

An  
Bord  
Pleanála

**Board Direction**  
**BD-017503-24**  
**ABP-319902-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/09/2024.

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**

In coming to its decision, the Board had regard to the following:

- (a) The location of the site within the Athlone Regional Growth Centre and the zoning objectives for the lands for residential and other ancillary uses as per the Athlone Town Development Plan 2014-2020, which remains applicable;
- (b) The nature, scale and design of the proposed development, which is in accordance with the policies and objectives of the Westmeath County Development Plan 2021-2027 and the Athlone Town Development Plan 2014-2020;
- (c) The pattern of existing and permitted development and the availability of adequate social and physical infrastructure in the area;
- (d) The provisions of Project Ireland 2040 - National Planning Framework
- (e) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023);
- (f) The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024);

- (g) The Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities, issued by the Department of the Environment, Heritage and Local Government (2007);
- (h) the Design Manual for Urban Roads and Streets (DMURS) (2013), issued by the Government of Ireland (updated 2023),
- (i) The Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- (j) The Climate Action Plan 2024;
- (k) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), (2009);
- (l) The submissions and observations received;
- (m) The reports from the Planning Authority; and
- (n) The report of the Planning Inspector.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale, and location of the proposed development, the nature of the receiving environment, the distances to the nearest European sites and the hydrological pathway considerations, the Appropriate Assessment documentation submitted with the application, the submissions and observations on file, the reports of the planning authority, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector in that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Lough Ree SAC and Lough Ree SPA cannot be excluded, and that Appropriate Assessment (Stage 2) is, therefore, required.

The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment:

- Middle Shannon Callows SPA
- River Shannon Callows SAC

## **Appropriate Assessment: Stage 2**

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for Lough Ree SAC and Lough Ree SPA in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best available scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- The site-specific Conservation Objectives for these European Sites,
- The current conservation status, threats and pressures of the qualifying interest features,
- The likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, particularly the potential construction stage water quality impacts on the Kippinstown Stream, the Garrynafela Stream, and the downstream European Sites within Lough Ree,
- Submissions from observers, prescribed bodies and the reports of the Planning Authority, and
- The avoidance, mitigation, and monitoring measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on Lough Ree SAC and Lough Ree SPA. The Board identified that the main likely impacts arising from the proposed development on the European Sites would arise from construction stage water quality impacts and related impacts on habitat loss and/or alteration; habitat / species fragmentation; disturbance / displacement of species; and changes in population density.

Having regard to these potential impacts and the avoidance, mitigation, and monitoring measures as set out in the Natura Impact Statement, the Board concluded that the proposed development, subject to the identified mitigation

measures, would not adversely affect any of the habitats or species within the relevant European sites.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale, location, and extent of the proposed development;
- (b) The Environmental Impact Assessment Report and associated documentation submitted with the application;
- (c) The content of the appeal, the reports of the planning authority, and the submissions received from third parties and prescribed bodies; and
- (d) The report of the Planning Inspector.

### **Reasoned Conclusions on the Significant Effects:**

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation, including environmental conditions, and these are incorporated into the Board's decision.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Population and Human Health: Construction related disturbance including noise, dust, dirt, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and a Resource and Waste Management Plan.
- Population and Human Health: Positive socioeconomic effects at operational stage through the availability of additional housing, improved transport facilities, and public open space.
- Land, Soil, and Geology: The loss of land and soil of medium importance, which would be mitigated by the delivery of improved development and amenities in accordance with the proper planning and sustainable development of the area.
- Land, Soil, and Geology: Potential construction stage soil contamination associated with the importation of soil and the use of cementitious/deleterious materials, which would be mitigated by measures included in the Construction and Environmental Management Plan
- Water: Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan.
- Water: Operational stage surface water discharges to groundwater and the adjoining stream, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.
- Biodiversity: Disruption to birds, bats, badgers, and other fauna due to the loss of commuting/foraging habitat, which will be mitigated by the protection of existing habitats and the carrying out of new planting.
- Biodiversity: Construction-related disruption to birds, bats, badgers, and other fauna due to increased noise, lighting, dust, and human activity, which will be mitigated by the employment of good practice measures including the timing of works, pre-construction surveys, dust/noise reduction measures, and the suitable design of lighting.
- Biodiversity: Impacts on water quality and the aquatic environment as a result of silt laden and contaminated runoff, which will be mitigated by standard good

practice construction stage measures and the operational surface water drainage system.

