

An
Bord
Pleanála

Board Direction
BD-019909-25
ABP-321494-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/06/2025.

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 making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

- (i) The provisions and policies of the Westmeath County Development Plan 2021 - 2027,
- (ii) Specifically, to Core Strategy Policy Objective 2.5 of the Westmeath County Development Plan 2021 – 2027; to support the continued growth and sustainable development of Mullingar to act as a growth driver in the region and to fulfil its role as a Key Town in accordance with the principles and policies of the RSES.
- (iii) To the National Planning Framework (NPF) First Revision – April 2025 issued by the Government of Ireland,

- (iv) To Housing for All issued by the Department of Housing, Local Government and Heritage, 2021, and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (v) The Guidelines for Planning Authorities on Sustainable Residential Development and Compact Settlements, issued by the Department of Housing, Local Government and Heritage in January 2024,
- (vi) The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing and Planning and Local Government, December 2023,
- (vii) The Climate Action Plan issued by the Government of Ireland in 2025,
- (viii) The Mullingar Local Area Plan 2014-2020 as extended, which was in place at the time of the LRD pre-application consultation and when the Pre-Application Opinion was provided,
- (ix) The availability in the area of a wide range of social, community and transport infrastructure necessary to serve this development,
- (x) The pattern of existing and permitted development in the area,
- (xi) Submissions received, and
- (xii) The Inspector's Reports

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential and visual amenities of the area, would not have a negative impact on the character of the area, would be acceptable in terms of density and unit and household mix, would not endanger public safety by reason of traffic hazard, would not adversely impact traffic levels in the area, would not cause damage to adjoining properties during the construction phase, would not cause drainage problems in the area, would not create a disjointed urban fabric in the area, would offer good quality public open space and private amenity spaces, would facilitate high levels of pedestrian and cyclist permeability, and would not impact on the known archaeology within the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment (AA):

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 and scale of the development, on serviced lands, the nature of the receiving environment which comprises a site in an established urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report documentation and the Inspector's report.

In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any designated European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment (EIA):

The Board completed an Environmental Impact Assessment Screening of the proposed development and considered that the information submitted by the applicant in the planning application identifies and describes adequately the effects of the proposed development on the environment.

Having regard to: -

- (a) The nature, scale and extent of the proposed development, which is below the threshold in respect of Class 10(b)(i), Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) The pattern of development in surrounding area,
- (c) The availability of mains water and wastewater services to serve the proposed development,
- (d) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003), and
- (e) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not therefore be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable form, design, scale and residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is compliant with the current Westmeath County Development Plan 2021 - 2027, and 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, 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 development shall be carried out on a phased basis, which shall be agreed in writing with the Planning Authority. The childcare facility shall commence operation upon completion of Phase 1, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that adequate public open space, road and pedestrian / cycle infrastructure and social infrastructure be provided in accordance with the development of housing and in accordance with the plans of the Local Authority.

3. Prior to commencement of development, the following details shall be submitted to and agreed in writing by the Planning Authority:

(a) Plans and particulars for House Type C (Cottage) mid-terraced units.

(b) An amended / corrected site layout plan which demonstrates that no part of the proposed development impinges on the boundary of the property known as Meadow View on Ardmore Road, Mullingar.

(c) Revised plans and elevations which demonstrate a reduction in the height of the chimney lift over-run associated with the childcare facility.

(d) Revised boundary treatment proposals of appropriate height between the private amenity space associated with the childcare facility and its associated car park.

Reason: In the interests of clarity, public safety and visual amenity.

4. Each residential unit shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: In the interests of sustainable development and proper planning.

5. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Eireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water / wastewater facilities.

6. 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.

7. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

(b) Prior to commencement of development, the developer shall submit revised proposals which provide for the omission of all detention basins and their replacement with appropriately sized attenuation tanks.

(c) A suitable drainage system shall be installed along the eastern boundary next to the existing properties along Ardmore Road, details of which shall be submitted and agreed with the planning authority prior to commencement of development.

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

8. (a) Prior to any ground works taking place in respect of the proposed development a buffer zone area of 20 metres shall be implemented around the Recorded Monuments Ref. WM019-077, Class: Ringfort - Rath and Ref. WM019-077001, Class: Souterrain. No ground works shall be carried out within the buffer area, including boundary works, landscaping, or ground reduction. The buffer area shall be fenced off and protected during construction and shall not be used for storage or vehicular access.

(b) All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist. Should archaeological material be found during the course of works, the work on the site shall be stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and shall facilitate the archaeologist in recording any material found.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

9. (a) Prior to commencement of development, a pre-construction ecological in season inspection of the application site shall be carried out by a mammologist/faunal expert to confirm that proposed mitigation measures for the protection of badger activity are appropriate and adequate. The results of this inspection shall be submitted to and agreed in writing by the planning authority and all recommendations shall be fully implemented.

