



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-309513-21

Strategic Housing Development

576 no. residential dwellings (285 no. houses, 291 no. apartments), crèche and associated works.

Location

Townlands of Lissywollen, Kilnafaddoge and Retreat, and partially traversing the townlands of Curragh, Cloghanboy (Strain) and Cloghanboy (Homan), Athlone, Co. Westmeath. (www.lissywollenshd.ie)

Planning Authority

Westmeath County Council.

Applicant

Alanna Roadbridge Developments Limited.

Prescribed Bodies

1. Irish Water
2. Transport Infrastructure Ireland

3. National Transport Authority
4. Department of Culture, Heritage and the Gaeltacht
5. Córas Iompair Éireann
6. Westmeath County Childcare Committee

Observer(s)

1. Amanda Bracken
2. Brawny Resident's Committee
3. Carla Sabatini
4. Clonbrock Court Residents Association
5. Frankie Keena
6. Keith Dowling
7. Retail Park Residents Association
8. Scoil na gCeithre Maistri Board of Management (Edwin Ambrose)
9. Scoil na gCeithre Maistri Parents Association (Maria Bracken)

Date of Site Inspection

7 May 2021.

Inspector

Stephen Rhys Thomas.

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1.0 Introduction

1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application was made by Alanna Roadbridge Developments Lt and received by the Board on 24 February 2021.

2.0 Site Location and Description

2.1. The application site is located approx. 1.2km to the northeast of Athlone Town Centre in County Westmeath. The overall site is large, with two central portions of a rectangular shape with two longer elements to the east and west that follow the route of vehicular access. A significant portion of the site is bounded to the north by the N6 Athlone Relief Road. The main access to the site is via Brawny Road from the west, which also serves the Athlone Regional Sports Centre, Athlone Stadium, a primary school, and Brawny housing estate. The immediate west of the site is bounded by a primary school, Scoil na Gceithre Máistrí and open space lands. The southern boundary of the site runs along the Old Rail Trail Greenway, an existing pedestrian/cyclist route adjoining an old rail line, which forms a section of the Galway-Dublin National Cycle Network. The eastern boundary adjoins existing green field lands.

2.2. The Brawny housing estate (Road, Crescent, Close, Square and Drive), is located on the north and south side of the central road within the site. The boundary to the site excludes the existing housing estate lands and some parts of the central section of green open space. The site includes the entire length of existing road up to and including the Ballymahon roundabout to the west and a route to the east through undeveloped lands. This new route links up with an existing Blackberry Lane and connects to the Garrycastle roundabout, with this route to be upgraded and realigned to form part of an east-west link street as part of the development.

2.3. The site encompasses a stated gross area of 17.64 ha and is predominantly characterised by agricultural grassland. The western portion of the site comprises a large grassed open space with pedestrian desire lines that criss-

cross its centre. The site also includes long tracts of public road, footpaths and grass margins. For the most part the site is flat with very slight changes in level. The highest part of the site is at the centre of the western portion, currently in use as open space. There is a very slight and natural fall across the site from the N6 in the north to the former railway line along the south of the site. That part of the site on agricultural lands comprise grassland, with numerous and full hedgerow boundaries and associated dry ditches. The site boundaries to existing houses mostly comprises a two metre high concrete block wall with very little change in ground levels, apart from the lands adjacent to Brawny Drive where ground levels on the site are slightly higher in places. Other than along mature hedgerows, there are no extremely significant tree groupings. However, there are some notable trees along the northern boundary with the N6 and some mature trees along the boundary with the former rail line.

3.0 Proposed Strategic Housing Development

3.1. The proposed development comprises the construction of 576 residential units comprising 285 housing units and 291 apartment units in 16 blocks between 2 and 5 storeys in height, two childcare units and a community hub, together with open space amenity and a new east/west link road. The detail is as follows:

Parameter	Site Proposal
Application Site area	17.64 ha gross; 13.64 ha net.
Number of Units	576 units (285 houses and 291 apartments).
Residential Density	33 units per hectare gross. 42 units per hectare net
Building Height	2 storey dwellings; 3-5 storeys duplex and apartments.
Other Uses	Crèche – 321 sqm (62 child spaces) Crèche – 448 sqm (83 child spaces) Community Hub – 101 sqm
Open space	23,330 sqm (public open space) 4,001 sqm (communal open space)

Parking	455 car spaces houses 295 car spaces apartments 752 car spaces in total. (2 spaces community hub) 1,613 bicycle spaces
Vehicular Access	From the R915 (Ballymahon Road) to the west, and a new East-west avenue extending from Ballymahon roundabout (on the R915 -to the west) to the Garrycastle roundabout (on the R916 - to the east).

3.2. The breakdown of unit types as submitted by the applicant is as follows:

Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Apartments	60	177	54	0	291
Houses	0	35	200	50	285
% Total	10.5%	37%	44%	8.5%	100%

The apartment and duplex units are provided for in 18 blocks (Blocks A-H & K-T) finished with a combination of different brick and render materials. The heights of the apartments / duplex blocks that are not 3 storey are as follows: Block L - part 4 / part 5 storey, Block M - part 3 / part 4 storey, Block O - 2 to 4 storey and Block G - 2 storey

All the proposed houses are 2 storey dwellings with a combination of semi-detached and terraced dwellings, finished in brick and render. There are 10 house types, ranging from 2 bed houses to 4 bed houses, the external / material finishes of these house types are varied across the scheme and form 5 character areas.

The development includes public and communal spaces, described as: Public Spaces - Central Urban Plaza. Parkland, Pocket Parks, Play Areas and Habitat Buffer. Communal Spaces include: Open Spaces, Courtyards and Structured Play Areas.

4.0 Planning History

4.1. Subject site:

File Ref. **88810423**: Permission refused for Housing Development at Retreat, Athlone.

File Ref. **94810726**: Permission refused for a dwelling house.

File Ref. **95810176**: Permission for a dwelling house.

4.2. Sites nearby:

File Ref: **04/3090**: Permission refused for 78 residential units, three reasons: premature development and prejudice the provision of a safe and satisfactory access road to the area and the zoned lands to the west of the site; represent hap-hazard piecemeal development of this land and the proposal would negatively affect the residential amenities of future occupiers and would be contrary to the Residential Density Guidelines and the Athlone Town Plan by virtue of its layout, design and inadequate public and private space.

ABP-**307508**-20: 426 residential units (237 houses, 189 apartments) creche and associated site works. October 2020.

5.0 Section 5 Pre Application Consultation

5.1. Two section 5 pre-application consultations took place at the offices of An Bord Pleanála on the 11 December 2019 and the 30 March 2020 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-305726-19. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

Layout Design

Revisit the overall layout of the proposed development in relation to the 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009, the Design Manual for Urban Roads and Streets, and compliance with the local policy document Lissywollen South Framework Plan. Specifically:

(a) Site layout plan and design of the east-west link road/Lissywollen Avenue should change from district distributor to a street, this may require realignment.

(b) Car Parking Strategy, which should be re-examined in accordance with DMURS.

(c) Pedestrian and Cyclist Movement across the site, specifically north south across the proposed east-west Lissywollen Avenue.

(d) Open Space Strategy, which details the hierarchy, function and usability of open space across the development, and ensure good levels of passive supervision and removal of inappropriately located turning heads/parking bays within open spaces.

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1. Cross sections and visualisations across the site and a report that addresses the site layout with regard to streets, position of buildings, overlooking of streets and public open spaces, and the design and positioning of car parking, in accordance with the Lissywollen Framework Plan, Urban Design Manual accompanying the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009, and DMURS.

2. A detailed Car Parking Strategy identifying parking provision and allocation for apartments and houses.

3. Pedestrian and Cyclist Strategy, which considers north-south as well as east-west movements and re-consideration of the location of the cycle lane relative to the school site.

4. Cycle Parking Strategy to be submitted and considered in accordance with national guidance.

5. Review all corner sites and open spaces to ensure dwelling designs provide sufficient overlooking and definition of spaces and are of dual aspect design where required, minimising dominance of boundary walls onto streets.

6. Noise impact assessment in relation to proposed houses to the north, adjacent the N6.

7. Childcare demand analysis and the likely demand for childcare places.

8. Sunlight-daylight analysis in relation to apartments proposed and neighbouring residential dwellings.

9. Additional details in relation to issues raised in the report issued by the Roads and Transportation Department dated 24th March 2020.

10. Additional details in relation to issues raised in the report issued by the Housing Department dated 23rd March 2020.
11. Additional details in relation to surface water management and SUDS strategy.
12. A building life cycle report. The applicant should consider the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, podium design, pathways, and all boundary treatments.
13. Mobility Management Plan.
14. Ecological impact assessment including inter alia a bat survey and ecological connectivity across the site, specifically addressing trees/hedgerows that are to be removed and to be retained.
15. Construction and Demolition Waste Management Plan.
16. Land ownership/consent submitted to include road network to west and east.
17. A map indicating the net development area.
18. Consideration to be given to e-car infrastructure.
19. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
20. A detailed phasing plan, including proposals in relation to the east-west Lissywollen Avenue and upgrades to the existing roundabouts at both access points, in addition to the associated bicycle and pedestrian infrastructure.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Department of Culture, Heritage and the Gaeltacht
5. Coras Iompair Eireann
6. Westmeath County Childcare Committee

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

- National Policy Objective 2b: The regional roles of Athlone in the Midlands, Sligo and Letterkenny in the North-West and the Letterkenny-Derry and Drogheda- Dundalk-Newry cross-border networks will be identified and supported in the relevant Regional Spatial and Economic Strategy.
- National Policy Objective 3c: Deliver at least 30% of all new homes that are targeted in settlements other than the five cities and their suburbs, within their existing built-up footprints.
- National Policy Objective 4: 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 Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.2. Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the following policy documents and Section 28 Ministerial Guidelines are relevant:

- Regulation of Commercial Institutional Investment in Housing - Guidelines for Planning Authorities (May 2021)
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018/2020)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

6.3. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

The RSES states in relation to Athlone, that 'key priorities are to promote the continued sustainable and compact growth of Athlone as a regional driver, with a target population of 30,000 up to 2031, providing for an enhanced public realm and regeneration in the town centre along with significant employment growth linked to the further development of Athlone Institute of Technology (AIT) and building on the town's existing strong economic base and enterprise clusters'.

With regard to residential development, the RSES state that the key to the success of Athlone is the availability of zoned and serviced lands within the existing built up area to facilitate significant population growth. It states that 'In particular, the

development of the strategic landbank at Lissywollen South, also offers the opportunity to develop a new urban quarter extending from the town centre...'

The following regional policy objectives are relevant:

- Regional Policy Objective 4.5: Promote Athlone as a key location for regional economic development supporting the provision of increased employment through the expansion of the existing enterprise ecosystem in Athlone and smart specialisation, that have developed through collaboration with the relevant enterprise agencies including the IDA, Athlone Institute of Technology and the Midlands Innovation and Research Centre and support the provision of physical infrastructure and zoned lands to realise the phased delivery of strategic employment lands in central accessible locations.
- Regional Policy Objective 4.7: Support the development of a cross sectoral approach to promote Athlone as a key tourism destination in the Midlands, building on Fáilte Ireland's Hidden Heartlands brand and the forthcoming Shannon Tourism Masterplan to develop the recreation and amenity potential of waterways including the River Shannon and Lough Ree and the development of a greenway network including the Galway to Dublin Cycleway.
- Regional Policy Objective 4.8: Support the regeneration of underused town centre and brownfield / infill lands along with the delivery of existing zoned and serviced lands to facilitate significant population growth and achieve sustainable compact growth targets of 30% of all new homes to be built within the existing built up urban area.

6.4. Local Planning Policy

6.4.1. Westmeath County Development Plan 2021-2027

The Westmeath County Development Plan 2021-2027 came into effect on May 3rd 2021.

- Athlone is identified as a Regional Growth Centre, these are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area.
- CPO 2.2 - Support the continued growth of Athlone, with a focus on quality of life and securing the investment to fulfil its role as a key Regional Growth

Centre and economic driver in the centre of Ireland, with a target population of 30,000 up to 2031.

- Section 3.7 Residential Densities - Higher densities will be applied to the higher order settlements of Athlone and Mullingar to align with their roles as Regional Growth Centre and Key Town, subject to good design and development management standards being met.
- CPO 16.24 - Promote Increased residential density within Athlone Regional Centre and Mullingar (key town) in principle where the subject lands are:
 - within walking distance of the town centre, or
 - are adequately serviced by necessary social infrastructure and public transport and/or
 - designated regeneration sites and development lands which comprise in excess of 0.5ha, subject to quality design and planning merit in ensuring compact growth and the creation of good urban places and attractive neighbourhoods.

6.4.2. Athlone Town Development Plan 2014-2020

- Lissywollen South area – map based objective for a Local Area Plan.
- Variation 3 to Athlone Town Development Plan incorporated Lissywollen South Framework Plan 2018-2024.

6.4.3. Lissywollen South Framework Plan 2018-2024

Variation No. 3 incorporates a new Framework Plan for the Lissywollen South area of Athlone into the Athlone Town Development Plan 2014-2020. The subject site is predominantly zoned 'Residential' with associated 'Open Space' zoning under the Lissywollen South Framework Plan 2018-2024 which forms part of the Athlone Town Development Plan.

- Residential O-LZ1 'To provide for residential development, associated services and to protect and improve residential amenity'.
- Open Space O-LZ8 'To provide for, protect and improve the provision, attractiveness, accessibility and amenity value of public open space and amenity areas'.
- Section 3.6 – Access and Movement.
- Section 4 – Framework Plan.

6.5. Applicant's Statement of Consistency

- 6.5.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of national and regional planning policy including section 28 guidelines, the Westmeath County Development Plan 2014-2020, Athlone Town Development Plan 2014-2020 and Lissywollen South Framework Plan 2018-2024. The applicant's conclusion is that having regard to all the documents contained in the Statement of Consistency, it is considered that the proposed development is appropriate to the subject site and will provide high quality residential development in support of national, regional and local planning policy. Specifically and at the local level, the Lissywollen South Framework Plan aims to develop strategically located zoned lands as a highly sustainable and integrated new urban quarter extending from the town centre of Athlone. The proposed development will deliver new residential accommodation in line with this vision and provide for the highest architectural quality to ensure that these currently underutilised lands can be developed into modern new neighbourhood.

6.6. Applicant's Material Contravention Statement

- 6.6.1. A Material Contravention Statement has been prepared that sets out the rationale as to why the development, that exceeds residential density and building heights set out in the Athlone Town Development Plan 2014-2020 (Lissywollen South Framework Plan 2018-2024), and the open space provision set out in the Westmeath County Development Plan 2014-2020, is considered acceptable. The applicant sets out the reasons why permission can be granted in the context of Section 37(2) of the Planning and Development Act 2000 (as amended).
- 6.6.2. Density - the Lissywollen South Framework Plan 2018-2024, states that "In general, a residential density of 35 units per hectare shall apply across the Framework Plan; higher densities may be permitted in areas adjoining public open spaces or where prescribed in Parcel 4 – Student Quarter." It should be noted that the subject site is not located within Parcel 4 of the Plan area. The proposed development of 576 dwellings across 17.64 ha, equates to a gross density of 33 dwellings per hectare. Excluding major roads and significant landscape buffer strips the net developable area of 13.64 hectares results in a net density of 42 dwellings per hectare. Though in

excess of the local plan density for the area, 42 units per hectare is acceptable in accordance with national policy.

