



An  
Bord  
Pleanála

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

## Inspector's Report ABP-313099-22

---

### Strategic Housing Development

Demolition of an existing buildings on site, construction of 130 no. residential units (94 no. houses, 36 no. apartments) and associated site works.

### Location

Ballinderry, Ballinderry Road (L1132), Mullingar, Co. Westmeath.

### Planning Authority

Westmeath County Council

### Applicant

Steinfort Investments Fund (a wholly owned sub-fund of Consdorf Investments ICAV)

### Prescribed Bodies

Irish Water  
Transport Infrastructure Ireland

**Observers**

Elizabeth Kelly and Joanne Brennan

Mark Condell

Michael Shaw

Sean Tone

**Date of Site Inspection**

6<sup>th</sup> January 2023

**Inspector**

Rónán O'Connor

## Contents

1.0 Introduction .....	4
2.0 Site Location and Description .....	4
3.0 Proposed Strategic Housing Development .....	4
4.0 Planning History.....	6
5.0 Section 5 Pre Application Consultation .....	7
6.0 Relevant Planning Policy .....	9
7.0 Observer Submissions.....	19
8.0 Planning Authority Submission .....	21
9.0 Prescribed Bodies.....	27
10.0 Assessment.....	28
11.0 Environmental Impact Assessment (EIA) Screening.....	54
12.0 Appropriate Assessment: .....	57
13.0 Conclusion and Recommendation .....	67
14.0 Recommended Order.....	67
15.0 Conditions .....	72

## 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.

## 2.0 Site Location and Description

- 2.1.1. The subject site is located at the south-eastern edge of Mullingar town in County Westmeath. The site is approx. 1.7km southeast of Mullingar town centre and c. 1km north of the Ballinderry Road/N52 roundabout.
- 2.1.2. The development is bounded to the north by an existing mature residential development called Chestnut Drive; to the northeast by a linear row of detached dwellings fronting onto Ballinderry Road, and by agricultural fields to the west and south. To the east the site has frontage onto the Ballinderry Road, with a strip of land c. 70m wide outside the ownership of the applicant and separating the site from the roadside boundary.
- 2.1.3. The site largely comprises active agricultural grassland and includes one existing vacant dwelling and attendant garden. There is standing water in some of the low lying areas of the site, indicating poor site drainage characteristics, with a marshy area to the north-west of the site. The site levels increase across the site in a northerly and east-west direction, with a high point proximity to the boundary with Chestnut Drive. A 38kv power line traverses the south-eastern corner of these lands.

## 3.0 Proposed Strategic Housing Development

The proposed Strategic Housing Development will consist of the construction of 130 no. dwellings comprising 36 no. apartment/duplex dwellings accommodated in 5 no blocks and 94 no. houses in semi-detached and terraced format. Buildings range in height from 2 to 2.5 storeys (including some that incorporate attic floor living space) in the following mix-23 no. 2 bedroom; 74 no. 3 bedroom and 33 no. 4 bedroom. The overall quantum of public open space provided to serve the development extends to c. 0.665 sq. m.

The proposed development also provides for the construction of a section (c. 187 m) of a new landscaped link street, incorporating cycle tracks and footpaths either side, in accordance with the Development Framework for the Mullingar South Framework Plan as contained within the Mullingar Local Area Plan 2014-2020 (as extended). In addition to serving the development itself, the proposed link street provides a potential future connection to residentially zoned lands to the west of the application site. Two new no. pedestrian/cyclist connections are also proposed along the northern site boundary providing pedestrian/cycle access only to the adjoining Chestnut Drive residential development.

Vehicular access to the development is provided via a new single access point off the Ballinderry Road (L1132) along the eastern site boundary onto the proposed new link street. The development also provides for the construction of a section of footpath (c. 70 metres) in a northerly direction on the western side of the Ballinderry Road from the application site entrance to connect to the existing footpath to the north.

The planning application also includes the demolition of an existing habitable dwelling and ancillary outbuildings and for all associated site development works including the provision of a pumping station and rising main to serve the development and associated infrastructure and service provision, landscaping, boundary treatments, roads, footpaths public lighting, the provision of 3 no. ESB substations, downing of ESB powerline, Electrical Vehicle charging points and ducting. The site development works also provide for regrading infilling of land levels within the site and construction of retaining walls.

### 3.1.1. Key Figures

Site Area	4.015 hectares (of which 0.045 consists of a section of the public road on which it is proposed to construct a footpath)
No. of units	130
Density	32.4 units/ha (Gross Site Area) 33 units/ha (32.7units/ha Gross Residential Areas)

Height	2-2.5 storeys
Public Open Space	0.665 Ha
Part V	13 no. units
Vehicular Access	From Ballinderry Road
Car Parking	215 no. spaces
Bicycle Parking	79 no. spaces
Other uses	n/a

### Mix

The proposal provides for the following mix of units, within a range of apartments, duplexes and houses.

Unit Type	1 bed	2 bed	3 bed	4 bed	Total
House	-	-	61	33	94
%			65%	35%	
Apartment/Duplex	-	23	13		36
%		64%	36%		
<b>Total unit mix</b>	<b>-</b>	<b>23</b>	<b>74</b>	<b>33</b>	<b>130</b>
%		<b>18%</b>	<b>57%</b>	<b>25%</b>	

## 4.0 Planning History

12/5094 – Permission REFUSED for self-build plots for two storey detached houses

09/5182 – Permission GRANTED for extension and new two storey dwelling.

05/5172 – 114 houses and duplexes/apartments. Application withdrawn.

00/1737 – Permission REFUSED for 115 houses.

## 5.0 Section 5 Pre Application Consultation

5.1.1. A section 5 Consultation meeting took place via Microsoft Teams on the 29<sup>th</sup> September 2021 in respect of the following development:

- 136 no. units (100 no. houses, 36 no. apartments) and associated works.

5.1.2. In the Notice of Pre-Application Consultation Opinion dated 22<sup>nd</sup> December 2020 (ABP Ref. ABP-308045-20) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act required **further consideration and amendment to constitute a reasonable basis for an application** for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following issues needed to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration/justification of the documents as they relate to the horizontal alignment of proposed Link Street, overall design of the street, and design of cycle infrastructure, against the Design Manual for Urban Road and Streets 2013 (as updated).
2. Further consideration/justification of the documents in relation to surface water management and in relation to Flood Risk Management, in accordance with the Guidelines for Planning Authorities on the Planning System and Flood Risk Management issued by the Department of the Environment, Heritage and Local Government in November 2009.
3. Further consideration of the Urban Design Manual – a Best Practice Guide in particular criteria no. 6 Distinctiveness and no. 7 Layout in the design of the proposed dwellings and creation of character areas; overlooking and activation of open spaces; and consideration of connections to adjoining lands to the west.
4. Further consideration of environmental assessments.

5.1.3. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

5.1.4. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. Further consideration of Ecological Impact Assessment, habitat, bird and bat surveys, and appropriateness of timing of all surveys, specifically the bird survey.
2. Further consideration and elaboration of the documents as they relate to the risk of flooding, ground conditions including marsh area, location of ditches on the site, in addition to information relating to SUDS, and requirement for additional nature based solutions.
3. A report, including CGIs, visualisations and cross sections as necessary, which further elaborates upon the topography of the site and relationship of all adjoining houses.
4. Sunlight, daylight and overshadowing analysis, having regard to the requirements of BRE209/BS2011, showing an acceptable level of residential amenity for neighbours of the proposed development as well as future occupiers, which includes details on the standards achieved within adjacent properties and their gardens, and within the proposed residential units, and in private and shared open space.
5. A social infrastructure assessment, including childcare audit.
6. Details of the proposed materials and finishes to the scheme. Particular regard should be had to the requirement to provide high quality and sustainable finishes.
7. A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long term management and maintenance of the proposed development.
8. A detailed Construction Environmental Management Plan.



9. 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, including its specific planning policy requirements.

10. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

11. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

## 5.2. Applicant's Statement

- 5.2.1. The application includes a statement of response to the pre-application consultation (Applicant Response to Notice of Pre-Application Consultation Opinion), as provided for under section 8(1)(iv) of the Act of 2016 and within this document the applicant has responded to each of the issues and to each item of specific information.

## 6.0 Relevant Planning Policy

### **National Policy - Project Ireland 2040, National Planning Framework (NPF)**

The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives (NPO). The following objectives are of note:

- National Policy Objective 1B: Policy Objective 1b: Eastern and Midland Region: 490,000 - 540,000 additional people i.e. a population of around 2.85 million.
- NPO 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

- NPO 4: To ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 13: In urban areas, planning and related standards, including in particular building 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.
- NPO 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.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### **Housing for All - a New Housing Plan for Ireland (September 2021)**

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price

- built to a high standard and in the right place
- offering a high quality of life

### **Climate Action Plan (January 2023)**

- 6.1.1. Climate Action Plan 2023 is the second annual update to Ireland's Climate Action Plan 2019. This plan is the first to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings. The plan implements the carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050.
- 6.1.2. Specifically in relation to new-build housing, it is set out that all new dwellings will be designed and constructed to Nearly Zero Energy Building standard by 2025, and Zero Emission Building standard by 2030. In relation to transport, significant increases to sustainable transport trips and modal share are envisaged.
- 6.1.3. Section 15.3.2 sets out measures for enhanced Spatial and Land Use Planning, reducing reliance on the private car, including the promotion of compact growth in areas well served by public transport, as well as improved pedestrian and cycle infrastructure.

### **Section 28 Ministerial Guidelines**

- 6.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant Section 28 Ministerial Guidelines are:
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009).
  - The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
  - Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
  - Design Manual for Urban Roads and Streets (DMURS December 2013) (as updated) (Including Interim Advice note Covid-19 May 2020).

- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) (the ‘Apartment Guidelines’).
- Regulation of Commercial Institutional Investment in Housing. Guidelines for Planning Authorities (May 2021).

## 6.2. Regional Policy

### 6.2.1. Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly Region (2019)

Mullingar is designated as a Key Town in the Gateway Region.

RPO 4.26: Core strategies in local authority development plans shall support objectives to achieve a minimum of 30% of housing in Key Towns by way of compact growth through the identification of key sites for regeneration.

RPO 4.27: Key Towns shall act as economic drivers and provide for strategic employment locations to improve their economic base by increasing the ratio of jobs to workers.

## 6.3. Local Planning Policy

### 6.3.1. Westmeath County Development Plan 2021-2027

#### Chapter 2 Core Strategy

- Mullingar is targeted to grow by 12% between 2021 and 2027.
- CPO 2.5 Support the continued growth and sustainable development of Mullingar to act as a growth driver in the region and to fulfil its role as a Key Town in accordance with the principles and policies of the RSES.
- CPO 2.6 Prepare a Local Area Plan (LAP) for Mullingar to align with the RSES and this Core Strategy.
- Table 2.9 Core Strategy Table – Housing Yield is stated as 1350-2010.

### Chapter 3 Housing

- CPO 3.7 Apply higher densities 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 3.15 To support the development of quality residential schemes with a range of housing options having regard to the standards, principles and any specific planning policy requirements (SPPRs) set out in the 'Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities' (2009); '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).

### Chapter 6 Tourism

- The Royal Canal Greenway traverses the county via Mullingar and Old Rail Trail Greenway links Mullingar and Athlone. Both greenways interconnect in Mullingar and will form part of the Galway to Dublin, Coast to Coast Greenway and Eurovelo 2, an international-scale tourism offering, when complete in the coming years. The Council will ensure that any future Corridor and Route Selection Process complies with the relevant greenway and blueway projects as outlined in Chapter 10 of this Plan.

### Chapter 7 Urban Centres and Placemaking

- CPO 7.31 Facilitate higher and increased building heights at suitable locations and in accordance with settlement hierarchy in line with 'Specific Planning Policy Requirement' (SSPR) 1 of the 'Urban Development and Building Heights Guidelines for Planning Authorities' (2018). In this regard, the locations for increased building height will be informed by a buildings height study and identified as part of the UAP and LAP to be prepared for Athlone and Mullingar respectively.

- Urban-Rural Interface Policy Objective:

CPO 7.46 Protect the unique setting of towns and villages by providing for the maintenance of strong defined urban edges.

### Chapter 8 Transport Infrastructure and Energy

- CPO 10.9 Prepare an Area based Transport Plan for Mullingar in conjunction with relevant agencies to support the growth of Mullingar as a Key Town.
- CPO 10.10 Support the National Smarter Travel policy and make central tenets of its transport strategy: Killucan Station, a regular bus services to Westmeath towns and villages and the re-opening of light rail on the old Mullingar to Athlone Rail line.
- PO 10.33 Support the reopening of the Mullingar to Athlone Rail Line and Moate Railway Station, thereby increasing connectivity between these Towns.
- CPO 10.54 Implement the recommendations of the Design Manual for Urban Roads and Streets (DMURS) and relevant 'TII Publications' in relation to urban streets and roads within the 50/60 km/h zone.
- CPO 10.62 Require all applications for significant development proposals affecting Regional or Local Roads to be accompanied by a Traffic and Transport Assessment (TTA) and Road Safety Audit (RSA), carried out by suitably competent persons, in accordance with the TII's Traffic and Transport Assessment Guidelines.
- CPO 10.104 Implement and comply fully with the recommendations of the Strategic Flood Risk Assessment prepared as part of the Westmeath County Development Plan 2021- 2027.
- CPO 10.105 Have regard to the "Guidelines for Planning Authorities on the Planning System and Flood Risk Management" (DoEHLG/OPW 2009) and Circular PL2/2014, through the use of the sequential approach and application of the Justification Tests in Development Management.
- CPO 10.119 Require that planning applications are accompanied by a comprehensive SUDs assessment that addresses run-off quantity, run-off quality and its impact on the existing habitat and water quality.

