



An  
Bord  
Pleanála

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

## Inspector's Report ABP-313973-22

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### Strategic Housing Development

212 no. residential units (107 no. houses and 105 apartments), creche and associated site works.

### Location

In the townland of Rathgowan or Farranshock, Rathgowan, Mullingar. Co. Westmeath.

### Planning Authority

Westmeath County Council

### Applicant

DSPL Limited

### Prescribed Bodies

Irish Water  
TII

**Observers**

Bartosz Surowiec

John and Margaret O'Reilly and others

Mary Kelly and others

Rathgowan Residents Association

**Date of Site Inspection**

29<sup>th</sup> May 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 .....	10
7.0 Observer Submissions.....	18
8.0 Planning Authority Submission .....	20
9.0 Prescribed Bodies.....	28
10.0 Assessment.....	28
11.0 Environmental Impact Assessment (EIA) Screening.....	55
12.0 Appropriate Assessment: .....	59
13.0 Conclusion and Recommendation .....	69
14.0 Recommended Order.....	70
15.0 Conditions .....	73

## **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 (c.6.37ha) and is located at Rathgowan, Mullingar, Co. Westmeath. The site is located to the south of the R393 (Ashes Road) and to the east of the R394 (Mullingar Western Relief Road). There are two existing housing developments to the south and west of the site, Ardilaun Heights and Rathgowan Wood, both accessed from the Relief Road. There is a number of detached dwellings located to the north of the site, facing onto the R393. The site is mostly greenfield with some hardstanding areas on lands beside the existing housing at Ardilaun Heights and Rathgowan Wood.

## **3.0 Proposed Strategic Housing Development**

- 3.1.1. The proposed development will consist of 212 no. dwellings and a creche. The residential dwellings are comprised of 107 no. 2 & 3 storey houses, 86 no. 2 & 3 bed duplex units in 8 no. 3 storey blocks and 19 no. 1 & 2 bed apartments accommodated 1 no. 4 storey building, which also accommodates a crèche at ground floor level (428sq.m), with associated outdoor play area (c.258sq.m). The proposed houses consist of 31 no. 2 bed, 70 no. 3 bed and 6 no. 4 bed detached, semi-detached and terraced houses. The proposed development provides for all associated site development works, relocation of existing underground surface water attenuation tank, surface car parking (Total: 290 no. spaces), bicycle parking, bin & bicycle storage, public open space (c. 1.06Ha) & communal open space, hard & soft landscaping and boundary treatments, underground utilities, 3 no. substations and public lighting. Vehicular access to the development will be off the R394, via Rathgowan Park with pedestrian & cyclist access also proposed onto the R393 Ashe Road to the north.

## Key Figures

<b>Site Area</b>	6.37 Ha (Gross) / 5.96 Ha (Net Developable Area)
<b>No. of units</b>	212 (107 houses, 86 duplexes, 19 apartments)
<b>Density</b>	35.5 units/Ha (net)
<b>Height</b>	Houses - 2-3 storeys Duplexes - 3 storeys Apartment Block – 4 storeys
<b>Public Open Space</b>	1.06 Ha (17% of net area)
<b>Part V</b>	21 no. units
<b>Vehicular Access</b>	Via the existing internal access road within Rathgowan Park
<b>Car Parking</b>	290 no. spaces
<b>Bicycle Parking</b>	526 no. spaces
<b>Other uses</b>	Crèche (428sq.m), with associated outdoor play area (c.258sq.m).

## Mix

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

<b>Unit Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
House	-	31	70	6	107
%	-	29%	65%	6%	100%
Duplex	-	41	45	-	86
%	-	48%	52%	-	100

Apartment	9	10	-	-	19
%	47%	53%	-	-	100
<b>Total unit mix</b>	<b>9</b>	<b>82</b>	<b>115</b>	<b>6</b>	<b>212</b>
<b>%</b>	<b>4%</b>	<b>39%</b>	<b>54%</b>	<b>3%</b>	<b>100%</b>

## 4.0 Planning History

PA Ref 04/5226 – Permission granted on 3<sup>rd</sup> November 2004 for the construction of a 350 unit development, with creche (378 sq.m) and part of the C-Ring western bypass of Mullingar (Phase 1, comprised of 42 no. dwellings was completed, and is known as Rathgowan Wood/Rathgowan Park). The permission under Ref. 04/5526 has expired.