- 6.6.3. Building Height - The Athlone Town Development Plan 2014-2020 identifies sites within the town centre which can be considered for tall buildings, tall is defined as buildings of over 3 to 4 storey in height. The site is located outside the identified boundaries for the Athlone Town Development Plan's building height policy area within which tall buildings are considered acceptable.
- 6.6.4. Open Space Provision - Section 14.3.12 of the Westmeath County Development Plan 2014-2020 and Section 12.9.12. of the Athlone Town Development Plan 2014-2020 states that "Open space in housing estate areas shall normally be based on a standard of 15% minimum of gross site area." Section 5.2.4 of the Lissywollen South Framework Plan 2018-2024 states that "A network of passive and active open spaces at a rate of 15% shall be required..." 3.3.2. The proposed development caters for a public open spaces provision of c. 2.37 hectares on a gross site area of 17.64 hectares. This equates to a public open space provision of c. 13.4% of the gross site area. By discounting major roads from the calculation of open space then 16.3% of the site area is devoted to public open space.
- 6.6.5. The statement concludes that the proposed development can be granted permission even though it could materially contravene aspects of the relevant development plans and/or local area plan in relation to density, building height, and public open space provision. The applicant states that under Section 37(2)(b)(i) of the Planning & Development Act 2000 (as amended) An Bord Pleanála can grant permission for the proposed development having regard to the strategic national importance of delivering new housing on sites in appropriate locations. In addition, that under Section 37(2)(b)(iii) of the Planning & Development Act 2000 (as amended) An Bord Pleanála can grant permission for the proposed development having regard to the proposed development's compliance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018). Finally, the proposed density, building heights, and public open space provisions of the development are in keeping with the proper planning and sustainable development of the area and that permission may be

granted for the proposed development under Section 37(2)(b)(i) & (iii) of the 2000 Act.

7.0 Observer Submissions

7.1.8 valid submissions were received and included observations from individuals, resident's associations and school groups. At the outset, some of the observations submitted support the development of the lands for the provision of homes but not at the scale, density and layout proposed. In broad terms the planning issues can be summarised as follows:

Traffic – increased volumes of traffic around the school in particular. No improvements to the local road network are proposed west of the site and this will lead to even greater traffic congestion. Link Road – this new road will result in a traffic hazard to the existing residents.

Density – the proposed density of the development is in excess of that planned for in the LAP. The provision of 42 units per hectare is a material contravention of the LAP that seeks 30-35 units per hectare. The site adjacent to the school is proposed at 70 units per hectare.

Housing Mix – the proposed distribution of house types across the site will not ensure a strong sense of community. The viability of apartment units at this location is questioned. The provision of Part V units in apartment units is not acceptable. The use of apartments by short term residents will not add to community cohesion.

Building Height – buildings of up to five storeys, particularly at the entrance to the development are out of character with existing development. Such building height will result in overshadowing and privacy issues. Apartment blocks along Clonbrook Court and Retreat Park will be impacted upon by overshadowing and privacy issues. The proposal for taller buildings lies outside the identified boundaries for building height policy of the Athlone Town Development Plan.

Layout – the concentration of apartment buildings at Lissywollen Station Character Area, is not in compliance with planning guidelines and will result in a harsh urban environment. In addition, these units will be let by commercial landlords and result in social problems. The distribution of public open space is unbalanced with not all units an equal distance from functional open space.

House Design – internal house designs are not compliant with the requirements for people with mobility issues, baths are located upstairs. The internal design of homes do not take into account modern living, such as the need for work space, mud rooms and storage. Building finishes are not of a high quality and the materials and finishes on the existing development at Brawny Road is already deteriorating badly.

Flood Risk – the site is located in a flood risk zone and the provision of mitigation measures that require maintenance should become the responsibility of the planning authority or management company.

AA – the AA screening report fails to take into account the location of the site within flood zone C and the potential for hydrological connections to Natura 2000 site such as the Shannon Callows.

Water Services – insufficient information has been submitted with regard to any planned improvements to the Athlone water treatment facilities and so it is not known if there is sufficient capacity to accept new development.

7.2. Site specific concerns

Scoil na gCeithre Maistri – In addition to the issues already mentioned above, the school board has concerns about the overlooking aspect of apartments into classrooms and play areas associated with the school. In addition, school children will be able to view activities being carried out in apartments across the road and even hit by projectiles thrown from upper balconies. Increased units will result in traffic congestion and conflict. There should be more and safer pedestrian/cycle routes to the school. Traffic management around the school and beyond is needed. Construction works could result in further damage to the school buildings and construction traffic will endanger children. In general construction activity will bring negative impacts to the school and phasing should be introduced to ensure a minimal impact. The EIAR does not fully address these issues.

8 Brawny Road – the impact from 3-5 storeys will result in a loss of light to the garden and front rooms of the dwelling. New roads will be too busy to access new green spaces. New roads will be dangerous, traffic volumes will increase, and extra care will be needed entering and leaving the driveway, headlights will be a nuisance too. Long periods of construction will be disruptive and construction works may

damage property. The influx of many more people will place strain on existing community facilities, such as schools. Loss of property value.

The ecology of the existing open spaces and hedgerows will be lost after many years of community involvement to make these large green spaces better for the environment. The existing Brawny Road surface is poor and haphazard parking takes place leading to impact on speed of vehicles.

Views from Brawny Road will be disrupted by the height of apartment blocks proposed.

1 Brawny Drive – in addition to the concerns raised above, the removal of boundary wall and footpath is objected to. New houses will overlook the rear garden and back of house. The revised road pattern in the area will be disruptive and the construction works will be a major nuisance.

Brawny Residents Committee – In addition to general concerns about density, height, schools, construction, the following issues are raised: the major link road that will bisect Brawny Homes is wholly inappropriate and should be considered as Strategic Infrastructure Development not SHD. The new road will cut off access to green space, lead to safety issues and rather than accommodate the proposed development will in fact help to ease traffic congestion elsewhere. It would be better if the new access road was designed as two cul-de-sacs rather than a rat run. Brawny estate has narrow roads, with ad hoc parking that leads to access issues, the proposed development will make matters worse. The junction of the new road with Brawny Road limits the possibility of residents seeing who comes and goes to the estate, passive surveillance will be disrupted.

Retreat Park – reiterate many of the issues already outlined above in relation to density, height, concentration of apartments amongst other things.

Clonbrook Court – building Block T will negatively impact on existing residents and there should be additional screening opposite Clonbrook Court.

7.3. Submissions are augmented by drawings, sketches, maps and photographs. I have considered all submissions and the documentation included with the above observations.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 20 April 2021. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. The report also included a summary of the views of the elected members of the Special Meeting of the Municipal District of Athlone Moate at a meeting held on the 24 March 2021, and is outlined as follows:

- General criticism of the SHD process and material contravention powers in particular. The development is contrary to the Cornamagh LAP.
- The concerns that the residents of the Brawny area should be taken into account.
- Concern that the new link road will be used as a rat run and negatively impact the amenities of the existing residents. There are inconsistencies in the documentation, where a roundabout is shown on some drawings and not others, specifically at the entrance to Brawny. More traffic calming measures should be considered.
- The area cannot support the height of the apartments proposed.
- Uncertainty that Athlone can support the level of development from a water services, schools and community services perspective.
- The size of the proposed community hub was criticised as too small.
- The density of 70 units per hectare at the Lissywollen Station Character Area was criticised in terms of integration with existing development. Overall density for the site is considered excessive at this peripheral location.
- The buffer open space along the Athlone Bypass should be discounted from the open space calculation for the area.
- More consideration should be given to the building material finishes and durability.
- Given the size of the development and recently permitted development at Coosan, more consideration should be given to commercial and community uses as population increases.
- Car parking provision is limited and may lead to ad hoc on street parking.

8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

Principle of development – the proposed development is in accordance with the Eastern and Midland Regional and Economic Strategy and the core strategy of the development plan. The Planning Authority is satisfied that the proposed development will provide for significant growth and address the housing needs of Athlone in accordance with the vision and population projections set out within the RSES and core strategy for Westmeath.

Zoning and Density – The proposed development is consistent with the ‘Residential’ and Open Space’ zoning for the lands. The proposed development is 42 units per hectare, the Athlone Town Development Plan for Outer Suburban/Greenfield locations indicates 30-35 units per hectare. It is noted that guidelines on residential development seek 35-50 units per hectare in these types of locations subject to specific design considerations. The applicant has prepared a material contravention statement. The proposed residential density is consistent with national guidelines and is therefore appropriate.

Architecture and Urban Design – The design proposal provides for 5 distinct ‘Character Areas’ with different architectural design approaches. The scheme design is underpinned by an east-west access route through which acts as an avenue, providing a strong urban feel to the proposal through the inclusion of a series of interconnecting streets and junctions as opposed to a singular free flowing ‘through route’. The proposed route integrates not only the existing public open space at Brawny but also with the existing dwellings to the north and south of the avenue by way of two connection points. Sustainable transport modes and pedestrian / cyclist priority is promoted through the design in line with DMURS. The use of best practice urban design principles is noted.

Building Height – The height parameters for this scheme are consistent with national guidelines and national policy in that an increase in building height is an important design attribute for new development within urban areas for achieving compact growth. The development caters for a variety of building heights which provide for the new urban form envisaged by the LSFP while also achieving an appropriate level of density. Careful consideration should however be given to the relationship between the design of the apartment/duplex blocks to west of the scheme to ensure

that the existing amenity enjoyed by residents of the Brawny estate and the adjacent school is maintained.

Unit Mix – the unit mix is acceptable.

Open Space and Landscape Strategy - The proposal incorporates a hierarchy of spaces with 5 pocket parks, an urban plaza, a parkland area and a habitat area. The proposal provides a comprehensive mix of open spaces, including the incorporation of the existing open space area at Brawny, with distribution of usable open space throughout the scheme. The combination of public open space and private amenity space is acceptable.

Car Parking, Pedestrian and Cyclist Movement – the general arrangement of pedestrian and vehicular movement is acceptable. It is recommended that conditions be attached in relation to the design and siting of controlled pedestrian/ toucan crossings in the event of a grant of permission and that the developer liaise with the District Engineer's office with regard to accommodating a future link in the provision of a future footbridge over the N6 in tandem with the east-west access route construction in Phase 1 of this development. The quantum of car parking spaces is noted in the context of the central location of the site and availability of sustainable transport infrastructure.

Residential Amenity – aspects of residential amenity and sunlight/daylight are broadly acceptable. Residential amenity should be preserved for existing dwellings during construction and the phasing plan is acceptable.

Access and transportation – The development may be subject to further amendments to site layout regarding the provision and location of bus stops, toucan crossings and in facilitating increased connection points onto the Old Rail Trail Greenway to enhance the safe and accessible movement of pedestrians and cyclists. Otherwise the access and transport arrangements are acceptable subject to technical and standard conditions.

Childcare facilities – the two childcare facilities are considered acceptable to the planning authority. The location and design of the community hub is acceptable.

School capacity assessment – the study submitted by the applicant states that there is adequate school capacity in the locality at primary and secondary level. The study shows that 188 primary spaces and 133 post primary spaces will be required.

Further studies may be required to assess future need and it should be noted that

the Planning Authority regularly engage with the Department of Education with respect to recently delivered housing developments and anticipated development of scale in areas for the purpose of assessing associated educational needs.

Services and drainage – the requirements of Irish Water are noted. The proposals to manage surface water and mitigate flood risk are noted and conditions are proposed.

Part V Housing – consultation is ongoing and current proposals are acceptable.

EIA and AA – it is stated that the competent authority for the purposes of EIA and AA is the Board.

8.3. The planning authority conclude that the proposed development is acceptable subject to the attachment of 30 conditions. In accordance with the requirements of section 8(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the planning authority recommend that permission is granted with conditions. The planning authority recommend standard and technical conditions in common with larger residential schemes. However, the planning authority include specific conditions to address points made in their report as follows: details to facilitate a future footbridge over the N6, Standard bond and contribution conditions are also attached.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Department of Culture, Heritage and the Gaeltacht
5. Coras Iompair Eireann
6. Westmeath County Childcare Committee

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 15 January 2021. A summary of those prescribed bodies that made a submission are included as follows:

- **Irish Water** - In order to accommodate the connection for the proposed development upgrade works to the Athlone Water Treatment Plant are

required and are currently ongoing and due for completion Q3 2021. There is sufficient capacity at the Athlone Wastewater Treatment Plant and local wastewater network to facilitate the development.

- **The Minister for Culture, Heritage and the Gaeltacht Development**

Applications Unit (DAU) – Archaeology – agrees with the findings of the archaeological assessment of the site, no further mitigation measures needed.

Nature Conservation – a bat survey should be carried out to ascertain the potential for bat roosts at a disused building along the eastern boundary of the site. Landscape proposal should include a distance of native hedgerow equal to that proposed for removal.

10.0 Assessment

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on national policy, the relevant section 28 guidelines, the local statutory and non-statutory plans for the area. In addition, the assessment considers and addresses issues raised by all the observations on file, the contents of the Chief Executives Report received from the planning authority and the submissions made by the statutory consultees, under relevant headings. The assessment is therefore arranged as follows:

- Planning Framework
- Material Contravention
- Residential Amenity
- Visual Amenity and Open Space
- Traffic and Transport
- Water Services
- Other Matters

10.2. Planning Framework

10.2.1. The Athlone Town Development Plan 2014-2020 is the operative plan for the area and is further refined by the Lissywollen South Framework Plan 2018-2024 that illustrates land use objectives for the overall site and is supportive of residential and public open space development. The application site is subject to two zoning objectives: O-LZ1: To provide for residential development, associated services and to protect and improve residential amenity. The mid-section of the site has the following zoning objective - O-LZ8: To provide for, protect and improve the provision, attractiveness, accessibility and amenity value of public open space and amenity areas. The layout has been designed to assign residential development to O-LZ1 lands and open space and amenity to O-LZ8 lands. The planning authority accept the principle of the proposal at his location.

10.2.2. A number observers highlight that they are supportive of residential development on these lands, however, the scale and design is not supported. In the broadest possible terms, the principle of residential and amenity uses of these lands cannot be questioned. Subject to meeting residential amenity standards, I am satisfied that

the proposed residential accommodation, community hub, childcare facilities, link road and open space are compatible with the stated zoning objective for the lands.