## Chapter 16

- CPO 16.24 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.

- CPO 16.25 New development proposals should be fully permeable for walking and cycling and the retrospective implementation of walking and cycling facilities should be undertaken where practicable in existing neighbourhoods, in order to give a competitive advantage to these modes for local trip making. Where possible, new residential developments should provide for filtered permeability, i.e. provide for walking, cycling, public transport and private vehicle access while restricting or discouraging private car through trips.

- CPO 16.35

Traffic Management and Road Safety All new road layouts should be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS) and relevant TII publications. Development proposals should also include provision for a sustainable modal split, with pedestrian and cycling facilities recognised as an important aspect of new design proposals.

Road Safety Audit A Road Safety Audit may be required to demonstrate that a proposed development does not pose a risk to road users, create a traffic nuisance or contribute to congestion. It should be carried out on all new national road infrastructure projects and on any schemes/proposal which results in a permanent change to the layout of a national road by suitably competent persons, in accordance with TII Publications GE-STY-01024 Road Safety Audit).

Road Safety Impact Assessment (RSIA) A Road Safety Impact Assessment (RSIA) provides a strategic comparative analysis of the impact of a new road, or for substantial modifications to an existing road, on the safety performance of the road network as defined within the EU Directive on Road Infrastructure Safety Management (EU RISM) 2008/96/EC. The RSIA shall be prepared by suitably competent persons, in accordance with TII Publications PE-PMG-02001 Road Safety Impact Assessment.

Traffic and Transport Assessments (TTAs) Development proposals that are likely to create significant vehicular movements will be required to undertake a site-specific assessment to demonstrate the impact of the proposal on the

integrated transport system by means of a Transport and Transport Assessment (TTA). The TTA should include an assessment of the impact of the proposal on the full range of modes of transport and incorporate traffic impact statements, road safety audits and measures to maximise accessibility of non-private car related movement, carried out by suitably competent persons, in accordance with the 'TII's Traffic and Transport Assessment Guidelines'.

Mobility Management Plans (MMPs) (Refer Chapter 10, Section 10.6 Mobility Management Plans for instances where MMPs are required) Mobility Management Plans should include achievable measures to reduce dependency on private car use for daily commutes and incorporate where possible; - Measures to promote use of public transport, cycling and walking; - Car sharing/carpooling; - Charges for parking; - Staggered working/business hours.

Mobility Management Plans may be subject to annual reviews. It is recognised that the first (and subsequent) annual reviews of an Mobility Management Plan are the key stages in making them tangible as they will be tailored to real travel-to-work patterns and not a generic model based upon assumptions).

- CPO 16.36 Assess all planning applications for development having regard to the car parking requirements set out under Table 16.2 below...
- CPO 16.37 Assess all planning applications for development having regard to the cycling storage requirements set out under Table 16.3, which are considered to be a minimum requirement...
- CPO 16.43 Childcare Facilities should: - Demonstrate compliance with the 'Guidelines on Childcare Facilities, Guidelines for Planning Authorities (2001) and Circular Letter PL3 2016 or any superseding guidelines...
- CPO 16.61 Assess applications for development, having consideration to any national guidelines and criteria set out under the sub-headings below in respect of sustainable building practices and renewable energy that serve to reduce energy demand, reduce greenhouse gas emissions and address the necessity of adaptation to climate change in accordance with national and regional policy. All new



development proposals will be required to include measures that incorporate sustainable building practices in accordance with the following criteria...

### **Mullingar Local Area Plan 2014-2020 (extended)**

#### Chapter 2 Development Strategy

P-H1 To facilitate residential development in Mullingar in line with its designation as a Linked Gateway Town, as prescribed in the Regional Planning Guidelines and the County Development Plan, and to ensure that this development reflects the character and setting of the existing built form, in terms of structure, pattern, scale, design and materials with adequate provision of open space, and which also protects the amenities of existing dwellings.

P-RD3 To require that new residential development proposals adhere to the urban design principles prescribed in Fig. 2.2.

P-RLD7 To require applications for residential developments over 30 units to demonstrate the provision of an appropriate mix of dwelling types having regard to the following: - The nature of the existing housing stock and existing social mix in the area; - The desirability of providing for mixed communities; - The provision of a range of housing types and tenures; - The need to provide a choice of housing, suitable for all age groups and persons at different stages of the life cycle; - The need to cater for special needs groups

P-RLD8 To require applications for residential developments over 50 units, to demonstrate how the proposed increase in population will be accommodated in terms of education provision.

P-RLD9 To require permeable layouts within housing schemes and connectivity to adjoining areas and amenities

P-POS1 To ensure that the provision of public and private open space for new residential development is of a high standard, overlooked and integral to the overall development. Narrow tracts of land or 'left over areas' will not be included within open space provision.

P-POS2 To require a detailed landscaping plan with all new housing developments by a suitably qualified professional. The landscaping design shall include a survey of the existing natural features on the site.

## Chapter 8 – Framework Plans: Section 8.15 – Mullingar South Framework

The application site is also located within the boundaries of this Mullingar South Framework Plan (MSFP).

Vision - To provide for long term urban expansion to the South of Mullingar and to create a sustainable, distinctive place where the community can benefit from a mix of uses and activities and enjoy a high quality urban and landscape environment.

Section 8.15 of the LAP notes that the Mullingar South FP Area is located to the south of Mullingar and covers an area of approximately 83.3ha. The area extends from the River Brosna at the western end to Russellstown Road at the eastern end. For the purposes of the Framework Plan the area has been subdivided into four parcels. The proposed site is located in parcel one; “The eastern portion comprises approximately 21.4ha and is contained entirely within the townland of Ballinderry. It extends from Russellstown Road to the Rochfortbridge Road. To the east of Russellstown Road and to the north and north-west of the area it is bounded by housing development. To the south-east there is mainly open countryside” (Pg.140).

Relevant principles include:

- To protect and enhance existing, positive aspects of character, environment and heritage
- To create new and distinctive places with identity, focus and attraction.
- To enhance connectivity, accessibility and permeability throughout the area.
- To promote public transport links to the town centre.
- To achieve a high quality of residential environment and amenity.
- To create new and distinctive places with identity, focus and attraction.
- To promote a mix of uses and diversity of activities to serve new and existing suburban areas.
- To create a quality landscape, urban and open space structure.
- To provide a range of community and recreational facilities.
- To give priority to pedestrian and cyclist movement.
- To promote public transport links to the town centre.

- To achieve a high quality of residential environment and amenity.
- To provide high quality of design and layout incorporating elements of special character (field boundaries, water etc.).
- To promote sustainable methods of construction and energy use.
- To formulate and apply policies to address the issue of flood risk.

The entire South Mullingar Framework Plan area is identified as having the potential to accommodate 800 residential units.

### Chapter 9 Development Management Standards

Section 9.1.1 Requirement for a Design Statement/9.1.2 - Visual Impact Assessment/9.1.3 Building Height/9.4 Access for all/9.5 Green Infrastructure/9.6 Building Energy Performance/9.8 Flood Risk Management and Planning Applications/9.9.4 Density – Recommended densities 35-50 units/ha depending on location – outer suburban 35-50 units/ha/9.9.7 Design.9.9.9 Overlooking – distance of 22m between opposing first floor windows/9.9.10 Overshadowing/9.9.11 Private Open Space for Houses -3/4/5 Bed min 60-75 sq. m./9.9.12 – Public Open Space 0 min 15% gross site area/9.9.13 Internal Standards for Apartments/9.9.14 Private Open Space for Apartments/9.9.16 Phasing/9.9.18 Residential Car Parking/9.9.19 Road Design and Layout/9.21 Transport – including Car Parking Standards/Cycle Parking Standards

### Chapter 10 – Land Use Zoning

O-LZ1 To provide for residential development, associate services and to protect and improve residential amenity.

## **7.0 Observer Submissions**

- 7.1.1. 4 no. submissions on the application have been received from the parties as detailed below. 1 no. submission included a petition with 75 no. signatories. The issues raised in the submissions are summarised below.

### Elizabeth Kelly and Joanne Brennan

- Application is premature pending improvement works to the L1132 Ballinderry Road and removal of the 38kV power lines

- Increased traffic congestion/potential increase in traffic accidents/bend in the road limits sightlines towards the site
- Noise and light pollution from vehicles entering and exiting the site as will the use of the Link Street
- Much higher density than surrounding developments/terraced style 3 storey housing are out of character with the existing single storey detached and two-storey detached houses
- Proposed duplex/apartments units at odds with the outer suburban location of the application site on greenfield lands/2km from the town centre
- Could enable the development of lands to the west of the site/design capacity of the access junction could be exceeded
- Site notice was erected, removed for a time, then re-erected/no public consultation prior to the submission of the application to ABP
- Application description is not consistent/in relation to the number of duplex/apartment units
- Unclear what plans are for the strip of land between the application site and the roadway
- Proposed development may be solely for rent or lease/would be at odds with the existing tenure of the area
- Impact on air quality/noise during construction stage
- Duration of the construction period (4 years) is a concern
- Would entail significant earth-moving and filling works/would have a significant impact on air quality/require the use of heavy tracked vehicles
- Power lines would pass directly over rear gardens/danger to public health and to residents of the properties

#### Mark Condell

- L1132 is not designed to accommodate this volume of traffic.
- Site is extremely wet and marshy/contains a high variety of fauna associated with wetland areas/enclosed on four sides by natural hedgerows/habitats for birds.

- Site lies just inside the town boundary/not well serviced by local amenities/school is already oversubscribed.
- There are more appropriate sites located within the boundaries of Mullingar town for a development of this size i.e. at Rathgowan along the R394/number of undeveloped sites located along urban ring road and close to many local amenities.

Michael Shaw (includes a petition with 75 no. signatories)

- Object to the cycleway proposed from the development through the existing estate at Chestnut Drive
- Will destroy the physical integrity of the estate
- Will increase footfall and cycle traffic
- Will give rise to security issue
- Will impact on privacy
- Will lead to noise and loitering
- Will decrease property values

Sean Tone

- Home is adjacent to the this proposed development/road is treacherous/especially when trying to enter or exit the home/poor visibility from property/excessive speed on the road/if development is granted will make situation worse.
- Concerned about visual impact of the development

## 8.0 Planning Authority Submission

- 8.1.1. Westmeath County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016.

Principle of Development

- Satisfied that the proposed development is in accordance with the vision and population projections set out within the RSES and the core strategy for County Westmeath.

#### Zoning and Density

- Proposed development is consistent with the zoning objective associated with the subject lands density complies with local policy.

#### Mix of Units

- Overall unit mix is acceptable.
- Further consideration be afforded to the variety of unit types proposed providing a greater mix of units/incorporating single storey form and detached/semi-detached units. [Noted: An anomaly exists on the stated number of unit types within Architectural Design Rationale (p.2) submitted].
- Undulating topography requires due consideration
- Development should achieve, where possible, a minimum of 5% of accessible units
- Private Open Space provision conforms with the required development management standards.
- The proposal is in accordance with the Councils development standards in terms of the extent of public open space area proposed/downing of existing 38KV which traverses 'Ballinderry Pocket Park' (Open Space E) and the appropriate integration of this open space area into the proposed scheme should be further addressed and conditioned accordingly in the event of a grant of permission.
- Proposed building heights which range from 2 to 2 ½ storeys in height is considered acceptable
- Full details on boundary treatment should be submitted for written approval

#### Residential Amenity

- Will not give rise to overshadowing or overlooking
- Note concerns of residents in relation to the proposed cycleway linkages.

#### Access, Roads and Transport

- Cognisance should be afforded to the layout proposed and the extent to which the proposed road layout, particularly in respect of the proposed central avenue/link road will ensure positive placemaking
- The design proposal of the avenue should comply with DMURS (2019) and the National Cycle Manual (2011).
- Submitted roads layout is not consistent with the guidance provided by the Planning Authority in respect of the configuration and alignment of the proposed avenue/link route and segregated cycleway infrastructure.
- Lack of speed reduction measures on the proposed avenue/link road through the development (east to west) remains problematic.
- Fully segregated cycle track from the access road has not been provided/considered that the road layout proposed will result in a conflict between cyclists and vehicular traffic along this avenue/link road, particularly alongside parallel parking spaces, and at the junction where the proposed access to this development connects with the adjoining Ballinderry Road
- No continuity between the proposed internal cycle lanes and the Ballinderry Road/should be revised to comply fully DMURS.
- Further technical design details are also required including a revised Stage 1 / Stage 2 Road Safety Audit for the final design and Stage 3 Road Safety Audit post construction on the completed road layout.
- Proposed connectivity (pedestrian/cycle) with Chestnut Drive is in accordance with CPO 16.25 of the WCDP/ notes submission received outlines concerns in respect of proposed cycleway connectivity from this development with Chestnut Drive/Section 8.22 of the MLAP sets out that a principle of the MSFP is 'To provide new linkages to the existing residential development'/ clarity is sought on the proposed design and layout of pedestrian/footpath connectivity with Chestnut Drive.
- Revised road layout design solution and segregated cycle track is required
- Clarify whether a proposed emergency access as shown on documentation submitted is proposed as part of this development.

