



An
Bord
Pleanála

inspector's Report ABP-303462-19

Development	24 Apartments
Location	Mullingar Road, Kinnefad, Co Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	186250
Applicant(s)	Sean O'Hagan
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Shane Kelly
Observer(s)	None
Date of Site Inspection	27 th of March 2019
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1. The subject site is located within the settlement boundary of Kinnegad to the north west of the town centre. It is in the residential area with two schools to the east of the site. The proposed access is via The Hawthorns residential estate via the entrance to the estate from the Mullingar Road (R148). There is a traffic light controlled pedestrian crossing on the R148 to the south east of the site adjacent to the separate access road serving the two schools and the Emo petrol station (which includes small shop) on the opposite side of the road.
- 1.2. The site is rectangular in shape and is greenfield comprising the southern part of a field area and is relatively flat and is laid to grass. There are no trees in the central area of the site, only along the site boundaries. There are high walls along the southern and western boundaries and hedgerows and high wire mesh fencing along the eastern site boundary. The site appears relatively enclosed and separate from the surrounding more urban area and it is noted that the northern boundary is undefined and is taken off the greater field area and appears more rural. The field area is accessed via a gated access to the end of the cul de sac in The Hawthorns. There are electricity poles on site close to the northern boundary and wires transverse the site.
- 1.3. The southern boundary of the site is marked by an exposed block wall with the back gardens of the bungalow type semi-detached dwellings (first floor in roof space served by rooflights), in New Park Court. The western boundary of the site consists of a high exposed block wall with landscaped public verge and roadway. The cul-de-sac estate road to the west of this boundary serves 'The Hawthorns' residential estate of 2 storey semi-detached dwellings. The northern boundary of the site is undefined and backs onto unzoned land (which follows the development boundary). The field boundary to the north of the site, is marked by a hedge and drain. The eastern boundary is marked by a hedge with palisade fence adjacent to a private roadway (2 lanes with cycleways, footpaths and street lighting) serving the schools. I noted on site that there appears to be no access either vehicular or pedestrian from the commercial and residential development to the west to this access road. This cul de sac road has access to the R148 Mullingar Road.

2.0 Proposed Development

2.1. This is to consist of the following:

- The construction of 12no. 2 bedroom apartments and 12no. 3 bed duplex apartments in two separate blocks 'A' and 'B'.
- A new vehicular and pedestrian entrance on the northwest boundary from the Mullingar Road,
- Connection of existing services, car parking, bin storage, bicycle storage, boundary treatment and all ancillary works.

2.2. The application form provides the area of the site is 0.499ha and the g.f.s of the proposed works for the 24 no. units is 2465.44sq.m.

2.3. Documents submitted with the application include the following:

- Details of the application including detailed drawings
- An Engineering Services Report
- A Screening Report for Appropriate Assessment

3.0 Planning Authority Decision

3.1. Decision

Westmeath County Council granted permission for the proposed development subject to 16no. conditions. In general, these refer to materials, landscaping, infrastructural issues (access roads, foul and surface water drainage), construction management and development contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy, to the inter-departmental reports and to the submissions made. Their assessment included the following:

- The application site is zoned consolidation site and located at the northern boundary of the settlement development limits. Residential development on these lands is considered to accord with the CDP.
- They note policy P-AP1 (restricting apartments) and consider the consequences of the proposed development, relative to sustainable development.
- They provide an assessment relative to the proposed design and layout and impact on future occupants and neighbours.
- They have regard to the impact on the access road, and the possibility of pedestrian access from the road serving the schools.
- The AA Screening Report provides that there is no potential for significant effects to any Natura 2000 site and an AA is not required. They refer to the concerns in the CDP relative to insufficient waste assimilative capacity in the receiving waters. They note the Kinnegad River flows to the River Boyne and River Blackwater SAC approx. 10kms to the east and considered that the screening should address this matter given the constraints identified in the CDP.

Further Information Request

The Council's F.I request included the following:

- Consent from the owner of the roadway to the east of the site allowing pedestrian access from the site onto these lands.
- A Plan to identify trees on site.
- Revisions and Modifications to the proposed design and layout, to minimise, overlooking etc.
- Details relative to the location of bike storage and security issues.
- Confirmation from Irish Water that Kinnegad WWTP has adequate capacity to receive additional loading from the proposed development.
- To consider boundary treatments, location of bin store and motorbike parking.

Further Information Response

- They have omitted reference to the pedestrian access from the proposed site to the road to the schools as a letter from the landowner giving consent for this has not been obtainable.
- A Site Layout Plan has been submitted showing the canopy spread of trees along the western site boundary.
- They provide details of boundary treatment along the site boundaries.
- They note that the revised drawings now show bin and bike stores within the central communal open space.
- The trees in the verge are now shown and they do not consider that the proposed development will result in a material impact on these trees.
- Screens are extended to prevent overlooking from balconies to the east of Block A and west of Block B.
- Motorbike parking is included within the scheme.
- They include a letter from Irish Water confirming feasibility of the proposed development.

Planner's Response

The Planner had regard to the F.I submitted. They note that the current landowner has not consented to the pedestrian access and consider that an appropriately worded condition should be included relative to the access.

They consider that concerns regarding the AA screening carried out, relative to the issue of the assimilative capacity in the receiving waters have not been addressed and that the application should have been subject to an NIS to assess whether there would be an adverse impact on the Natura 2000 sites downstream. They note that the reconsideration of the AA screening report was not included in the FI that issued.

3.3. Other Technical Reports

Westmeath County Council Area Engineer's Report

They did not object to the proposed development and the recommended detailed conditions. These include relative to Roads - to the junction on the Estate Road L5038, speed ramps, a pedestrian crossing for children using the schools road, surface materials, construction of footpaths all to current standards. Also, turning circles and hammerheads at the end of cul-de-sacs etc to the requirements of the LA, regard to provision of public lighting and wheel wash facility during construction period.

Conditions are also included relative to services - surface water drainage, including attenuation, water/waste water, services and cables, provision for domestic heating oil storage, compliance with existing standards for such works.

Mullingar Municipal District Engineer

They did not object to the proposal and recommended conditions.

3.4. **Prescribed Bodies**

Irish Water

They requested the following further information: *The applicant shall submit drawings and calculations to show that the proposed development will not result in overloading of the existing foul sewer network and existing wastewater treatment at Kinnegad. The applicant shall be requested to submit a confirmation from IW that Kinnegad WWTP has adequate capacity to receive additional loading from the proposed development.*

In a subsequent letter they provide that subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network can be facilitated.

3.5. **Third Party Observations**

A number of Submissions have been received from local residents. Their concerns are summarised in the Planner's Report and briefly include the following:

- Procedural issues, relative to incorrect address, location of the site notice and inadequate drawings.

- The proposed density is too high and would not be in accordance with current Policy and Guidelines and would result in a significant increase in the no. of units/population of The Hawthorns.
- Contrary to planning policy relative to the issue of density and to the restriction/prevention of apartments in small towns in the Westmeath DP.
- Concerns about unsafe access being from The Hawthorns estate, traffic and parking overspill.
- Queries as to why an access cannot be made from the road to the schools to the west of the site.
- Lack of capacity and strain on the existing inadequate sewerage system. Concerns about feasibility of connections to and capacity for disposal of effluent to the public sewer.
- They note previous refusals in Kinnegad relative to the lack of capacity in the WWTP and consider that the foul drainage capacity issue had not been resolved and the development is premature and should be refused.
- Concerns relative to Flood Risk and impact on local residents.
- Concerns about usability of open space for local residents and the impact on existing landscaping and boundary treatment, including roadside trees.
- Lowering of the western boundary wall has a significant negative effect on the residents of The Hawthorns.
- Concerns about bin storage and waste collection.
- Health and Safety issues - there is a need for Traffic Management relative to construction and operational phases.