10.3. **Material Contravention Statement**

- 10.3.1. The applicant has prepared a material contravention statement that addresses the possibility that the proposed development could materially contravene the development plan in relation to residential density, building height and open space provisions. I address each of these elements in the following sections of my report.
- 10.3.2. Residential Density - The proposed development amounts to 42 dwelling units per hectare, the development plan envisages a range between 30-35 dwellings per hectare in such an outer suburban/greenfield location. A proportion of observers are opposed to the scale of development and especially the residential density advanced by the applicant. Local residents want something more in keeping with the prevailing low density housing in the area and at least in compliance with the density parameters outlined by the development plan. The planning authority note the disparity between the proposed residential density and the range required by the development plan. However, the planning authority acknowledge the status of national planning guidelines such as the Urban Development and Building Height guidelines, Sustainable Urban Housing: Design Standards for New Apartments guidelines and the Sustainable Residential Development in Urban Areas guidelines, that seek more efficient use of zoned lands and support increased residential density at this location.
- 10.3.3. The applicant is aware that the residential density of development proposed oversteps the range outlined in the operative development plan. I note that Policy Objective P-RD3 requires the application of residential standards set out in the DEHLG's guidelines Sustainable Residential Development in Urban Areas (2009) as appropriate. As the applicant puts it, to be consistent with the relevant guidelines the site is classified as 'Outer Suburban/Greenfield' associated with cities and larger towns, a density in the general range of 35-50 dwellings per hectare as per Section 5.11 of the guidelines should apply. The applicant perceives that it is appropriate to increase density at this location but accepts that such action may materially contravene the development plan with respect to density objectives and has

prepared a Material Contravention Statement. Before I deal with the Material Contravention Statement, I will address residential density in general terms.

- 10.3.4. The prevailing character of the area is one of low-density housing comprising a combination of single storey, two storey detached, semidetached and terraced dwellings. Three storey duplex/apartment buildings can be found at key corners along Brawny Road and Brawny Square, but for the most part the housing stock in the area is fairly standard and conventional in form and character. This results in quite low residential densities.
- 10.3.5. The Athlone town development plan steers development towards a density range of between 30-35 dwelling units per hectare at this outer suburban/greenfield location. Incidentally, I note that numerous town centre and outer edge locations are highlighted in the local plan and in all cases the upper limit is 35 units per hectare or if greater very site specific. In contrast, section 28 planning guidelines in the form of the Sustainable Residential Development in Urban Areas (2009) advise that suburban/greenfield locations defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities. The greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares. I note that the recently adopted and operative Westmeath County Development Plan 2021-2027, states with policy objective CPO 16.24, the promotion of increased residential density within Athlone Regional Centre, a key town.
- 10.3.6. The subject site, as it is configured and laid out, provides a residential density that sits comfortably within the range advised by the guidelines. This is achieved through a variety of house types, again as advised by the guidelines. From a town planning point of view, I am entirely satisfied that the proposed residential density of 42 dwelling units per hectare is appropriate at this location. Such a density is not so out of place with the existing character of the area to cause any concern and at the same time makes the best use of zoned and serviced land.

10.3.7. Building Height - In terms of the form and scale of the development proposed I note that the Urban Development and Building Heights Guidelines link building height with achieving higher residential densities. This is clearly set out in a specific planning policy requirement (SPPR 4) as follows:

It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;

10.3.8. The height guidelines observe that newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments deliver medium densities, in the range of 35-50 dwellings per hectare net. Additionally, SPPR 4 of the Height Guidelines requires that in future residential development of greenfield or edge of town locations, planning authorities must secure the minimum residential densities for such locations as set out in the Sustainable Residential Development in Urban Areas guidelines. The applicant notes that the site falls outside the boundaries of the building height policy map for Athlone and so makes the case that it is appropriate to contravene the development plan in line with national guidance. Some local observers are not satisfied that it is appropriate to locate taller buildings on the site and raise residential amenity concerns, that I deal with in the relevant section of my report below.

10.3.9. The building heights proposed by the applicant are not excessively tall and the five storey maximum height is only a part of a four storey apartment building, block L. However, I note that section 3.0 of the Height Guidelines set out a development management criteria in order to assess the appropriateness of taller buildings at a set location, section 3.2 of the guidelines refer.

10.3.10. At the scale of the relevant city/town – the site is well served by pedestrian/cyclist connections to the wider area, the Old Rail Trail Greenway bounds the southern position of the site. Bus serves are located nearby and the design of the east/west connection street Lissywollen Avenue includes for future bus services. The

taller elements of the scheme, up to five storeys are located at the western end of the site. This location is close to schools and leisure facilities and to the town centre itself. There are no architecturally sensitive areas of protected landscapes. The site is more or less flat with no challenging topography to overcome. The proposed development will make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of nearby development.

10.3.11. At the scale of district/ neighbourhood/ street – a new street network will be developed and an improved public realm will result from the scheme. In design terms the overall layout, scale and design of the apartment buildings will not result in long, uninterrupted walls of building in the form of slab blocks. Instead, the design of the apartment buildings has been broken up and materials are well selected and appropriate. The urban design of the entire scheme is well considered and there are no flood risk issues as demonstrated by the findings of the FRA submitted with the application. Overall, the proposal makes a positive contribution to the improvement of legibility through the site and wider urban area. The proposal positively contributes to the mix of dwelling typologies available in the neighbourhood.

10.3.12. At the scale of the site/building - The form, massing and height of the taller elements has been designed to provide adequate levels of daylight and sunlight for future occupants and preserve and maintain existing levels of light to existing properties. This has been demonstrated in the Daylight/Sunlight and Overshadowing analysis carried out by the applicant and in accordance with BRE guidelines, this is examined in detail in the following sections of my report.

10.3.13. The applicant has also prepared specific assessments to support the proposals for taller elements at the western end of the site. These assessments include: AA screening, an EIAR with relevant sections devoted to visual and residential amenity, an architectural design rationale, there are no telecommunications or air navigation concerns in the area. I am satisfied that the location and design of the taller elements of the scheme, with some parts of up to four five storeys in two blocks is acceptable and accords with the requirements of SPPR 3 and crucially the wider strategic and national policy parameters set out in the National Planning Framework and the guidelines.

- 10.3.14. Open Space Provision – the applicant has provided two figures for the amount of open space provision proposed in the development. The first figure falls below the development requirement for 15% open space and the second figure, when calculated without the provision of the link road, amounts to 16.3%. The applicant has cautiously advanced the case that the proposed development may materially contravene the development plan with respect to open space provision. In my view the proposed development meets an adequate quantum of open space provision entirely in accordance with the development plan, no material contravention therefore occurs in this respect.
- 10.3.15. Material Contravention Statement - The location of the site is noted, so too are the policies and objectives of the operative Town Development Plan, together with national guidelines, which apply in this instance. Section 3.8 of the operative Athlone Town Development Plan deals with the topic of residential density and identifies that the Lissywollen South Framework Plan 2018-2024 makes provision for lower and medium density housing. I note that the applicant has submitted a material contravention statement in relation to the matter of density, building height and open space provision and has advertised same within their newspaper notice, as required under the legislation.
- 10.3.16. Reference is made within the applicant's statement to the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) as the main justification for the density proposed over and above that stipulated in the operative Town Development Plan. It is stated that the proposed density of 42 units per hectare, variation in building height and sufficient open space provision is considered to align with these guidelines. The applicants contend that the site, the subject of this SHD application, shares the rationale for increased residential density and building height because of its location. In addition, the site is well connected to public transport networks, respects the design and scale of permitted and existing development in the immediate vicinity and the building design and public realm improvements and open space provision will benefit the area. All of which meets the advice issue by the 'Urban Development and Building Heights Guidelines for Planning Authorities' and 'Sustainable Urban Housing: Design Standards for New Apartments'. Observers disagree and reckon that the height and increased density of the scheme is at variance with the local development plan. The

planning authority note the inconsistencies between national and local policy and accept that the proposed development is acceptable at this location.

- 10.3.17. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.
- 10.3.18. Paragraph (b) of same states 'The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land'.
- 10.3.19. Paragraph (c) states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'.
- 10.3.20. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows:
- (i) the proposed development is of strategic or national importance,*
 - (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
 - (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
 - (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

10.3.21. Should the Board be minded to invoke Article 37(2)(b) in relation to this current proposal, I consider that they can do so, having regard to the relevant criteria contained therein, and as set out below.

10.3.22. In relation to section 37(2)(b)(i), the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and the proposal could therefore be considered to be strategic in nature. In addition, National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. This is articulated through the following planning objectives:

- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

10.3.23. In relation to section 37(2)(b)(ii), the matter of conflicting objectives in the development plan, I note that the aim of the Lissywollen South Framework Plan 2018-2024 is to provide residential development across the entire lands subject to criteria set out in the plan. The Athlone Town Development Plan sets out that residential density standards shall be applied as they are advised in the Sustainable Residential Development in Urban Areas guidelines. Further, I note that table 3.3 of the town plan states that Outer Suburban/Greenfield sites shall deliver 30-35 units per hectare. I note Variation 3 of the town plan that gives weight to the Lissywollen South Framework Plan 2018-2024 (LSFP), where it is anticipated that an average residential density of 35 units per hectare would prevail. However, the LSFP targets higher density units at parcel 1 subject to well considered design, P1-KS07 refers:
Consideration may be given to higher density units adjoining existing public open space area to the east of Parcel 1, provided that the residential amenity of adjacent dwellings is protected.

10.3.24. The LSFP does not specify a numerical value for densities on Parcel 1, the location of the higher residential in the subject proposal, but I assume that it would be greater than 35 units per hectare. It would therefore appear that there is a disconnect between residential density expectations in the Town Development Plan and those envisaged in the Lissywollen South Framework Plan and so, I intend to invoke section 37(2)(b)(ii) of the Act in this instance.

10.3.25. In relation to section 37(2)(b)(iii), regional planning guidelines for the area, I note that the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy asserts that the key to the success of future residential development in Athlone is the facilitation of significant population growth on zoned lands within the existing built-up footprint of the town. The development of strategic lands, including for the subject site at Lissywollen South, are noted to have the potential to deliver the identified population targets for Athlone. The proposed development is in line with this strategy. In relation to Section 28 Guidelines, I refer directly to the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) that states for outer suburban/'greenfield' sites, section 5.11 that states:

These may be defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities.

Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.

The subject site fits well within these parameters and the proposed density of 42 units per hectare is entirely reasonable and in accordance with national guidelines. In this respect I am cognisant of Circular Letter: NRUP 02/2021 that refers to the issuing of updated Section 28 guidelines that will address sustainable residential development in urban areas. Specifically, I am conscious that with reference to development at the edge of larger towns a variation of residential density lower than

30 units per hectare (in some circumstances) and of between 35-50 units per hectare (in most circumstances) is to be encouraged. I am satisfied that the residential density proposal for this site is also in accordance with this new and emerging advice from the Department of Housing, Local Government and Heritage. In addition, as I have already outlined, Specific Planning Policy Requirement (SPPR 4) of the Height Guidelines requires adherence to the residential density targets for such areas as outlined above.

10.3.26. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, I am aware of a recent planning permission for strategic housing granted less than a kilometre to the north west of the subject site, reference ABP-307508-20 refers. The current proposal is similar in density and height terms to recently permitted development and broadly meets with the planned objectives for the area and so section 37(2)(b)(iv) of the Act could be invoked in this instance.

10.3.27. Section 37(2)(b) of the 2000 Act sets out four criteria, to allow the Board to consider permitting a development that poses a material contravention of the operative plan other than in relation to the zoning of the land. Should the Board be minded to initiate the material contravention procedure, as it relates to Development Plan policies pertaining to building height and density, I consider that the provisions of Section 37(2)(b)(i), (iii) and (iv) have been met, and in this regard I consider that the Board could grant permission for the proposal.

10.3.28. I am of the opinion that given its zoning, the delivery of residential development on this well located and serviced site, in a compact form comprising well-designed, medium density units comprising houses and apartments would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in an accessible location; it is within easy walking distance of public transport in an existing serviced area. The proposal seeks to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. The principle of a slightly higher residential densities and some taller key point buildings is considered acceptable. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands.

10.4. Residential Amenity

10.4.1. As with any housing scheme, large or small, the residential amenities offered to future occupants and the preservation and protection of existing residential amenities is a very strong consideration. In this context, I firstly assess the proposed development as it refers to future occupants, I apply the relevant standards as outlined in section 28 guidelines, specifically the Sustainable Urban Housing: Design Standards for New Apartments (2020). Secondly, I assess what impact, if any, the proposed development will have on the residential amenities currently enjoyed by those living in the vicinity. In this regard, I note that local residents are concerned about loss of privacy, overshadowing and overbearing impact from the proposed development. The applicant has submitted a variety of architectural drawings, sunlight/daylight analysis, computer generated images and photomontages. I am satisfied that an appropriate level of information has been submitted to address issues to do with residential amenity.

Proposed Development -Dwelling Houses

10.4.2. The applicant has submitted a Housing Quality Assessment, that outlines the floor areas associated with the proposed dwellings. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled Quality Housing for Sustainable Communities. Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. The applicant has provided internal living accommodation that meets or exceeds the best practice guidelines. In most cases, at least 22 metres separation distance between opposing first floor windows has been provided and in some cases, more. In some corner locations separation distances between rear and side elevations are just over 9 metres, however, narrow plan house types (such as C and C1) provide landing and bathroom windows on the rearward facing first floor. At other locations adjacent to Brawny Drive, proposed house type A1.1 presents a rear elevation that is designed to preserve privacy and prevent overlooking of adjacent and existing property.

10.4.3. In terms of private open space, garden depths are provided at between 8 and 20 metres, and according to the schedule provided by the applicant result in a minimum of 48 sqm for two bedroomed terraced houses and 60sqm across all house types

and up to 224 sqm in one case. The rear gardens associated with dwellings vary in shape and area and provide an ample amount of private amenity space. The scale of the proposed dwellings and the large garden spaces are generous. The proposed dwelling houses are acceptable and will provide a good level of residential amenity to future occupants.

Proposed Development – Apartments

- 10.4.4. The proposed development comprises 576 residential units and includes 291 apartments (45 are duplex units) and as such the Sustainable Urban Housing: Design Standards for New Apartments 2020 has a bearing on design and minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments/duplex units are arranged in 18 blocks, between two and five storeys in height, with surface and basement car parking. There are apartment blocks in all of the character areas except Lissywollen Berths (area 04), this area contains conventional houses. The applicant's Statement of Consistency deals with national and regional planning policy and in this regard, apartment design and compliance with the relevant standards is evaluated. In this respect I note that the applicant references the 2018 Apartment Guidelines, not the 2020 revision. However, I am satisfied that the standards that are applied to the apartments proposed is acceptable, as they did not change with the 2020 revision of the guidelines. The 2020 Revision related solely to co-living units. The applicant states that all of the apartments exceed the minimum area standard. The applicant has also submitted an Accommodation Schedule, that outlines a full schedule of apartment sizes, that indicates proposed floor areas and required minima.
- 10.4.5. Private Amenity Space - All apartments are provided with external balcony spaces or private gardens. According to the drawings submitted and the 'Quality Housing Assessment' (or Housing Quality Assessment – HQA) prepared by the applicant, all private amenity spaces exceed the standards based on the 'Sustainable Urban Housing: Design Standards for New Apartments. Guidelines for Planning Authorities', Appendix 1 *Minimum floor areas for private amenity space*, refer. The HQA sets out in tabular format what the minimum private amenity target should be as set out by the Apartment Guidelines, each private amenity area is provided per apartment and the amount that the private amenity space has exceeded the minima

is also stated. Based upon this information and the drawings submitted, I am satisfied that all private amenity spaces dedicated to each apartment unit are adequately scaled and exceed or match the standards required in the Apartment Guidelines.