## Services

- Siting of the communal bin should ensure residential amenity is protected.

## Childcare Facilities

- WCCC, in communication with the Council on the 12th May 2022 expressed concerns that the proposal does not contain any provision for Childcare or School Aged Childcare/4 services within a 1-mile radius of this site/full to capacity with waiting lists.WCCC considers that this matter needs to be sufficiently addressed as part of the application received.
- Housing Section are satisfied in principle with the Part V proposal in terms of both the unit mix and distribution of units proposed within this development/The proposal should be subject to condition requiring the making of a formal agreement with the Planning Authority under the provisions of Part V.
- The Environment Section WCC commented on the extent of existing trees to be felled to accommodate the layout proposed (9 out of 11 Category B trees ('good' classification) and 35 out of 42 Category C ('poor' classification)/need to further consider proposed layout from a biodiversity perspective.
- Detailed CEMP required.

## Conclusion and Recommendation

- Revised proposals are required/to include a revised road layout/provision for the incorporation of a creche facility
- Recommended that permission be **Granted** in this instance subject to the recommended conditions set out at Appendix 1.

## Recommended Conditions of note include:

- Condition related to phasing
- Condition related to the requirement for the 38kV powerlines to be relocated underground prior to occupancy
- Condition related to the requirement to provide a purpose built crèche
- Condition related to revised road layouts
- Condition in relation to design of Pedestrian/Cycle connectivity links



## Elected Members

The following is a summary of views expressed by the Elected Members at the Special Meeting of the Municipal District of Mullingar-Kinnegad held on Monday 16th May 2022.

- Principle of proposal was generally accepted
- No commentary on provision of affordable units
- Road Safety concerns raised – queried as to whether an alternative access point had been considered/traffic management/cycle connectivity
- Concerns raised over linkage to the adjoining housing development/was suggested it be omitted.
- Concerns in relation to capacity of services including sewerage
- Concerns in relation to school capacity
- Impact on archaeology and the protection of the ringfort
- Impact of powerlines on public health
- Flood risk
- EV charging points
- Concern in relation to suitability of Part V apartments for families with young children/little access to garden space
- Childcare capacity
- Greater mix required/little demand for apartment units
- More units to cater for disabled
- Adequacy of car parking spaces
- Concerns raised in relation to use of greenfield site/impact on the existing bio diversity
- Provisions of play areas
- Need to ensure proper public transport options
- Water supply

- Energy efficiency of the units
- Concerns in relation to the height of the two storey units adjacent to existing bungalows
- Appropriate boundary treatment

### Internal Reports

#### Roads & Transportation Section –

- lack of speed reduction measures on the main access road remains problematic.
- fully segregated cycle track from the proposed access road has not been provided potential conflict between cyclists and vehicular traffic along access road, particularly alongside parallel parking spaces, and at the junction where the proposed access road connects with the Ballinderry Road.
- The lack of continuity between the proposed internal cycle lanes and the Ballinderry Road is also highlighted.
- Stage 1/Stage 2 Road Safety Audit to be submitted prior to the commencement of development; Stage 3 Road Safety Audit required post construction; submission of fully annotated design details for traffic calming measures & locations of EV charging points and details on public lighting design proposal. The Council's required specification for parking bays within this development and design details in respect of works to the Ballinderry Road are also provided.

#### Environment Section / Water Services

- Construction & Environmental Management Plan (CEMP) required.
- Extent of existing trees to be felled to accommodate the layout proposed (9 out of 11 Category B trees ('good' classification) and 35 out of 42 Category C ('poor' classification)) from a biodiversity perspective.
- The incorporation of additional nature-based surface water management system rather than relying on underground retention structures should be provided.
- Use of rain gardens and other nature-based surface drainage features especially within the landscaped open space zones is warranted.

#### District Engineer Mullingar-Kinnegad Municipal District

- No objection to the proposal.
- Recommends conditions to be included in the event of a grant of permission in respect of roads, surface water disposal, services provision (water/wastewater/cables) and compliance with requirements of the Local Authority at construction stage.

#### Housing Section

- Considers that Part V proposal in general is in line with legislative requirements and that the proposed mix and distribution of units across the development is broadly acceptable in principle. The proposal should be subject to condition requiring the making of a formal agreement with the Planning Authority under the provisions of Part V.

#### Fire Officer

- No objection to the proposed development, provided that adequate water for fire-fighting is provided. Notes that a Fire Safety Certificate is not required.

## 9.0 Prescribed Bodies

#### Irish Water:

- A water connection is feasible without an infrastructure upgrade.
- Notes that part of the existing sewer network within the Chestnut Drive housing estate adjoining the northern boundary of the proposed site can facilitate wastewater connections for 35 out of the of the proposed 130 units.
- The foul water from the remaining 95 units within the proposed development will be gravity fed to a pumping station located in the southwest corner of the site.
- The discharge from this onsite pumping station can be connected to the existing 225mm sewer on Ballinderry Road.
- Recommends conditions

#### TII

- The proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted.
- Any recommendations arising should be incorporated as Conditions in the Permission, if granted.
- The developer should be advised that any additional works required as a result of the Transport Assessment and Road Safety Audits should be funded by the developer.

## 10.0 **Assessment**

10.1.1. The main planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Design including height, layout and mix
- Proposed Residential Amenities/Residential Standards
- Surrounding Residential Amenity
- Traffic and Transportation
- Ecology/Trees
- Flood Risk
- Site Services
- Other Issues
- Planning Authority's Submission

### 10.2. **Principle of Development**

10.2.1. The Planning Authority has stated that the proposal is consistent with the core strategy and is in line with the zoning objectives for the site. It is further stated the density proposed complies with local policy.

10.2.2. An observer submission has raised concerns in relation to the density of development, and it is stated that the proposed density is much higher than surrounding developments.

### Zoning

- 10.2.3. The site is zoned 'Proposed Residential', as set out in the Mullingar Local Area Plan 2014-2020 (as extended) with an objective "To provide for residential development, associated services and to protect and improve residential amenity." Residential development is therefore acceptable in principle on this site.

### Core Strategy

- 10.2.4. Table 2.1 sets out a projected housing yield for Mullingar for the lifetime of the Development (from 2021 to 2027) of 1350-2010 housing units. The proposal does not raise any issue in relation to compliance with housing targets.

### Density

- 10.2.5. In relation to national policy on density, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.
- 10.2.6. Section 3.7 of the Development Plan notes that higher densities will be applied to the higher order settlements of Athlone and Mullingar to align with their roles as Regional Growth Centres and Key Town, subject to good design and development standards being met, and this is supported by Objective CPO 3.7 of same. CPO 16.24 supports increased density within Mullingar 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.
- 10.2.7. The Mullingar Local Area Plan 2014-2020 (as extended) refers to a density of 35-50 unit/ha in outer suburban Mullingar. The Mullingar South Framework Plan (as contained within the LAP) refers to an average density of 30 units per hectare within this area.
- 10.2.8. In relation to the Sustainable Residential Development in Urban Areas (2009), I am of the view that the site can be defined as an 'Outer Suburban/'Greenfield' site, as defined in the Guidelines. These are 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. A density range of 35-50 is encouraged on such lands.

- 10.2.9. In relation to the criteria as set out in the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (Updated December 2022), I am of the view that, having regard to the range of locations as set out in same document, the site can be defined as a 'Peripheral and/or Less Accessible Urban Location', given the location and nature of same. These locations are generally suitable for higher density development that can comprise of a minority of apartments at low-medium densities, generally less than 45 units per hectare.
- 10.2.10. The proposed density is 33 unit/ha (net). The Planning Authority has stated that the proposed density complies with policy. Observer submissions have raised concerns in relation to the density of the proposal.
- 10.2.11. Notwithstanding the concerns of observers, I am satisfied that the density proposed in this instance is in line with the density range as set out in the 'Sustainable Residential Development in Urban Areas (2009) for such Outer Suburban/'Greenfield' sites and as set out in the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (Updated December 2022) for 'Peripheral and/or Less Accessible Urban Locations', and is generally in line with the density range as set out in the Development Plan and in LAP for this site.

### 10.3. **Design including Height, Layout and Mix**

- 10.3.1. The LAP, and the Mullingar South Framework Plan, set out indicative layouts for sites within the plan area, including for this site. In relation to height, it is set out that generally, two storey development should be considered as the context building height.
- 10.3.2. The applicant has submitted a number of documents relating to the design, layout and visual appearance of the development including an Architectural Design Rationale (which includes a Visual Impact Assessment), a Housing Quality Assessment and a Landscape Design Report. Further justification for the design and layout of the proposal is also set out in the Statement of Consistency and in the Response to the Written Opinion of An Bord Pleanála.

- 10.3.3. The Planning Authority have not raised any concerns in relation to the overall design of the proposed development and have stated that the proposed heights are acceptable. Some concern is raised in relation to the details of the road and cycle network (and I have considered these concerns in Section 10.6 of this report). It is stated that the undulating topography of the site requires due consideration. Elected Members raised concerns in relation to the height of the two storey units adjacent to the bungalows.
- 10.3.4. A number of observer submissions have raised concerns in relation to terraced style housing and it is stated that these are out of character with the area. It is stated that the proposed duplex/apartment units are at odds with the outer suburban location the site.
- 10.3.5. The Design Statement submitted with the application evaluates the proposal against the criteria in context of the 12 design criteria set out in s.28 Urban Design Manual – A Best Practice Guide (the companion document to Sustainable Residential Development in Urban Areas 2009) and it is stated that the proposal complies with same. In relation to the criteria set out the Urban Design Manual, I have evaluated the proposal in relation to same below.

*Criteria 1 Context*

- 10.3.6. The proposed heights are 2 to 2.5 storey (2 storey with accommodation at loft level) and this is in line with LAP policy on height in this area. I am satisfied that the overall scale and quantum of development is generally appropriate for the site's context (see also discussion also on density above), given the nature of the surrounding 2 storey developments. The profiling of the site allows for the proposed units to sit at a similar elevation to surrounding development, avoiding any perception of overbearing when viewed from existing houses.

*Criteria 2 Connections - How well connected is the new neighbourhood?*

- 10.3.7. The existing pedestrian connections to the site are poor, with the footpath along Ballinderry Road currently terminating approximately 50m north of the site on the western side of the Ballinderry Road from the site. It is proposed to extend this existing footpath as far as the proposed access to the site, providing pedestrian connections to Mullingar Town Centre. It is also proposed to provide 2 no. pedestrian/cycle links to the adjoining housing estate to the north of the site

(Chestnut Drive) providing additional permeability (I have considered these links in further detail, and the impact of same on adjoining residents, in Section 10.6 of this report). Future connections to adjoining LAP zoned lands to the west are also provided for, including a future extension of the main link road. I am satisfied that the proposal provides sufficient connections to the town and to existing and future sites.

*Criteria 3 Inclusivity - How easily can people use and access the development?/*

*Criteria 9 Adaptability How will the buildings cope with change?*

10.3.8. The proposal has provided a relatively wide variety of housing typologies, although there the majority of the units are houses (94 no), although there is some variety in terms of house types provided. I have set out the mix of units below. All of the dwelling houses have level access.

<b>Unit Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>House</b>	-	-	61	33	94
<b>%</b>			65%	35%	
<b>Apartment/Duplex</b>	-	23	13		36
<b>%</b>		64%	36%		
<b>Total unit mix</b>	-	23	74	33	130
<b>%</b>		18%	57%	25%	

10.3.9. I am satisfied that the mix provides for household choice and the creation of a diverse community and would accommodate a range of age cohorts and household types, including downsizing and freeing up under occupied larger units in the vicinity.

10.3.10. In terms of adaptability, Section 4.9 of the Architectural Design Statement set out how the proposal has responded this criteria and it is set out that all house types are designed specifically to allow for future alterations, with possible loft conversions and ground floor extensions.

*Criteria 4 Variety - How does the development promote a good mix of activities?*

10.3.11. Given the nature of the proposal as a Strategic Housing Development, the proposal is by definition limited in terms of the mix of uses that can be provided. However, a



variety of open spaces with play areas have been provided which helps to promote a good mix of activities on the site.

*Criteria 5 Efficiency - How does the development make appropriate use of resources, including land?*

10.3.12. I have considered the issue of the quantum of development, in terms of density, above, and have concluded that overall the quantum of development is appropriate for the site context, and makes efficient use of land. The Building Lifecycle Report sets out a number of energy efficient measures that have been incorporated into the design, which will ultimately reduce the overall light and heat demand of the finished units. The proposal also provides EV charging points.

*Criteria 6 Distinctiveness - How do the proposals create a sense of place?/Criteria 12 Detailed Design - How well thought through is the building and landscape design?*

10.3.13. The proposed development is comprised of three distinct character areas, with different house styles and materials proposed for each character area. The detailed design references the scale and materiality of surrounding development, with a slightly denser form of development which incorporates terraced housing and duplex/apartment units. The landscaping is well thought through with a variety of open spaces, distributed in a logical manner throughout the site, ensuring ease of access to each space.

