international design elements.

6.3.3. In this context, the proposed interventions in the structure are regarded as acceptable. Those proposed on the northern elevation are minimal. On the southern elevation, the principle interventions comprise new roof-lights on the roof slope and extension of eight of the twelve existing large windows to ground level to provide for new dwelling entrances. Similarly, there will be some amendments to existing openings in the eastern and western elevations of the single-storey wings to the school, however, these are not regarded as unacceptable. Internally, the development largely retains existing walls and introduces a new first floor level.

6.3.4. I note and generally concur with the conclusions of the Architectural Heritage Impact Assessment submitted with the application. The proposed reuse of this building is regarded as creative and positive, retaining its character and context in terms of streetscape and I consider the proposed development to be acceptable in terms of architectural heritage.

6.4. Design and Layout

6.4.1. The proposed development comprises two zones, the northern school zone and the southern housing zone. I have already commented above on the works to the existing school buildings. The proposed housing units to the east of the school, serve to enclose the south-facing courtyard, which accommodates a shared parking area and private residential amenity spaces. The western single-storey units are provided with generous rear amenity spaces. While the four eastern semi-detached units are provided with reduced levels of open space, in the context of the subject scheme, I regard these as acceptable.

6.4.2. The southern housing zone comprises twelve detached houses, which back onto the site boundaries and face onto a central area of open space. The development provides adequate levels of residential amenity for these units. I regard the position of House Type C at the southern end of the public open space, backing onto the access road, as inappropriate and suggest that this unit should be omitted in any decision to grant permission and this site incorporated into adjoining open space.

- 6.4.3. I note that adjoining lands to the west in Greenfield Heights are elevated above the appeal site and it is not considered that the proposed development would result in undue impacts on the amenities of those residential properties. To the east of the site, Beechview comprises a row of five detached / semi-detached dormer dwellings facing onto the access road, with an area of open space to the north. Further south, houses in Killucan Manor Green back onto the access road. Having regard to the layout of development and separation from adjoining dwellings, I do not consider that undue impacts on the amenities of adjoining properties will arise in terms of aspect or or loss of privacy. The public open space serving the proposed development will be available to adjoining residents.
- 6.4.4. Access to zoned lands to the south was raised by the planning authority during the consideration of the application, however, I do not consider that the development would compromise their development potential having regard to the existing access road serving the lands.

6.5. **Drainage**

- 6.5.1. There are mains services available to serve the development on the main road to the north of the site. Killucan / Rathwire is served by a licenced wastewater treatment plant, which discharges to the Riverstown River. The plant has a design capacity of 2,500 p.e.. Having regard to the 2016 population of the town, 1370 persons, and based on the levels of development in the intervening period, it is considered that there is adequate capacity in the plant to cater for the proposed development. Correspondence on the file from Irish Water indicates that there was adequate treatment capacity available and I note that a 2019 inspection of the plant by the EPA found that the requirements of the relevant waste water discharge licence were met.
- 6.5.2. In terms of surface water there will be an increase in the amount of impermeable surfaces on the site. The scheme proposes to discharge surface water run-off to the existing combined sewer to the north of the site, attenuated to green field rates. The location of associated attenuation storage is not clear from the documentation submitted. Original drainage proposals included soakpits in rear gardens of houses, and the use of permeable surfaces for driveways across the development, providing

for a 1:30 year return period. I would raise some concerns with regard to the appropriateness of providing such paving measures in private property as it would appear to require a level of long-term maintenance of driveways by private landowners and does not provide for changes in driveway structure in the future.

- 6.5.3. I consider therefore that in the event of a decision to grant permission, the design of the surface water drainage system should be subject to review and agreement with the planning authority prior to the commencement of development on the site. Such design should avoid any additional discharge to the combined sewer and should take accounts of the effects of climate change.

6.6. Access and Parking

- 6.6.1. Access to the site is proposed from the Beechview residential road to the east. This road currently serves five houses and agricultural lands to the south. The road is approx. 7.5m wide and provided with footpath and verge on its eastern side. I consider that this road has more than adequate capacity to safely accommodate the additional traffic movements arising from the proposed development. The development will provide a new footpath on the eastern side to the proposed entrance and the location of the proposed entrance is such that most houses in Beechview will continue to front onto a cul-de-sac.
- 6.6.2. Parking for school zone dwellings is provided within the courtyard area. This provides 20 no. parking spaces, which in the context of the proposed development is considered acceptable. Houses on the southern part of the site are generally provided with adequate off-street parking.
- 6.6.3. The existing northern roadside boundary is set-back from the main carriageway edge providing a set-down area at the school gate. There is no footpath at this location currently. To the west of the site, the road width reduces to approx. 6m. I would not object to limited parallel parking on the northern site frontage in conjunction with provision of a minimum 2m wide footpath, which can tie into the existing footpath to the west. Such provision should provide sufficient separation from the junction with Beechview.

7.0 Appropriate Assessment Screening

7.1. The appeal site is not designated for any nature conservation purposes. The closest sites are

- The River Boyne and Blackwater SAC (002299) and SPA (004232), approx. 3km northeast of the site. The Riverstown River flows east to this site.
- Mount Hevey Bog SAC (002342), approx. 3.5km southeast of the site.