- Landscape: Changes to the localised landscape character associated with the development of this greenfield site, which will be mitigated by the design and layout of the proposed development, including the retention of existing vegetation and the provision of additional landscaping and open spaces.

The Board is, therefore, satisfied that subject to the implementation of the proposed mitigation measures as set out in the Environmental Impact Assessment Report, and compliance with the conditions set out below, that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the environment.

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Westmeath County Development Plan 2021-2027 and the Athlone Town Development Plan 2014-2020 (as extended), would constitute an acceptable density of development at this location which would be served by an appropriate level of public transport, social and community infrastructure, would provide an acceptable form of residential amenity for future occupants, would not seriously injure the visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of traffic safety and convenience, would not be at risk of flooding or increasing the risk of flooding to other lands, and would be capable of being adequately served by wastewater, surface water, and water supply infrastructure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **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 plans and particulars submitted on the 1st day of March 2024, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

Reason: To protect the environment.

4. The development shall be carried out on a phased basis in accordance with the submitted phasing scheme unless otherwise agreed in writing with the planning authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Proposals for an estate/street name, house 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 placenames for new residential areas].

7. The internal and external road network serving the proposed development, including the proposed Distributor Road, turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government (Updated 2023). Details of same shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

8. A minimum of 10% of the proposed communal car parking spaces shall be provided with electric vehicle charging stations or points and the remaining communal car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Car spaces related to individual homes shall be provided with electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. and spaces associated with individual dwelling

Reason: In the interest of sustainable transport.

9. A Road Safety Audit shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post construction stage. All audits shall be carried out at the Developers expense in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The independent audit team(s) shall be approved in writing by the relevant planning authority and all measures recommended by the Auditor shall be undertaken unless the relevant planning authority approves a departure in writing. The Stage 2 Audit

reports shall be submitted for the written agreement of the relevant planning authority prior to the commencement of development.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

10. For the duplex block (Type LM revised by further information received by the planning authority):
  - (a) a revised design shall be provided for the bicycle and bin stores located to the south of the block serving the upper duplex units. This shall provide for their clear delineation/segregation from the curtilage of the ground level maisonette units in order to afford sufficient privacy to the maisonette units.
  - (b) Bicycle and bin store units shall be of permanent block construction and brick faced to match the adjoining dwellings.

Proposals to clarify these arrangements shall be submitted to and agreed in writing with the relevant planning authority prior to the commencement of development.

Reason: In the interest of sustainable transportation and residential amenity.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity, public safety, and nature conservation.

12. 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.

Reason: In the interests of visual and residential amenity.

13. 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 and surface water management.

14. The developer shall enter into water and wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

15. The site shall be landscaped in accordance with a detailed comprehensive scheme of landscaping and play facilities, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Proposals in this regard shall include:

- (a) Tree protection measures in accordance with details submitted in the Arboricultural Impact Assessment.
- (b) Supplementary planting along all lateral boundaries of the site.
- (c) Safety fencing along the entire length of the hedgerow and stream along the northern site boundary.
- (d) Details of all proposed boundaries.

Reason: In the interest of residential and visual amenity.

16. 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 materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of the 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.

17. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and

monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at site offices at all times.

Reason: In the interest of sustainable waste management.

18. The construction of the development shall be managed in accordance with a Construction Environmental 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 with measures to reflect mitigation described in the application, in addition to the following:
- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - b) Location of access points to the site for any construction related activity;
  - c) Location of areas for construction site offices and staff facilities;
  - d) Details of site security fencing and hoardings;
  - e) Details of on-site car parking facilities for site workers during the course of construction;
  - f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
  - g) Measures to obviate queuing of construction traffic on the adjoining road network;
  - h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
  - i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
  - j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
  - k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

19. Site development and building works shall be carried out only between the hours of 0700 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 amenities of property in the vicinity.

20. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally-constituted management company.
- (b) Details of the legally-constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

21. 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. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

22. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence

from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

23. 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.

Reason: To comply with the requirements of Part V of the Planning and Act 2000, as amended, and of the housing strategy in the development plan of the area.

24. 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 completion and maintenance of the development until taken in charge.

25. 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.

26. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the existing Cornamaddy Roundabout and link road, which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

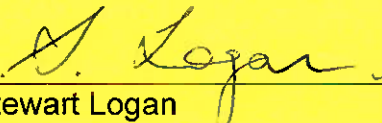
Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of

public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development

27. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the completion of the Cornamaddy to Coosan link road, which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

**Board Member**

  
Stewart Logan

**Date:** 19/09/2024