4.0 **Planning History**

It is noted that the Planner's Report provides a history of the subject site and some adjoining sites.

Subject Site

Reg.Ref. 17/6289 - 14no. two bedroom apartments and 14no. three bedroom apartments, a new vehicular and pedestrian entrance on the northwest boundary from the Mullingar Road, connection to existing services, car parking, bin storage and all ancillary site works - Withdrawn

Reg.Ref. 04/5188 – Permission refused by the Council for the erection of 91no. fully serviced dwelling units, including 7no. two bed apartments, 17no. two bed duplex apartments, 4no. three bed duplex apartments, 6no. four bed duplex maisonettes, 47no. three bed two storey dwellings, 10no. four bed two storey dwellings, a fully serviced childcare facility with assoc. external spaces, new vehicular entrance to the development from the Mullingar Road, carparking, landscaping, site services and site development works.

This was refused for the following reason:

The proposal would be premature having regard to existing deficiency in the provision of sewerage facilities serving the area.

Wayleaves could not be secured by the applicant for the gravity foul sewer outfall for the proposed development and hence cannot connect to public foul sewer by gravity and the overall assessment of Kinnegad Main Drainage based on the Village Plan has not yet been done and without it, Westmeath County Council will not be in a position to secure any wayleaves.

It is of note that this development related to a larger site area, encompassing the lands to the north of the site which are not within the development boundary. A copy of this decision including the site location map has been included in the History Appendix to this Report.

5.0 Policy and Context

5.1. National Policy

It is submitted that the key policy and guidance documents of relevance to the proposed development are as follows:

- National Planning Framework 2040

- Rebuilding Ireland - Action Plan for Housing and Homelessness
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and accompanying Urban Design Manual
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DHPLG, 2018)
- Urban Development and Building Heights Guidelines for Planning Authorities December 2018
- Design Manual for Urban Roads and Streets 2013
- The Planning System and Flood Risk Management 2009 (including the associated Technical Appendices)
- Habitats Directive - Appropriate Assessment

5.2. **Westmeath Development Plan 2014-2020**

Settlement Policy

This is the pertinent plan. Chapter 2 includes the Core Strategy Table 2.4 refers. Kinnegad is included as a Tier 3 town in the Westmeath Settlement Hierarchy. Section 2.4 notes the large increase in population. Section 2.11.3 provides Table 3.1 refers to Economic Hierarchy in Co. Westmeath. This provides that Kinnegad is a Service Town - Tier 3 in the Westmeath Settlement Hierarchy i.e towns which perform important retail, residential, service, and amenity functions for local rural hinterlands and supports the upper tiers of the urban hierarchy. Section 3.5.3 has regard to Service Towns including Kinnegad and includes reference to consolidating growth and better matching relevant supporting physical and social infrastructure and providing employment uses.

Housing

Chapter 4 refers to Housing and provides the relevant policies and objectives. Regard is had to the Westmeath Housing Strategy 2014-2020 and to relevant Guidelines. Table 4.2 provides Criteria to determine the suitability of Housing in an Urban Area. Section 4.3 provide the Housing Policies & Objectives. This includes Policy P-HS3 relevant to Part V and the provision of Social and Affordable

Housing. Policy P-HS6 which seeks: *To ensure the provision of a suitable range of house types and sizes to facilitate the demographic profile of the county.*

Section 4.5 refers to Housing Type Policies & Objectives includes Policy P-HT-1 which seeks: *To ensure that a suitable variety and mix of dwelling types and sizes is provided in developments to meet different needs, having regard to demographic and social changes.*

Section 4.6 relates to Sustainable Residential Development including regard to public transport provision, interconnectivity with open space and higher densities in keeping with the scale of the area. Section 4.7 provides the Residential Development Policies & Objectives.

Policy P-SRD1 seeks: *To ensure that settlements grow in a manner that is self sustaining with sufficient social and economic infrastructure, and to a scale which aligns with the Settlement Hierarchy prescribed in the Core Strategy.*

Section 4.8 refers to Residential Density. This refers to promoting higher densities where sustainable in Athlone and Mullingar Policy P-RD1 relates. Section 4.8.2 refers to Smaller Towns and Villages within the County. The growth in the Eastern part of the County is noted given proximity to the GDA. Policy P- RD3 seeks: *To ensure that new housing development in towns and villages is of an appropriate scale, layout and design quality, and that it relates to the character and form of the settlement.* Policy P-RD4 seeks: *To ensure that no one residential proposal should increase the existing housing stock by more than 10%.*

P-RD6 seeks: *To require new residential development in the towns and villages to comply with the residential standards set out in the DoEHLG Guidelines Sustainable Residential Development in Urban Areas (2009) in regard to density and design quality.*

Section 4.10 seeks to deliver high quality sustainable Design and Layout that will contribute to and enhance a 'sense of place' in towns and villages. Section 4.11 provides the Policies and Objectives.

Section 4.12 refers to Public and Private Open Space and notes that quality will take precedence over quantity in open space provision. Section 4.13 refers to the relevant policies.

Section 4.14 refers to Apartments which are more generally permissible in Gateway towns, but not so in smaller towns. Section 4.15 - Policy P-AP1 refers.

Infrastructure

Chapter 9 refers to Water, Drainage and Environmental Services. This includes Objective O-FL1 which seeks: *To improve and extend surface water disposal infrastructure to serve the planned levels of growth, during the lifetime of this plan, in order to facilitate development, subject to the consideration of habitats and species including Appropriate Assessment and consultation with the National Parks and Wildlife Service.*

Urban Areas

Chapter 12 has regard to Urban Areas. Table 12.1 refers to the Function of Urban Areas in the Settlement Hierarchy. Policies are included relative to sustainable development in town centres. Policy P-TMP1 seeks: *To promote sustainable forms of transport such as walking, cycling and public transport in the urban areas of the county.* P-TMP4 requires Traffic Management Plans for all significant developments.

Settlement Plans - Kinnegad

Chapter 13 relates to Settlement Plans – this includes regard to ‘Consolidation Sites’ land use zoning as discussed further in the Assessment below.

Section 13.4 provides the Kinnegad Service Town Plan 2014-2020. This notes that the zoning on the accompanying Town Plan Map should be read in conjunction with the zoning objectives as well as the general policies and Development Management standards set out in Chapter 14 in the plan. It is noted that this growth has not been accompanied by the requisite supporting services. Regard is had to Community Policies KGD2/3 and to Objectives O-KGD1- O-KGD4. Section 13.4.11 refers to Infrastructure including Water Supply, Waste Water and Transport provision. Policy P-KGD4 relates to the provision of pedestrian and cycle provision. It is provided that the potential exists for the investigation of Kinnegad as a strategic transport hub servicing the County and the Midlands in keeping with the principles of the Smarter Travel Policy. Also, that there is a need to increase employment opportunities in the town given its strategic location.

Section 13.4.13 provides the Settlement Centre Appraisal and Section 13.4.14 the Settlement Development Policies & Objectives. These include P-KGD5 – relative to provision of an expanded Mixed Use town core and P-KGD8 relative to new and enhanced linkages between the Main Street and backlands to the south in the development of these lands.

Section 13.4.15 relates to the commuter status of the town and the need to provide additional employment in the town.

