

An  
Coimisiún  
Pleanála

**Commission Order**  
**ACP-323815-25**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Westmeath County Council**

**Planning Register Reference Number: 25/60240**

**Appeal** by Agnieszka Kotsulska and by Lynx Developments Limited against the decision made on the 25<sup>th</sup> day of September, 2025 by Westmeath County Council to grant permission to the said Lynx Developments Limited for development comprising of the construction of a large-scale development (LRD) of 125 number residential units (103 number houses and 22 number apartments) and a childcare facility as follows: (a) the residential provision will comprise: 11 number two-storey two bed terrace units (98 square metres gross floor area each), 56 number two-storey three bed terrace units (112.1 square metres gross floor area each) and 26 number two-storey four bed terrace units (135.1 square metres gross floor area each), 10 number two-storey four bed detached and semi-detached units (ranging in size from 122.1 square metres to 137.4 square metres gross floor area each) and 22 number apartments units consisting of two number two bed units (ranging in size from 75 square metres to 80.2 square metres gross floor area each) in each of 11 number two-storey detached blocks, (b) the single storey childcare facility will comprise 303 square metres gross floor area, (c) access is at an existing priority junction at the L1015 Killucan Road and access for pedestrians and cyclists only (and emergency vehicular access) is at Manorfield to the southeast, (d) the proposed site layout provides a total of 215 number car

parking spaces as follows: 165 number allocated spaces for 125 number residential units, 30 number visitor spaces, four number EV charging spaces and two number disabled spaces and 14 number spaces including one no disabled spaced at the childcare facility, (e) secure bicycle parking including visitor bicycle parking is provided at each residential unit and eight number bicycle parking spaces are provided at the childcare facility and (f) the development will also comprise the removal of the roads and services infrastructure constructed pursuant to permission register reference 04/5310 (An Bord Pleanála reference number PL25M.211056) and the construction of the network of internal roads, cycle ways and footpaths, public open spaces (circa 0.54 hectares in total), landscaping, boundary treatment works, solar PV panels on the childcare facility and each residential unit, site services and all ancillary and associated works on a site of circa 3.87 hectares at Killucan Road, Kinnegad, County Westmeath.

## **Decision**

**GRANT permission for the proposed development, excluding housing units 7 to 16, in accordance with the said plans and particulars based on the reasons and considerations marked (2) under and subject to the conditions set out below.**

**REFUSE permission for 10 number houses (units 7 to 16 inclusive) for the reasons and considerations marked (2) under.**

## **Reasons and Considerations (1)**

In coming to its decision, the Commission had regard to, and, as relevant been consistent with, the following:

- (a) policies and objectives set out in the Revised National Planning Framework, 2025 and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,
- (b) policies and objectives set out in the Westmeath County Development Plan 2021-2027, including the location of the site on lands zoned 'Proposed Residential' and the permitted uses therein,
- (c) Housing for All, A New Housing Plan for Ireland, 2021,
- (d) the Climate Action Plan 2024 and the Climate Action Plan 2025,
- (e) National Biodiversity Plan 2023-2030,
- (f) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities 2024,
- (g) Sustainable Urban Housing: Design Standards for New Apartments, 2023,
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities 2018,
- (i) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- (j) Childcare Facilities, Guidelines for Planning Authorities 2001,
- (k) Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities 2021, updated 2023,
- (l) Development Management - Guidelines for Planning Authorities 2007,
- (m) the nature, scale, and design of the proposed development,
- (n) the availability in the area of a range of social and community infrastructure,
- (o) the pattern of existing and permitted development in the area,
- (p) the planning history within the area,

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- (q) the reports of the planning authority,
- (r) the submissions received by the planning authority from observers and prescribed bodies,
- (s) the grounds of first and third party appeals,
- (t) the response by the applicant to the third party grounds of appeal, and
- (u) the report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment, Environmental Impact Assessment and Water Framework Directive Impact Assessment.

### **Appropriate Assessment**

The Commission completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites, and the absence of any direct hydrological connections, the submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report. In completing the screening exercise, the Commission adopted the report of the Planning Inspector and concluded 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 European site in view of the conservation objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would, therefore, be required.