*Criteria 7 Layout - How does the proposal create people friendly streets and spaces?*

*Criteria 8 Public Realm - How safe, secure and enjoyable are the public areas?*

10.3.14. DMURS (2019) states that that when designing new street networks designers should implement solutions that support the development of sustainable communities. In general, such networks should be based on layouts where all streets lead to other streets, limiting the use of cul-de sacs that provide no through access and should maximise the number of walkable/ cycle routes between destinations.

10.3.15. In this instance, the applicant has provided for additional cycle and pedestrian connections to the adjoining housing development, with cycle infrastructure being provided on the main link road running through the development. The layout has been determined with reference to maximising levels of daylight and sunlight to the units. The open space are well overlooked, benefiting from passive surveillance of

same. The use of cul-de-sacs has been minimised. I have considered further the proposal's compliance with DMURS in Section 10.6 of this report.

*Criteria 10 Privacy and Amenity – How does the scheme provide a decent standard of amenity?*

10.3.16. I have discussed compliance with this criteria in detail in Sections 10.5 (in terms of neighbouring amenity) and 10.4 (in terms of residential standards). In summary, I have concluded that a good standard of residential amenity has been provided for each unit, and in particular I note that 100% dual aspect units are provided, with some triple aspect units also provided (in relation to the duplex/apartment units).

*Criteria 11 Parking - How will the parking be secure and attractive?*

10.3.17. The quantum of parking is discussed in Section 10.6. In terms of compliance with Criteria 11, I note that the proposed car parking will be easily accessible to residents and that the spaces are overlooked by residents and pedestrians. Most of the spaces are within the curtilage of the units which ensures that the development is not dominated by excessive areas of car parking.

Conclusion on Design and Layout

10.3.18. Overall I am satisfied that the design and layout of the proposal is acceptable, and has had sufficient regard to the design criteria as set out in the 'Urban Design Manual – A Best Practice Guide'.

#### 10.4. **Proposed Residential Amenities/Residential Standards**

10.4.1. The Planning Authority have stated that the overall mix is acceptable (although note the error in relation to the stated mix in the Architectural Design Report – See Section 10.10 for the discussion of same). It is stated that the proposal Development, where possible, a minimum of 5% of accessible units. In relation to the open space, it is stated that the downing of existing 38KV which traverses 'Ballinderry Pocket Park' (Open Space E) and the appropriate integration of this open space area into the proposed scheme should be further addressed and conditioned accordingly in the event of a grant of permission.

Daylight

10.4.2. Section 6.6 of the Apartment Guidelines (as updated December 2022) also state that Planning Authorities should 'have regard to quantitative performance approaches to

daylight provision outlined in guides *like* 'A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June2022)' (my emphasis).

- 10.4.3. The applicant has submitted a Daylight and Sunlight Assessment Report which considers *inter alia* internal daylight standards to the proposed units, as well as the amenity spaces associated with the proposed development. The submitted a Daylight and Sunlight Assessment Report applies the standards and recommendations of the 2nd edition of BRE - Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice (2011) (the previous edition of the BRE Guidelines). I am satisfied that this approach is reasonable as the Apartment Guidelines allow for a variety of quantitative performance approaches to daylight and sunlight impacts (notwithstanding the reference made to the most recent edition of the BRE Guidelines), and the targets utilised with the applicants Daylight and Sunlight Assessment Report are contained within a document that is considered authoritative on the issue of daylight and sunlight.
- 10.4.4. The applicant's Daylight and Sunlight Assessment assesses *inter alia* the daylight performance of the proposed duplex/apartment units. In relation to daylight the report demonstrates that 100% of the habitable rooms assessed will meet the minimum recommended ADF (Average Daylight Factor). In terms of daylight, the report uses the following ADF values in the assessment:
- 2% for a kitchen/living/dining room, living/dining room, office and living/kitchen/dining room 1.5% for a living room, and 1% for a bedroom.
- 10.4.5. A total of 121 habitable rooms were assessed for ADF within the development (the apartment/duplex units) and 100% of these rooms meet or exceed the minimum recommended ADF targets.

#### Amenity Spaces

- 10.4.6. The BRE Guidelines (2011) recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least 50% of the area should receive at least two hours of sunlight on March 21st. The report considers all of the public and private amenity spaces with the proposed development with 100% of the areas of public open space exceeding BRE standards, and 96% of the 94 private gardens meeting the BRE Criteria.

10.4.7. In relation to those private amenity spaces that do not achieve the recommended BRE Guidelines on 21<sup>st</sup> March, these areas receive a minimum of 31.1% of the area receiving 2 hrs of sunlight in the 21<sup>st</sup> March, with 2 no. amenity areas achieving 48.6%. I am satisfied that, overall, the proposed amenity areas will achieve sufficient levels of sunlight to the rear amenity spaces, notwithstanding the slight shortfall in a small number of cases, as noted above.

#### Conclusion on Daylight/Overshadowing

10.4.8. As expected in a scheme of this nature, in which heights are not excessive, with the majority of the built form being 2 and 2 1/2 storey in height, and where the site is surrounded by low density development, levels of internal daylighting to the apartments/duplexes are shown to be relatively high with full compliance with BRE Standards. As such the proposal is in line with Sections 6.5 to 6.7 of the Sustainable Urban Housing: Design Standards for New Apartments (December 2022).

#### Public Open Space/Communal Open Space

10.4.9. A total of 6,655 sq. m. (0.6655 ha) of public open space is provided, which equates to approx. 16% of the site area (3.970 ha). The Development Plan (CPO 16.21 refers) and the LAP (Section 9.9.12 refers) requires a minimum of 15% Public Open Space be provided. The open space is being provided over five principal open spaces well dispersed over the site. I am satisfied that the undergrounding of the existing 38kv power line that traverse 'Open Space E' to the south-east of the site can be ensured by way of condition, as recommend by the Planning Authority. I note that such downing of the ESB powerline is included in the applicant's description of the development.

10.4.10. In relation to communal open space to the apartments/duplexes, a total of 13 to 17 sq. m. per dwelling has been provided (a total of 582 sq. m), exceeding the requirement of 6 sq. m. per dwelling (273 sq. m).

#### Private Amenity

10.4.11. The houses, duplex and apartment units are provided with either a terrace or garden area, or balcony of sufficient size and which meet or exceed standards.

#### Dual Aspect

10.4.12. 100% of the proposed apartment and duplex units within the scheme are dual aspect, in excess of the 50% required by the SPPR 4 of the Apartments Guidelines, for suburban sites such as this one.

#### Floor Area

10.4.13. The apartment floor areas meet or exceed the minimum standards provided in Appendix 1 of the Apartment Guidelines.

### **10.5. Surrounding Residential Amenity**

10.5.1. There are existing houses to the north on Chestnut Drive, and to the north-east, east and south of the site, along the Ballinderry Road.

10.5.2. The Planning Authority has not raised any concerns in relation to residential amenity, although note the concerns of residents in relation to the proposed cycleway linkages. However they are supportive of same, and note that such linkages are consistent with CPO 16.25 of the Development Plan (see discussion in relation to same in Section 10.6 of this report).

10.5.3. An observer submission has raised concerns in relation to noise and light pollution from vehicles utilising the site. One observer submission, which is supported by a petition with 75 no. signatories, raises an objection to the proposed cycle/pedestrian link to the adjoining residential estate (Chestnut Drive), and it is stated that this element will result in anti-social behaviour and security concerns. Concern is also raised in relation to impacts on air quality and noise impacts during construction stage. An observer has also raised concerns in relation to the visual impact of the development.

#### Loss of Daylight

10.5.4. The applicant has submitted a Daylight and Sunlight Assessment Report which considers *inter alia* effects on daylight to surrounding properties, utilising the guidance as contained in the 2<sup>nd</sup> edition of the BRE Guidance (2011). Since the submission of the application a 3<sup>rd</sup> edition of BRE 209 has been published (June 2022). The guidance applied (in relation to impacts on existing residential development) is generally the same in both the 2<sup>nd</sup> and 3<sup>rd</sup> editions of BRE and, as such, I am satisfied that the approach as set out in the submitted daylight and sunlight report is acceptable.

10.5.5. In relation to loss of daylight, BRE guidance (both the 2011 edition and the 2022 edition) given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Tests that assist in assessing this potential impact, which follow one after the other if the one before is not met, are as noted in the BRE Guidelines:

1. Is the separation Distance greater than three times the height of the new building above the centre of the main window (being measured); (ie. if 'no' test 2 required)
2. Does the new development subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (ie. if 'yes' test 3 required)
3. Is the Vertical Sky Component (VSC) <27% for any main window? (ie. if 'yes' test 4 required)
4. Is the VSC less than 0.8 the value of before ? (ie. if 'yes' test 5 required)
5. In room, is area of working plan which can see the sky less than 0.8 the value of before ? (ie. if 'yes' daylighting is likely to be significantly affected)

10.5.6. Section 3.2 of the Daylight and Sunlight Report considers the impacts on existing neighbouring properties i.e. those dwellings at Chestnut Drive and Ballinderry Road. The report and associated drawings show that all of the properties meet the 25 degree test (as referred to above) and that as a result neighbouring properties should retain sufficient levels of daylight amenity. As such it is concluded that no further tests are required. I concur with the conclusions of the report and I am satisfied that there will be no loss of daylight to any surrounding residential properties as a result of this proposal.

Loss of Sunlight/Overshadowing

10.5.7. Section 3.2.2 of the BRE Guidelines states "Obstruction to sunlight (to existing dwellings) may become an issue if –

(i) some part of a new development is situated within 90° of due south of a main window wall of an existing building.

*(ii) ...the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room.*

10.5.8. While the new development is within 90 degree of due south of some surrounding windows, as noted above the development meets the 25 degree test and therefore the proposed development is therefore not considered to cause an obstruction to sunlight, and as such no further tests in respect of loss of sunlight to these properties is required and I am satisfied there is no potential adverse impact as a result of overshadowing.

#### Surrounding Amenity Spaces

10.5.9. The report considers the impact on sunlight to the surrounding public and private amenity spaces to the north and north-east of the site, and it is shown that all the amenity spaces in the neighbouring properties will retain 2 hours sunlight to an area in excess of 50% of the amenity space (in compliance with BRE Targets) and that where there is an impact, this impact is minimal with the garden most impacted upon still retaining 97.5% of the existing levels of sunlight to the garden.

#### Conclusion

10.5.10. Having regard to the above I am satisfied that there will be no material impact on sunlight and daylight levels to existing properties, nor will the proposed development result in any material overshadowing of existing amenity spaces.

#### Overlooking/Loss of Privacy

10.5.11. The nearest existing dwelling (at No. 74 Chestnut Drive) is setback 4.8m from the nearest proposed dwellings (Block 28). However there are no directly opposing windows and as such there will be no loss of privacy to No. 74 Chestnut Drive. Other existing properties are set back at least 20m from the proposed units, with the nearest directly opposing windows set back at least 35m from each other. This is a sufficient distance to ensure that no material overlooking occurs. Overall I am of the view that the layout of the proposed development, and its relationship to existing residential properties is such that no material overlooking or loss of privacy will occur.

#### Visual Impact

10.5.12. In relation to visual impact, I have discussed how the proposal relates to its context in Section 10.3 above. In terms of views from neighbouring residential properties, the proposal will have a minimal visual impact in my view, with the heights limited to 2 and 2 ½ no. storeys, and a form of development that is to be expected on lands that are zoned for residential development. The submitted Architectural Design Statement sets out a number of CGI views, which demonstrate the how the proposal will appear from the surrounding road network and from adjoining residential estates, and in my view, these demonstrate the minimal visual impact that will result from the development, especially when viewed from the adjoining Chestnut Drive estate. Generally speaking, and as concluded in Section 10.3 above, I am of the view that the proposal has responded well to its context and the proposal would not present an overbearing visual impact on surrounding developments.

#### Noise/Light Impacts

10.5.13. I note the concerns of an observer in relation to noise and light impacts. However I am of the view the impacts as a result of noise, and as a result of light (from cars, dwellings, lighting of the site) would not be so dissimilar to the existing light and noise environment, associated with the existing road network and existing residential housing estates, and the noise and light impacts resulting from this development are what one would expect from a residential development of this scale, on land zoned for such development, and would not have a significant impact on surrounding residential amenity.

### **10.6. Traffic and Transportation**

10.6.1. In relation to traffic and transport issues, I have had regard to the Traffic and Transport Assessment (February 2022), the DMURS Statement of Compliance (March 2022), the Preliminary Construction and Environmental Management Plan (March 2022).

10.6.2. The Planning Authority submission, in relation to transport Issues, has raised concerns in relation to the compliance of the proposal with DMURS, in particular the lack of speed reduction measures along the proposed Link Road. In addition concern is raised in relation to the lack of a segregated cycle path from the access road. In relation to the proposed pedestrian cycle link to Chestnut Drive, the Planning Authority are supportive of same, and stated that this element is in accordance with



CPO 16.25 of the Development Plan and with Section 8.22 of the MLAP. Conditions are suggested in relation to the provision of a revised road layout including the provision of a segregated cycle track.

- 10.6.3. Observer submissions raise road safety concerns, and it is stated that this stretch of road (L1132 Ballinderry Road) experiences high traffic speeds and has poor visibility, due to the bend in the road. It is stated that this application is immature pending improvement works to the road. The capacity of the road to accommodate the traffic generated by the development is also stated as a concern. One observer submission, which is supported by a petition with 75 no. signatories, raises an objection to the proposed cycle/pedestrian link to the adjoining residential estate (Chestnut Drive), and it is stated that this element will result in anti-social behaviour and security concerns.