7.2. I note the submission to the planning authority of the Dept. of Culture, Heritage and the Gaeltacht. The construction and operation of the proposed development will not result in any direct loss of habitats or disturbance of species of conservation interest of these sites. The site is not hydrologically connected to Mount Hevey Bog SAC.

7.3. The development will be served by Killucan WWTP which discharges to the Rivertown River. This river flows to the River Boyne and Blackwater SAC and SPA. I note that this WWTP is subject to licence from the EPA which licensing process is itself subject to Appropriate Assessment. The plant was found to be operating satisfactorily in 2019 and Irish Water have confirmed that there is adequate capacity in services to accommodate the proposed development. Significant impacts on this site are not therefore considered likely.

7.4. I note reference to potential impacts on Lough Owel SAC and SPA arising from increased water abstraction to serve this development. I note that the site synopsis for the SAC identifies potential threats to the conservation interest the site as including increasing level of water supply to Mullingar. Features of conservation interest are as follows

Lough Owel SAC (000688)	Lough Owel SPA (004070)
Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.	Shoveler (<i>Anas clypeata</i>)
Transition mires and quaking bogs	Coot (<i>Fulica atra</i>)
Alkaline fens	Wetland and Waterbirds
<i>Austropotamobius pallipes</i> (White-clawed Crayfish)	

- 7.5. Rathwire is served by the Mullingar regional water supply scheme, which serves a population of approx. 50,000 across an extensive area. This supply is fed from Lough Owel and is subject to limits on the level of abstraction and there have been issues in terms of water levels in the lake in previous years. I note that significant leakage reduction works in the scheme area have been completed by Irish Water or are underway. Having regard to the limited scale of the proposed development and the extent and scale of the regional water supply scheme it is not considered that the water demands arising from proposed development would be likely to have a significant effect on the conservation interests of the site.
- 7.6. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on River Boyne and Blackwater SAC (002299) and SPA (004232), or Mount Hevey Bog SAC (002342), Lough Owel SAC (000688) or Lough Owel SPA (004070), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. That permission be granted for the proposed development.

9.0 Reasons and Considerations

Having regard to the nature and scale of development proposed, including the reuse of existing protected structures on the site, the central location of the site within the settlement, the surrounding pattern of development, and the provisions of the development plan for the area, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of residential amenity, would not give rise to the creation of a traffic hazard and would not be prejudicial to public health. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 submitted on the 13th day of September 2019, 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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The development shall be carried out as a single phase and no part of the development shall be constructed independently unless a phasing scheme in this regard has been submitted to, and agreed in writing with, the planning authority prior to commencement of any development.</p> <p>Reason: In the interests of orderly development.</p>
3.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none">(a) House Type C shall be omitted and this site shall be incorporated into the proposed adjoining public open space to the north.(b) A minimum 2m wide footpath shall be provided along the northern roadside frontage of the site. Parallel parking shall not be provided within 15m of the junction with Beechview access road.(c) The proposed boundary details for units GF-S1 and the northern Courtyard house, with the adjoining playground shall be revised to protect the privacy and amenities of those properties. <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<p>Reason: In the interests of visual and residential amenity and in the interests of road safety.</p>
4.	<p>All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised building conservation expertise. Prior to the commencement of development on the site, final details of proposed fenestration shall be submitted to and agreed in writing with the planning authority.</p> <p>Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
5.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <ul style="list-style-type: none"> (i) The species, variety, number, size and locations of all trees and shrubs. (ii) Details of screen planting. (iii) Details of roadside/street planting. (iv) Hard landscaping works, specifying surfacing materials, furniture / play equipment and finished levels. <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment</p> <p>(c) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next</p>

	<p>planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
6.	<p>Prior to commencement of development on the site,</p> <p>(a) the developer shall enter into water and wastewater connection agreements with Irish Water.</p> <p>(b) revised proposals for the collection, attenuation and disposal of surface water, incorporating the principles of Sustainable Drainage Systems (SUDS), shall be submitted to and agreed in writing with the planning authority. The design of such proposals shall take account of the potential effects of climate change.</p> <p>Reason: In the interest of public health</p>
7.	<p>Prior to the commencement of development on the site, surveys shall be undertaken by suitably qualified professionals in respect of the potential usage of existing buildings on the site by bat and / or birds as roost or nesting sites. On completion of such surveys, a report shall be submitted to the planning authority for their written agreement which shall identify detailed measures in relation to the protection of any protected species identified. Such mitigation measures shall be implemented in full as part of the development under the supervision of a suitably qualified professional.</p> <p>Any envisaged destruction of structures that support protected species shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.</p> <p>Reason: To ensure the protection of the natural heritage on the site.</p>
8.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>

9.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
10.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
11.	<p>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.</p> <p>Reason: In the interest of sustainable waste management.</p>
12.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, construction traffic management, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
13.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted</p>

	<p>management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development..</p>
14.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other .prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
15.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p>

	<p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
16.	<p>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 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 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.</p> <p>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</p>

Conor McGrath

Senior Planning Inspector

03/06/2020