(b) Standard procedures for evacuation of and removal of active badger sets shall, if required, be followed (refer to National Roads Authority, 2005, Guidelines for the treatment of badger prior to the construction of national roads schemes, NRA). In relation to disused or inactive setts found during pre-planning or pre-construction surveys, the steps outlined in the NRA 2005 Guidelines, shall be followed. A suitably qualified and experienced Ecological Clerk of Works shall be employed to oversee the implementation of excavation and removal of any badger setts and

shall provide a report to the planning authority documenting the implementation of any necessary remediation measures.

(c) Hedgerow, tree, or scrub removal shall not take place during the bird breeding season which is between 1st of March and 31st of August.

(d) The mitigation and monitoring measures outlined in the plans and particulars submitted with the planning application, including those identified in the CEMP, the Ecological Impact Assessment, the badger survey, and the bat survey shall be implemented in full.

(e) A suitably qualified and experience Ecological Clerk of Works shall be appointed by the developer to oversee the implementation of the ecological mitigation measures as outlined in the above reports. The Ecological Clerk of Works shall 'sign-off' on the delivery of any mitigation measures and provide a report on their completion to the Planning Authority documenting their implementation, any failure of implementation and any necessary remediation measures.

Reason: In the interest of protecting the environment and in the interest of public health.

10. Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

11. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled and / or contoured, as appropriate, soiled, seeded, and landscaped in accordance with the landscaping scheme and landscape masterplan submitted to the planning authority with the planning application. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

12. Proposals for a development name and numbering scheme and any associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name(s), in Irish and English, shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

13. Public lighting shall be provided in accordance with a final scheme, which shall include lighting for the public amenity walking / cycle route, open spaces and set down / servicing areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the existing and permitted public lighting in the surrounding area, and shall be bat friendly. Such lighting shall be provided prior to the making available for occupation of any unit within the proposed development.

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

14. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

15. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

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

(c) The final design and material specification of the dedicated cycle infrastructure within the development, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

(d) The developer shall submit to the planning authority a Stage 3 post construction Road Safety Audit following the completion of the proposed development.

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

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0700 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.

17. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future 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.

Reason: In the interest of sustainable transportation.

18. (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 management company contract, and drawings/particulars describing the parts of the development for which the 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.

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

19. 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 within each house plot, for each apartment unit and the childcare facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and 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.

20. 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 96(3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

21. (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.

22. 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, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) 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;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) 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;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) 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;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

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

23. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed final Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

24. Prior to commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the local authority to apply such security or part thereof to such reinstatement. 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 of the development.

26. 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.

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 provision of pedestrian and cycle infrastructure crossing the Dublin to Sligo railway line and Royal Canal in the vicinity of the site, 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.

Note:

The Inspector and the Board were satisfied that the Draft LAP was expected to be published for consultation on 10 June 2025, and the Inspector's report was compiled on the basis that the Draft would be published, and the Board would have access to that Draft LAP to inform its decision.

Notwithstanding that the Draft LAP was not published, the Board was satisfied that the Mullingar Local Area Plan 2014 – 2020 (as extended) provided a zoning map for Mullingar, including the site subject of this proposed development, and that the site was zoned for housing.

The current Westmeath County Development Plan 2021 - 2027 sets out in Chapter 2 Core Strategy, two policy objectives specifically in respect of Mullingar (CPO 2.5 and 2.6). The Policy Objectives provide it is a policy objective of Westmeath County Council to:

- CPO 2.5 Support the continued growth and sustainable development of Mullingar to act as a growth driver in the region and to fulfil its role as a Key Town in accordance with the principles and policies of the RSES.
- CPO 2.6 Prepare a Local Area Plan (LAP) for Mullingar to align with the RSES and this Core Strategy

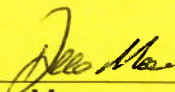
It is not stated in the Development Plan or elsewhere that this development site would no longer be zoned on expiry of the Local Area Plan. It can be implied in the above sections of the Development Plan that the existing zonings would continue until the preparation of a new Local Area Plan.

While it would be preferable for an explicit statement to this effect, it is significant that there is no statement having the opposite effect, i.e. that there are no zonings.

Table 2.9 in the Westmeath County Development Plan 2021 – 2027, the Core Strategy Table, identifies the Quantity of Land Area Required (HA) in the Mullingar LAP and that this has capacity to yield 1340 – 2010 housing units. This brings with it the implication that the zoning continued. With this implication comes the conclusion that the Board is not precluded from granting permission, should it decide to do so, having applied the principles of proper planning and sustainable development.

The Board proceeded on this basis.

Board Member


Declan Moore

Date: 12/06/2025