#### DMURS/Proposed Transport Infrastructure/Permeability

- 10.6.4. The Traffic and Transport Assessment notes that there is no currently no footpath on the western side of the L11132, to the north of the proposed access junction. The proposed development is providing a section of footpath link to the existing footpath to the north of the site.
- 10.6.5. It is proposed that vehicle access to/from and through the site, is provided via a new road accessed from the Ballinderry Road. The DMURS Statement of Compliance notes that the proposed link street will have a designated speed limited of 50km/h, with other internal roads having a limit of 30 km/h. Deflections are provided on the link road, to reduce traffic speed, in accordance with of DMURS. On-street parking and building and tree lines will also serve to reduce traffic speeds, which are also recommended within DMURS, as methods of reducing forward visibility, and hence reducing traffic speeds. I am satisfied that such measures as proposed are sufficient to ensure compliance with DMRURS, notwithstanding the concerns of the Planning Authority.

#### Cycle Paths

- 10.6.6. In relation to the proposed cycle facilities, the TTA notes that segregated cycle lanes were ruled out as it was considered such a segregation would result in an unnecessary diversion from the likely desire lines of cyclists. However I am mindful of the 50 km/hr speed limit on this road, and of the future potential to extend to this

link road to adjoining zoned lands (as per Map 8.11 of the LAP), which would increase traffic volumes on the road, and I share the view of the Planning Authority that segregated cycle facilities should be provided on this road. This is also supported by Figure 4.52 of DMURS, which sets out appropriate provision of different types of cycle infrastructure. This can be sought by way of condition, should the Board be minded to grant permission.

#### Pedestrian/Cycle Links

- 10.6.7. I note 2 no. pedestrian/cycle links to the existing Chestnut Drive residential estate are proposed. In relation to same, I refer to Section 3.3.3 of the Design Manual for Urban Roads and Streets (DMURS) which considers 'Retrofitting' of additional links to existing neighbourhoods, and while highlighting the benefits of same, recognises that retrofitting connectivity can be problematic, and that the dendritic nature of some street patterns can mean that connection opportunities are limited. It is stated that, rather than seeking to retrofit a fully permeable network (i.e. maximising all connections), the focus should be on key desire lines where the maximum gain can be achieved through the minimum amount of intervention. It is further stated that links should be short, overlooked and well-lit to mitigate anti-social behaviour, with the provision of filtered links preferable (i.e. to serve only pedestrians and cyclists).
- 10.6.8. In relation to local policy, Policy Objective CPO 16.25 of the Development Plan sets out that 'new development proposals should be fully permeable for walking and cycling and the retrospective implementation of walking and cycling facilities should be undertaken where practicable in existing neighbourhoods, in order to a give competitive advantage to these modes for local trip making...'. Section 8.22 of the Mullingar LAP sets out principles for the development of the Mullingar South Framework Plan lands, one of which is to 'enhance connectivity, accessibility and permeability throughout the area'.
- 10.6.9. The Planning Authority are supportive of the pedestrian/cycle links proposed and refer to the local policies as set out above. In relation to same, and in relation to the guidance as set out in DMRURS, I note that the links as proposed will provide additional permeability to the proposed units, and will be of practical benefit for pedestrians and cyclists wishing to travel into Mullingar Town Centre. The links as proposed are short and would be well overlooked, which limits the potential for anti-

social behaviour and do not raise additional noise or security concerns, in my view, and the link is not a 'laneway' link of substantial length where such issues could potentially arise. I am not of the view that any additional impacts on privacy will result nor is there any evidence that the links would have a negative impact on property values, as asserted in the observer submission, and supporting petition. The proposed links are filtered links, which serve only pedestrians and cyclists, which is in line with DMURS guidance. Should the Board be minded to grant, I recommend a condition be imposed requiring additional design detail in relation to the proposed links (i.e. the proposed tie-in with existing paths and boundary treatments proposed).

#### Access/Servicing/Road Safety

The proposed development will be accessed from the L1132 Ballinderry Road via a priority junction. The proposed junction includes a 6m wide road accessing the proposed development and 6m junction radii in accordance with DMURS (and in response to an issue raised in the Stage 1 Road Safety Audit). A raised pedestrian crossing of the proposed link street to facilitate pedestrians crossing the junction is also provided. An informal pedestrian crossing is proposed across Ballinderry Road to provide pedestrian connectivity with the existing Newtown Lawns residential development located on the opposite side of Ballinderry Road and will comprise dropped kerbs and tactile paving.

#### Road Safety

10.6.10. The speed limit on the L1132 Ballinderry Road is 50 km/h, although as noted in the TTA, speeds were found to exceed the limit, as confirmed by the speed surveys undertaken as part of the assessment (and included as Appendix B of the TTA) which show that 85th percentile speeds of 70 km/h were observed in both directions (69.7 km/h northbound and 71.3 km/h southbound). Measures to improve road safety proposed by the applicant include the introduction of speed monitoring signage which indicates speed to driver and advises speed reduction when over 50 km/h, as well as the provision of 3m x 120m visibility splays, in accordance with a 70 km/h design speed as set out in TII Guidelines, and in accordance with recommendation of the Stage 1 Road Safety Audit submitted with the application. These visibility splays are illustrated in both the horizontal and vertical planes in Drawing No. C102 PL4. In relation to same, I am satisfied that the proposed visibility

toward the site entrance is sufficient, notwithstanding the bend in the road as referred to by an observer submission, and notwithstanding the slight rise in road, which peaks just north of the proposed site entrance. The horizontal alignment drawing indicates that the bend in the road does not limit the visibility splay towards the site entrance to below 120m X 3m, and the vertical alignment shows the rise in the road does not limit visibility to below 120m (with a sight line from driver height of 1.05m to object height of 1.05m). Notwithstanding, and mindful of the fact the speed limit on this road is in fact 50km/h, I recommend that the other road safety measures as proposed by the applicant, including the provision of real time speed signage, should be required by way of condition, should the Board be minded to grant permission.

#### Car and Cycle Parking

10.6.11. The total number of car parking spaces provided is 215 no. spaces, with each of the 63 dwelling houses having 2 no. car parking spaces. For the remaining 67 no. apartment/duplex units, a total of 89 no. spaces are provided. This is above the requirements of the Development Plan (as set out in Table 16.2 of same) which requires 1 space per dwelling and 1 visitor space per 3 dwellings, a total requirement of 173 no. car parking spaces). The Planning Authority has raised no objection to the quantum of car parking provided.

#### Cycle Parking

10.6.12. The proposal provides for a total of 79 cycle parking spaces to serve the duplex/apartment units. This is in line with the LAP requirement of 79 no. spaces (Table 9.1 refers) although is slightly below the general minimum standard of 80 spaces as set out the Apartment Guidelines (2022). However, the overall provision is acceptable in my view.

#### Impacts on the surrounding road network.

10.6.13. The baseline traffic conditions within the TTA are based upon a traffic survey carried out on 13<sup>th</sup> June 2019 as well as a review of traffic survey data gathered by TII, in relation to traffic on the N52. A sensitivity test was also undertaken that takes account of the potential traffic impact of the development of lands to the west of the subject site. Trip generation rates from the TRICS database were utilised.

10.6.14. The TTA utilises traffic growth factors for Westmeath in order to determine impacts on the road network for the opening year (2024) and future design +15 (2039). The additional traffic generated by the development will range from +23.8% on the Ballinderry Road in the direction of Mullingar during the PM peak hour, to +37.3% on the same road during the AM peak hour. A detailed capacity test was undertaken for the proposed access junction on the L1132 Ballinderry Road using the industry recognised junction analysis programme PICADY. Tests were undertaken for the 'with proposed development' scenario, and for a sensitivity test based on the proposed development x 3 (i.e. 390 dwellings) in order to test the capacity of the junction to provide for additional development on lands to the west of the subject site. The results of the capacity tests show that the proposed access junction will operate well within capacity for all scenarios. I am satisfied, therefore, that any impacts on the surrounding road network will be acceptable, in terms of additional traffic volumes.

#### 10.7. **Ecology/Hedgerow/Trees**

- 10.7.1. The Planning Authority have not raised any fundamental objections in relation to ecology, trees or hedgerows, although the Environment Section of Westmeath County Council have noted the extent of tree felling proposed and the impact on biodiversity.
- 10.7.2. An observer submission states that the site is extremely wet and marshy and contains a high variety of fauna associated with wetland areas. It is further stated that the site enclosed on four sides by natural hedgerows which provide habitats for birds.
- 10.7.3. The application is accompanied by an Ecological Assessment, as part of a document entitled 'Ecological Assessment and Appropriate Assessment Screening' (March 2022). The assessment is based on field visits and surveys carried out in March 2019 and February 2022, as well as other desktop sources of information. Section 2 of same is an 'Ecological Assessment of Application Site' and describes the various habitats on the site. It is set out that the site consists of a single field, with a dry central area surrounded on the west and south by damper ground with occasional standing water, with a marshy area in the north-west corner. The habitats on site include hedgerows (WL1), improved agricultural grassland (GA1), with the sloping

northern end classed a dry calcareous grassland (GS1), with wet grassland (GS4) also present, and marsh (GM1) present on the western boundary of the site. In relation to fauna, evidence of rabbits were found on the northern end of the site, and it was concluded that fox was the only visiting species, with on-site conditions not favouring badger or pine-martin. The site was concluded to be of little importance for bats, given the hedges are low and the only trees are Leyland cypress which support little insect food. There are no likely roosting sites on these but there may be individuals feeding along the southern hedge. Birds seen on site were mainly garden species. Snipes were observed on the site. It is set out that there is no suitable ground for other waders or wildfowl. This section of the report concludes that the site contains typical species and communities, and is most unlikely to contain rare species, and there is no fauna of interest on the site, with no invasive plant species on the site.

- 10.7.4. The application is also accompanied by an Arboricultural Report (March 2022) and related drawings (Tree Constraints Plan, Tree Impacts Plan and Tree Protection Plan). The report notes that there are a total of 57 no. trees on the site, and 2 no. tree groups (no category 'A' trees, 11 no. category 'B' trees, 42 no. category 'C' trees and 6 no. category 'U' trees). The proposed development would result in the loss of 9. no category B trees, 35 no. category 'C' trees, 5 no. category 'U' trees and 1 no. tree line. In addition, the development results in the removal of substantial length of hedgerow (which is described as dilapidated within the report). The report sets out protection and management recommendations in relation to the trees that are to be retained on the site.
- 10.7.5. While the submitted Ecological Assessment report establishes and evaluates the baseline environment, there is no formal consideration of any potentially significant ecological effects associated with the proposed development. Notwithstanding, I am of the view that there is sufficient detail in the ecological assessment, and in the Arboricultural Report, in relation to the habitats and species on the site, I note the loss of the small area of wetland to the north-west of the site, with some Alkaline Fens habitat present (an Annex I habitat). This area is to be infilled as part of the reprofiling of the site. As noted in the 'Ecological Assessment and Appropriate Assessment Screening Report', while this marsh community shares some plants with Alkaline Fens, there are none of the especially characteristic species, with reference

to the EC Habitat Interpretation Manual, 2013 and this wetland habitat is replicated on the adjoining site to a far larger extent. As such I am satisfied that this loss of this area will not have a significant impact on the ecology of the site and surrounding area (I have considered this issue, as relates specifically to Appropriate Assessment, in Section 12 below).

10.7.6. In relation to bats, while no dedicated bat survey was carried out, field visits and general ecological surveys were carried out in March 2019 and February in order to inform the conclusions of the ecological assessment. This report notes the limited value of the site to bats as the hedges are low and the only trees consist of a belt of Leyland cypress which support little insect food. It is stated that there is no likely roosting site available for pipistrelles but individuals may occasionally feed along the southern hedge. I note that there is some disparity between the Ecological Assessment and the Arboricultural Report, in relation to the tree species on the site, and of particular note is that Ash makes up some 25% of the tree species on site, with reference to the Arboricultural Report, with more limited examples of other species. In relation to the Ash Trees, the Arboricultural Report notes the prevalence of ash dieback (Chalara Canker) and notes the dubious sustainability of these trees. Notwithstanding the disparity between the reports, I am satisfied that sufficient surveys have been carried out the author of the Ecological Assessment, to support the conclusion that there is no likely roosting sites for bats. Furthermore, I note that the trees and habitats on the site are ubiquitous in the general area, and none have been identified which are of particular ecological significance. I am satisfied, therefore, that the loss of trees and hedgerows on the site will not have a significant impact on the local bat population.

10.7.7. In relation to the loss of trees and hedgerow on the site, I note that no category 'A' trees are to be removed and note the poor condition of the hedgerow to be removed. In relation to those trees that are to be removed, I note the need to make efficient use of a residentially zoned site and to provide housing at an appropriate density, and I am of the view that the loss of the trees and hedgerows is, on balance, acceptable. Tree protection measures are set out in Appendix 1 of the Arboricultural Report (Arboricultural Method Statement and Tree Protection Plan) in relation to those trees and hedgerows that are to be retained.

10.7.8. In conclusion, and having regard to the considerations above, I am of the view the impact on ecology, as a result of the proposed development, will not be significant, and I am of the view that the only specific mitigation measures necessary relate to tree and hedgerow protection measures, as referred to above.