Section 13.4.17 refers to Heritage and the historic nature of the town. This includes regard to archaeological heritage.

Development Management Standards

These are set out in Chapter 14 of the Plan and include policies and guidelines relevant to design and layout and the sustainable planning and development of the area. Section 14.2.4 refers to: *Appropriate Assessment is a process of the assessment of the likely significant effects of every plan or project on the Natura 2000 network. The Natura 2000 network consists of Special Areas of Conservation (SAC) and candidate cSAC and Special Protection Areas (SPA) and candidate cSPA both within the county and within a 15km radius of same.*

5.3. Natural Heritage Designations

Mount Heavy Bog SAC is located c.4kms to the north of the town.

5.4. EIA Screening

- 5.5. Having regard to the nature of the proposed development and taking into account that this will be a serviced site, on zoned land within the development boundary of Kinnegad and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal has been submitted by Shane Kelly, a resident of the Hawthorns, Kinnegad. He provides that the primary areas of concerns are Sewerage, Safety and the Density of the housing proposed. His grounds of appeal are summarised as follows:

Sewerage Infrastructure

- There are concerns that the developer has proposed to connect the development's waste water pipe to the existing foul pipe located at The Hawthorn Access Road.
- Regard is had to the previous application, noting that this was refused because a proposed pumped sewerage system that relied on pumping and not a gravity fed sewer, was not considered acceptable.
- Pumping is not considered a satisfactory arrangement, and an extract from the Mullingar Town Plan is quoted.
- He fails to see what has changed since development was refused relative to Reg.Ref. 04/5188, that could warrant the use of a pump fed system to serve the development proposals in Kinnegad.
- Considering the requirements of the Water Framework Directive, surface water regulations and programmes of measures in the RBD plans, it is clear that the Authority recognised the foul drainage infrastructure of Kinnegad was not appropriate and needed to be improved prior to further development taking place. This is reflected in the current Development Plan 2014-2020 in Section 13.4.11.
- Further indication of concerns regarding WWTP were noted in the Council's report. Regard is had to Volume 4 Natura Impact Report 2014-2020.
- They note concerns about the Engineering Services Report.
- Nothing has changed since the previous application to resolve the requirement for a sewer pump, the improvements to Kinnegad's

infrastructure have not yet happened, and therefore any proposal for residential development would be premature until appropriate and sustainable infrastructure is in place.

- The Kinnegad River is the principle surface water receptor, and he is concerned that the Site Services, Storm and Foul drainage indicates a proposed foul drainage and a proposed storm drainage pipe to be installed on the Hawthorns Estate Assess Road. He would like clarification for the reason for this as it would have a significant impact on the already stressed sewerage system of the Hawthorns Estate.
- Irish Water did provide a letter stating that in their opinion, based on the information provided by the applicant, connection to the Irish Water network can be facilitated. A detailed design is required prior to the development commencing. This however, does not address the concerns raised.

Traffic Management & Safety

- Following consultation with the land owner there is no record of any offer made to the land owner regarding the provision of pedestrian access onto the road serving the schools.
- Concern that there will be a parking overspill from the site which will have a considerable impact on the existing main access road to the Hawthorns Estate, which is the only area that will serve as a car park overflow. This will cause a safety issue and measures should be put in place to mitigate any safety issues.

Density of Housing

- The density of approx. 48 units per ha would result in far more than the development envisaged by the Core Strategy of the Development Plan (36 units). This would result in an oversupply of 183 units. Allowing the development of this site at such a density would set a dangerous precedent for others to follow.
- The development yield expected by the Development Plan must reflect development constraints (such as the sewerage infrastructure referred to above) and their associated impacts on both the local environment and

infrastructure and is set to ensure proper planning and sustainable development principles of the area.

- The development would be contrary to adopted planning policy (P-AP1 in the CDP) and to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas for smaller towns in the 2,000 – 5,000 range, in the absence of a local area plan. The population of Kinnegad in the 2016 census is 2745.

Existing landscaping

- The proposal indicates that the existing wall on the west side of the development will be removed to verge level. This will impact on the existing mature trees located outside the site.

Conclusions

- It needs to be ensured that all aspects of safety, water treatment and housing densities meet the required standards and do not unduly influence or affect the existing established developments or surrounding environment.
- The foul drainage capacity issue had not been resolved and this development is premature prior to appropriate and sustainable infrastructure being in place to serve these additional houses.
- Concerns about inaccuracies in the drawings submitted. – No indication of the End Elevation of the west side of the development was provided in the drawings set.
- In the interests of proper planning and development of the area, serious consideration should be given to the provision of local amenities and services, i.e community centre, green areas, secondary school etc, before any further development takes place. The provision of community facilities is needed or there is likely to be a deterioration of the social fabric of the town.
- The development should be revised to the appropriate density for the town as envisaged in the Development Plan to the adopted development standards.

6.2. Applicant Response

Shay Duff & Associates has submitted a response to the grounds of appeal on behalf of the First Party, which includes the following:

Sewerage Infrastructure

- The proposed design of sewerage infrastructure has been deemed to be acceptable by the Council. They note that all final designs are to be agreed by Irish Water prior to commencement of development.
- This proposal represents a different scenario to the previous refusal Reg.Ref. 04/5188 which was for a larger development - 91 units and a childcare facility.
- They note that permission was granted for a school – Reg.Ref.08/5013 in 2008 and is shown to use a sump and pump with rising main and 24 hour holding tank and that there were no submissions on that file.

Traffic Management and Safety

- They note that vehicular access via the road to the schools has been declined and that as a result the proposed site entrance was relocated to the western boundary of the site. Attempts to gain pedestrian access have also been unsuccessful.
- Carparking and bicycle parking requirements in accordance with standards in the Westmeath CDP are met.

Density of Housing

- This residential development has been designed under the guidance of the Council and is supported by many of the policies as laid out in the CDP 2014-2020.
- The proposal complies with planning policies and guidelines. A number of supporting policies from the Westmeath CDP are included.
- They refer to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009.
- They have regard to appropriate locations for increased densities.

Landscaping

- It was requested by the Planner to remove the boundary wall on the western boundary of the site to allow integration between adjoining developments thus increasing the open space area that can become communal amenity space.
- The existing trees will remain in situ as the removal of the wall will not impact on their root ball.
- The location of the entrance was chosen so as to avoid the removal of any of the existing trees along that boundary also.
- It is conditioned that prior to the commencement of development that full details of a hard and soft landscaping scheme be submitted and agreed with the PA.

Summary

- They consider that the proposed sewerage system to be acceptable and note that it has been agreed by the Council and Irish Water. The system replicates the precedent set by the school development on the adjacent site to the east and which was not rejected by any policy set out in the CDP.
- While every effort was made to acquire consent to construct an entrance onto the site from the private road to the east permission from the landowners was not given. Therefore, the entrance was relocated and this was acceptable to the Council.
- The access road is a right of way as indicated on the P.R.A.I. website from the Mullingar Road to the end of the access road.
- A mix of unit type is provided in this 2/3 bed scheme which offers accommodation for a greater mix of housing needs.
- The design is compact on site and the materials finishes respect the existing dwellings in the area.
- All requirements have been complied with in relation to carparking, bin storage, public/private open space, separation distances and landscaping.

- This development offers a quality residential scheme that is compliant with all aspects of the CDP and at a time when the provision of homes is at a critical stage nationally.

6.3. **Planning Authority Response**

There has been no response from the Planning Authority to the grounds of appeal.