### **Environmental Impact Assessment Screening**

The Commission completed an Environmental Impact Assessment Screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development

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Regulations, 2001 (as amended), identifies and describes adequately the effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended, and the nature and scale of previously constructed roads and services to be removed in the context of Class 14: Works of Demolition,
- (b) the location of the site on zoned lands (Zoning Objective 'Proposed Residential') and other relevant policies and objectives in the Westmeath County Development Plan 2021-2027, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC),
- (c) the brownfield nature of the site and its location adjoining the built-up area of Kinnegad town, which is served by public services and infrastructure,
- (d) the pattern of existing and permitted development in the area,
- (e) the location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations,
- (f) 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),
- (g) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended,
- (h) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive,



- (i) the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the outline Construction Environmental Management Plan, Ecological Impact Assessment and Tree Report/Arboricultural Assessment, and
- (j) consideration of cumulative effects,

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 Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development 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 and in terms of traffic and pedestrian safety and convenience, and would not have any significant adverse effects on biodiversity. The Commission considered that the proposed development would be in accordance with the relevant provisions of the Westmeath County Development Plan 2021-2027 and would constitute an appropriate form of residential development at this serviced location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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## 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 29<sup>th</sup> day of August 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 interest of clarity.

2. This permission is for 115 units.

**Reason:** In the interest of clarity.

3. (a) The area of unit numbers 7 to 16 for which permission has been refused shall be seeded and fenced off, pending any development at this location subsequent to a future receipt of permission. Plans and particulars setting out the fencing at this location, the revised boundary with permitted unit number 17 (now a semi-detached dwelling with a western façade) and all associated details, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.  
  
(b) the high level windows within the kitchen/living area of all Type E apartments shall be omitted.

**Reason:** in the interest of orderly development.



4. (a) The connectivity link from the development site into Manorfield Estate shall be used for pedestrian and cyclist access only.
- (b) Revised details for complying with condition number 3 (a) together with details on surface materials finishes, public lighting, landscaping and boundary treatment shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason:** In the interests of residential amenity and orderly development.

5. (a) Mitigation measures and recommendations outlined in the plans and particulars, including the Ecological Impact Assessment and Tree Report, submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.
- (b) A suitably qualified and experienced 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 interests of protecting the environment, public health, and clarity.

6. (a) All materials to be used in the external surfaces of the development hereby permitted shall match the plans and particulars submitted. Any alternative materials to those specified above and illustrated on plans submitted shall be agreed in writing with the planning authority prior to commencement of the development. The

development shall thereafter be carried out and maintained in accordance with the agreed details.

- (b) All first-floor windows serving stairwells, walk-in wardrobes and WC facilities within this development shall be obscurely glazed and thereafter maintained as such, unless otherwise agreed in writing with the planning authority.
- (c) A 1.8 metre high block and capped wall shall be provided along the rear garden boundaries of each dwelling.
- (d) Front boundaries shall be per boundary treatment plan submitted on the 29<sup>th</sup> day of August, 2025.

**Reason:** In the interests of orderly development, visual and residential amenity.

- 7. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

**Reason:** To ensure accordance with Development Management Standards and the proper planning and development of the area.

8. (a) The development shall be carried out on a phased basis, in accordance with a revised phasing plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.
- (b) Not more than 74 number of residential units shall be made available for occupation before completion, to operational standard, of the childcare facility, or within such other timeframe as may be agreed with the planning authority (or in default of agreement with An Coimisiún Pleanála).
- (c) All infrastructural works required on foot of each phase shall be completed before works on the subsequent phase commences, 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.

9. Proposals for a naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed names 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 place names for new residential areas.

10. The approved landscaping scheme shall be undertaken in the first planting season following the occupation or substantial completion of the development or each phase of the development as agreed, whichever is the sooner. The planting shall thereafter be maintained and any plants that die, become diseased or are removed within five years shall be replaced within the following planting season by plants of a similar size and species, unless the planning authority gives its written consent to any variation.

**Reason:** In the interest of visual amenity.

11. Prior to commencement of development, the developer shall submit to the planning authority for written approval of the planning authority:
- (a) A Stage 2 Quality Audit and Road Safety Audit and when agreed the recommendations shall be implemented in full.
  - (b) Prior to the occupation of any units, the associated roads shall be completed, and the developer shall submit a Stage 3 post construction Road Safety Audit for that phase in accordance with the provisions of TII document GE-STY-01024 Road Safety Audit (December 2017 Revision) and when agreed the development shall be carried out in accordance with the agreed details.
  - (c) A tabletop shall be provided, at the developer's expense, at the junction of the L-1015 and the development hereby permitted when agreed the development shall be carried out in accordance with the agreed details.
  - (d) Specification for all road marking and surface water materials including materials within the public areas.
  - (e) The CBR (California Bearing Ratio) of the sub grade shall be tested and the depth of the capping layer required (if any) shall be demined from the CBR results.