ABP Ref PL25M.215680 (PA Ref 05/5214) First Party Appeal against Planning Authority decision to refuse permission for a change of house type for 190 houses (together with change of unit boundaries) on part of the site and an additional 18 units (208 total) in a mixed scheme of detached, semi-detached and terraced units. The Board upheld the decision to refuse permission and the reason for refusal (as per order issued on 1<sup>st</sup> March 2006) was as follows:

*“The site of the proposed development is part of a larger site on which planning permission has been granted for an overall residential development (planning register reference number 04/5226). It is considered that the proposed development, on part of that larger site, having regard to the fragmented, poor quality open space provision, the lack of connectivity, the absence of childcare facilities and the layout, appearance and private open space provision of individual residential units, would constitute a disjointed design approach, which would provide an unsatisfactory residential environment and lack a sense of place. The proposed development would, therefore, conflict with the provisions of sections 2.2.3 and 2.3.2 of the current Westmeath County Development Plan and policies RP6 and RP7 of the current Mullingar Town Development Plan, would be detrimental to the amenities of future residents and would be contrary to the proper planning and sustainable development of the area”.*

PA Ref 08/5019 Permission granted on 3<sup>rd</sup> September 2008 for or a revised housing layout relating to 248 no. houses, creche, neighbourhood shop and a medical consultant commercial office, open spaces and site works, with access from Ashe Road and the C Ring Road. This permission has now expired.

## 5.0 Section 5 Pre Application Consultation

5.1.1. A section 5 Consultation meeting took place via Microsoft Teams on the 25<sup>th</sup> February 2022 in respect of the following development:

- 213 no. residential units (147 no. houses, 66 no. apartments), creche and associated site works.

5.1.2. In the Notice of Pre-Application Consultation Opinion dated 15<sup>th</sup> March 2022 (ABP Ref. ABP-312089-21) 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:

### Design Strategy

1. Further consideration and/or justification of the documents as they relate to the design approach of the proposed development and the need for a high quality, strong urban edge which integrates effectively along the R394. The further consideration/ justification should address the matters of the configuration, the layout and the architectural approach at the roundabout with particular emphasis on the appropriate elevational treatment of any buildings, boundary treatment and provision of high-quality public realm. Particular regard should be had 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) and the requirement for good design and the inclusion of a sense of place. Further

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

#### Permeability & Connectivity

2. Further consideration and/or justification of the documents as they relate to the permeability and connectivity both across the R394, between the existing residential estates and throughout the site. In this regard further consideration of the connectivity shall incorporate the provision of appropriate play facilities, landscaped areas, boundary treatments and pedestrian/ cycle ways throughout the site clearly delineating public, semi-private and private spaces, having regard to the requirements of Design Manual for Urban Roads and Streets (DMURS), the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2020) and 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009). Further consideration of these and the following issues may require an amendment to the documents and/or design proposals submitted to reflect a design solution to the movement of pedestrian/cyclist across the R394 and the prioritisation of pedestrian/cycle activity within the subject site.

5.1.3. The prospective applicant was notified that the following specific information should be submitted with any application for permission arising from this notification:

- A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/s and retail/ crèche area. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).
- Submission of a Road Safety Audit.



- Submission of a Construction & Environmental Management Plan (CEMP) which includes the location of any construction compound, and all remediation works following the removal of the compound.
- A statement DMURS compliance regarding permeability and connections with existing street network; hierarchy of routes and street function; enclosure including building frontage, furniture and planting along streets; parking; widths of carriageways and footpaths; pedestrian crossing points; and types of junctions and corner radii. The internal road layout should require measures to avoid the use of parallel roads. The submitted documents should demonstrate specific compliance with the particular stated provisions of DMURS. Generalised assertions regarding principles are not sufficient.
- A zoning map which includes the land use zoning on the site with an overlay of the proposed development and all associated infrastructure works
- A detailed phasing plan, including timing of delivery of the apartments, the communal and public open space and any other works associated with the proposed development.
- Relevant consents to carry out works on lands both within the red line and others which are not included within the red-line boundary.
- A drawing detailing all areas proposed for Taking in charge.
- Submission of a Request a Mobility Management Plan.
- A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
- 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.