## 10.8. Flood Risk

10.8.1. Section 9.3 of the National Planning Framework (NPF) includes guidance for water resource management and flooding with emphasis on avoiding inappropriate development in areas at risk of flooding. National Policy Objective 57 requires resource management by “ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities”.

10.8.2. The Planning Authority have not raised any fundamental objections in relation to Flood Risk. An Elected Member has raised a concern in relation to possible flood risk. An observer submission has noted the wetland nature of some of the site.

10.8.3. Section 5 of the ‘Services Design Report & Flood Risk Assessment (March 2021) contains a Stage 1 Flood Risk Assessment. This notes that there is no record of past flood events on the site. The only risk of fluvial flooding to the site is recorded as the existing drainage ditch running parallel to the southern site boundary. During the construction stage, there is a risk of pluvial flooding across the site, after the excavation works have occurred and prior to the installation of the surface water system within the site, and the main receptor affected being the drainage ditch to the southern boundary of the site. This may occur as a result of the removal of the topsoil on the site, with the exposure of the clay sub-soil. Silt traps and/or settlement ponds are required to ensure the site form overland flows are contained on site, and any surface water discharging from the site is controlled and free of any silt or other contaminants.

10.8.4. In relation to off-site flood risk, it is set out within the report that, as the surface water from the site will be attenuated on site prior to discharge at the greenfield runoff rate of 5.0 l/s/ha, there will be no increase in flood risk downstream from the site. SUDS measures proposed include in-curtilage permeable paving, public parking permeable paving and swales (see additional detail of the surface water drainage design in



Section X of this report). The attenuation storage tank being provided allows for the total storage volume required for a 1 in 100 storm event plus an increase of 30% due to Climate Change. The report concludes that there is no flood risk issue on this site and further stages of the Site FRA are not required.

10.8.5. In relation to the conclusions of the Flood Risk Assessment, I note that, at the time of my site visit (6<sup>th</sup> Jan 2023) much of the site was waterlogged, with areas of standing water, and with some wetland to the north-west of the site (as noted in the Ecological Report). I am satisfied this water is not as a result of fluvial flooding, having regard to considerations above, and results from the inability of rainfall to drain from the site, and is indicative of the poor drainage characteristics of the site. It may have been useful if there was additional discussion of these ground characteristics within the submitted Flood Risk Assessment but I am not of the view that this omission fundamentally undermines the conclusions of the FRA. Furthermore, I note the site is zoned for residential development, within the LAP, which itself has been subject to Strategic Flood Risk Assessment (Appendix 4 of the LAP). This SFRA raised no fundamental issues with development on this site. Within the SFRA, it is noted that a number of areas with the Mullingar Area are subject to pluvial flooding, and suffer from poor drainage characteristics, due to poor drainage and/or poor ground conditions, and which could be subject to flooding during intense rainfall events. The most significant of these are highlighted in the LAP, and the subject site is not identified. The SFRA notes that other localised pluvial flooding is small in scale and is localised, and can be dealt with through minor improvements to the drainage system. In my view this is true of the subject site, and I am of the view that site modifications as proposed here along with the proposed surface water drainage system, which will serve to attenuate surface water on site, prior to discharge at greenfield run off rates, will ensure that there will be no significant risk of pluvial flooding either on the site, and no heightened risk of pluvial flooding on adjacent sites. I have examined the mapping available on the OPW run website 'Floodinfo.ie' and this does not indicate any previous flooding events on site.

10.8.6. As such, and having regard to conclusions of the Flood Risk Assessment, and having regard to the other considerations above, I am satisfied that the site, as proposed, will not be subject to pluvial, fluvial flooding, groundwater or tidal flooding, subject to those surface water measures as set out in the application documents

being implemented. I do not consider that the proposal will increase flood risk on this site or on surrounding sites, have regard to considerations above.

## 10.9. Site Services

- 10.9.1. The application is accompanied by a 'Services Design Report & Flood Risk Assessment'. This sets out proposals for water supply, surface water drainage and foul drainage.
- 10.9.2. In relation to surface water, the report sets out that ground conditions on site (topsoil overlaid on clay-based subsoils, which overlay limestone bedrock) are not suitable for surface water infiltration. SUDS measures incorporated into the design include permeable surfaces, dry swales and an attenuation tank to provide additional storage capacity required for storm event with a return period of 100YR and 30% additional capacity for climate change. It is noted that there is an existing dwelling within the site boundary and any surface water infrastructure associated with same will be removed. Surface water from the remainder of the site is either infiltrated or flows overland to the existing drainage ditch on the southern boundary. The proposed surface water network will collect surface water in a new pipe network and incorporate those SUDS features referred to above as well as roadside gullies with debris screen and silt trap, a Class 1 Petrol Interceptor with Silt Trap, Silt Trap Manholes before and after Attenuation Tank and a Hydrobrake Discharge Control. The site outfall pipe will be discharged through a new headwall and will be fitted with a face mounted flap valve. The outfall will be to the existing drainage ditch along the southern boundary of the site, with the outflow from the site limited to the pre-development greenfield run-off rate of 5 l/s/ha.
- 10.9.3. In relation to wastewater, it is noted that waste water infrastructure associated with the existing dwellinghouse (which is most likely a septic tank) will be removed from the site. The wastewater from 35 of the 130 no. units will be gravity fed to the existing foul sewer within the Chestnut Drive estate. The wastewater from the remaining units within the development will be gravity fed to a pumping station located in the south-west corner of the site, which will then be pumped into the last manhole within the proposed site, and from there be gravity fed from the site to the existing public foul water system. It is set out within the report that, due to the level of the lands of the site, the proposed finished floor level of the majority of units

are up to 3.5m below the road level of along the Ballinderry Road, and this leads to the requirement for a pumping station. This pumping station is also sized to serve the 10 houses to the southwest of the site.

- 10.9.4. In relation to water supply, the proposed development will be connected to the existing public watermain along Ballinderry Road.
- 10.9.5. I am generally satisfied that, subject to details of the proposed foul and surface water infrastructure being to the satisfaction of the Planning Authority and Irish Water, the proposals will be adequate to serve the proposed development.

#### 10.10. **Other Issues**

##### Archaeology

- 10.10.1. The application is accompanied by an Archaeological Impact Assessment. This sets out that there are no recorded monuments on the site itself but notes that there a large number of archaeological features in the surrounding area. A previous geophysical survey and test trenching did not reveal any archaeological features (a total of 22 test trenches were excavated, representing 8% of the development area), although a field survey noted the remains of a curving laneway in the centre of the site. The report concludes that there is moderate potential for archeologically features to survive on this site and recommends that groundworks be monitored by a qualified archaeologist.
- 10.10.2. I note the comment by an Elected Member in relation to a potential impact on a ringfort on the site. As note in the Archaeological Impact Assessment, and as confirmed on the Historic Environment Viewer<sup>1</sup>, there are no ringforts, or other protected monuments on the site, with the nearest ringfort mapped located approximately 400m to the south-west of the site. I am satisfied that, subject to appropriate conditions, there will be no significant negative impact on any potential archaeological remains on the site.

##### Social Infrastructure Including Childcare

- 10.10.3. An observer submission has stated that the site is not well serviced by local amenities and that schools are already oversubscribed.

---

<sup>1</sup> <https://maps.archaeology.ie/HistoricEnvironment/>

10.10.4. A Social and Community Infrastructure Assessment has been submitted with the application, outlining childcare, school, community and healthcare facilities in the area as well as retail and other uses. A Childcare Needs Assessment has also been carried out and is contained within 3.7 of the Statement of Consistency. Within the Social and Community Infrastructure Assessment it is noted that much of Mullingar Town Centre is within a reasonable walking distance of the site (approx 25 mins) and as such the shop and services available therein are accessible to future occupiers of this development. It is set out that there is existing capacity in the existing primary and secondary schools in the area to accommodate the anticipated demand for same (42 no. primary school places and 28 no. secondary school places), and the recent construction of a new primary school, 1.1km from the site, is noted within the report.

10.10.5. Specifically in relation to childcare facilities, the Guidelines for Planning Authorities on Childcare Facilities (2001) indicate that Development Plans should facilitate the provision of childcare facilities in appropriate locations, and set out a general requirement based on the size of the proposal. The more recent Apartment Guidelines (2020) however, allow for studio and one bedroom units to be discounted from the overall calculation of childcare demands.

10.10.6. I note the Planning Authority has recommended that a crèche be provided as part of this development, on the back of advice provided directly to them by the Westmeath County Childcare Committee, who have stated that the 4 no. facilities located near the site are at capacity with waiting lists. I note the Committee has not made a direct submission on this application although they have been consulted. Notwithstanding, in relation to Childcare facilities, the Childcare Needs Assessment carried out by the applicant concludes that the additional demand of 8 no. spaces (discounting 1 bed units and applying 2016 CSO statistical data and data from the Quarterly National Household Survey Q3 2016) generated by the development would not warrant the construction of a new crèche and can be catered by existing facilities in the area. I am satisfied with the methodology applied by the applicant in relation to the calculation of demand, and concur with the view that this demand of 8 no. spaces would not warrant a standalone crèche facility to be provided on the site, which is unlikely to be viable, notwithstanding the capacity concerns raised by the Planning Authority.

### Site Notice/consultation

10.10.7. An observer submission has stated that the site notice was not in place for the entire length of the prescribed period and that no consultation was carried out prior to the submission of the application. In relation to the site notice issue, it would appear that surrounding neighbours were aware of the application with 4 no. individual submissions received, including a submission with an attached petition containing 75 no. signatories. In relation to the issue of consultation, there is no provision within the relevant legislation for mandatory public consultation prior to the submission of application for Strategic Housing Development.

### Description of development

10.10.8. The Planning Authority and an observer submission noted that stated number of duplex/apartment units within the Architectural Design Statement is incorrect. In relation to same I note that 36 units duplex/apartment units are proposed (23 x 2 bed; 13 x 3 bed). There is are incorrect references to 19 x 2 bed and 17 x 3 bed units within the Design Statement but this is not reflected in the associated 'Residential Mix' Table 4.1, which has the correct unit mix. So too do the statutory notices. As such, I am satisfied that this error is a typo and does not materially mislead any parties as to the nature of the development.

### Tenure

10.10.9. An observer submission has stated that the proposed development may be solely for rent. In relation to the proposed tenure, I note that the proposal is not a 'Build-To-Rent' development. Furthermore, pursuant to Section 47 of the Planning and Development Act 2000, should the Board be minded to grant permission, a condition is recommended 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.

### Part V

10.10.10. The proposal provides 13 no. Part V residential units within the scheme and I note the submission of a standalone documentation in relation to Part V proposals. The Housing Department of Westmeath County Council are satisfied in principle with the Part V proposal. I am satisfied that the final details of the Part V agreement can

be agreed with the Planning Authority and should be Board be minded to grant permission, this can be ensured by way of condition.

### 10.11. Planning Authority's Submission

10.11.1. While the Planning Authority are generally supportive of the scheme, and have recommended that the proposed development be granted permission, subject to conditions, the PA submission does set out a number of concerns with the proposal, which I have summarised here, and have noted where I have addressed these concerns, where appropriate.

*Revised proposals are required/to include a revised road layout*

10.11.2. I have considered the PA's comments in relation to the road/cycle layout and my response to same is set out within Section 10.6 of this report and I refer the Board to same.

*Provision for the incorporation of a creche facility*

10.11.3. I have considered the PA's comments in relation to the provision of a creche and my response to same is set out within Section 10.10 of this report and I refer the Board to same.

## 11.0 Environmental Impact Assessment (EIA) Screening

11.1.1. Class 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:

- Construction of more than 500 dwelling units
- 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.

\*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

11.1.2. Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have

significant effects on the environment, having regard to the criteria set out in Schedule 7.

- 11.1.3. It is proposed to construct 130 no. residential units and associated site works. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 4.015ha and is located within an existing built up area but not in a business district. The site area is therefore below the applicable threshold of 10 ha. The site is greenfield, located on the edge of the urban area of Mullingar. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect any European site, in view of the sites' conservation objectives (see Section 12 'Screening for Appropriate Assessment'). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Westmeath County Council, upon which its effects would be marginal.
- 11.1.4. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The submitted EIA Screening Statement (dated March 2022) includes the information required under Schedule 7A to the planning regulations. In addition, the various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other

submissions, and I have considered all information which accompanied the application including *inter alia*:

- Ecological Assessment and Appropriate Assessment Screening
- Building Lifecycle Report
- Daylight & Sunlight Assessment
- DMURS Statement of Compliance
- Energy Statement
- Services Design Report and Flood Risk Assessment
- Preliminary Construction Environmental Management Plan (CEMP)
- Arboricultural Report
- Archaeological Impact Assessment
- Outdoor Lighting Report
- Traffic and Transport Assessment
- Landscape Design Report
- Architectural Design Rationale

11.1.5. Noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, I note that Section 5 of the EIA Screening Report refers to same and notes that the following assessments / reports have been submitted: -

- A Site Specific Flood Risk Assessment, has been submitted, which was undertaken in response to the EU Floods Directive (2007/60/EC)

11.1.6. The EIA Screening Report also makes reference to the following Directives:

- Environmental Noise Directive (END) 2002/49/EC - notes the Westmeath County Council Noise Action Plan 2013-2018 was prepared with reference to same. It is noted the site is not located within a noise sensitive environment and noise



impacts from the development will be limited by way of standard mitigation measures.

