



An
Coimisiún
Pleanála

Commission Direction
CD-000612
PL-500695-OY-26

The submissions on this file and the Inspector's report were considered at a meeting held on 27 May 2026.

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:

Mary Henchy

Date:

27th day of May 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the facts of the case including, the nature of the proposed development, the siting, layout and design of the proposal on zoned and

serviceable lands within the settlement of Tullamore, the statutory procedure undertaken by the planning authority under Section 34(6) of the Planning and Development Act 2000, as amended, and the Planning Authority's decision to grant permission in material contravention of objectives LUZO-01 and LUZO-10 of the Offaly County Development Plan 2021-2027. The Commission concluded that notwithstanding the non-compliance with the zoning objective that the nature of the proposed use is supported by; provisions of the Plan, including policy SICCDP-32 regarding accessible healthcare locations, and SICCDP-33 which seeks to support the HSE in the provision of appropriate healthcare facilities; and by national policy in relation to adult palliative care as enshrined in the National Planning Framework *First Revision* by virtue of National Strategic Outcome 10, and therefore in this instance the contravention is reasonable. In addition the proposed development subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not endanger public safety by reason of a traffic hazard or impact on public health or cultural heritage.

Furthermore, the Commission noted that this is a third-party appeal and that the first party has not appealed the decision or any conditions attached by the Planning Authority.

The proposal 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 on the 16th day of September 2025 and the 10th day of October 2025, 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 interests of clarity.

2. No development shall commence until all the necessary road improvement works are carried out to the L-20032-1 and confirmed in writing by Offaly County Council, as roads authority for such works.

Reason: In the interests of clarity, road safety and convenience.

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

Reason: In the interest of visual amenity.

4. A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters (including a management response to prohibit the mobilisation / migration of invasive species such as Japanese Knotweed), site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

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

5. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the requirements and detailed construction standards of Offaly County

Council, as the roads authority for such works, and the design standards outlined in DMURS.

Reason: In the interest of traffic and pedestrian safety.

6. A detailed Construction Traffic Management Plan (CTMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

7. (a) A buffer area of 20m shall be implemented around the Recorded Monument Ringfort (OF017-002----). 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) A full Conservation and Management Plan for the protection of the Record of Monuments and Places (RMP) (OF017-002----, Ringfort) should be drawn up in consultation with the Department.

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

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

9. 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.

10. 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 the site office at all times.

Reason: In the interest of sustainable waste management, environmental protection and public health.

11. 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.

12. (a) Tree protection and removal shall be carried out in accordance with the details lodged with the application, as amended by the further plans and

particulars received on the 16th day of September 2025, unless otherwise agreed in writing with the planning authority prior to the commencement of development.

(b) Prior to the occupation of the development hereby permitted all boundary treatment shall be constructed as detailed in the plans and particulars received on the 16th day of September 2025, unless otherwise agreed in writing with the planning authority prior to the commencement of development.

(c) The landscaping scheme submitted with the application, as amended by the further plans and particulars received on the 16th day of September 2025, shall be carried out within the first planting season following substantial completion of construction works, unless otherwise agreed in writing with the planning authority prior to commencement of development.

(d) 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 two 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.

Reason: In the interest of visual amenity and biodiversity.

13. 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 Coimisiún 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.

14. Prior to the commencement of development, or as otherwise agreed in writing with the planning authority the developer shall pay a financial contribution of €1,284,846 (incl VAT) 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 required infrastructural upgrade works to the L-20032-1. The required works are inclusive of roads, footpaths, public lighting and storm sewer, which benefits the proposed development.

Reason: It is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Offaly County Council in respect of the exceptional costs of the improvement of road infrastructure arising from the impact of the proposed