## 5.2. Applicant's Statement

- 5.2.1. The application includes a statement of response to the pre-application consultation (Statement of Response to An Bord Pleanála's 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)**

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.

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.

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**

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).
- 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').
- Design Manual for Urban Roads and Streets (DMURS December 2013) (as updated) (Including Interim Advice note Covid-19 May 2020).
- Regulation of Commercial Institutional Investment in Housing. Guidelines for Planning Authorities (May 2021).
- 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).
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

### **6.1. Regional Policy**

#### **6.1.1. 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.

## 6.2. Local Planning Policy

### 6.2.1. 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 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 10.62 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 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:

The MLAP envisages that the majority of new residential development will occur within the three Framework Plan locations – i.e. Robinstown, Ardmore / Marlinstown and Mullingar South. In addition to these areas, residential development is also ‘provided for along the C-link, to the west of the town...The combined area available for residential development, outside the Framework Plans, including the aforesaid area along the C-link is 45 ha.’

The site does not lie within an area covered by a Framework Plan but adjoins the C-Link road.

### 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

The site is predominantly zoned “Proposed Residential” in the Mullingar Local Area Plan 2014-2020, with c.0.2Ha of land within the application site zoned “Open Space” in the south-eastern part of the site.

## **7.0 Observer Submissions**

- 7.1.1. 4 no. submissions on the application have been received from the parties as detailed below. The issues raised in the submissions are summarised below.

### Bartosz Surowiec

- Impact of construction traffic
- Road safety risks

- Noise impacts
- Increase in traffic/378 no. cars passing at least twice a day/traffic congestion
- Insufficient parking for crèche
- Noise from crèche
- Existing hedge to be removed acts as a sound barrier from road
- Increase in anti-social behaviour
- Security concerns
- Littering
- Fencing along Rathgowan Par/Wood should be higher

#### John O'Reilly and Others

- Wish to be connected to the sewerage network as part of the overall development
- Current using septic tanks
- Previous agreement in relation to a connection
- This is an issue of considerable environmental concern
- Maintenance of the tanks is currently carried out from the R393 Ashe Road by the access currently proposed for cyclists and pedestrians

#### Mary Kelly

- Construction traffic will damage road
- Additional traffic will be an issue
- Hedges should remain in place
- Increase in anti-social behaviour as a result of people cutting through the estate
- An alternative entrance to the estate should be found/between the two roundabouts

#### Rathgowan Residents Association

- Impact of construction traffic

- Increase in noise
- Increase in traffic levels
- Insufficient car parking for crèche
- No drop off zone for crèche
- Impact on views/sunlight levels from the 4 storey building
- Noise from crèche
- Existing hedge to be removed acts as a sound barrier from road
- New alternative road with direct access to roundabout as access to new development should be considered, Road which would be parallel to Rathgowan Park but on the other side of green hedge along Rathgowan Park would solve this issue
- Objection to pedestrian passage in plans to link new and currently existing estate through Rathgowan Wood green area. (beside no 29 Rathgowan Wood- would create significant pedestrian crossing through estate);
- Currently existing estate should be treated as additional road of new estate and under no circumstances should be used as access road to new estate.

## 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 and I have summarised same below.

### Principle of Development

- Satisfied that the proposed development will provide for plan-led growth that will assist in addressing housing needs within the urban area of Mullingar, subject to satisfying all other planning considerations.

### Zoning/Density/Mix

- Development is provided for by the zoning.

- Density is acceptable having regard to the LAP and the Sustainable Residential Density Guidelines.
- Mix is acceptable.

#### Architecture and Urban Design

- The proposed building heights which range from 1 to 4 storeys in height are considered acceptable at this outer suburban location in Mullingar and is consistent with national guidelines on Building Heights.
- House Type G1, G2 and G3 consist of five (no.) 3 storey 4-bedroom dwellings in a terrace formation/design and form of these dwellings are not considered comparable to adjacent existing and permitted development/considered that the proposal as presented is visually obstructive and does not assimilate effectively into either the development proposed or existing neighbouring residential developments.
- a minimum of 5% of units to be designed and built to facilitate occupation by persons with a disability without structural changes, in accordance with 'Universal Design Guidelines for Homes 2015' (CPO 3.14)
- Daylight and Sunlight - assessment concludes there will be minimal impact to the existing adjacent dwellings and associated amenities.
- Trees- Further consideration be given to the design of the road and housing layout, to secure the retention of additional tree
- Potential for the incorporation of green roofs systems for the Apartment block and Creche.