7.0 **Assessment**

7.1. **Principle of Development and Planning Policy**

- 7.1.1. Section 13.4 of the Westmeath County Development Plan provides the Kinnegad Service Town Plan 2014-2020. This notes that the settlement function of Kinnegad is to perform important retail, residential, service and amenity functions for local rural hinterlands and support the upper tiers of the Settlement Hierarchy. Kinnegad as a Tier 3 town has experienced high levels of population growth, this is in part due to its location relative to proximity to the significant road network and location in the north of Westmeath, relative to the Greater Dublin Area and the availability of commuting routes to larger urban centres such as Mullingar and Athlone. The Plan seeks to consolidate growth within the development boundary and to provide for supporting social and community infrastructure and employment opportunities to meet the needs of existing and future residents. It is noted that the Census of Ireland provides that the population of Kinnegad in 2016 was 2,745.
- 7.1.2. Section 2.16 of the Westmeath CDP notes that the Core Strategy for the County includes provision for 'consolidation sites', seen as mainly incremental infill/consolidation sites throughout the county. Table 2.4 – Core Strategy Table notes that 2.67ha are zoned as 'Consolidation sites in the town of Kinnegad. As shown on the land use zoning map the subject site, is one such site. It is located to the north of the existing residential zoning and to the east of the community, educational & institutional zoning. The Settlement boundary for the town is somewhat fragmented and the area to the north is outside the development boundary, but further to the north is zoned sport/recreational. Therefore, the

northern part of the field area (i.e not included in the subject site) is within the rural area and is not on zoned lands.

- 7.1.3. Section 13 refers to Settlement Plans and notes: *A number of 'consolidation sites' which comprise of a mix of both greenfield and brownfield lands have been identified in each settlement. Policy P-SUR8 seeks: To promote the development of consolidation sites within the settlements.* It is provided that the Council will favour and promote the development of such sites for residential, community, and, if deemed appropriate, mixed use purposes or a combination thereof. This also has regard to the scale and nature of the proposal being appropriate to the Settlement Hierarchy and consistent with relevant Core Strategy Policies. *Development proposals shall be required in their layout and design to respect and reinforce the character of the individual settlement.*
- 7.1.4. Section 13.4.7 relates to Future Housing Supply Policy P-KGD1 which seeks: *To provide for new residential development in accordance with the requirements of the Core Strategy.* It is noted that the Core Strategy has identified the location and extent of future residential development within the settlements of the county. The extent of zoned lands has been incorporated into the town and village plans.
- 7.1.5. Also of note is the 'National Planning Framework Plan 2040' which seeks to increase housing supply and to encourage compact and urban growth, supported by jobs, houses, services and amenities rather than continued sprawl and unplanned, uneconomic growth. Chapter 4 refers to *Making Stronger Urban Places* and includes National Policy Objective 4 which seeks to: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.* National Policy Objective 6 is also of note in that it refers to regeneration and rejuvenation of cities, towns and villages as environmental assets. Section 4.3 refers to Planning for Ireland's Urban Growth. Objective 7 includes: *In more self-contained settlements of all sizes, supporting a continuation of balanced population and employment growth.*
- 7.1.6. Specific policies for settlements in Westmeath are set out in Section 4.7 of the Regional Planning Guidelines for the Midlands Region, Kinnegad is within the Eastern Development Area and the increase in population of these towns is noted.

Many of these towns have experienced high levels of population growth over the last census period, in some cases without the necessary supporting services. As a result, the RPGs envisage that the development of these towns needs to be increasingly aimed at consolidating growth within the service town and better matching to the development of relevant supporting physical and social infrastructure.

- 7.1.7. There is concern that there are inadequate community facilities and employment opportunities within the town. Also, that this proposal will have a detrimental impact on the mature established residential area of The Hawthorns estate. The Third Party does not object to the principle of providing and developing housing on this site, however they have concerns regarding the proposed density being too high and not in accordance with Westmeath CDP or the Sustainable Residential Development in Urban Areas Guidelines, also relative to the design and layout, inadequate provision of parking, road safety and access and the need to ensure that there is adequate infrastructure to service the proposed development.
- 7.1.8. It is considered that having regard to policy that the principle of a residential development is acceptable on this consolidation site relative to the land use zoning. Regard is had further to the documentation submitted and to the issues raised including compliance with planning policy and guidelines, density, design and layout, access/traffic, drainage, screening for Appropriate Assessment and impact on the pattern of development and character and amenities of the area in this Assessment below.

7.2. Procedural issues

- 7.2.1. Concerns have been raised that a number of procedural issues were not adequately considered or dealt with by the Council in the course of their consideration of this application. This includes relative to the address of the access to the site i.e. being off The Hawthorns rather than the Mullingar Road, the location of the public notice and that inadequate information submitted including inconsistencies in the drawings to enable an informed decision to be made on the proposed development, including the impact on local residents.

- 7.2.2. The First Party considers that sufficient details have been submitted including at F.I stage to enable any third party to analyse potential impacts on adjoining properties. They provide that detailed drawings have been prepared for the overall development and that in addition the LA have deemed sufficient information was provided.
- 7.2.3. These concerns have been noted as has the First Party response. However, having regard to the above it is considered that these are matters relevant to the procedures of the Council in dealing with/processing the application and that it would not be appropriate for the Board to make a decision on such issues.

7.3. **Density issues**

- 7.3.1. The applicant has outlined a proposal for 12 no. two bedroom apartments and 12no. three bedroom duplex apartments. This results in 24 dwellings within .49ha or approx. 48 per ha. They consider that this will offer a greater unit mix and a greater mix for housing needs.
- 7.3.2. Section 4.8 of the Westmeath CDP has regard to Residential Density and notes that the DoEHLG Guidelines for Sustainable Residential Development in Urban Areas promotes increased densities in appropriate locations where there is necessary infrastructure, compliance with open and private space, high quality design is exhibited and the scheme is in keeping with the character of the area. It is provided that the Council will allow higher densities in some instances where appropriate densities should be achieved and regard is had in particular to the town centres of Athlone and Mullingar. Section 4.8.2 of the CDP refers to Smaller Towns and Villages within the County and notes concerns about the more rapid increase in housing and population in some of these given their proximity to the Greater Dublin Area and commuting routes. They note that this has put a strain on social infrastructure and services and provide that the density for villages and smaller towns should be dependent on design quality, established character and be consistent with the relevant village or local plan.
- 7.3.3. Section 4.15 of the CDP is of note in that it provides Policy P-AP1 which seeks:
To permit apartment development in the town centres of the Gateway towns or where provided for in Local Area Plans associated with the gateways. Apartment

schemes will not be permitted in smaller towns and villages. However, it is noted that what constitutes smaller towns and villages is not defined in the CDP and that Kinnegad is described as a Service Town and is a Tier 3 town within the Settlement Hierarchy.