- 10.4.6. Unit Mix - Apartments of different size and number of bedrooms are uniformly distributed throughout the site and so too are communal and public open spaces. This conforms with the advice provided by the Apartment Guidelines under the Housing Mix section and SPPR 1 insofar as there are no studio apartments proposed in this scheme and so no ratio of studio units to comply with. I note that the planning authority are satisfied with the unit mix and I concur. In detail the proposed development provides 10% one bedroom units, which is less than the upward amount of 50% allowed for in the guidelines. In addition, the distribution of one, two and three bedroom apartments throughout the various character areas is acceptable. In this respect, I note the concerns of some observers that are critical of distributing a mix of units throughout the site, however, I am satisfied that this is the best approach to ensuring a sustainable and mixed community. All ground floor, floor to ceiling heights are 2.7 metres in height and less than 12 units are served per core. Specific Planning Policy Requirements (SPPRs) 1, 4, 5 and 6 are therefore met.
- 10.4.7. Aspect - In terms of apartment aspect and orientation, 83% (205 apartments) of the apartments are dual aspect, this is stated in the applicant's documentation and based on my own analysis of the drawings submitted. Of the 41 single aspect apartments, the majority of the units are orientated south, east or west, five units are north facing. These north facing units are located in block R and T, have large window apertures and look out across public open space combined with the main avenue. The Apartment Guidelines require that in suburban or intermediate locations, such as this site, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. This objective has been exceeded by the applicant and so I find the dual aspect ratio of 83% and a very limited number of north only aspect units to be acceptable.
- 10.4.8. Apartment Unit Floor Area - Under the Apartment Guidelines, the minimum gross floor area (GFA) for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m, the standard for a 2 bedroom (four-person) apartment is 73 sq.m, while the minimum GFA for a 3 bedroom apartment is 90

sq.m, Appendix 1 *Required Minimum Floor Areas and Standards* of the Apartment Guidelines refer. The applicant states that this has been achieved in all cases and has been demonstrated in the Housing Quality Assessment (HQA) for apartments submitted with the application. Having reviewed the HQA, in terms of the robustness of this assessment and in the context of the Guidelines and associated standards, I would accept the applicant's analysis that the apartments larger than the minimum standards by 10% amount to most of units provided, with all in excess of the minimum. I am therefore satisfied that the proposed apartments are therefore in excess of the minimum floor area standards (SPPR 3), with very few close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. In broad terms, I am satisfied that the location and layout of the apartments are satisfactory from a residential amenity perspective.

10.4.9. Building Lifecycle Report - I note that Apartment Guidelines, under section 6.13, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application and details long term maintenance and running costs. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

10.4.10. Sunlight/Daylight Analysis - Section 6.6 of the Apartment Guidelines and Section 3.2 criteria under the Building Height Guidelines (SPPR 3) refers to considerations on daylight and overshadowing. When taking into account sunlight and daylight analysis the guidelines refer to the Building Research Establishments (BRE) criteria for daylight, sunlight and overshadowing. The applicant has submitted a Sunlight, Daylight & Shadow Assessment (impact Neighbours and Development Performance) prepared by Chris Shackleton Consulting, according to the report, it has been prepared in accordance with the best practice guidance provided by BRE guidance document BR 209 and the referenced BS 8206-2:2008 Lighting for buildings – Part 2: Code of practice for daylighting. The applicant's report states that the proposed development generally complies with the recommendations and guidelines of Site Layout Planning for Daylight and Sunlight: A Guide to Good

Practice (BRE 2011) and BS 8206 Lighting for Buildings and Part 2: Code of Practice for Daylighting. In addition, the applicant reiterates the purpose of the BRE document by stating that the design has used the guidelines in the spirit they have been written and balanced the requirements of this report with other constraints to arrive at the final design. In this regard I also note that section 3.2 of the Building Height Guidelines allows for flexibility in the application of technical guidance, if compensatory design solutions are clearly identified and set out. Advisory technical guidance such as the BRE documents are extremely useful and can help to determine the impacts of new developments, for future residents as well as existing. They are an aid to assist with the evaluation of the daylighting and sunlighting of new developments. In the context of the proposed development and apartments in particular, daylighting is usually assessed by calculating the average daylight factor (ADF), a measure of the amount of daylight in proposed rooms, and it is this test that the applicant's assessment relies on for the proposed apartments. Recommended ADFs (as noted in the BRE/BS guidance documents) are noted as 1% for bedrooms, 1.5% for living/dining rooms and 2% for kitchens, and where the rooms are combined e.g., dining-kitchen room the higher value should be applied. As already noted, the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' describe recommended values to measure daylight, sunlight and overshadowing impact, however it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The BRE guidelines state in paragraph 1.6 that: *"Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design."*

The BRE guidelines state that in relation to daylight to existing buildings: *"Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small..."* (para. 2.2.4)

- 10.4.11. Where daylight, as measured by the %ADF is below the target provided for in the technical guidance, the guidance allows for changes to the design (providing extra windows, roof lights or light pipes, or changing room layout) to meet the guidelines, and it is further noted that amenity features such as balconies which may

reduce ADF should still be facilitated and their impact on ADF noted. I note that the Building Height Guidelines, similar to the approach taken in the BRE/BS, also state that where a proposal may not be able to fully meet all the requirements of the daylight provisions, this can be acceptable, but that where the requirements are not met it must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, and justification for the proposal in this regard must also be set out. I am satisfied that the applicant has done this, and this is considered in my assessment below (paragraphs 10.4.14 to 10.4.20).

10.4.12. Finally, I note the evolving nature of technical guidance in relation to sunlight/daylight analysis from publications such as: UK code of practice for daylighting BS 8206-2:2008, Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and now a British Standard EN 17037:2018 published May 2019 that deals exclusively with the design for and provision of daylight within commercial buildings and residential dwellings. Ultimately, I point out that such technical advice provides the basis for design choices and the inclusion of compensatory design solutions. Such choices and opportunities to justify a design approach are also allowed for by section 28 guidance, such as the Building Height Guidelines. Finally, and of relevance, the local development plan states that such technical (BRE) guidance should be followed and this the applicant has done in the documentation they have submitted.

10.4.13. The applicant's sunlight/daylight report notes that for apartment developments the majority of councils in Ireland and the UK accept the lower value of 1.5% assigned to living rooms to also include those with a small food preparation area (kitchen) as part of this space. The applicant states that higher kitchen figure of 2.0% is more appropriate to a traditional house layout and room usage. The applicant has argued that the use of a reduced value is still compliant within the terms of the guidelines, in that in applying the flexibility provided allows where justified a lower ADF to be used as an alternative target. Therefore, the applicant has used the minimum values of 1.0% for bedrooms and 1.5% for the Living room spaces and 1.5% for kitchen/living areas where the kitchenettes are a minor/lesser use within the room. Notwithstanding the general acceptability of 1.5% for shared kitchen/living areas, the applicant has through design and siting and that the scheme is more akin

to the higher end of medium density than higher density, achieved 2% in a significant percentage of the combined living/dining-kitchen rooms.

10.4.14. In assessing ADFs within the apartments it is noted that not all apartments were assessed. I am satisfied that this is the norm/accepted practice within the industry, and subject to all worse-case apartments being assessed, and the assessment continuing to upper levels to a point where one can be satisfied that all possible worst case/below agreed minimum ADF apartments have been identified, that this is a reasonable methodology and allows for a comprehensive analysis of the development. The applicant, on this basis, chose a selection of apartments all at ground floor level, blocks: B, C, D, E, L, M, O, S & T. These blocks were chosen for testing as they are considered representative of the worst-case scenario across the scheme in terms of receipt of light and considered an accurate representation of the design / building form of the overall apartment blocks proposed. I agree with this approach in the context that the proposed development is quite low in residential density terms and the design and configuration of apartments is generous and spacious. I assess whether it is acceptable to apply the lower ADF value of 1.5% if the kitchens are co-located with living rooms in the following sections.

10.4.15. In relation to average daylight factors (ADF), of the blocks tested at ground floor, almost all rooms scored very highly and should provide excellent levels of light. Across those rooms tested and on average; living rooms achieved 3.3%, bedrooms 2.3% and kitchens 2.6%. The rationale for the selection of the ground floors of those blocks most likely to be affected is accepted, as the provision of sunlight/daylight at upper floors improves with height. In overall terms and applying an average finding, I note that in relation to light distribution (ADF) most living rooms, bedrooms and kitchens tested far exceed the minimum ADF requirements of the technical guidance documents, but some do not. This is the case, if living rooms with combined kitchens were to be assessed as kitchens alone, then in a minority of cases the 2.0%ADF would not be obtained but values greater than 1.5% would be.

10.4.16. Of the apartment blocks that were tested, most scored very well in relation to average daylight factors. For example, Block E fielded excellent results for kitchens at an average of 2.8%, due to kitchens occupying an almost fully glazed south east facing aspect and living rooms score over the minimum value of 1.5% and this is acceptable.

10.4.17. Notably, two blocks returned scores that require a little more interrogation and this is set out in the following sections. Block S returns very good results for living rooms, all exceed 1.5%, however, when combined with a kitchen areas, six units score below 2.0% for a kitchen alone. Reference numbers S07-L, S09-L, S11-L, S13-L, S15-L and S17-L all score marginally below 2.0% (the minimum standard for a kitchen), but all face west and have large glazed areas with large terrace/balcony areas. Another block (O) achieved average ADF for the tested living rooms at 2.9% and for bedrooms 2.6% with four units achieving the minimum 1.5% for living rooms (these rooms are combination of living room with kitchens on the back wall). In Block O, the minimum requirement for a living room is met in all cases and far exceeded in most. However, in four cases, the combination of a kitchen area would fail if an ADF of 2.0% were to be applied. The four cases tested (reference numbers o03-L, o10-L, o29L and o31-L, table O-V2 of the applicant's sunlight/daylight report) either face east or west and have large expanses (floor to ceiling) windows that open out to large balconies with uninterrupted views. The compensatory measures are clearly highlighted by the applicant, and it is obvious to me that large glazed areas and large balconies/terraces more than adequately compensate for kitchen areas that do not meet the advisory measure of 2.0% ADF. In this context, I remind the Board that section 1.6 of the BRE 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' allows for flexibility in design as natural lighting is just one factor in overall building design and layout. I am therefore satisfied that the large glazed east/west facing windows and balcony areas more than compensates for this very small number of units (3% of apartments or 1.5% of the entire scheme) across the proposed scheme that score below the guideline standard outlined for a kitchen.

10.4.18. With that in mind, I am also guided by section 3.2 of the Building Height Guidelines, and I am satisfied that good compensatory design solutions have been proposed and clearly identified by the applicant in the drawings submitted with the application. These compensatory design solutions include: large balcony areas, large expanses of glazed walls/windows combined with favourable orientations and apart from units in block S room depths are not greater than 6 metres and so the penetration of light is satisfactory. In terms of meeting the objectives of good urban design the location and positioning of apartments ensures enlivened streets with good degrees of passive supervision and this is all clearly set out in the Architect's

Design Statement, section 2.0 and 4.0 refers. In my view the applicant has achieved tailored design choices that clearly show a balance between site specific constraints and the desirability of achieving wider planning objectives such as securing an effective urban design and streetscape solution. I see no advantage in omitting such a small number of units that do not meet the recommended % ADF target, when it is generally accepted as not being 100% achievable within apartment schemes, in particular for combined living room/kitchen. The Guidelines allow for flexibility for this reason. I would also note that such omissions would significantly adjust the architectural design of apartment blocks that have been directly conceived in response to achieving better urban design outcomes and undo careful compensatory design solutions such as large glazed sections, balcony areas and principal room orientation.

10.4.19. In terms of the availability of sunlight to living rooms (Sunlight APSH), results are determined by room orientation. Nearly all units passed, however, a small number of worst case scenario rooms received a marginal grade, or just slightly less than the 2 hour requirement for sunlight APSH (living rooms). These are, however, dual aspect units and I am satisfied that these living spaces will not be substandard as the balance of the unit will receive good levels of sunlight. The applicant's findings are that all living rooms receive some sunlight over the course of the year, with 78% that achieve the BRE Annual APSH and 76% achieve the Winter WPSH requirements. I am satisfied that the proposed development will provide good levels of light to apartments and provide acceptable living environments for future occupants.

10.4.20. General layout - Though the overall development is well designed and laid out there are a number of minor points that I would like to highlight and suggest amendments. For the most part, my suggested amendments are minor in scale and will not reduce the total number of units and will not change things such as dual aspect ratios or daylight/sunlight factors. Where some apartment blocks are located close together at the end elevations, such as Block A and B, I note that windows are specified with obscured glazing and these rooms either light a bathroom or the minor living rooms windows in rooms that have more than one aspect/outlook., this is acceptable. My specific concerns relate to the following:

- One and two bedroom units on the first and second floor within Block C, position opposing windows to bedrooms and kitchen/dining/living rooms some 9 metres apart, it would be preferable if an off set projecting window were specified to avoid overlooking.
- Block N, a minor window associated with the living room of units on the eastern elevation will overlook windows and balconies associated with Block M. These minor living room windows should be specified with obscured glazing, this will not diminish the quality of these spaces as the main windows are large and open out to extensive terrace/balcony areas.
- Block Q, secondary windows to living spaces on the northern gable will look across to the balconies and living room windows of Block P, obscure glazing should be fitted to these windows in order to preserve privacy.
- Block S same issue as above, interferes with amenity of Block R, condition oblique windows to north and south gable elevations.

10.4.21. Lastly the communal open space and private amenity terraces of Block D would receive an acceptable amount of direct sunlight. Given that the entire block is three storeys in height and punctuated at the two southern corners, I see no reason to suggest amendments. The applicant's Architectural Design Statement outlines the proposed materials for the duplex units and the apartment blocks. The predominant material choice will consist of brick, render, glazing, and pressed metal. The majority of the finishes proposed are durable, attractive and suitable for the area in terms of visual amenity, in broad terms the finishes proposed are acceptable. Subject to the very minor amendments outlined above, I am satisfied that the design and configuration of the apartment units proposed are acceptable and will provide a decent standard of living for future occupants.

Local residents and residential amenity

10.4.22. Wider Area Impacts – I note that local observers have expressed concerns about the development of the site at the scale envisaged, and some residents anticipate that their privacy will be impacted upon and that the scale of the apartment units will overshadow property. For the most part residential amenity impacts such as overlooking, overbearing appearance and overshadowing are the principal concerns of residents at Clonbrook Court and Retreat Park. Both of these estates are more than 80 metres to the south of apartment Block T and about 55 metres

south of two storey terraced houses. In addition, there is a significant public open space, a swathe of mature hedgerows with trees and the Old Rail Trail Greenway. I do not anticipate any adverse impacts from the proposed development in terms of overshadowing, overlooking or overbearing appearance, the separation distances are simply too great.

