

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Westmeath County Council**

**Planning Register Reference Number: 22/302**

**Appeal** by Michael Rynne on behalf of the Castle Heights Residents Group of 9 Castle Heights, Castlepollard, County Westmeath against the decision made on the 21<sup>st</sup> day of February, 2023 by Westmeath County Council to grant subject to conditions a permission to Richard O'Dwyer care of Will Design of Caddagh Cross, Delvin, County Westmeath in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of five number townhouse type dwellings (comprising of one number block of three number three bedroom dwellings with converted attics and one number block of two number three bedroom dwelling semi-detached dwellings with converted attics), form new entrance onto existing laneway, parking area, connect to public sewerage system and all ancillary site development works at Church Lane, Castlepollard, County Westmeath. Further public notices were received by the planning authority on the 6<sup>th</sup> day of October, 2022 and the 26<sup>th</sup> day of January, 2023.

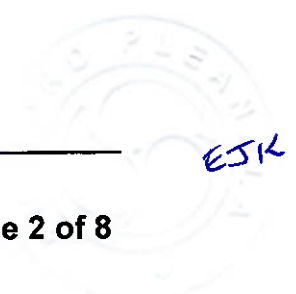
## Decision

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the provisions of the Westmeath County Development Plan 2021-2027, the location of the site within the 'expanded settlement centre' of Castlepollard, and policy objective CPO 8.14 to provide for new residential development in accordance with the housing and core strategy, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of property in the vicinity or be detrimental to public health, would not endanger public safety by reason of traffic hazard, and would not seriously injure the protected structures or the heritage of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to see further information, the Board noted the Inspector agreed with the principle of development at this location. While the Inspector raised two specific technical matters, the Board shared the view of the planning authority that these matters can be suitably addressed by condition.



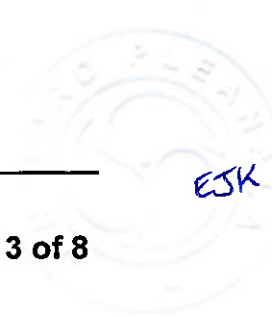
## Conditions

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 received on the 19<sup>th</sup> day of January 2023, except as may otherwise be required in order to comply with the conditions set out below. 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 submit revised plans and particulars for the written approval of the planning authority which provide for the following:
  - (a) the southernmost access control bollards only as indicated on the Site Layout Plan drawing number 02-107-21 received on the 19<sup>th</sup> day of January, 2023 shall be installed while the northernmost access control bollards shall not be installed. The access control bollards shall be collapsible in nature and key arrangements that facilitate essential access for vehicles to Killafree Churchyard shall be agreed with the planning authority, and
  - (b) a Stage 1 and Stage 2 Road Safety Audit. The developer shall submit a Stage 3 post construction Road Safety Audit following completion of the proposed development.

**Reason:** In the interests of traffic management and safety.



3. 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.

4. 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.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. 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.

7. Three bicycle parking spaces shall be provided within the site. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

8. The road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works.

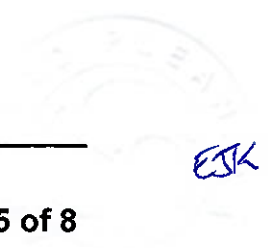
**Reason:** In the interests of amenity and of traffic and pedestrian safety.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, 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 interests of amenity and public safety.

10. Site development and building works shall be carried out only between 0800 hours and 1900 hours Mondays to Fridays, between 0800 hours and 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.



11. 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 noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

12. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

13. Prior to the commencement of any house or duplex unit in 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, as amended, that restricts all houses and duplex 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.

**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.

14. The developer shall pay 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.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *28<sup>th</sup>* day of *March*, 2024.