- 7.3.4. Chapter 6 of the 'Sustainable Residential Development in Urban Areas (2009) Guidelines refers to Small Towns and Villages (pop. 400 - 5,000 persons). This includes that each residential scheme within a small town or village should be designed to make the most effective use of the site, make a positive contribution to its surroundings, have a sense of identity and place, provide for effective connectivity, include a design approach to public areas such as streets and open spaces and encourage a safe sense of place. In this case having regard to section 6.11 of the Guidelines, the site could be considered to be an 'Edge of centre site' *where densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.* Therefore, it is of note that the Guidelines do not exclude apartments in small towns and villages.
- 7.3.5. Alternatively, as per the Guidelines if the site were to be seen more in context of 'a centrally located site', *densities of 30-40+ dwellings per ha for mainly residential schemes may be appropriate or for more mixed use schemes.* In view of the location of the site being not in the central part of the town of Kinnegad, there is some concern that the density at 48 units to the ha. would be too high and out of character with existing lower density in the area. It is noted that the current 2 storey development in The Hawthorns has 35 detached and semi-detached houses on a larger site area.
- 7.3.6. This proposal will introduce a new concept of a higher, denser apartment type development in this area that is currently defined by bungalows and 2 storey semi-detached houses. The proposed development would increase the no. of units in The Hawthorns by approx. 69% all exiting via the same estate access road to the R148. While this would lead to more consolidation of residential within appropriately zoned lands, there is concern that the proposed density should be reduced as it would set a precedent relative to being excessive and cumulatively putting a strain on social and infrastructural services and community/educational facilities in the town. That the number of units should be should be reduced to

ensure that it provides the appropriate density for the area as envisaged in the Development Plan and the Guidelines.

7.4. Design and Layout

- 7.4.1. The companion Design Manual to the Department of Environment Heritage and Local Government's Sustainable Residential Development in Urban Areas (2009) sets out 12 criteria that can be applied to the design and layout of new residential development at a variety of scales of development and in various settings. Section 4.10 of the CDP provides that these principles will be applied to new residential schemes in the county. A good development creates a 'sense of place' and community belonging to the residents. This is created by providing a mixture of house types and tenure, an individual design, the use of a variety of materials for the context of the site and area and connectivity of the site to other places.
- 7.4.2. Two separate similar type blocks A and B are proposed on this site to comprise 24no. units in total, 12no. 2 bedroom apartments and 12no. 3 bedroom duplex apartments. The residential units are shown located on site so that the front facades are addressing the street to the east and the west. It is noted that the proposed blocks A and B are shown 3 storey c.10m in height, with the second floor providing bedrooms in the pitched roof area with velux roof lights front and rear. Block A is the western block closer to The Hawthorns and Block B the eastern block closer to the private road to the schools.
- 7.4.3. The Schedule of Floor Areas is shown on the plans submitted. Block A includes 6no. 2 bed apartments on ground floor varying in floor area from 78.3sq.m and 80.2sq.m. These are all shown with patio areas of between 12.7sq.m and 13.3sq.m. Additionally 6no. 3 bedroom duplex apartments with living accommodation on the first floor and bedrooms on the second floor are shown on the plans. These vary in floor area between 125.5sq.m and 127.03sq.m. These are to be provided with small balconies on either side at first floor level, providing a total of 9sq.m private amenity area per unit. These floor areas are shown similarly for Block B and as with Block A it is proposed to provide 6no. 2 bedroom apartments on ground floor and 6no. 3 bedroom duplex apartments on first and second floors.

- 7.4.4. It is noted that the floor areas of the apartments are in excess of the minimum standards for 2 and 3 bedroom apartments as provided in Appendix 1 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2018. The area of private open space for the 3 bed apartments (9m) is just within the standards, when the area of the proposed first floor balconies front and rear is amalgamated. The aggregate floor areas of bedrooms in the apartments also complies with these Guidelines.
- 7.4.5. The Apartments also comply with the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2007 which include regard to minimum storage areas. It is noted that these refer to the minimum for main apartment balconies for 3 bedroom apartments as being 9m whereas the 2018 Guidelines includes the 9sq.m as private amenity space. It is of note that this is less than the private open requirement for apartments as given in Section 14.3.14 of the CDP. However, this also includes that shortfall in provision may be made up in the form of communal space. The Site Layout Plan shows that it is proposed to provide 575sq.m of communal open space between the blocks.
- 7.4.6. The end (side) elevations of the block have also been modified so as to create a front façade which address the access road. External finishes proposed include a blue/black slate finish to the roof and the main finish which is napp plaster panels with raised banding, panels of red brick, panels of natural stone and vertical emphasis windows to give a quality finish to the facades. Projections to the front and the rear are to have a mixture of red brick finish, natural stone and napped plaster and the balustrading to the balconies, a metal finish. The windows are to have triple glazing and cream pvc finish. It is considered that provided quality external finishes are used this should not detract from the visual amenities of the area and it is recommended that if the Board decide to permit that a condition relative to external finishes be included.
- 7.4.7. The Site Layout Plan shows 22m between the blocks. It is provided that the correct separation distance from existing properties is achieved to prevent overlooking of private amenity space. Block A is shown set back between 12.5 and 16.16m from The Hawthorns estate road (i.e c.33m from the side elevations of the 2 storey dwellings and 12.6m and 13.4m from the road to the east. The plan also shows that block A is set back c.21m from the southern boundary with the

balconies c.33m from the rear of the dwellings in New Park Court. The balconies in block B are shown set back c. 30m from these dwellings. It is however of note that the blocks and particularly block A, which is further forward, are very close to the northern boundary of the site, which is the edge of the development boundary.

- 7.4.8. In view of the set back the design and layout of the proposed development, would not cause adverse overlooking to the bungalows with rear rooflights facing in New Park Court. The car parking along the southern boundary will provide more coming and goings adjacent to the rear boundary wall of these properties which currently adjoins the site. It is considered in the interests of privacy that the block wall along the southern boundary should be retained. Preferably a 2-3m strip should be provided to the rear of the carparking area so that planting can be established between it and the southern boundary.
- 7.5. The side elevations of the 2 storey semi-detached houses in The Hawthorns are facing and in general have blank gable walls including some small first floor windows facing. In view of proposed siting and the distance to the opposite side of the estate road it is not considered that the proposal will cause adverse overlooking to these properties.
- 7.5.1. Balconies are to have privacy screens constructed to further reduce overlooking. It is noted that as per the F.I submission screens are extended to prevent overlooking from balconies to the east of block A and to the west of block B. The relationship between the development and The Hawthorns and New Park Court is detailed in the cross sections provided as part of the F.I. It is considered that balcony screens will reduce overlooking potential from the proposed balconies. It is recommended that if the Board decides to permit that a Condition similar to Condition no.5 of the Council's permission be included relative to provision of obscure glazed balcony screens.
- 7.5.2. There is concern about the location of the proposed bin store for the units. As shown on the plans originally submitted this was to be located adjoining the southern boundary with the houses in New Park Court. The plans submitted as part of F.I show that the bin store has been moved away from the boundary wall to the south and relocated in the communal area of open space, in close proximity, to the bin lorry turning area. It is provided that the store will be screened with a

1.8m timber panel fence and planted trees. A hammerhead turning area for the bin lorry turning is shown in proximity to this store. It is considered an improvement in the layout for neighbouring properties, that the bin and bike stores are shown located away from the site boundaries to a more central location on the site. However, in particular, the bin store needs to be well screened and maintained so as not to impact adversely on future residents.

7.6. Part V

- 7.6.1. It is provided that the applicant proposes to supply a minimum of 2 units from the development for Social and Affordable use. The Council recommends a standard Part V condition, as per Circular Housing 5 of 2017, to apply. Policy P-HS5 of the Westmeath CDP relates to the provisions of Social and Affordable Housing. Condition no.16 of the Council's permission refers. It is recommended if the Board decide to grant that a Part V condition be included.