- Waste Framework Directive – The Midlands Region Waste Management Plan 2015-2021 (RWMP) was prepared with reference to same, and the site is located within the Eastern/Midlands region.
- Water Framework Directive – The River Basin Management Plan for Ireland 2018-2021 was prepared with reference to same.

11.1.7. I have taken into account the above documentation above when screening for EIA. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects of which would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 of the Regulations to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. I am satisfied that information required under Section 299B(1)(b)(ii)(II) of the Regulations has been submitted. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## **12.0 Appropriate Assessment:**

- 12.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 12.1.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the

management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3)

- 12.1.3. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted 'Ecological Assessment and Appropriate Assessment Screening' (March 2022) prepared by Roger Goodwillie & Associates.

#### The Project and its Characteristics

- 12.1.4. I refer to the Board to the detailed description of development in Section 2.0 of this report. In relation to foul and surface water proposals, I have set out details of same in Sections 10.8 and 10.9 of this report and I refer the Board to same.
- 12.1.5. The applicant has submitted an Appropriate Assessment Screening contained within a document entitled 'Ecological Assessment and Appropriate Assessment Screening' (March 2022). This sets out that there are 8 no. Natura 2000 sites within 15km of the site as follows:

- Lough Ennell SAC (0685) – 2.7km
- Lough Ennell SPA (4044) – 3.0km
- Woodtown Bog SAC (2205) – 4.5km
- Lough Owel SAC (0688) – 5.4km
- Lough Owel SPA (4047) – 5.4km
- Scragh Bog SAC (0692) – 7.8km
- Lough Iron SPA (4046) – 12.1km
- River Boyne & River Blackwater SAC (2299) – 12.4km

- 12.1.6. It is set out within the applicant's AA Screening Report that the Lough Ennell sites are the only ones within the same catchment and therefore are the only sites with a possible link to the development. It is set out that surface water from the site currently flows southward towards a stream that flows into the Brosna, which in turn flows into Lough Ennell.
- 12.1.7. The applicant's Screening Report concludes that, in relation to any Natura 2000 sites, in particular the two sites at Lough Ennell, 'there will no perceptible change in the state of the sites and no impairment of their integrity nor influence on the attainment of their conservation objectives'. Cumulative impacts are also ruled out. It is concluded that a Stage 2 Appropriate Assessment (and the submission of an NIS) is not required.

#### Description of the site characteristics

- 12.1.8. A description of the Habitats on site is set out in the applicant's Ecological Assessment and it is stated that that the site consists of a single field, with a dry central area surrounded on the west and south by damper ground with occasional standing water, with a marshy area in the north-west corner. The habitats on site include hedgerows (WL1), improved agricultural grassland (GA1), with the sloping northern end classed a dry calcareous grassland (GS1), with wet grassland (GS4) also present, and marsh (GM1) present on the western boundary of the site. For the purposes of AA Screening, of note is the area wetland to the north-west of the site, The AA Screening Report notes that this is a small section of wetland of a larger area that extends 120m to the south-west. It is further noted in the AA Screening Report that, while the marsh community shares some plants with Alkaline Fens, there are none of the especially characteristic species, with reference to the EC Habitat Interpretation Manual, 2013. Also of particular note is that birds seen on site were mainly garden species. While Snipes were observed on the site, it is set out that there is no suitable ground for other waders or wildfowl.

#### Relevant prescribed bodies consulted

- 12.1.9. In relation to foul water proposals, I note that the submission from Irish Water does not raise any objections to the proposal and no capacity issues have been raised in relation to foul water treatment capacity.

#### Planning Authority Submission

12.1.10. The Planning Authority have not raised any issues in relation to Appropriate Assessment.

#### Observer Submissions

12.1.11. An observer submission states that the site is extremely wet and marshy and contains a high variety of fauna associated with wetland areas. It is further stated that the site enclosed on four sides by natural hedgerows which provide habitats for birds.

#### Identification of relevant Natura 2000 sites (Zone of Influence)

12.1.12. The Applicant's Screening Report notes the only sites that are potentially impacted by the development are Lough Ennell SAC (0685) and Lough Ennell SPA (4044) due to the existing drainage ditch providing a hydrological connection to the Lough Ennell, with surface water on site (both existing and at construction and operational stage) having the potential to drain to same.

12.1.13. I have set out those Natura Sites within 15km of the site and these are as follows:

- Lough Ennell SAC (0685) – 2.6
- Lough Ennell SPA (4044) – 3.1km
- Woodtown Bog SAC (2205) – 4.0km
- Lough Owel SAC (0688) – 5.3km
- Lough Owel SPA (4047) – 5.4km
- Scragh Bog SAC (0692) – 7.2km
- Lough Derravarragh SPA (4043) – 11.1km
- Lough Iron SPA (4046) – 11.5km
- River Boyne & River Blackwater SAC (2299) – 11.9km
- River Boyne & River Blackwater SPA (4232) – 14.9km

12.1.14. There is an indirect hydrological link to the two Lough Ennell sites referred to above, via the stream/drainage ditch that flows to the south of the site, and then into the River Brosna, which in turn flows into Lough Ennell, as described in the applicant's AA Screening Report. While the issue of foul water treatment is not considered in detail in the AA Screening Report, nor in the application documents, publically

accessible documents, available from the EPA, indicate that foul water in the Mullingar Area is treated at the Mullingar WWTP. The primary discharge from the treatment plant is to the River Brosna<sup>2</sup>, which in turn flows into Lough Ennell. As such there is also an indirect hydrological link via the foul water network.

12.1.15. There is no evidence of any other source-pathway-receptor link to any other of the above listed Natura 2000 sites, nor to other sites further afield, and as such likely significant impacts on European Sites, other than the two Lough Ennell sites, can be ruled out at a preliminary stage.

12.1.16. The site does not support any waders or wildfowl, save for the Snipe which was observed on the site, which are not a special interest species of any of the SPAs listed above. I have set out the Qualifying Interests/Species of Conservation Interest and Conservation Objectives of the two Lough Ennell sites in Table 1 below. I note that the Section 3.4 of the AA Screening Report 'Conservation Objectives' refers to NPWS documents from 2011 (which have now been updated), and as such the report does not consider all of the qualifying interests of Lough Ennell SAC (there is no mention of '*3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp*') and the Screening Report does not consider '*wetlands and waterbirds*' as a species of qualifying interest of Lough Ennell SAC. Furthermore the AA Screening Report does not include the second conservation objective relating to Lough Ennell SPA – that is '*To maintain or restore the favourable conservation condition of the wetland habitat at Lough Ennell SPA as a resource for the regularly-occurring migratory waterbirds that utilise it*'.

12.1.17. However, in my assessment below I have referenced the most recent Conservation Objectives documents (for Lough Ennell SAC from 2018, and for Lough Ennell SPA from 2022 and have cited all of the relevant Qualifying Interests/Species of Conservation Interest and Conservation Objectives below. Notwithstanding the omissions of the AA Screening Report, I am satisfied that there is sufficient information on file, and within publically available documentation available on the NPWS and EPA website, to enable a AA Screening to be carried out.

Table 1.

---

<sup>2</sup> [Microsoft Word - Mullingar AER report 2013A.doc \(epa.ie\)](#)

Site (site code)	Distance from site	Qualifying Interests/Species of Conservation Interest	Conservation Objectives
Lough Ennell SAC (0685)	2.6km	3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.  7230 Alkaline fens	To maintain the favourable conservation condition of Alkaline Fens <sup>3</sup>  There are no specific conservation objectives set out for 'Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.'
Lough Ennell SPA (4044)	3.1km	Pochard ( <i>Aythya ferina</i> ) [A059]  Tufted Duck ( <i>Aythya fuligula</i> ) [A061]  Coot ( <i>Fulica atra</i> ) [A125]  Wetland and Waterbirds [A999]	1. To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:  2. To maintain or restore the

<sup>3</sup> NPWS (2018) Conservation Objectives: Lough Ennell SAC 000685. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.

			favourable conservation condition of the wetland habitat at Lough Ennell SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. <sup>4</sup>
--	--	--	---

### Assessment of Potential of Likely Significant Effects

#### Habitat Loss and Fragmentation

12.1.18. Specifically in relation to habitat loss and fragmentation, I note the site does not overlap with the boundary of any European Site. The site is 3.1km from Lough Ennell SPA, and 2.6km from Lough Ennell SAC, the closest European Sites. A portion of the site to the north-west is classed as ‘wetland’ but this is not wetland associated with Lough Ennell SPA. This area will be in-filled as part of the re-profiling of the site. In relation to this area of wetland, the AA Screening Report notes that this is a small section of wetland of a larger area that extends 120m to the south-west. All the flora on this element of the site is replicated elsewhere in the wetland. It is further noted in the AA Screening Report that, while the marsh community shares some plants with Alkaline Fens, there are none of the especially characteristic species, with reference to the EC Habitat Interpretation Manual, 2013.

12.1.19. In relation to same, I note ‘Alkaline Fens’ is a Habitat of Conservation Interest of Lough Ennell SAC (and is an Annex I habitat) and the associated species ‘Bottle Sedge’ (*Carex rostrate*) is one of those species referred to in the ‘Lough Ennell SAC Site Synopsis’ and is found along the lake shore of Lough Ennell (NPWS, 2021),<sup>5</sup>.

<sup>4</sup> First Order Site-Specific Conservation Objectives Version 1 dated 12/10/20222 (NPWS) which replaces the Generic Conservation Objectives Version 9.0 document.

<sup>5</sup> <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000685.pdf>

This species is also found on the application site, as cited in the Section 2.1 of the Ecological Assessment. However the Alkaline Fen habitat here, and the associated species within, is not within the site boundaries of the SAC, and given the distance from the site to the SAC boundary (a minimum of 2.6km), there is unlikely to be interdependency between the two areas of habitat. As such the removal of this habitat from the site will not have a significant impact on Lough Ennell SAC, having regard to the conservation objectives pertaining to the site.

12.1.20. In relation to fauna, there is no evidence that the site supports populations of any fauna species that are qualifying interests or special conservation interests of any European Site. Specifically in relation to bird species, I note 2 no. Snipe were observed on the site and 8 no. Snipe observed on the adjoining site to the west (as cited in the Ecological Assessment). Snipe are not cited as Species of Conservation Interest, as relates to the Lough Ennell SPA, and the NPWS Site Synopsis, as relates to Lough Ennell SPA does not refer to Snipe<sup>6</sup>. I am satisfied, therefore, that the proposed development will not result in habitat loss or fragmentation within any European Site, or nor will it result in a loss of any significant *ex-situ* foraging or roosting site for qualifying species of European sites in the wider area.

#### Habitat degradation as a result of hydrological impacts

12.1.21. I note that standard construction practices and best practice construction measures, as relates to the prevention of surface water pollution at construction stage, as outlined in detail in the Construction Environmental Management Plan, would prevent polluted surface water from entering the surface water drainage network, as cited in the Applicant's AA Screening Report. However, even in the absence of the above measures, I note that the site is at least 3 km from the point the River Brosna enters Lough Ennell. As such the ecological connection is somewhat weak, in my view, and I am of the view that that any contaminants (i.e. such as oils, hydrocarbons, silt etc) would be sufficiently dispersed and diluted by the point of entry into Lough Ennell, so as to be undetectable. As such I am satisfied that likely significant effects, as a result of hydrological impacts at construction phase, on the Lough Ennell sites referred to above can be ruled out.

---

<sup>6</sup> <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY004044.pdf>



12.1.22. In relation to surface water impacts at operational stage, while not discussed explicitly in the Applicant's AA Screening Report, I am satisfied that the proposed surface water drainage measures as outlined in the 'Services Design Report & Flood Risk Assessment' will serve to limit the quantity and improve the quality of surface water runoff. These include interception storage measures with on site-attenuation during heavy rainfall events. It is also proposed to restrict outflows from the site. These SuDS measures are proposed to reduce the quantity of surface water discharge from the site, and to improve discharge water quality. These installations have not been introduced to avoid or reduce an effect on any effect on any Natura site and would be introduced as a standard measure on such housing developments, regardless of any direct or indirect hydrological connection to a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a residential development on any development site in order to protect the receiving local environment and the amenities of the occupants of neighbouring land regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on an urban site whether or not they were explicitly required by the terms or conditions of a planning permission. As such, I am satisfied that the surface water design features proposed at operational stage will ensure the quality of surface water run-off will be sufficient so as not to result in any likely significant effects on Lough Ennell SAC (0685) or on Lough Ennell SPA (4044), or any other Natura 2000 sites, having regard to the sites' conservation objectives. Notwithstanding, and even if these standard work practices were not employed, or should they fail for any reason, and pollutants enter Lough Ennell indirectly via the surface water network, I am of the view that any such contaminants would be sufficiently dispersed and diluted within the surface water network and within the lake itself, such that likely significant effects on those Natura 2000 sites within and adjacent to Lough Ennell can be ruled out.