10.4.23. Residents within the Brawny Road, Close, Square and Drive areas have stronger concerns to do with the impact of the development and there are a number of specific areas where residents anticipate direct impacts to the residential amenities they currently enjoy.

10.4.24. Local Area Impacts - There are locations where the interface between existing and proposed development is handled very well. Such as to the rear of 25-29 Brawny Close and to the side of 41 Brawny Road, where two storey houses will side onto rear gardens. There is no opportunity for overlooking and gable ends will be over 15 metres away, given the orientation and scale of houses proposed undue overshadowing is not anticipated. Two storey houses associated with character area 04 'Lissywollen Berths' are proposed west of 22-34 Brawny Square. For the most part 22 metre separation distances are maintained, back-to-back, or units that side on in order to keep the building line. Site number 364 will present its gable end some 15 metres from the rear and side elevations of 24 and 23 Brawny Close respectively. I anticipate no impacts from overlooking or overbearing appearance here. As above, the prospect of overshadowing is minimised by the position and orientation of the proposed dwelling on site 364, and given the separation distances involved and the orientation of existing windows a significant diminution of sunlight/daylight should not occur.

10.4.25. Light - There are other locations where residents feel that they may lose privacy or be overshadowed. In order to quantify the impact of the development from the perspective of loss of light, the applicant has prepared a Sunlight, Daylight and Shadow Assessment (impact Neighbours and Development Performance). In terms of tall buildings and overshadowing, I note that the Athlone Town Development Plan refers to recommendations of 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', (B.R.E. 1991) or B.S. 8026 'Lighting for Buildings, Part 2 1992: Code of Practice for Day lighting' and states that these should be followed. The assessment prepared by the applicant has targeted likely sensitive receptors,

such as the primary school, Brawny North and Brawny South. The potential impact of the proposed development on the neighbouring residential houses has been assessed as follows:

Existing property with facing windows for:

- Impact/Change for Skylight – Vertical Sky Component - VSC
- Impact/Change for Probable Sunlight Hours – Annual APSH and Winter WPSH

Existing amenity spaces for impact/change on Sunlight/Shadow.

10.4.26. I am satisfied that the locations identified and tested comprise all relevant locations where an impact is likely to occur, given that apartment units up to four storeys are proposed at the closest point to these sites. I am therefore satisfied that the Sunlight, Daylight and Shadow Assessment is adequately detailed and comprehensive in its approach to such a large site, the characteristics of the proposed development and the existing housing stock. In this context I note that the applicant concludes that when tested with the new development in place, the VSC for all tested windows was greater than 27%, or not breaching the 0.8 times its former value limit for habitable rooms. I would draw to the Board's attention the applicant's table of values on page 6 of their report. These results would not be unexpected given the limited scale of development proposed (up to four storeys for the most part), particularly in the context of Brawny South, where two storey houses will be situated and a separation distance of more than 22 metres is provided for in terms of Brawny North and the four storey gable of Block L. I am satisfied that there will be no adverse impacts from loss of light to the residential properties along Brawny Road and the applicant's assessment bears this out.

10.4.27. I also note that all tested neighbouring amenity spaces pass the BRE requirement relating to the area receiving 2 hours of sunlight on the 21st of March > 50% or not breaching the 0.8 times its former value limit. The average change ratio for the tested amenity spaces is 0.99, all acceptably within BRE standards. Finally, I can see that neither the classroom spaces or play areas will be negatively impacted by any loss of light or overshadowing, with ASPH and sunlight to the amenity areas being within the recommended limits set out in the BRE Guidelines.

10.4.28. Privacy and Overbearing - The relationship between the impact of new buildings on sunlight/daylight are similar to those that can be expected from overlooking and overbearing appearance, dependent on orientation and separation

distances. However, loss of privacy and overbearing appearance are not so easily quantified. I have already discounted any overlooking or overbearing appearance impacts from the proposed development on the residential properties of Clonbrook Court and Retreat Park. Likewise, I anticipate none of these impacts to be experienced at Auburn Heights or Ardnaglug either, for the same reasons, large separation distances, the public greenway and a high degree of mature vegetation. After that, residences at Brawny Square and Drive will be enclosed by new buildings, but these will be two storey houses with very few incidences where separation distances are less than 22 metres. One such location is to the rear of 5 Brawny Drive, where the separation distance between opposing first floor windows will be 18 metres. However, I note that plot 571 and 572 have been designed with house type A1.1, that has a special treatment to upstairs windows that includes a solid opening section and a window height above floor level of 1.6 metres to limit the possibility of overlooking. I find this to be an acceptable design solution and no amendments are needed.

- 10.4.29. In nearly all locations where new development is proposed to the rear of existing dwellings, there is very little change in ground level. The only location where ground levels are slight raised is close to 1 and 2 Brawny Drive. However, the changes are not so great so as to consider any changes. In addition, the separation between two storey buildings is more than 10 metres and to the north of the gable end of 1 Brawny Drive, so no negative impacts are anticipated.
- 10.4.30. Concerns have been raised along 4-13 Brawny Road, essentially the entrance to the existing estate, that the scale of development will impact the existing outlook across public open space. Undoubtedly, there will be a change of outlook along Brawny Road, as new dwellings will be located at a level above the existing road and on lands currently left open. I do not consider that the change in outlook along Brawny Road will be so severe as to injure residential amenities to any great extent, the findings of Chapter 14 of the EIAR with respect to landscape and visual impacts, the photomontage images, cross sections and landscape plans all lead me to this conclusion.
- 10.4.31. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, I am satisfied that the proposed development will provide an acceptable level of residential amenity for

future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties and will enhance the residential amenities associated with the existing Brawny Estate and surrounding housing estates.

10.5. Visual Amenity and Open Space

- 10.5.1. The applicant has proposed a residential development that comprises a combination of houses and apartments. The apartment units are mainly focused within Character Area 05 'Lissywollen Station' but are also interspersed throughout the scheme with mainly three and two storey blocks lined along the new access street through the centre of the site. Two blocks are located at the western 'gateway' to Brawny and include blocks with four and five storey elements. Other than these two buildings the majority of apartment blocks are three storeys. There are no protected views in the vicinity and the landscape is not protected in the development plan. At present, the visual importance attached to the overall site is one of an open and managed amenity and closed agricultural landscape characterised by a flat topography with mature trees and hedges. Many observers have raised a concern that this visual amenity will disappear and be replaced with excessively tall apartment buildings. The planning authority are not too concerned about the overall visual impact of the development.
- 10.5.2. The applicant has arranged the site into five character areas and these are defined by the configuration of buildings, network of streets and provision of public open space. At present, the visual amenity associated with large open spaces, well maintained and closed off agricultural lands, in contrast the proposed scheme offers a new urban environment with well designed buildings and new public realm. The apartment blocks are not excessively tall, most are three storey and match in terms of height a number of three storey buildings already in the area. This site is not located in an area of protected views or landscape, it is zoned land and the visual impact of development from the wider area is minimal. The applicant has prepared a photomontage report that includes a number of long range views and these images confirm the limited visual impact of the development, chapter 14 of the EIAR assesses landscape and visual impacts. I am satisfied that visual impact of the

development will be extremely limited from the wider area and if viewed at all will appear as the logical extension of the town.

- 10.5.3. The greatest visual impact of the development will be from along and in the area of Brawny Road. This is the gateway impact that the applicant and the Lissywollen South Framework Plan sought to achieve. The streetscape here will change from a large public open space to a more urbanised character comprising apartments, new junction, footpaths and amenity areas. Two taller elements, a five storey element to block L and a four storey element to block M will define this western entrance to the lands. Local observers along Brawny Road are upset that these buildings are excessively tall and out of character with existing development. The applicant states that where increased building heights are found, appropriate separation distances have been provided to ensure that issues of overlooking and overshadowing will not arise. I find this to be true and I am satisfied that residential amenities have not been directly impacted upon. In terms of the visual amenities associated with residential property along Brawny Road, undoubtedly the vista will change from an open grassed and wildflower area to a more urbanised and organised public realm.
- 10.5.4. The applicant has prepared an Architectural Design Rationale to explain their design concept for the development and the photomontage report illustrates the visual impact of the development on the general streetscape in the whole area. It is inevitable that the character of Brawny Road will change, because it is zoned for residential uses. Given the design, scale and positioning of the houses and apartments that face onto the Brawny estate at various locations I am satisfied that the character of the area will change for the better. Drawings and photomontage images show that the western portion of the site has been treated adequately and I am satisfied that the applicant has demonstrated an appropriate urban design response to this portion of the site from a visual amenity perspective.
- 10.5.5. With reference to observers concerns about apartment buildings and height in general. The applicant has proposed a variety of house types and apartment blocks, the single tallest element of which is 17.8 metres (part of block L) and for the most part three storey apartment blocks at 9.7 metres in height. It is true to say that this type of apartment building would not be too common immediate area, although I note three storey units within the Brawny estate. However, though the apartment units proposed are a newer departure for residential units in the area, they are not high

rise. The Athlone Development Plan defines tall buildings as 3-4 storeys and only appropriate at high quality development in certain locations. An upper height limit is not expressed in the development plan. Recent national guidelines have identified that some development plans are conservative in their approach to both density and height, the two are connected. The Building Height Guidelines explain that such concerns have resulted from local-level concerns, like maintaining the character of an existing built-up area. The guidelines go on to explain that if much of the future development in and around existing urban areas, where two- storey development is currently the norm, was of four-storey form as the default objective, it would be possible to provide substantially more population growth within existing built-up areas where there is more infrastructure already in place. This is such a case. As a precaution to ensure good design and amenities are not eroded, the guidelines set out standards for building height in suburban/edge locations and this is underpinned by SPPR4 that states

It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

- 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;*
- 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
- 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.*

This is such a case, and I am satisfied that high levels of individual building design in terms of apartment and duplex types and broadly in terms of urban design have been achieved by the applicant. The proposed development will not adversely impact upon the visual amenities of the area and in fact I am satisfied that the approach taken by the applicant to create a new streetscape will be beneficial to the area.

10.5.6. Open Space – The proportion, design and layout of the public open spaces proposed by the applicant are satisfactory. Mature trees and hedgerows are retained and supplemented, where possible. Mostly at the margins of the site along the N6 to the north and the greenway to the south. Specific concerns raised by observers refer to the loss of biodiversity that has currently been built up on the open spaces throughout the area and that the distribution of open spaces throughout the scheme is unbalanced. The planning authority are satisfied that the arrangement, distribution and size of public open spaces are acceptable.

10.5.7. There are a number of elements to the applicant's landscape design proposal, and these are well set out and illustrated in the Lissywollen Landscape Masterplan submitted with the application. In summary:

- a large proportion of the existing central public open space currently configured as a wildflower meadow will remain and falls outside the application area;
- a linear length of open space will run along the N6 and act as a buffer to residential development in Character Area 02;
- four significant rectilinear parks will abut the Old Rail Trail Greenway and provide convenient and safe access points to this amenity;
- two other parks will serve Character Areas 01 and 02;
- better public realm, smaller incidental spaces and semi-private courtyards conclude the open space inventory.

10.5.8. I note that many of the internal hedgerows are to be removed, whilst some are retained. Some observers bemoan the fact that so much wildlife will be lost. However, the applicant has devised a landscape masterplan that seeks to retain and build on the biodiversity opportunities for the overall site. In this respect the applicant has also prepared the following studies: Arboricultural Impact Assessment, Tree Protection Study and considered ecology within the EIAR. Tree and new hedgerow planting has been devised to retain and bolster the existing biodiversity of the site. The NPWS has also made a submission that notes the loss of extensive lengths of mature hedgerows and suggests that new planting should at least substitute that vegetation lost to development. I agree that a suitable condition should be attached to steer new planting towards native plant species in line with the objectives of the National Biodiversity Action Plan 2017 -2021.

10.5.9. In terms of the layout of open spaces, I find all spaces to well located and overlooked by house types that are well designed, particularly at corners and from apartments that will benefit from open space vistas. The integration of multiple open spaces along the greenway provides benefits to both future occupants and the users of the greenway itself. These are very good spaces and introduce numerous and safe access points to the greenway route. The margin along the N6 is a difficult area to treat, however, I find that the provision of a linear buffer and the retention of the many mature trees and hedgerow along this length is entirely appropriate. Finally, inner courtyards that serve apartment blocks are suitably dimensioned and provide an adequate breathing space between blocks and precious amenity for apartment dwellers.

10.5.10. I note the conclusions of the applicant's sunlight/daylight and overshadowing study that looks at new amenity spaces. I am satisfied that all new shared and public amenity spaces pass the BRE requirement relating to the area receiving 2 hours of sunlight on the 21st of March > 50%. However, I note that the central communal space of block D is fully enclosed and does not score so highly. This is acceptable given the configuration of units and the availability of good amenity space nearby.

10.5.11. I am satisfied that the applicant has provided a suitable array of public open spaces and communal spaces for future occupants. In addition, the layout of the scheme and the distribution of apartment blocks along the new access street provides a good level of visual amenity for existing residents and future occupants alike.

10.6. Traffic and Transport

10.6.1. The development proposed by the applicant amounts to 576 units and a creche, the resultant amount of car parking spaces is set at 752 or around 1.3 per unit. The applicant has prepared a Traffic and Transport Assessment (TTA), Mobility Management Plan, DMURS Statement and proposes to provide a link street between Garrycastle and Brawny Road. The TTA includes a number of stages such as a site audit, traffic counts, trip generation/distribution and network impact/assessment.

10.6.2. Local residents are unhappy at the density of development proposed and fear that the generation of additional traffic will make an already bad traffic situation even

worse. Even though site wide road improvements will occur there is a belief that the new road will be used as a rat run and only push traffic congestion to other places. The provision of roads around the school are also a concern and there is a fear that children's safety will be compromised. An observer believes that the new link road should be considered in its own right and not be part of a housing application. Residents at the western end of Brawny Road are not convinced that the new road layout in front of their houses is acceptable and could lead to parking problems and manoeuvring difficulties. Finally, changes to the road configuration at 1 Brawny Drive is criticised and not wanted.

- 10.6.3. The planning authority raise no significant concerns and require works to be up to the technical standard of the Council for roads and junction infrastructure. The planning authority require a condition to be attached in relation to the design and siting of controlled pedestrian/toucan crossings and that contact is made with regard to accommodating a future link in the provision of a footbridge over the N6 in tandem with the east-west access route in the first phase of development. These are reasonable issues to raise and I am satisfied that a standard and technical condition could address these minor issues.
- 10.6.4. In principle, the design and layout of streets and footpaths across the subject site are logical and compliant with the requirements of DMURS. For the most part streets are linked with few cul-de-sacs and where there are dead ends, pedestrian/cycle linkages provide onward access. The geometry of the street network is acceptable and should moderate driver behaviour and curb speeds. The new access street, 'Lissywollen Avenue' has been through a number of design iterations and this appears to be the best outcome. This new link street will serve to open up these lands, provide an east/west linkage, increase permeability and has been specifically designed to deter unnecessary journeys due to its convoluted configuration and urbanised character. In terms of other forms of transport, I note that this site is very well connected to the Old Rail Trail Greenway and in fact enhances and upgrades this already well used amenity and transport conduit. In broad terms, I am satisfied that the design and layout of streets and footpaths is acceptable, in addition the density of development should ensure that local public transport networks are well used and more viable into the future.