7.7. Landscaping and Boundary treatment

- 7.7.1. The plans show a central area of communal open space, and public open space in two separate areas to the east and west of the blocks. 16.2% public open space is provided along with communal open space separated with a timber panel fence and screening with hedgerow. Open spaces are a means of promoting inclusivity. There is some concern from local residents that the existing wall on the west side of the development will be lowered/removed to verge level and that roadside trees will be either removed or damaged. It is put forward that the use of the public open space will be made available to the residents of The Hawthorns as a means of integration. However, this needs to be managed in view of the denser form of the development and the smaller size of the plot relative to The Hawthorns.
- 7.7.2. It is provided that a decorative wrought iron railing and boundary wall are to provide a finish to the east boundary adjacent to the school. The proposal along the eastern boundary (adjacent to the schools) for the provision of a low wall and railings along the entire length has been included in the amended scheme. The boundary wall to the west is to be lowered so as to allow better integration and increase green space for the adjacent development. It is noted that the provision

of adequate and well designed public, communal and private open space for apartments is important in meeting the amenity needs of future occupants. The current scheme also includes a central area of communal open space for use of the residents. Although the revised plans show that this will also incorporate bicycle and bin stores.

- 7.7.3. In response to the Council's F.I request it is provided that a site layout plan has been submitted showing the location of the existing deciduous trees along the verge to the west of the development. Currently these mature trees add to the visual amenity of the area. It is proposed to retain all of these trees, however this is not detailed on the site layout plan. There is also concern regarding possible damage to roadside trees in the verge in The Hawthorns. It is noted that a detailed landscaping plan which includes retention/augmentation of the boundary trees has not been submitted. It is recommended if the Board decide to permit that such a landscaping condition be included.

7.8. Access and Traffic

- 7.8.1. The details submitted with the application note that originally the applicant proposed to form a new entrance onto the private road serving the schools to the east which would allow safe pedestrian access for children from the proposed site to the schools and reduce traffic volume using the schools. They provided that the applicant was willing to provide community facilities and traffic calming in return for an access onto this road. However, the First Party provides that this access was denied by the parties in charge and this is reiterated in the F.I submitted. As a result, the layout of the site was amended and a new entrance location designed for the western boundary with access off the road serving the Hawthorn Development which is a right of way. The proposed access is to the south of a cul-de-sac with gated field entrance to the north of the site.
- 7.8.2. The Submissions on file note that the planning application addresses the entrance as being off the Mullingar Road but it will be off the minor estate road, The Hawthorns and not the said road. They are concerned that the access from The Hawthorns to the Mullingar Road is already a very busy and dangerous junction due to its proximity to Kinnegad Agri-stores and the heavy goods traffic that deliver and park of the footpath and at times block visibility from the entrance.

- 7.8.3. The site will have just one access road 5 metres wide which will have speed reduction measures incorporated using horizontal and vertical deflection. It will access onto the local secondary estate road (L5038-0). As shown on the plans the verge along the western boundary with The Hawthorns is to be set back to facilitate sightlines. There is concern that the width of the road is not wide enough to cater for the increased development and in particular roadside parking.
- 7.8.4. On my site visit I noted that the estate road providing access to The Hawthorns cul de sac estate is narrow with ramps. There is a grass verge adjacent to the block wall of the site. There are semi-mature roadside trees planted at intervals along this verge and it appears that some trees which are adjacent to the proposed entrance may have to be removed to facilitate the entrance and sightlines. There is a footpath on the opposite side of the road. This road appeared lightly trafficked on the day of my site visit. There is a Stop sign at the exit from the estate to the R148. Sightlines on either side of the entrance to The Hawthorns from the R148 appear adequate. There is a footpath along either side of the regional road in this location. The entrance to The Hawthorns is within the town speed limits.
- 7.8.5. Table 14.11 in the CDP provides the Car Parking Standards. Car parking is to be provided at a ratio of one and a third space per unit which complies with the standards. Parking bays for disabled are also provided with dished kerbs where necessary. It is noted that the Site Layout Plan shows 30 spaces are to be provided (which is marginally short of 32 spaces required for 24no. units, a further 3no. disabled spaces are to be provided). There is concern that on-site parking to be provided will be inadequate and that overspill onto The Hawthorns estate will result in traffic safety/congestion problems and be detrimental to the amenities of existing residents in the estate. Visibility from the proposed access to the site should not be obstructed by roadside parking.
- 7.8.6. Table 14.12 provides the Cycle Parking Standards. The plans include 2 no. bicycle stores (one for each block) originally shown located proximate to the eastern and western site boundaries. As per the F.I bike storage areas have been relocated within the private communal open space area and are in locker systems as recommended. Also, that capacity is in accordance with standards i.e 36 which is 1 space per unit and 1 space for visitors. 2no. motorbike parking spaces are

shown in compliance with standards. A centrally located turning hammerhead is also provided for bin lorries.

- 7.8.7. There is concern that the construction stage including ensuing noise, dust and traffic generation will be detrimental to the amenities of local residents, as all will be using the access road to The Hawthorns. Also, that at occupation stage there will be an increased level of traffic onto The Hawthorns access road to the proposed development, including regard to service vehicles such as bin lorries etc. There is a need for Traffic Management relative to these issues. If the Board decide to permit it is recommended that a Construction Management Plan to include traffic management be submitted.

7.9. Permeability

- 7.10. In this area in a relatively short space there are 3 separate cul-de-sac accesses from the R148 i.e.: 1) to the two schools to the east, 2) to New Park Court residences and 3) to The Hawthorns. The access road serving the schools is a wider road with footpaths and cycle lanes on either side. There are no pedestrian entrances from New Park Court to this road. There is a high metal fence with a hedgerow inside along the eastern boundary of the site. There is currently no entrance from the subject site to the cul de sac road accessing the two schools.
- 7.10.1. There is concern about the lack of permeability and linkages to the site. It is noted that Section 12.4.2 of the CDP provides that one of the key principles of urban design is to promote east of movements, accessibility and local permeability. This also refers to integrating land uses and transport. Policy P-KGD4 of the *Settlement Plan for Kinnegad in the Westmeath CDP* seeks: *To enhance pedestrian and cycle permeability from the centre of the town to the development boundaries on all access roads, in association with further development in the settlement.*
- 7.10.2. Regard is also had to Section 3.3 of the Design Manual for Urban Roads and Streets which supports connectivity and permeability and the creation of integrated street networks i.e: *Street Networks should be designed to maximise connectivity between destinations to promote higher levels of permeability and legibility for all*

users, in particular more sustainable forms of transport. This will allow people to move from place to place in a direct manner with greater route choice.

7.10.3. It is considered that there is a lack of permeability from the site and this is not in the interests of connectivity in that there is no pedestrian access available to the private road to the schools to the east of the site. While it was originally considered that a pedestrian entrance would be allowed, documentary evidence submitted does not support this. Condition no.4 of the Council's permission is of note in that it requests that prior to the commencement of development revised plans should be submitted and agreed with the PA showing: *the provision of a 3m gap in the eastern boundary wall with footpath and lights leading up to it, to enable pedestrian and cyclist traffic permeability to adjacent lands in the event that consent is achieved.* While to date the documentation submitted does not support the feasibility of this, it is recommended in the interests of permeability, that if the Board decide to permit that a similar type of condition be included.

7.11. Impact on the Character and Amenities of the Area

7.11.1. Having regard to the Assessment above it has been noted that the proposed density is higher than that of the surrounding area and higher than that recommended in both Sections 6.10 and 6.11 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009. While it is noted that higher densities maybe permissible in some urban areas to provide more sustainable forms of development as per recent guidelines such as the Project Ireland 2040 and Urban Development and Building Heights 2018, there are issues here relative to the appropriateness of the proposed form of development and higher density on this site in a Tier 3 service commuter town in an edge of centre location.

