

An
Coimisiún
Pleanála

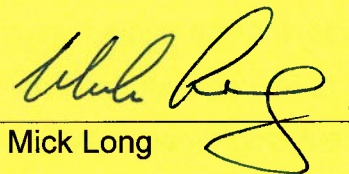
Direction
CD-020018-25
ABP-322070-25

The submissions on this file and the Inspector's report were considered at a meeting held on 23/06/2025.

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

Planning

Commissioner:


Mick Long

Date: 23/06/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the provisions of the Westmeath County Development Plan 2021-2027, the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be appropriate in terms of the use, scale, height and design, would not adversely impact on amenity or commercial viability of the existing retail and business park or Mullingar town itself, nor impact on the character or visual amenity of the area and would be acceptable in terms of traffic and pedestrian safety. 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 received by the planning authority on the 9th day of December 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the developer shall liaise with the planning authority to ascertain their requirements relating to roadside trees landscaping and traffic management improvement works including pedestrian crossing facilities to the adjoining road network to facilitate the development,. A Stage 2 and Stage 3 Road Safety Audit shall be submitted to the planning authority for written agreement. Prior to first occupation of the development details of the Mobility Management Plan Coordinator shall be forwarded to the planning authority. In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of orderly development and to ensure traffic safety.

3. No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

4. The totem signage shall be reduced in height to ensure that the proposal shall not endanger public safety by reason of traffic hazard due to its nature, height,

scale and potential distraction of drivers on the N4. Revised details shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of sustainable drainage.

6. All necessary measures should be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works and the applicant shall comply with the requirements of the planning authority for such works and services.

Reason: To protect the amenities of the area.

7. 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 residential amenities of property in the vicinity.

8. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

9. Details of the proposed lighting design shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The luminaries shall be mounted so as to minimise the potential of obtrusive light, glare and light pollution into neighbouring lands or other sensitive receptors.

Reason: In the interest of environmental protection.

10. (i) All landscaping works shall be completed, within the first planting season following commencement of development, in accordance with the Landscape Masterplan (Drawing Number 01), Boundary Plan (Drawing Number 02, Planting Plan (Drawing Number 03) and Hardscape Plan (Drawing Number 04) submitted to the planning authority on 09-12-2024. Any trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

(ii) Tree Protection Prior to commencement of any on site construction activity, the instalment of tree protective measures as per approved Tree Protection Plan (Drawing Number 240627-P-12) shall be carried out.

Reason: In the interests of biodiversity and the visual and amenity of the area.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

12. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

13. 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 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.

14. A Construction Management Plan (CMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

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

15. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

16. 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.