10.6.5. However, it is not all positive from the perspective of some local residents and I deal with those concerns next. In terms of macro planning, a link road has been proposed through these lands for some time and there is an objective for an east-west access route, 'Lissywollen Avenue', as part of the Lissywollen South Framework Plan 2018-2024. In addition, the funding for this piece of infrastructure has been secured through the Local Infrastructure Housing Activation Fund (LIHAF). To address the concerns of observers that say that the road should be delivered in its own right and not form part of a housing application, I disagree. It makes a lot of sense to include the detailed design and layout of this new link street or avenue as an integral part of the overall scheme. Therefore, ensuring that the new linkage does not become a hostile piece of road infrastructure that has not taken into account the residential nature and context of this emerging area. I am satisfied that the incorporation of a new link street in the overall layout and design of the current scheme before the Board is entirely appropriate and acceptable.

10.6.6. Traffic volumes generated by the development are cited by observers to be an issue that will become problematic in the future, leading inevitably to greater congestion. School drop-off and pick times are cited by observers as problematic. Section 11 of the EIAR assesses material assets - transport impacts arising from the proposed development, the conclusion of which is that the proposed development will have no significant negative impact on the local road network. The applicant has also prepared a Traffic and Transport Assessment (TTA) that surveys the existing traffic environment and models for the planned development. The TTA concludes that the local road network can absorb the projected levels of traffic and that the proposed new link street and other junctions will operate well within capacity in future years. Concerns from residents at the western end of Brawny Road about a new junction, ad-hoc car parking and difficulty manoeuvring in and out of driveways is noted. However, I note that the defined east/west route through the site 'Lissywollen Avenue' passes to the south of Brawny Road and should be the natural route for vehicles entering and leaving the estate. Brawny Road now becomes a minor part of the street network and though it is connected at three points to 'Lissywollen Avenue' this should be seen as a positive and not a negative. Traffic volumes will be low on this 'sub route' and slow moving, because of the configuration of the streets and the amount of access points. In terms of ad-hoc car parking, I note that this is already a

problem in the area, however, I am satisfied that adequate levels of car and cycle parking has been provide for apartments and the addition of a through route bus service should serve to provide a variety of transport choices for future occupants. As for the issue of vehicle headlights and dazzle, this is an urban area where streetlights and headlights are a common occurrence at night and I do not see this as a planning issue.

- 10.6.7. The configuration of the existing street at Brawny Drive has been altered and an observer is unhappy about the changes and sees no positive advantages for them. As well as other landscape and street changes, a large footpath area to the front of 1 and 2 Brawny Drive will disappear and become a new footpath, realigned street and expanded green area. The applicant makes the point that these works will ensure that the existing Brawny residents to the south of the avenue can easily access the avenue, while also ensuring that priority is given to pedestrians and cyclists with the provision of safer homezone spaces. Whilst this may be the case, there is no specific reason for the alignment proposed at 1 and 2 Brawny Drive. Consequently, I see no reason why the alignment of the street cannot be altered slightly to retain some kind of small pedestrian refuge and more seamless connection between old and new. A planning condition can address this issue.
- 10.6.8. On balance, the proposed development is located at a well-served suburban location close to a variety of amenities and facilities. Current public transport options are available in the wider area and should be introduced through the site in the future. In addition, there are excellent cycle facilities in the area an further improvements are planned in this application. The proposed development will add significant improvements to the public realm in terms of pedestrian and cyclist facilities. It is inevitable that traffic in all forms will increase as more housing comes on stream, this is adequately modelled for in the TTA and traffic and transport effects are not seen as problematic in the EIAR, section 11 Material Assets refers. Consequently, I am satisfied that most of the ingredients are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the mobility management plan submitted by the applicant.

10.7. **Water Services and Flood Risk**

- 10.7.1. Some observers noted that existing water services could be stretched by the development as proposed and that there could even be issues in relation to flood risk. The Engineering Services Report submitted with the application outlines in detail the surface water management strategy, wastewater drainage and potable water supply proposed for the site. In addition, the applicant has prepared a site specific Flood Risk Assessment, the site is located in flood zone C. The FRA concludes that the site is located in flood zone C for fluvial flooding and is not at apparent risk of flooding due to pluvial or groundwater flood events. The EIAR also assessed impacts arising from the development with regard to Water, section 7 of the EIAR refers. The surface water management strategy comprises a gravity pipe network, with significant Sustainable Drainage Systems implemented. The planning authority have raised no serious issues with this approach and I am satisfied that the flood risk associated with the site has been adequately assessed and the overall surface water management strategy is appropriate.
- 10.7.2. A number of observers have raised concerns about the capacity of Irish Water infrastructure to accommodate the scale of development proposed. However, Irish Water have confirmed that it is feasible to service the proposed development subject to some upgrades. Specifically, upgrade works to the Athlone Water Treatment Plant are required and these upgrade works to provide adequate headroom capacity for this development are due for completion Q3 2021 (subject to change). In addition, the Athlone Wastewater Treatment Plant and local wastewater network to facilitate this development are all adequate in terms of capacity to accommodate the development. I am satisfied that the development can be serviced by water services and Irish Water have demonstrated this fact. Some diversion of piped services are proposed as part of this application, however, I note that Irish Water recommend further engagement when the time comes. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.
- 10.7.3. The applicant has proposed a wide range of measures to manage surface water across the site. The site has been split in to two catchment areas, east and west, some diversion of existing surface water sewers will be required to accommodate the development. The planning authority note no outstanding issues to do with these works, however, an appropriate condition is recommended. A variety of standard Sustainable Urban Drainage Systems (SUDS) are proposed and subject to regular

maintenance these will be effective. Long term storage is not proposed in the event of an extreme event discharge rates will be controlled by the variety of SUDS and mechanical measures. I am satisfied that the surface water management strategy applied to the site is appropriate and so too are the planning authority subject to standard and technical planning conditions.

10.8. **Other Matters**

- 10.8.1. School Privacy – Observers connected with Scoil na gCeithre Maistri, a primary school located west of Character Area 05 ‘Lissywollen Station’ have outlined what they consider to be serious concerns about the overlooking impact from apartment blocks located to the east. Apartment blocks N, P, Q, R and S are all located to the east of the school across an existing road and on ground that slightly rises upwards. The main concern of the school is that balconies, living room and bedroom windows will overlook the school yard and classrooms, causing a loss of privacy. In addition, concerns are also raised at what school pupils would observe if they looked upwards towards these living quarters. There are four apartment blocks that perhaps pose the most serious concern for observers, blocks P, Q, R and S, all are three storeys in height and all have plenty of opportunities to look out to the west across the school to the football stadium beyond. All these blocks are more than 20 metres from the boundary of the school, across a street with wide footpaths and landscaped verges. In my mind the three storey apartment blocks are no different to three storey terrace houses in terms of opportunities for overlooking. In addition, the creation of such a wide and public separation distance created by the applicant I am satisfied that there will be no adverse effects from loss of privacy either to the school population or future occupants of the apartments.
- 10.8.2. Local engagement - I note the submissions received in relation to a lack of pre-application consultation with elected members/local residents and the SHD process. While I acknowledge that this may have been beneficial to both sides, there is no requirement in the legislation for such consultation to take place. Consultation has been undertaken at application stage in compliance with SHD legislation and I have had full regard to those submissions.
- 10.8.3. Construction Period - I note the concerns raised by some observers and the school in particular regarding construction stage impacts. I note that section 4 of the EIAR

specifically deals with human health and the construction phase of the development. A Construction and Environmental Management Plan has been prepared and submitted with the application and includes traffic management proposals. Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction management and practice. I recommend a condition requiring the preparation of a detailed Construction Management Plan and Traffic Management Plan prior to commencement of development.

- 10.8.4. Childcare and School Capacity – Concerns have been raised by some observers regarding the impact of the development on local schools. The applicant provides a Childcare and School Demand Assessment. The childcare and school capacity assessment was prepared to establish if there is an adequate provision of school places in Athlone to accommodate the proposed development. The assessment finds that there are 23 existing childcare services within walking distance of the development, with existing vacancy for 50 childcare places. In addition, the applicant makes the point that the two proposed childcare facilities will more than adequately deal with local demand.
- 10.8.5. In terms of school places in the area, there are seven primary schools and three secondary schools close by. Indeed, there is a primary and a secondary school adjacent to the site itself. The study concludes that there is an adequate capacity in existing primary and post-primary schools to cater for the demand generated by development. Observers and specifically the local primary school have a difference in opinion and state that schools are at capacity, now and into the future. The planning authority recognise the potential mismatch of pupils to school places and states that perhaps further detailed assessment may be necessary. However, the planning also notes that they regularly engage with the Department of Education with respect to recently delivered housing developments and anticipated development of scale in areas for the purpose of assessing associated educational needs. This is the best course of action and there is not sufficient reason to refuse permission for the development based upon school place uncertainty or not.
- 10.8.6. New Section 28 Guidelines – since the lodgement of this planning application, new section 28 guidelines have been issued by the Minister for Housing, Local Government and Heritage. The new guidelines are brief and concern the regulation

of commercial institutional investment in certain housing developments of five or more houses and/or duplex units but not those schemes that have 'build-to-rent' status. The *Regulation of Commercial Institutional Investment in Housing May 2021 Guidelines for Planning Authorities*, enables planning authorities and An Bord Pleanála to attach planning conditions that require a legal agreement controlling the occupation of units to individual purchasers, i.e. those not being a corporate entity, and, those eligible for the occupation of social and/or affordable housing, including cost rental housing. In the context of the current planning application that comprises a mixture of houses and apartments/duplexes it is appropriate to attach the relevant condition advised by the recently published guidelines.

11.0 Environmental Impact Assessment

11.1. Environmental Impact Assessment Report

- 11.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The development provides for 576 residential units, an access road, two crèche facilities, community hub and public open spaces on a site area of 17.64 ha. The site is located within the area of Westmeath County Council. A number of the topics and issues raised by observers that concern environmentally related matters have already been addressed in the planning assessment above, however, where relevant I have cross-referenced between sections to avoid unnecessary repetition.
- 11.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:
- i) Construction of more than 500 dwelling units*
 - iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.*
- 11.1.3. The current proposal is an urban development project that would be in the built-up area of a town but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and the submission of an environmental impact assessment report is mandatory because the area of the proposed urban development exceeds 10 Hectares and the construction of 500 dwelling units. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Chapter 16 of the main volume provides a summary of the mitigation measures described throughout the EIAR. Chapter 1 outlines the project team and their qualifications and the introduction to each chapter describes the expertise of those involved in the preparation of the EIAR.
- 11.1.4. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors

referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

11.1.5. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

11.2. **Vulnerability of Project to Major Accidents and/or Disaster**

11.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned.

11.2.2. The EIAR addresses this issue in chapter 3 Description of Project and Alternatives and briefly in chapter 4 Population and Human Health of Volume II of the EIAR. I note that the development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential for impacts from this source. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. Chapter 7 of the EIAR addresses the issue of flooding and the site is not in an area at risk of flooding. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

11.3. Alternatives

11.3.1. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

11.3.2. Chapter 3 of volume II of the EIAR provides a description of the main alternatives (6 alternate layouts in total) studied by the applicant and the reasons for their choice. The permissible uses on the site are prescribed by its zoning under the development plan. The alternatives that were considered were therefore largely restricted to variations in layout and building design and processes. In the prevailing circumstances this approach was reasonable, and the requirements of the directive in this regard have been met.

11.4. Likely Significant Direct and Indirect Effects

11.4.1. The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

11.5. Population and human health

- 11.5.1. Population and Human Health is addressed in Chapter 4 of the EIAR. The methodology for assessment is described as well as the receiving environment. Recent economic and demographic trends are examined. The principal findings are that human population and job opportunities will increase as a result of the proposal, specifically the construction phase of the project. In terms of human health, the most likely impact will be the construction phase of the development and observers have concerns around construction phase traffic.
- 11.5.2. Chapter 9 of the EIAR refers to noise and vibration. The occupation of the development would not give rise to noise or vibration that would be likely to have a significant effect on human health or the population, as it would be a residential scheme that formed part of the built-up area of the town. The impact of additional traffic on the noise levels and character of the surrounding road network would be insignificant having regard to the existing traffic levels on roads in the vicinity and the marginal increase that would occur as a result of the proposed development. This is demonstrated by the Transport and Traffic Assessment and Mobility Management Plan devised for the scheme.
- 11.5.3. Observers and especially those related to the primary school adjacent to the site have raised concerns about the construction phase and the possibility of negative impacts. The use of heavy vehicles and machinery during a prolonged construction period would have the potential to give rise to effects due to noise and vibration. However, given the phased duration of the works and the control of activity on site by the developer at that time, these can be avoided through the use of management measures as set out in the EIAR and in the Construction Environmental Management Plan ('CEMP') prepared by DBFL Consulting Engineers and submitted with the application, and the imposition of limits by conditions on any grant of permission. Subject to these measures the main significant direct and indirect effects of the proposed development on the environment are addressed, it is concluded that the proposed development would not be likely to have significant adverse effects on human health.
- 11.5.4. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed

development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

11.6. Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

- 11.6.1. Chapter 5 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that an Appropriate Assessment Screening (AA) Report, Addendum Site Visit Report, Arboricultural Impact Assessment and Tree Protection Plan were prepared as standalone documents. As noted, and as assessed in section 12 of this report, the AA screening Report and the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.
- 11.6.2. A desk study was undertaken and included review of available ecological data. Field surveys were carried out between June 2018 and May 2019 and included consideration of semi-natural habitats, terrestrial mammals, birds and bats. An addendum site visit and report was carried out in January 2021 and it was found that there were no changes to the habitat composition recorded during the current site visit and ecological surveys when compared to the previous surveys conducted in 2018 and 2019. The large majority of the site consists of agricultural land currently laid out as grassland, which does not contribute to biodiversity to any substantial extent.
- 11.6.3. The surveys found that there were no significant habitats directly adjacent to the site. The central hedgerows provide a linear feature of moderate local importance with potential for breeding birds to use it. There was evidence of fox and rabbit activity on site. There were no signs of any badger activity and no badger setts were identified. Common breeding birds were found on and within the site. The habitats on site are grassland and disturbed ground fields and the treelines on site are of low local ecological importance due to the proximity to the N6 and availability of similar habitat. There were no open water sources identified within the area during any of the surveys. The fields to the west have a notable wet flush area as indicated by the reeds (*Juncus* spp.) present (also identified by the NWPS consultation response), however, this area was dry during all field visits and there is no bankside vegetation, shade or refugia for amphibians or reptiles; therefore, the site has no potential for any protected fish, amphibians or reptiles. There were no trees present on site with

bat roosting potential, and a disused building adjacent to the site also had no potential. The treelines are suitable for commuting routes for bats, with suitable foraging habitat for bat species. However, very little bat activity was recorded. Due to the nature and characteristics of the treelines present there is potential for nesting birds; the central hedgerow has the highest ecological value in this regard due to the semi mature nature and dense understory.