7.11.2. In this respect if the Board decide to permit I would recommend the reduction in the number of units and size of Block A be conditioned. This could be achieved by the omission of a more central section i.e 2 bedroom unit no.2 and the 3 bedroom unit no.20, above. This would serve to reduce the overall length of Block A, increase the set back from the northern site boundary and reduce the no. of units to 22. The density of the proposed development would then be reduced to 45 units per ha which would be preferable in this edge of centre location. It would also

allow for additional landscaping along the northern site boundary which forms part of the development boundary for Kinnegad.

- 7.11.3. There are also issues relative to permeability and connectivity which have not been included in the scheme. If the Board decide to permit, as noted in the permeability section above I would recommend that it conditioned that a pedestrian entrance as shown in the plans originally submitted be conditioned.

7.12. Drainage issues

- 7.12.1. An Engineering Services Report has been submitted with the application. The Report considers the design of surface water network including the provision of SUDS, the design of foul network, the design of the water main supply. As this is a greenfield site, the drainage network has to be designed and it is proposed to provide new connections to the public mains and public sewer. It is noted that all storm water is to be discharged to a drain on the northeast of the site which is in the ownership of the applicant. Details are given of proposed connections to the foul and surface water network. The proposed surface water network is to be attenuated and discharged to a stream via an interceptor. An attenuation area is to be located under the public open space adjacent to The Hawthorns estate road. Appendices A – F are included relative to drainage issues.
- 7.12.2. There are concerns about the impact on the Kinnegad River relative to surface water drainage. Local residents have expressed some concerns about possibility of flood risk to The Hawthorns and New Park arising from the proposed development, which now appears as a greenfield site. The Engineering Services Report provides that there are no recorded or reported flood events at the proposed site which has no history of flooding. They refer to Appendix C for Flood report and mapping. The OPW Preliminary Flood Risk Assessment (PFRA) does not indicate a flood risk for Fluvial or Pluvial flooding. The Kinnegad River is the nearest river to the site and is 900m south of the site and the site is approx. 9m higher in elevation. They provide that there would be a low risk of flooding occurring from mechanical failure or blockage of the proposed Hydrobrake but due to the topography of the site and the layout of the road, any flooding resulting from this would not affect the proposed residential units.

- 7.12.3. This Report notes that there is no existing storm drainage system on the proposed site – note it is a greenfield site. There is an existing storm network which provides surface water drainage for ‘The Hawthorns’ housing estate access road but this is not suitable for the proposed development due to the site being lower than the road. There is an existing drainage ditch to the northeast corner of the field where the proposed site is situated. It is proposed to install a headwall at this location and use it as the surface water outfall for the site. They note that the management of surface water for the proposed development will be designed to comply with current policies and guidelines and SUDS. The proposed new surface water drainage system will be designed to collect generated stormwater run-off and attenuate it before discharging to the existing drainage ditch located in the northeast of the field.
- 7.12.4. The system is designed with impermeable surfaces running to permeable paving and gullies. It is provided that no surface water/rainwater will discharge into the foul sewer system. There are no proposed combined sewers on the site. The storm network will include surface water gullies, attenuation system, parking bays with permeable paving, bypass interceptor - Appendix D. Details are given of the proposed incorporation of SUDS elements in the design and layout. Appendix B notes details relative to Stormtech stormwater management and volume of attenuation needed for the 100 year storm event. Details are given of interception volume, and drainage network design standards. The latter is designed to cater for 100year storms and for 20% additional increase for climate change.
- 7.12.5. There is no existing foul system on the proposed site. There is an existing foul sewer network which provides foul drainage for ‘The Hawthorns’ housing and is located in the access road. Details are given of the proposed foul layout. The development is proposed to connect to the existing foul sewer system using a sump and pump with rising main and a 24 hour holding tank. Table 2 provides a Foul Discharge Demand Table. It is provided that all proposed foul sewers are designed to be discharged by gravity and in accordance with current standards including the recommendations of the GSDS. Appendix F has regard to the drawings relative to foul drainage and foul long sections. Design Calculations are also included.

- 7.12.6. The Engineering Services Report also has regard to water supply and distribution. This notes that it is proposed to connect to the existing watermain located in the access road to The Hawthorns housing estate and that a new network will be installed in the roadway. A table indicating water demand is included. This notes that water works for the proposed development shall be in accordance with Irish Water connections and developer service code of practice for water infrastructure.
- 7.12.7. There is concern relative to connection to the existing sewerage system in The Hawthorns, that there is a lack of capacity in the existing sewerage system to cope with an additional 24 units as currently proposed. Also, clarification was sought on the impact of the proposed drainage system on The Hawthorns estate. The previous application relative to this site Reg.Ref. 04/5188 was refused because at that time it wasn't considered acceptable to have a foul sewerage system rely on a pump and not a gravity fed sewer. Local residents query what has happened since then and consider that additional information should be sought to ensure that drainage and sewerage issues do not arise in the future. They contend that any proposal for residential development would be premature until appropriate and sustainable infrastructure is in place and that the proposed development should be refused on this basis.
- 7.12.8. Section 13.4.11 of the Westmeath County Development Plan refers to Infrastructure in Kinnegad. This notes that the water supply for Kinnegad is part of the Mullingar Regional Water Supply Scheme and is deemed adequate. It provides that: *the current waste water treatment plant (WWTP) serving Kinnegad, situated to the east of the town, is designed to collect and treat effluent from a population equivalent of 4,800, with proposals in place to increase the capacity to 500 P.E.*
- 7.12.9. Having regard to the Planner's Report, it is noted that their original recommendation to refuse was not supported by the Council in that it was considered that Irish Water had addressed the issues of concern in that they have stated that they can facilitate a connection from development in relation to water and wastewater connections at Kinnegad. They provided that based on the capacity currently available as assessed by Irish Water, they advise that, subject to a valid connection agreement being put in place, the proposed connection to Irish Water can be facilitated. They also note: *all designs must be in accordance*

with the Irish Water Codes of Practice and Standard Details. The proposal was subsequently recommended for permission by the Council subject to conditions. Condition no. 12 in the Council's permission relates to Surface Water and Condition no.13 to Water/Waste Water.

- 7.12.10. The First Party response provides that the design of proposed sewerage system is acceptable to Irish Water who have said that connections can be facilitated. They note that all final designs are to be agreed with Irish Water prior to the commencement of development. They provide that there are no policies in the current CDP that prevent the servicing of the site by a pumped system. They note that the refusal in Reg.Ref.04/5188 was for a larger development of 91 dwelling units and a childcare facility.

7.13. Screening for Appropriate Assessment

- 7.13.1. A Natura 2000 Screening Assessment is included with the application. This notes that the proposed project is not located within any SAC or SPA, however as the project site is located c.2km from Mount Hevey Bog SAC, an initial screening process (stage 1) has been completed.
- 7.13.2. Section 3.3 provides a description of the Mount Hevey Bog SAC (Site Code:002342) which is c.4kms north-east of Kinnegad and 2.08km from the site. The selected Features of Interest are; *active raised bogs, degraded raised bogs still capable of natural regeneration, depressions on peat substrates of the Rhynchosporion.* The Conservation Objective is: *to restore area of active raised bog to 77.8ha subject to natural processes.* Section 3.4.1 provides an Assessment of Likely Impact on the Natura 2000 Sites. This includes that there is no likely significant impact on water resources as the proposed development will be supplied from the public water supply network, there will be no abstraction from the local groundwater resource. As a result, there will be no likely significant impact on the SAC.
- 7.13.3. They also provide that there is no likely significant impact on water quality. The proposed development will be connected to the public foul drainage network, therefore there will be no discharge to local ground water or surface water. The local WWTP serving Kinnegad discharges to the Kinnegad River. Surface water

runoff from the development will be discharged to the storm drain before eventual discharge via the public sewer and river network to the Kinnegad River. It is noted that the Kinnegad River does not flow through the Mount Hevey Bog SAC which drains to the Kinnegad River, therefore the Screening Report provides there is no likely significant impact caused to the Natura 2000 site by increase in foul water generated, as the project site and Natura 2000 site are not hydrologically connected. It is provided that due to the physical separation of the sites along with the lack of pathway for potential effects it is likely there will be no significant effect on Mount Hevey Bog SAC as a result of this development.

