



An
Bord
Pleanála

Board Direction
BD-017016-24
ABP-316334-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/07/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the following:

- (a) The nature and scale of the proposed development, as amended by the clarification of further information submitted on the 21st of November 2022,
- (b) The policies and objectives of the Westmeath County Development Plan 2021-2027
- (c) Kinnegad Objectives Map 10 in particular Site Specific Objective CPO 8.109
To allow the appropriate consideration of provision of nursing home with an activity facility and meeting room as a central area for a smaller small cluster of housing that would support an elderly population in accessing services they require.
- (d) The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage (2024)
- (e) The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities the Department of Housing, Local Government and Heritage (2024)

- (f) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009,
- (g) The Design Manual for Urban Roads and Streets (DMURS) 2023 as amended,
- (h) The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009.,
- (i) The nature, scale and design of the proposed development,
- (j) The pattern of existing and permitted development in the area,
- (k) The planning history in the area,
- (l) The submissions and observations received,

it is considered, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and design of development in this urban location on serviced lands, would comply with development plan objectives regarding the aging population, would be acceptable in terms of pedestrian and traffic safety, and would not seriously injure the visual and residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's Report in respect of the identification of European sites that could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives.

The Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites, in view of the site's conservation objectives, other than the following, for which Appropriate Assessment is required:

River Boyne and River Blackwater SPA (004232)

Appropriate Assessment

The Board considered the Natura Impact Statement submitted with the planning application and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development on European Sites: The Board considered the information before it was adequate to carry out the Appropriate Assessment.

In completing the Appropriate Assessment, the Board considered in particular, the following:

- (a) The likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) The mitigation measures which were included as part of the current proposal and
- (c) The conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board and accepted and adopted the Appropriate Assessment carried out in the inspector's report in respect of the potential effects of the proposed development on the River Boyne and River Blackwater SPA (004232) and River Boyne and River Blackwater SAC (002299) having regard to the sites conservation objectives.

In the overall conclusion, the Board was satisfied that the proposed development subject to identifiable mitigation measures, by itself or in combination with other plans or projects, would not adversely affect the integrity of the sites listed above, or any other European Site, in view of the sites conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information submitted on the 21st of November 2022 and the Clarification of Further Information received 1st of February 2022, except as may otherwise be required in order to

comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall be phased as follows;

(a) The nursing home and assisted living units shall be completed prior to the commencement of development of the independent living units.

(b) The independent living units shall not be occupied until the community hall is in place and landscape works have been completed.

Unless an alternative phasing proposal is agreed in writing with the Planning Authority.

Reason: To ensure support facilities are in place to support residents.

3. The mitigation measures detailed in Section 6-3 of the Natural Impact Statement shall be implemented in full.

Reason: In the interest of clarity and to ensure the protection of the European sites.

4. The assisted living units, the independent living units, the community hall and the residential care home including the grounds shall be operated and maintained as a retirement village, the management details of this shall be submitted to the planning authority for their written agreement prior to the commencement of the development.

Reason: To accord with the development plan Objective CPO 8.109, to ensure that the development supports an elderly population in assessing services they require locally.

5. The details of all boundary treatments shall be submitted to the Planning Authority for written agreement prior to the commencement of development on the site.

Reason: In the interest of visual amenity.

6. (a) Any required hedgerow, tree or scrub removal or cutting to facilitate the proposed development shall not take place during the bird breeding season which is between the 1st of March and the 31st of August;

(b) All environmental construction and ecological mitigation measures identified in the Construction Environmental Management Plan and the Natura Impact Statement shall be implemented in full by the developer in conjunction with the times lines to be agreed in writing with the planning authority prior to the commencement of the development, except as may otherwise be required in order to comply with the conditions of this order.

Reason: In the interests of clarity and nature conservation and to ensure environmental sustainability of the subject site.

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces and the public park, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9. The developer shall comply with the requirements of the roads, access, lighting and parking arrangements including facilities to recharge electric vehicles. In particular:

(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) The internal road network to serve the proposed development (including junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.

(d) The materials used, including tactile paving, in any roads/footpaths provided by the applicant shall comply with the detailed standards of the planning authority for such road works.

(e) Mobility Management Plan shall be prepared and submitted to the planning authority for approval prior to the commencement of the development.

(f) The developer shall carry out a Stage 2 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit) which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.

(g) Within six months of substantial completion of the development, a Stage 2 Quality Audit (including Road Safety, Access Audit, Cycle Audit and Walking Audit)

of the constructed development shall be submitted to the planning authority for approval.

Reason: In the interests of traffic, cyclist and pedestrian safety.

10. Prior to the commencement of the development the applicant shall agree in writing and make payable a special financial contribution towards the provisions of a public footpath/ cycleway and pedestrian crossing along the Mullingar Road (Regional Road 148) in the general vicinity of the proposed access to the development.

Reason: To ensure an equitable contribution is paid towards public infrastructure provision benefitting the proposed development.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, submitted with the planning application.

Reason: In the interest of public safety and residential amenity.

14. Site development and building works shall be carried out only between the hours of 0800 to 1900 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

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

15. Proposals for an estate/street name, house numbering scheme, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

16. The developer shall enter into water and wastewater connection agreements with Uisce Eireann prior to the commencement of the development.

Reason: In the interests of public health.

17. Drainage arrangements, including attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

18. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site.

(a) Prior to any ground works taking place archaeological test trenches of the proposed site shall be carried out, the results of which will inform the development of an archaeological strategy/ methodology.

(b) All ground works associated with the proposed development shall be monitored under licence by a suitability qualified archaeologist.

(c) Should archaeological material be found during the course of works, the work on site shall be stopped pending a decision as to how best to deal with archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigation action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

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

19. 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.

Reason: To ensure the satisfactory

20. 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.

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.

Board Member



Date: 16/07/2024

Peter Mullan