- 11.6.4. A submission was prepared by the NPWS and two concerns were raised. That conclusive evidence should be prepared in relation to the disused building to the eastern boundary, so a bat survey of this building should be prepared. In terms of the loss of mature hedgerow habitat, an equivalent amount of new native hedgerow should be planted.
- 11.6.5. The project will see some clearance of habitat features away from the boundaries and within the site. The site, including site boundaries, will see the loss of 990 metres of semi-mature hedgerows of varying quality. Such loss of linear habitats, in the absence of mitigation, has the potential to impact commuting and foraging bat and bird species locally. This extent of the potential impact would be reduced by the retention and augmentation of the landscape features throughout the site. It would also be mitigated by the proposed linear landscaping and planting, the design of public lighting in the proposed development. The residual impact on mammals and bats is likely to be minor and would not have a significant impact on the species concerned.
- 11.6.6. The proposed development has been designed in order to retain existing mature treelines and hedgerows features both within the site and along the site boundary and minimise the loss of such linear landscape features. This will retain connectivity to the wider landscape for species such as commuting and foraging bats and birds. In addition, the Landscape Master Plan for the site provides for supplementary planting of native tree and shrub species that will create and enhance hedgerows and treelines. It also provides for the creation of wildflower meadows and wetlands, which will enhance the overall biodiversity within the site. In addition, the comments of the NPWS are noted and these mitigation measures can be strengthened by the planting of native species hedgerow species along a distance of native hedgerow equal to that proposed for removal.

- 11.6.7. Section 10.7.2 of the EIAR describes how the provision of SuDS measures will improve the biodiversity opportunities on the site. I note that observers have raised concerns about the loss of extensive areas of open grassland/meadow and verges that have been implemented and maintained by residents. In my view, the measures to minimise the impact of the development on habitats and biodiversity that may include the preparation of a biodiversity management plan for the management of the created wetlands, trees and grasslands throughout the site, should strengthen biodiversity opportunities. These and other measures are standard and would represent good construction and maintenance practice. Subject to their implementation, it can be concluded that the proposed development would not be likely to have significant adverse effects on biodiversity. The proposed development would introduce areas of new planting, and the landscaping and planting proposals submitted with the proposed application are satisfactory in that context.
- 11.6.8. Though the development will remove open grassland, open spaces and mature hedgerows, the scheme would introduce areas of new planting, and the landscaping and planting proposals submitted with the proposed application are satisfactory in that context. Having regard to the foregoing, including the concerns raised by the NPWS, it is not likely that the proposed development would have significant effects on biodiversity. I have considered all of the written submissions made in relation to biodiversity. I am generally satisfied with regards the level of information before me in relation to biodiversity.
- 11.6.9. Given that the present condition of the site, with no especial concentrations of flora or fauna, I am satisfied that the development of the site and planned amenity planting provides greater benefits in terms of human health and biodiversity. I draw the Boards attention to the AA section of my report (section 12) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

11.7. **Land and soil**

- 11.7.1. Chapter 6 of the EIAR deals with land, soil and geology and includes the findings of initial site investigations confined to the site and comprised 2 trial pits and 28 plate bearing tests.

11.7.2. The proposed development would result in the loss 17.64 Hectares of agricultural land, zoned for residential and amenity purposes. Given the extent of such land that would remain available in the overall region, this is not considered to be a significant effect. The proposed development would require some changes in the levels of site. Excavation of existing fill, topsoil, subsoil and bedrock will be required for site levelling and for the installation of drainage and services (wastewater, water supply, electricity, etc.) infrastructure. This will result in a permanent removal of subsoil and bedrock at most excavation locations. Some 18,000 m³ of topsoil will be stripped and the same amount will be used in open space landscaping. The total amount of imported fill material will amount to 18,000 m³. All excess material on site will be used for reinstatement and landscaping works around the site during and at the end of the construction phase. Storage and handling of hydrocarbons/chemicals will be carried out using best practice methods which will break potential pathways to ground. Measures to prevent subsoil erosion during excavation and reinstatement will be undertaken to prevent water quality impacts.

11.7.3. I have considered all of the written submissions made in relation to geology and soils. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soils.

11.8. **Water**

11.8.1. The topic of Water is dealt with at Chapter 7 of the EIAR and covers hydrology/geology, flood risk, surface water drainage, foul drainage and water supply.

Hydrology and Geology

11.8.2. There are no watercourses on site and the nearest, a small watercourse is located 1 km to the south. No groundwater was experienced in trial pits, further investigatory work will take place to establish the feasibility of surface water discharge to ground. However, surface water will be attenuated to greenfield runoff rates in conjunction with implementation of SuDS strategies. It is not currently envisaged that the

proposed development works will have any direct impact on the existing underlying hydrogeology and geology.

Flood Risk

- 11.8.3. A Site-Specific Flood Risk Assessment for the site was undertaken and found that the site is in flood zone C and that residential development is appropriate for the site's flood zone category and the sequential approach outlined in the Guidelines has been followed and that the 'Avoid' principal has been achieved.

Surface Water Drainage

- 11.8.4. The proposed surface water discharge point is to an existing 1,350mm sewer that traverses the site from east to west, that ultimately discharges to the south-west corner of the western catchment. The site is split into two catchment areas. Diversion works will be required during construction; however, outfall of existing and proposed surface water will be to the trunk sewer. It is proposed to provide a sustainable urban drainage solution to the surface water drainage for the site in the form of underground attenuation tanks, to discharge surface water generated by the development at greenfield run off rates to an existing surface water main.

Foul drainage

- 11.8.5. The proposed foul drainage network will comprise of a series of main sewers 150mm/225mm diameter in size, which will serve the majority of the residential units. These will then discharge to the diverted 525mm trunk sewer. Some units will discharge directly to the trunk sewer. The proposed on-site foul sewers will discharge by gravity where possible to the adjacent public (Irish Water) foul sewer network. This may involve raising ground levels in some areas to facilitate gravity flows.

Water Supply

- 11.8.6. It is proposed to form a 200mm diameter connection off the existing 200mm watermain located in the R916 and another off the 200mm watermain Brawny Road. The water supply for the proposed development would be from this new connection from the public network which Irish Water advises is feasible without upgrade works to the pipe network.
- 11.8.7. It can therefore be concluded that, subject to the implementation of the measures described in the EIAR, the proposed development would not be likely to have a

significant effect on water. With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated.

11.8.8. I have considered all of the written submissions made in relation to water and the relevant contents of the file including the EIAR. I am satisfied with the level of information submitted, any issues of a technical nature can be addressed by condition as necessary.

11.9. **Air quality and climate change**

11.9.1. Air Quality and Climate Change area outlined in chapter 8 of the EIAR. The proposed housing and open spaces would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality. There is a potential for dust emissions to occur during construction but standard means are proposed to mitigate this potential as set out in Chapter 16 of the EIAR. They are likely to be effective. It is therefore concluded that the proposed development is unlikely to have significant effects on air.

11.9.2. During construction, there is the potential for a number of greenhouse gas emissions to atmosphere. However, dwelling units will be constructed to high energy saving standards, the likely overall magnitude of the changes on climate in the operational stage of the proposed development is negative, imperceptible and long-term. The impact of the proposed development on the climate would be negligible.

11.9.3. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

11.10. **Material assets**

11.10.1. Material assets have been divided into; Surface Water Drainage, Foul Drainage, Water Supply, Power, Gas and Telecommunications (Chapter 10 of the EIAR). The proposed development would have a significant positive effect on the material assets available in the area through the provision of additional housing, the provision of public open space and public realm improvements. Occupiers of the development would place additional demands on public transport and road

infrastructure. But this should lead to increased investment in improvement and further provision. The scheme will separate foul and surface water before entry into the existing public system, reducing unnecessary additional treatment requirements. The cumulative effects of the development on the foul, surface water, watermain and waste management systems are anticipated to be short term, neutral, and imperceptible. No significant impacts are anticipated.

11.10.2. Cumulative impacts have been considered, including the reduction of capacity in local networks. I am satisfied that while some cumulative effects may arise from the proposed development together with existing and permitted developments, these would be avoided, managed and mitigated by the measures which form part of the proposed development and through suitable conditions. In terms of material assets and built services, impacts are considered in relation to water supply, foul and surface water drainage, gas and telecommunications and the electrical network. Any impacts are seen as temporary and in general impacts are seen as positive in terms of improvements to networks.

11.10.3. I have considered all of the written submissions made in relation to local service infrastructure. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets.

11.11. **Archaeological and Cultural heritage**

11.11.1. The site has been the subject of desk and walk over surveys. There are no recorded archaeological sites located within the proposed development site while there are other examples in the surrounding study area and the nearest example is a Children's burial ground (WM029-023----) located approximately 50m to the south. Section 13.4.7 of the EIAR details sites in the vicinity. The Development Application Units of the Department (DAU) note the results of test excavations on the site and that no further archaeological mitigation is required regarding this development.

11.11.2. The site does not contain any recorded monuments or protected structures and there is no formal cultural significance attached to the site. I have considered all of the written submissions made in relation to archaeology, architectural and cultural

heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I therefore consider that the proposed development would have an acceptable level of direct or indirect impacts on architectural and cultural heritage.

11.12. The landscape and visual impact

11.12.1. Chapter 14 outlines landscape and the visual impacts that would arise from the development. The lands are not recorded as a high value landscape, but there are hedgerows across the site and at the boundaries. No protected views that are highlighted in the development plan will be impacted upon. Observers have highlighted concerns about the visual impact of the development and this will change their outlook and the open spaces around them. The EIAR highlights the construction impacts on the visual amenity of the area and positive impacts of the completed estate on the urban expansion of the town. The construction phase is considered short-term. The layout of the site and positioning higher buildings at low points together with landscaping proposals and objectives to retain hedgerows aim to minimise the visual impact of the development.

11.12.2. The proposed development would change the site from agricultural fields to a medium density housing and apartment scheme. This would significantly alter its character. The site provides an open aspect to what is otherwise low density suburban housing. The context is already urban. The changes that would arise from the proposed development would not, therefore, have a negative effect on the landscape, such as it is.

11.13. The interaction between the above factors

11.13.1. The potential impact of the development on land, soil, water and biodiversity interact, due to the need to avoid the emissions of sediments to the existing combined public sewer system in order to protect water quality and the aquatic habitats there. The potential impact on land and soil interacts with that on air due to the need to control dust emissions during ground works and construction. The potential impact of the development on material assets interacts with that on the population due to the provision of a substantial amount of housing for the area. The various interactions were properly described in the EIAR, table 15.1 provides a

matrix of interactions and Chapter 15 properly describes the interactions and have been considered in the course of this EIA.

11.14. **Cumulative Impacts**

11.14.1. The proposed development could occur in tandem with the development of other sites that are zoned in the area, including permitted housing developments in the vicinity. Such development would be unlikely to differ from that envisaged under the county development and local area plans which have been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans. The proposed development is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is therefore concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

11.15. **Reasoned Conclusion on the Significant Effects**

Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of former agricultural land to residential. Given the location of the site within the built up area of suburban Athlone and the public need for housing in the region, this effect would not have a significant negative impact on the environment.

- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- A positive effect on the streetscape because the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

11.15.1. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in many of the individual EIAR chapters are satisfactory, I am satisfied with the information provided in relation to Landscape and Visual Assessment to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

12.0 Appropriate Assessment

12.1. Introduction

12.1.1. The applicant has submitted an 'Screening Statement for Appropriate Assessment', dated February 2021 and prepared by Finch Geospatial and Environmental Consulting. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained within this report is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development and all other documentation from the planning authority, observers and statutory consultees has been considered.

12.2. AA Screening

12.2.1. The site is not located within or directly adjacent to any Natura 2000 area (SAC or SPA), the site is located in an urban context and connected to the municipal waste and surface water system. There are no species or habitats of conservation significance within or in the immediate environs of the site. According to the applicant's AA Screening Report there are 13 European Sites with a 15 km radius of the site, comprising:

Special Areas of Conservation (SAC)

- River Shannon Callows SAC [000216]
- Crosswood Bog SAC [002337]
- Lough Ree SAC [000440]
- Carn Park Bog SAC [002336]
- Pilgrim's Road Esker SAC [001776]
- Mongan Bog SAC [000580]
- Castlesampson Esker SAC [001625]
- Ballynamona Bog & Corkip Lough SAC [002339]
- Fin Lough (Offaly) SAC [000576]
- Lough Funshinagh SAC [000611]

Special Protection Areas (SPA)

- Middle Shannon Callows SPA [004096]
- Lough Ree SPA [004064]
- Mongan Bog SPA [004017]

12.2.2. Table 3.1 European sites within 15 km of the proposed project boundary (listed according to distance) of the applicant's report sets out the distance, qualifying interests/special conservation interests and site synopsis detailing existing threats or sensitivities, summarised as follows:

Code	Site Name	Distance (km)	Qualifying Interests
000216	River Shannon Callows SAC	1.49	Molinia Meadows [6410], Lowland Hay Meadows [6510], Limestone Pavement [8240], Alluvial Forests [91E0], Otter (<i>Lutra lutra</i>) [1355]
004096	Middle Shannon Callows SPA	1.49	Whooper Swan <i>Cygnus cygnus</i> [A038], Wigeon <i>Anas penelope</i> [A050], Corncrake <i>Crex crex</i> [A122], Golden Plover <i>Pluvialis apricaria</i> [A140], Lapwing <i>Vanellus vanellus</i> [A142], Black-tailed Godwit <i>Limosa limosa</i> [A156], Black-headed Gull <i>Chroicocephalus ridibundus</i> [A179]
002337	Crosswood Bog SAC	1.75	Active raised bogs [7110], Degraded raised bogs still capable of natural regeneration [7120]
000440	Lough Ree SAC	2.19	Natural eutrophic lakes with Magnopotamion- or Hydrocharition-type vegetation [3150], Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (important orchid sites) [6210], Active raised bogs [7110], Degraded raised bogs still capable of natural regeneration [7120], Alkaline fens [7230] Limestone pavements [8240] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0], Bog woodland [91D0], Otter <i>Lutra lutra</i> [1355]

004064	Lough Ree SPA	2.19	9 Little Grebe (<i>Tachybaptus ruficollis</i>) [A004], Whooper Swan (<i>Cygnus cygnus</i>) [A038], Wigeon (<i>Anas penelope</i>) [A050], Teal (<i>Anas crecca</i>) [A052], Mallard (<i>Anas platyrhynchos</i>) [A053], Shoveler (<i>Anas clypeata</i>) [A056], Tufted Duck (<i>Aythya fuligula</i>) [A061], Common Scoter (<i>Melanitta nigra</i>) [A065], Goldeneye (<i>Bucephala clangula</i>) [A067], Coot (<i>Fulica atra</i>) [A125], Golden Plover (<i>Pluvialis apricaria</i>) [A140], Lapwing (<i>Vanellus vanellus</i>) [A142], Common Tern (<i>Sterna hirundo</i>) [A193], Wetland and Waterbirds [A999]
002336	Carn Park Bog SAC	4.15	Active raised bogs [7110], Degraded raised bogs still capable of natural regeneration [7120]
001776	Pilgrim's Road Esker SAC	9.88	Orchid-rich Calcareous Grassland [6210]
000580	Mongan Bog SAC	10.26	Active raised bogs [7110], Degraded raised bogs still capable of natural regeneration [7120], Depressions on peat substrates of the Rhynchosporion [7150]
004017	Mongan Bog SPA	10.26	Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]
001625	Castlesampson Esker SAC	10.29	Turloughs [3180], Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (important orchid sites) [6210]
002339	Ballynamona Bog and Corkip Lough SAC	10.64	Turloughs [3180], Active raised bogs [7110], Degraded raised bogs still capable of natural regeneration [7120], Depressions on peat substrates of the Rhynchosporion [7150], Bog woodland [91D0]

000546	Fin Lough SAC	11.98	Alkaline fens [7230] <i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013]
000611	Lough Funshinagh SAC	13.52	Turloughs [3180], Rivers with muddy banks with <i>Chenopodium rubri</i> p.p. and <i>Bidention</i> p.p. vegetation [3270]

12.2.3. The applicant states that the project is not necessary to the management of a European site. During the construction phase of the proposed project there is potential to introduce sources for effects which interact with ecological processes such as alteration to air or water quality and/or indirect disturbance effects due to noise/vibration, light pollution. The potential for impacts was assessed under direct/indirect impacts, magnitude, extent, duration, likelihood, ecological impact and integrity of the site. There will be no land take so no effects posed to European sites in this respect. Resource requirements, water abstraction from existing reservoirs will not affect the ecological integrity of any European site. In terms of emissions, given the scope of works proposed there are no mitigation measures required to ensure the protection of the ecological integrity of any European site in this regard as there are no pathways for effects. No major excavation works are proposed. There will be a temporary increasing traffic during construction, but no mitigation measures are proposed during the construction or operational phase of the development.