- (f) A drawing showing the number and location of manholes on ducts provided underneath the new footpaths.
- (g) The developer shall apply to Westmeath County Council for a road opening license and comply with conditions imposed relating to any works on the public roads/footpaths.
- (h) All works to roads and footpaths shall be carried out in accordance with the standards set out in the Design Manual for Urban Roads and Streets (Department of Transport, Tourism and Sport and Department of Environment, Community and Local Government 2019) and the National Roads Authority 'Design Manual for Roads and Bridges'.
- (i) Driveways shall have a minimum width of three metres and a maximum gradient of 10%.
- (j) All public lighting for this development shall be designed by a competent lighting design engineer and shall fully comply with the requirements as stated within the current version of the Midland Counties Public Lighting Specification.
- (j) A wheel wash facility shall be provided on site prior to commencement of any development on site. All vehicles leaving site must use this facility. No muck, material, or debris shall be dragged onto public roads.

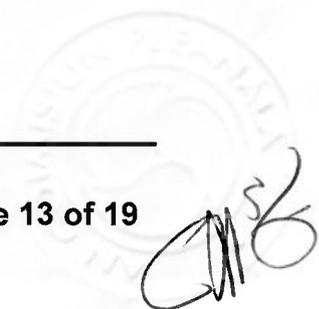
**Reason:** In the interests of road safety, traffic management and the proper planning and development of the area.

12. The construction of the development shall be managed in accordance with a final Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management measures, consultation measures with local residents, schools and businesses in relation to traffic disruption during construction works, noise management measures and off-site disposal of construction/demolition waste, including disposal of asbestos.

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

13. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a final Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency'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 proper planning and sustainable development.



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

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

15. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interests of public health and waste management.

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 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 residential amenities of property in the vicinity.



17. 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.

18. 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.

19. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.



20. (a) Prior to the commencement of 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), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses or 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.
- (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 specified housing unit 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.

21. 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (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 Coimisiún Pleanála for determination.

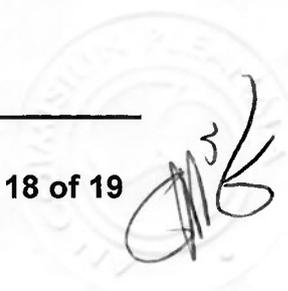
**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

22. 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 Coimisiún Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

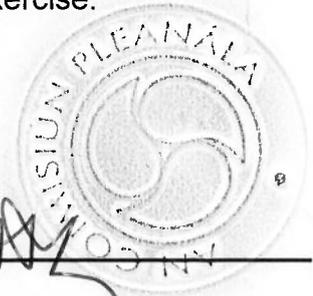
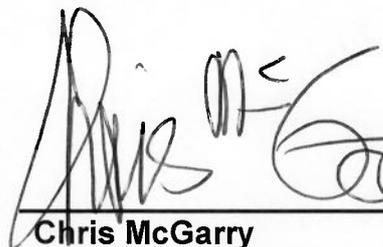
23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



## Reasons and Considerations (2)

Having regard to the specific legislative preconditions which apply to Large Scale Residential Development (LRD) as set out in Section 32A(1) and (2)(b)(ii) of the Planning and Development Act 2000, as amended, to the nature of the appeal, which is an LRD appeal against a decision of the planning authority that relates to an application for permission to which section 32A(1) and 2(b)(ii) applies, (Section 2 of the 2000 Act refers), and having regard to the Kinnegad Zoning Map, as contained in Volume 2 of the Westmeath County Development Plan 2021-2027, which indicates that part of the application site, specifically the part of the site which contains proposed house units 7 to 16 (inclusive), is located outside the settlement boundary for the town, thus located within an area that is not zoned. In this context, it is considered that this part of the proposed development is not consistent with the legislative preconditions for an LRD application, insofar as it is not on land the zoning of which facilitates its use for the purposes proposed in the application. In this context, the Commission determined that a grant of permission for this element of the proposed development was not warranted within the legislative parameters of the current application exercise.



**Chris McGarry**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this 16<sup>th</sup> day of February 2026.