- 7.13.4. This Screening Report notes that the foul water generated from the development will discharge via the public foul sewer drainage collection network to the Kinnegad WWTP before discharge to the Kinnegad River. There will be no discharge to the groundwater of foul waters. This is subject to a connection agreement with Irish Water.
- 7.13.5. Surface water generated from the development site will be discharged via an attenuation tank system to a drainage ditch located at the rear of the site, which eventually through a series of channels discharges to the Kinnegad River.
- 7.13.6. The water supply will be supplied by mains water. This is subject to a connection agreement with Irish Water.
- 7.13.7. The Screening Report concludes that as the development site is located within an urban area, noise disturbance during construction will not cause any significant effect on the Mount Hevey Bog SAC, which is c.2km from the development site. Having regard to the Map submitted with the Screening Assessment note is had to River Flow Directions, relative to Mount Hevey Bog SAC. The Report also provides that there are no other Natura 2000 designated sites within 10km of the proposed development site and the Mount Hevey Bog SAC. It is their opinion that Screening establishes that there is no potential for significant effects to the Natura 2000 site thus as AA is not required.
- 7.13.8. Regard is had to the National Parks and Wildlife Services website (NPWS). The Map Data shows that the River Boyne and River Blackwater SAC (002299) is located c.5.2kms to the north of the site. It is noted that any possible impacts

(source-receptor-pathway) on this Natura 2000 site, including further downstream, have not been discussed in the Natura 2000 Screening Assessment.

- 7.13.9. I note that the EPA Maps show that the river flows downstream from the Kinnegad WWTP which is located to the east of the town and that the River Boyne and River Blackwater SAC (002299) and the SPA (004232) in this direction is c.10kms away. The qualifying species for this SAC include River Lamprey, Atlantic Salmon and Otter. The Objective is: *To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and/or Annex II species for which the SAC has been selected.* The qualifying species of this SPA concern the Kingfisher bird. The Objective is: *To maintain or restore the favourable condition of the Annex I habitat(s) and/or the Annex II species has been selected.*
- 7.13.10. Section 13.4.11 of the CDP has regard to Infrastructure in Kinnegad and includes: *Insufficient water assimilative capacity in the receiving waters, is currently a constraint to development. In terms of surface water drainage, the Kinnegad River is the principal surface water receptor.* It is of note that the Irish Water response does not address the issue raised in this Section regarding any possible impacts on the assimilative capacity in the receiving waters. Assimilative capacity is the ability of a body of water to cleanse itself; its capacity to receive waste waters or toxic materials without deleterious effects and without damage to aquatic life or humans who consume the water.
- 7.13.11. It is noted that the Planner originally recommended refusal as there was concern that the Westmeath CDP indicates that there is a lack of assimilative capacity in the receiving waters from Kinnegad Waste Water Treatment Plant. They also noted that the receiving waters appear to be hydrologically connected to the River Boyne and River Blackwater SAC. They considered that given the direct hydrological connection and the lack of assimilative capacity that the impact on this SAC cannot be screened out. Therefore, they did not consider that, this issue, has been adequately addressed in the Natura Screening Assessment Report.
- 7.13.12. The Planner recommended refusal relative to this issue. However, this was subsequently not accepted as the Council considered that Irish Water has addressed this concern and it was recommended that permission be granted subject to conditions.

7.14. Conclusion relative to Screening for AA

- 7.14.1. Section 2.9 of the Westmeath CDP 2014-2020 has regard to Water Supply and Waste Water Treatment Infrastructure and includes: *In addition to the consideration of the capacity of waste water treatment works, there is an increased focus on the receiving waters, the assimilative capacity of which is a significant consideration in the allocation of both capital investments in infrastructure and in the consideration of Settlement Policy.* This also includes that: *Measures of the River Basin Management Plans with regard to waste water treatment and assimilative capacity shall be material considerations in assessing the suitability of lands for development.*
- 7.14.2. I had regard to the River Basin Management Plan for Ireland 2018-2021. This provides more up to date information relative to the status of treatment plants in urban areas throughout the country. Table 4 refers to 'Other Scheduled Waste Water Treatment Plant Upgrades' and notes that the 'Generated Load 2016 Population Equivalent (PE) for Kinnegad, County Westmeath is 3,540 and that an upgrade is complete.
- 7.14.3. Having regard to this upgrade and the details supplied by Irish Water relative to the feasibility of connections and in view of the limited scale and nature of the development on a serviced site and the distance from the site to the River Boyne and River Blackwater Natura 2000 site, I would consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. (site code 002299), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend that the proposed development be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the zoning objective for the site as set out in the Westmeath County Council Development Plan 2014 – 2020, the National Planning Framework, 2018 – 2040, the Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government (2009), the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government (2018), and the overall scale, design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or the amenities of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 15th day of November 2018 and by the further plans and particulars received by An Bord Pleanála on the 10th day of February, 2019, 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. The proposed development shall be amended as follows: -
 - (a) Units nos. 2 and 20 in Block A shall be omitted, and the block shall be reduced in length and set back a minimum of 5metres from the northern site boundary.

(b) the privacy screens proposed to the balconies at the northern and southern end of the blocks, shall be permanently fitted with obscure glazing, prior to the first occupation of the units and thereafter shall be maintained.

(c) the pedestrian entrance to the site from the road to the east as shown on the Site Layout Plan as originally submitted on the 17th of August 2018, shall be included in the scheme.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity and permeability.

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. The areas of public and communal open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public and communal open space by the developer until taken in charge by the local authority.

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

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
6. (a) A plan to scale of not less than 1:200 showing –
 - (i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping

- (ii) The measures to be put in place for the protection of these landscape features including the trees along the eastern boundary during the construction period
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.
- (iv) Details of screen planting including to the northern boundary which shall not include cupressocyparis x leylandii
- (v) Details of roadside/street planting which shall not include prunus species
- (vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation
- (d) Details of all proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

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 five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, 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 residential and visual amenity.

7. 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.

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

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

9. Detailed proposals for the numbering and naming of the development scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signage, and duplex/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

10. (a) 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.

(b) Prior to commencement of development the developer shall submit a layout drawing showing the proposed route of the existing ESB overhead line.

Reason: In the interest of visual and residential amenity.

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, construction traffic management and off-site disposal of construction/demolition waste.

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

12. Prior to the commencement of development, full details of the proposed public lighting scheme, including the lighting levels within open areas of the

development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

13. Site development and building works shall be carried out only between 0800 to 1900 hours 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.

14. 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 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may 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 current Development Plan for the area.

- 15 (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and 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.

16. 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 watermains, drains 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 Bord Pleanála for determination.

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

17. 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.

Angela Brereton
Planning Inspector

8th of May 2019