12.2.4. There will be no reduction in habitat features or disturbance to key species. In addition, there will be no habitat or species fragmentation or reduction in species density. The report states that there are no pathways for effects to a European Site identified within the screening assessment process. There are no water courses within the boundary of the proposed site. The closest waterways are the Kippinstown Stream located approximately 1.1km to the north, which flows north and joins the Garrynafela River before entering Lough Ree. Approximately 740m to the south of the site an unidentified stream flows east and joins the Upper Shannon River at the River Shannon Callows, following the source-pathway-receptor model there will be no effects in this regard. Table 2.3 of the applicant's report sets out a screening assessment of the potential effects arising from the proposed project. In terms of in-combination potential impacts are set in table 3.3 of the Screening Report, but do not need to be considered given the nature and location of the project.

- 12.2.5. The applicant concludes that the project will not result in adverse effects to the ecological integrity of any European sites. The proposed site is not located within 1.49 km of any European site. Following the source-pathway-receptor model, the relevant attributes of European sites were assessed. Given the nature of the proposed project, its scale, the localised and short-term nature of the construction and the localised nature of the operational effects identified as potential sources, the proposed development will not lead to a significant in-combination effect with any other plans or projects. The proposed project is not foreseen to give rise to any significant adverse effects on any designated European sites, alone or in combination with other plans or projects, a Stage Two is not required for the project.
- 12.2.6. In applying the 'source-pathway-receptor' model to all Natura 2000 sites within 15 km of the application site I note the applicant's findings that there are no watercourses on the site and no hydrological connections. There are therefore no direct hydrological connections linking the site with watercourse in the vicinity that ultimately drain to a European site. There is currently no attenuation of rainwater runoff from the site as it is mostly agricultural or amenity land. The site will be connected to the municipal surface water drainage system. The Conservation Objectives for all sites within 15 kilometres are to maintain or restore the favourable conservation condition of each qualifying species/habitat. The potential impacts during the construction phase of the proposed development would consist of site clearance and construction activities, with theoretical potential pathways via the local surface water drainage network and possible contamination entering the groundwater. The potential impacts during the operational phase would relate to surface water flows and foul drainage.
- 12.2.7. The site lies within the built-up zone of the town and is mostly composed of agricultural and amenity land. The proposed development lies outside the boundaries of any Natura 2000 site and therefore there will be no reduction in habitat. There will be no fragmentation/loss or disturbance of any designated site, given the separating distances involved. There is no evidence that the site is in use for field feeding by protected bird species listed as qualifying interests of the 13 sites within 15 kilometres of the site.
- 12.2.8. No surface water feature was identified within the subject lands or in the vicinity and the project will incorporate sustainable drainage systems (SuDS) as well as

connection to the exiting 1,350mm diameter public surface water sewer traversing the site. A flood risk assessment was undertaken, which shows the site is located within Flood Zone C for fluvial flooding. Foul effluent from the proposed development will be connected to the municipal system via a 525mm diameter sewer which outfalls towards the Old Rail Trail Greenway. Fresh water supply for the development will be via a mains supply.

12.3. **AA Screening Conclusion:**

12.3.1. Therefore, having regard to the scale and nature of the proposed development of 576 residential units, community hub and two childcare facilities and its location within the built up area of Athlone on land that is served by municipal sewers, I am of the opinion that no Appropriate Assessment issues arise. I have had due regard to the screening report and data used by the applicant to carry out the screening assessment and the details available on the NPWS web-site in respect of the Natura 2000 sites identified, including the nature of the receiving environment and proximity to the nearest European sites. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, AA screening report submitted by the applicant and all of the planning documentation, 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 on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 **Recommendation**

13.1. Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
- (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
- (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
- (d) refuse to grant permission for the proposed development,

and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

13.2. Having regard to the above assessment, I recommend that section 9(14)(a) of the Act of 2016 be applied and that permission is GRANTED for the development, for the reasons and considerations and subject to the conditions set out below.

14.0 Reasons and Considerations

Having regard to the:

- (a) The site's location on lands with a zoning objective for residential development;
- (b) The policies and objectives in the Athlone Town Development Plan 2014-2020 that incorporates the Lissywollen South Framework Plan 2018-2024;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (2019);
- (e) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (f) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (g) 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' prepared by the Department of Housing, Planning and Local Government in March 2018;
- (h) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (i) Regulation of Commercial Institutional Investment in Housing May 2021 Guidelines for Planning Authorities
- (j) the nature, scale and design of the proposed development;
- (k) the availability in the area of a wide range of educational, social, community and transport infrastructure,

- (l) the pattern of existing and permitted development in the area,
- (m) The Report of the Chief Executive of Westmeath County Council received from the planning authority;
- (n) the submissions and observations received;
- (o) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars lodged with An Bord Pleanála on the 24th February 2021 by Alanna Roadbridge Developments Ltd, 4 The Mall, Lower Main Street, Lucan, County Dublin, K78 V9R6.

Proposed Development

A planning permission for a strategic housing development on lands at the townlands of Lissywollen, Kilnafaddoge and Retreat, and partially traversing the townlands of Curragh, Cloghanboy (Strain) and Cloghanboy (Homan), Athlone, Co. Westmeath.

The proposed development comprises the construction of 576 residential units comprising 285 housing units and 291 apartment units in 16 blocks between 2 and 5 storeys in height, two childcare units and a community hub, together with open space amenity and a new east/west link road. The detail is as follows:

Parameter	Site Proposal
Application Site area	17.64 ha gross; 13.64 ha net.
Number of Units	576 units (285 houses and 291 apartments).
Residential Density	33 units per hectare gross. 42 units per hectare net
Building Height	2 storey dwellings; 3-5 storeys duplex and apartments.
Other Uses	Crèche – 321 sqm (62 child spaces) Crèche – 448 sqm (83 child spaces) Community Hub – 101 sqm
Open space	23,330 sqm (public open space) 4,001 sqm (communal open space)
Parking	455 car spaces houses 295 car spaces apartments 752 car spaces in total. (2 spaces community hub)

	1,613 bicycle spaces
Vehicular Access	From the R915 (Ballymahon Road) to the west, and a new East-west avenue extending from Ballymahon roundabout (on the R915 -to the west) to the Garrycastle roundabout (on the R916 - to the east).

The breakdown of unit types as submitted by the applicant is as follows:

Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Apartments	60	177	54	0	291
Houses	0	35	200	50	285
% Total	10.5%	37%	44%	8.5%	100%

The apartment and duplex units are provided for in 18 blocks (Blocks A-H & K-T) finished with a combination of different brick and render materials. The heights of the apartments / duplex blocks that are not 3 storey are as follows: Block L - part 4 / part 5 storey, Block M - part 3 / part 4 storey, Block O - 2 to 4 storey and Block G - 2 storey

All the proposed houses are 2 storey dwellings with a combination of semi-detached and terraced dwellings, finished in brick and render. There are 10 house types, ranging from 2 bed houses to 4 bed houses, the external / material finishes of these house types are varied across the scheme and form 5 character areas.

The development includes public and communal spaces, described as: Public Spaces - Central Urban Plaza. Parkland, Pocket Parks, Play Areas and Habitat Buffer. Communal Spaces include: Open Spaces, Courtyards and Structured Play Areas.

Decision

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

Matters considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) The site's location on lands with a zoning objective for residential development;
- (b) The policies and objectives in the Athlone Town Development Plan 2014-2020 that incorporates the Lissywollen South Framework Plan 2018-2024;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (2019);
- (e) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (f) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (g) 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' prepared by the Department of Housing, Planning and Local Government in March 2018;
- (h) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (i) Regulation of Commercial Institutional Investment in Housing May 2021 Guidelines for Planning Authorities
- (j) the nature, scale and design of the proposed development;
- (k) the availability in the area of a wide range of educational, social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,

(m) The Report of the Chief Executive of Westmeath County Council received from the planning authority;

(n) the submissions and observations received;

(o) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development 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 a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

(a) the nature, scale, location and extent of the proposed development,

(b) the environmental impact assessment report and associated documentation submitted with the application,

(c) the submission received from the planning authority, the prescribed bodies and the public in the course of the application, and

(d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of former agricultural land to residential. Given the location of the site within the built up area of suburban Athlone and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction

by appropriate management measures to control the emissions of sediment to water.

- A positive effect on the streetscape because the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusion on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the Athlone Town Development Plan 2014-2020 that incorporates the Lissywollen South Framework Plan 2018-2024 in relation to residential density and building height. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Athlone Town Development Plan and Lissywollen South Framework Plan would be justified for the following reasons and considerations. In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016. In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended):

With reference to residential density there are conflicting objectives between the development plan and framework plan, that lead to a disconnect between target resident densities for the site.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended):

Residential Density

The Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy asserts that the key to the success of future residential development in Athlone is the facilitation of significant population growth on zoned lands within the existing built-up footprint of the town. The development of strategic lands, including for the subject site at Lissywollen South, are noted to have the potential to deliver the identified population targets for Athlone. The proposed development is in line with this strategy because of the proposed increase in residential density.

The subject site fits well within the parameters set out in the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) that states for outer suburban/'greenfield' sites, and the proposed density of 42 units per hectare is entirely reasonable and in accordance with national guidelines. Specific Planning Policy Requirement (SPPR 4) of the Height Guidelines requires adherence to the residential density targets for such urban areas.

Building Height

The Urban Development and Building Heights Guidelines for Planning Authorities December 2018 link building height with achieving higher residential densities. The guidelines observe that newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include

town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments deliver medium densities, in the range of 35-50 dwellings per hectare net. Specific Planning Policy Requirement (SPPR 4) of the Height Guidelines requires that in future residential development of greenfield or edge of town locations, planning authorities must secure the minimum residential densities for such locations as set out in the Sustainable Residential Development in Urban Areas guidelines. Permission for the development should be granted having regard to guidelines under section 28 of the Act and the National Planning Framework, specifically: in relation to the matter of building height, SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of the Urban Development and Building Height Guidelines.

In relation to section 37(2)(b)(iv) of the Planning and Development Act 2000 (as amended):

Permission has been granted recently (ABP-307508-20) for 426 residential units (237 houses, 189 apartments) creche and associated site works, less than a kilometre to the north west of the subject site. The current proposal is similar in density and height terms to recently permitted development and broadly meets with the planned objectives for the area.

In accordance with section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended the Board considered that the criteria in section 37(2)(b)(i), (iii) and (iv) of the Planning and Development Act 2000, as amended was satisfied for the reasons and considerations set out in the decision.

16.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 16 of the Environmental Impact Assessment Report 'Summary of EIA Mitigation and Monitoring Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(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 house or duplex 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.

4. The proposed development shall be amended as follows:

(a) Two bedroom units on the first and second floor of Block C, unit numbers 96, 97, 101 and 102, shall incorporate angled box windows on their internal east/west elevations, so as to avoid direct overlooking of bedrooms/living rooms.

(b) To avoid a minor window associated with the living room of units on the eastern elevation of Block N overlooking windows and balconies associated with Block M. These minor living room windows associated with units 429, 438 and 447, shall be specified with obscured glazing.

(c) Block Q, to avoid the secondary windows to living space on the northern gable overlooking balconies and living room windows of Block P, obscure glazing shall be fitted to the minor windows on the northern elevation of unit 507.

(d) Block S, to avoid the secondary windows to living space on the northern gable overlooking balconies and living room windows of Block R, obscure glazing shall be fitted to the minor windows on the northern elevation of unit 535.

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 and visual amenity.

5. The road layout associated with the proposed development shall be amended and supplemented as follows:

(a) Prepare a layout drawing and provide details of a location for the provision of infrastructure required to facilitate a future footbridge over the N6.

(b) Detailed specifications concerning the east-west access road, the location and detail of bus stops, toucan crossings, the widths of footpaths and all other road and footpath related details.

(c) The street alignment to the front of 1 and 2 Brawny Drive shall be amended to provide a wider footpath and landscaped area.

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 interest of clarity, smarter travel and the proper planning and sustainable development of the area.

6. All roads and footpaths shown connecting to adjoining lands shall be constructed up to the boundaries with no ransom strips remaining to provide access to adjoining lands. These areas shall be shown for taking in charge in a drawing to be submitted and agreed with the Planning Authority.

Reason: In the interest of permeability and proper planning and sustainable development.

7. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

8. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

9. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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 legibility and to ensure the use of locally appropriate place names for new residential areas.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

12. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

13. The internal road and cycle network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

14. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This

shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within both childcare facilities of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

15. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date.

Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

16. a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

17. The landscaping scheme, as submitted to An Bord Pleanála on the 24 day of February, 2021 shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:

(a) revised drawings and specifications for augmented planting proposals to include a distance of native hedgerow equal to that proposed for removal, or revised plant species schedules to include a greater quantity of native hedging plant species to that to be removed, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

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, 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.

18. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

19. The areas of public 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 landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

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

20. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) and hedges and identified as 'to be retained' on landscape drawings, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees and hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

22. (a) All windows and roof lights shall be double-glazed and tightly fitting.

(b) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

23. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be

generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

24. 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:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

25. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

26. 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 development plan of the area.

27. 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 Bord Pleanála for determination.

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

28. 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 occupation of the development.

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

29. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

30. 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.

31. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

Stephen Rhys Thomas
Senior Planning Inspector

11 June 2021