#### Foul Water

12.1.23. With regard to wastewater, this will discharge to Mullingar WWTP. While it is not set out in the AA Screening Report, nor in the application documents, foul water in the Mullingar Area is treated at the Mullingar WWTP. The primary discharge from the

treatment plant is to the River Brosna<sup>7</sup>, which in turn flows into Lough Ennell. Information on the Irish Water website indicates that the plan has a PE capacity of 55000 and that that the plant is currently compliant with its Emission Limit Values (ELVs) and that there is capacity remaining at the plant. It is further noted that the discharge from the wastewater treatment plant does not have an observable negative impact on the Water Framework Directive status<sup>8</sup>. Furthermore I am of the view that the effluent volumes from the proposed development would be insignificant given the overall scale of the WWTP facility and would not alter the effluent released from the WWTP to such an extent as to have a measurable impact on the overall water quality within the River Brosna, and subsequently Lough Ennell, and therefore would not have an impact on the current Water Body Status (as defined within the Water Framework Directive). On the basis of the foregoing, I conclude that the proposed development will not impact the overall water quality status of Lough Ennell and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Lough Ennell.

#### In-Combination Impacts

12.1.24. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from Mullingar WWTP, I consider that any potential for in-combination effects on water quality in Lough Ennell can be excluded. Furthermore, other projects within the Mullingar Area which can influence conditions in Lough Ennell via rivers and other surface water features are also subject to AA Screening (Stage 1) or Stage 2 Appropriate Assessment, and governing development plans are subject to regional policy objectives and SEA as well as their own local objectives in relation to the protection of European sites and water quality in the county and beyond.

12.1.25. Having regard to the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any likely significant effect to Natura 2000 Sites within the zone of influence of the proposed development

---

<sup>7</sup> [Microsoft Word - Mullingar AER report 2013A.doc \(epa.ie\)](#)

<sup>8</sup> Annual Environmental Report 2020 - Mullingar

## AA Screening Conclusion

12.1.26. It is reasonable to conclude that, on the basis of the information on the file, and on the basis of publically available information on the EPA and NPWS websites, which I consider to be adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on Lough Ennell SAC (0685) or on Lough Ennell SPA (4044), or any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

## **13.0 Conclusion and Recommendation**

13.1.1. The proposed residential scheme is acceptable in principle at this site with regard to the relevant zoning objectives of the Mullingar Local Area Plan 2014-2020 (extended) and having regard to its location on the edge of the urban area of Mullingar adjacent to existing residential development and having regard to existing and proposed pedestrian and cycle infrastructure facilities. In addition, the site is located in an area with a wide range of social infrastructure facilities. The height, bulk and massing, detailed design and layout of the scheme are acceptable. I am also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from a high standard of internal amenity and the proposal will contribute positively to the public realm. The overall provision of car parking and cycle parking is considered acceptable, subject to conditions. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

13.1.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

## **14.0 Recommended Order**

### **Planning and Development Acts 2000 to 2019**

## **Planning Authority: Westmeath County Council**

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 24<sup>th</sup> March 2022 by Steinfort Investments Fund, care of Stephen Ward Planning, Town Planning & Development Consultants Limited, Jocelyn House, Jocelyn Street, Dundalk, Co. Louth.

### **Proposed Development:**

The proposed Strategic Housing Development will consist of the construction of 130 no. dwellings comprising 36 no. apartment/duplex dwellings accommodated in 5 no blocks and 94 no. houses in semi-detached and terraced format. Buildings range in height from 2 to 2.5 storeys (including some that incorporate attic floor living space) in the following mix-23 no. 2 bedroom; 74 no. 3 bedroom and 33 no. 4 bedroom. The overall quantum of public open space provided to serve the development extends to c. 0.665 sq. m.

The proposed development also provides for the construction of a section (c. 187 m) of a new landscaped link street, incorporating cycle tracks and footpaths either side, in accordance with the Development Framework for the Mullingar South Framework Plan as contained within the Mullingar Local Area Plan 2014-2020 (as extended). In addition to serving the development itself, the proposed link street provides a potential future connection to residentially zoned lands to the west of the application site. Two new no. pedestrian/cyclist connections are also proposed along the northern site boundary providing pedestrian/cycle access only to the adjoining Chestnut Drive residential development.

Vehicular access to the development is provided via a new single access point off the Ballinderry Road (L1132) along the eastern site boundary onto the proposed new link street. The development also provides for the construction of a section of footpath (c. 70 metres) in a northerly direction on the western side of the Ballinderry Road from the application site entrance to connect to the existing footpath to the north.

The planning application also includes the demolition of an existing habitable dwelling and ancillary outbuildings and for all associated site development works including the provision of a pumping station and rising main to serve the

development and associated infrastructure and service provision, landscaping, boundary treatments, roads, footpaths public lighting, the provision of 3 no. ESB substations, downing of ESB powerline, Electrical Vehicle charging points and ducting. The site development works also provide for regrading infilling of land levels within the site and construction of retaining walls.

## **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 location of the site in an established urban area, with the site zoned for residential;
- (b) the policies and objectives of the Westmeath County Development Plan 2021-2027 and of the Mullingar Local Area Plan 2014-2020 (as extended);
- (c) Housing for All - a New Housing Plan for Ireland 2021;
- (d) the National Planning Framework which identifies the importance of compact growth;
- (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) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2022;

- (i) Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities – May 2021
- (j) 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;
- (k) The Planning System and Flood Risk Management (including the associated Technical Appendices), 2009;
- (l) The nature, scale and design of the proposed development and the existing availability in the area of a wide range of social, transport and water services infrastructure, as well as the proposed delivery of improved transport infrastructure including the provision of a new footpath on the Ballinderry Road;
- (m) The pattern of existing and permitted development in the area;
- (n) The submissions and observations received;
- (o) The Chief Executive Report from the Planning Authority; and
- (p) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

### **Appropriate Assessment**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have effects 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 an environmental impact assessment screening of the proposed development and considered the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(b) The existing use on the site and pattern of development in surrounding area;

(c) The availability of mains water and wastewater services to serve the proposed development,

(d) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(e) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Assessment and Appropriate Assessment Screening, the Services Design Report and Flood Risk Assessment, the Preliminary Construction Environmental Management Plan (CEMP), the Arboricultural Report, the Archaeological Impact Assessment and the Traffic and Transport Assessment, the Board did not consider that the proposed development would be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

**Conclusions on Proper Planning and Sustainable Development:**

The 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 urban 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 safety and would provide an acceptable form of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 15.0 Conditions

1. The 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. The period during which the development hereby permitted may be carried out shall be five years from the date of this Order.

**Reason:** In the interests of proper planning and sustainable development.

3. No elements of this permission shall be constructed independently, except under an agreed phasing plan which shall be submitted for the written agreement of the planning authority. All infrastructural works required shall be detailed within a revised phasing plan and the delivery of required open space area(s) on foot of each phase shall be completed before works on the subsequent phase commences, unless otherwise agreed in writing with the Planning Authority.



**Reason:** In the interest of clarity, orderly development and the proper planning and sustainable development of the area.

4. 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.

**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.

5. All mitigation and monitoring measures outlined in the plans and particulars, including the Preliminary Construction Environmental Management Plan (CEMP), the Arboricultural Report, the Services Design Report & Flood Risk Assessment and subsequent reports submitted with this application 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.

6. The following requirements in terms of traffic, transportation and mobility, and as relates to DMURS shall be incorporated, and where required revised drawings/reports showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development:

- (a) The proposed cycle track shall be fully segregated from the central avenue/link road.
- (b) The internal cycle track shall provide a direct connection with cycle/footpath infrastructure to be carried out along the Ballinderry Road.

- (c) A revised Stage 1 / Stage 2 Road Safety Audit in accordance with the provisions of TII document GE-STY-01024 Road Safety Audit (December 2017 Revision) on the final design for the proposed road layout for the development.
- (d) A Stage 3 Road Safety Audit post construction on the completed road layout in accordance with the provisions of TII document 'GE-STY-01024 Road Safety Audit'.
- (e) Full annotated design drawings for all proposed traffic calming.
- (f) A Public Lighting design that accords to the provisions of the Midland Counties Public Lighting Specification.
- (g) All Traffic Signs shall comply with Traffic Signs Manual published by the Department of Transport, Tourism & Sport, August 2019.
- (h) Detailed design and the delivery of required infrastructural works along the Ballinderry Road shall be agreed in writing with the District Engineer and carried out by the applicant prior to first occupation of the development. The development thereafter shall be carried out strictly in accordance with the agreed details.
- (i) Prior to commencement of development, the developer shall provide a revised site layout map and accompanying particulars which clearly delineates the design, layout and material finishes of all pedestrian/cycle connectivity links proposed for the written agreement of the Planning Authority.
- (j) Details of a proposed 'speed monitoring sign' at an appropriate location along the Ballinderry Road, as recommended in the applicant's Traffic and Transport Assessment.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

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

7. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission. Car parking spaces shall not be sold, rented or otherwise sub-let or leased to other parties. Car parking serving the entire development site shall be managed based on a detailed car parking management plan. Prior to the commencement of development, such a detailed car parking management plan shall be submitted for agreement in writing with the Planning Authority.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

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

9. Proposals for the development name and dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed 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 urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

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

11. The areas of public open space and communal open spaces, as shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation.

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

12. Full details of all boundary treatment (both internally and along the outer perimeter of this site) shall be submitted for the written approval of the Planning Authority.

**Reason:** In the interest of biodiversity, the protection of residential and visual amenity and the proper planning and sustainable development of the area.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

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

15. Water supply and the arrangements for the disposal of foul water, shall comply with the requirements of the Irish Water and the Planning Authority for such works and services.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

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

**Reason:** In the interest of public health.

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

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

18. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of

facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

19. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

**Reason:** To comply with the Councils taking in charge standards.

20. The management and maintenance of those areas not taken in charge shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of these areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

21. The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details of proposals as relates to soil importation and exportation to and from the site; details and location of proposed construction compounds, details of intended construction practice for the development, including noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

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

22. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**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.

**Reason:** In the interest of sustainable waste management.

24. 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.

25. The 38KV powerlines which traverse this site shall be relocated underground prior to the occupancy of any unit within this residential scheme.

**Reason:** In the interest of clarity, protection of residential amenities and the proper planning and sustainable development of the area.

26. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

27. 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.

28. 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.

29. 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



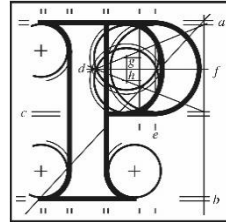
authority may facilitate and shall be subject to any applicable indexation provisions for Westmeath County Council of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, 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.

---

Rónán O'Connor  
19<sup>th</sup> January 2023

Appendix A: EIA Screening Form



**An  
Bord  
Pleanála**

**EIA - Screening Determination for Strategic Housing Development Applications**

<b>A. CASE DETAILS</b>		
<b>An Bord Pleanála Case Reference</b>		ABP-313099-22
<b>Development Summary</b>		130 no. residential units (94 no. houses, 36 no. apartments) and associated site works.
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An AA Screening Report was submitted with the application

2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Please see Sections 11 of Inspector's report.

<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b>	<b>Is this likely to result in significant effects on the environment?</b> <b>Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			

<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The residential use and other uses proposed and the size and design of the proposed development would not be unusual in the context of this residential area.</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>Such changes in land use and form are not considered to be out of character with the pattern of development in the surrounding area.</p>	<p>No</p>
<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such urban development. Development of this site will not result in any significant loss of natural resources or local biodiversity.</p>	<p>No</p>
<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains water and drainage services.</p>	<p><b>No</b></p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts. Lighting design to avoid overspill to adjoining lands</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>

<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p>Redevelopment of this site as proposed will result in an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p>The immediate area has been developed with housing in recent years. However the lands on which housing has been developed are residentially zoned lands, the development of which has been foreseen by the Westmeath County Development Plan 2021-2027 and by the Mullingar Local Area Plan 2014-2020 (as extended) both of which have undergone an SEA. Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	<p><b>No</b></p>
<p><b>2. Location of proposed development</b></p>			
<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <p style="padding-left: 40px;"><b>1. European site (SAC/ SPA/ pSAC/ pSPA)</b></p>	<p><b>Yes</b></p>	<p>There are no conservation sites located on the site. The closest pNHA/NHA to the site is the Royal Canal pNHA, located 400m to the east of the site. There are no pathways to same from the site and</p>	<p><b>No</b></p>

<p>2. NHA/ pNHA  3. Designated Nature Reserve  4. Designated refuge for flora or fauna  5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>significant impacts on same can be ruled out. I have considered the impacts on European Sites in Section 12 of this report. In this section I have concluded that, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the sites' Conservation Objectives. The site is not a place, site or feature of ecological interest which is referred to in the Westmeath County Development Plan 2021-2027 or in Mullingar Local Area Plan 2014-2020 (as extended).</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>No impacts on features of landscape, historic, archaeological, or cultural importance are anticipated.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>		<p>No</p>



<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p>	<p>No</p>
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>There is no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	<b>No</b>
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>		<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(c) The existing use on the site and pattern of development in surrounding area;

(d) The availability of mains water and wastewater services to serve the proposed development,

(e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Assessment and Appropriate Assessment Screening, the Services Design Report and Flood Risk Assessment, the Preliminary Construction Environmental Management Plan (CEMP), the Arboricultural Report, the Archaeological Impact Assessment and the Traffic and Transport Assessment, it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

**Inspector:** \_\_\_\_\_ **Ronan O'Connor**

**Date:** 19/01/2023