#### Landscape and Open Space Strategy

- Open spaces are easily accessible to all residents and provide passive and active open space/broadly consistent with the requirements of the MLAP.
- Environment Section raise concerns regarding the maintenance of lands located adjacent to the proposed development site and within the applicant's ownership/ requests the levying of an additional sum for the soiling, seeding and ongoing maintenance of this area of grass in wildflower meadows

#### Access and Transportation

- Recommended that a crossing facility be provided which directly links with the proposed pedestrian and cyclist pathway exiting/entering the proposed development.
- With regard to construction traffic, there is a discrepancy within the documentation submitted/more appropriate to have construction traffic accessing the site from the R393, as this route will have less impact on local residents
- In relation to the "right of way" along the site boundary to the north, the proposed layout does not appear to impede connectivity across the site, including the route leading to lands identified within folio no. WH5834. Whilst noting same, it is advised that the grant of planning permission does not confer any right to build where any title and other compliance requirements arise.

#### Car Parking, Pedestrian and Cyclist Movement

- Recommended that the Board should consider the inclusion of two additional sections of 4m wide combined pedestrian/cycle paths adjacent to the northern boundary of Rathgowan Wood and the western side of the Development to the C link cycle paths to the west of the roundabout on the C link
- The proposed connectivity (pedestrian/cycle) with Rathgowan Wood and both the R393 and R394 is in accordance with CPO 16:25 of the WCDP
- The proposed car parking is provided in accordance with the Development Plan standards
- For the proposed apartments and duplex units, bicycle parking is provided for in accordance with the 2020 the Sustainable Urban Housing Design Standards for New Apartments.

#### Services

- Water Supply-it is noted that there is sufficient capacity at the Partioman Water Treatment Plant to supply the proposed development
- District Engineer has no outstanding matters raised in respect of services proposed, subject to conditions.

#### Flood Risk

- Some areas within the site which may be subject to pluvial flooding due to their naturally low depressions.
- Considered that the provision of a suitable surface water drainage system for proposed development on the site will mitigate against this risk/
- District Engineer highlights that in order to facilitate this development a connecting surface water pipeline from the subject development through the Mullingar Harriers Club to an existing surface water outlet drain is required.
- Recommended to include a special contribution by means of a planning condition to apportion a percentage of the cost on the developer, to facilitate this development.

#### Childcare Facilities

- Proposed details are considered acceptable

#### School Capacity Assessment

- In addition to the capacity identified in the application there is also additional capacity at post-primary school level in St Finlan's College which is located to the northwest of the town on the Old Longford road and not considered in the assessment provided
- St Finian's College recently obtained planning permission for extension works which will accommodate an increase in its student population capacity by approximately 200 additional students.

#### Part V Housing

- Unclear from the information submitted as to when these lands were obtained by the applicant
- Not possible to determine the appropriate percentage (10% or 20% ) in respect of compliance with Part V requirements of the Planning and Development Act 2000, as amended
- Considered that an appropriate mix of units should be provided to cater for a variety of household types and tenures

- Part V units should be apportioned across the 4 Phases in a more equitable manner
- The proposal should be subject to condition requiring the making of a formal agreement with the Planning Authority under the provisions of Part V

#### Archaeology

- Three areas of archaeological and historical potential were identified and recorded as Archaeological Areas (AA)
- These sites will be impacted by the proposed development and construction works on site will result in the total removal of these sites.
- The three sites are recommended for full archaeological excavation and recording in advance of construction.
- Notes recommendations of the Report on Archaeological Testing.

#### Ecological Survey

- Based on the successful implementation of the mitigation measures and proposed works to be carried out in accordance with the accompanying landscape plan, there will be no significant ecological impact as a result of the proposed development.
- Site compound should be appropriately located within the confines of the site red line boundary/not to use adjacent lands in developer's ownership, which are zoned "Open Space" for this purpose, unless otherwise agreed with the Planning Authority.
- Recommended that a condition be attached which requires that a detailed Construction Environmental Management Plan (CEMP) for the construction phase be submitted to the Planning Authority which shall identify the location of the construction compound within the site boundary and incorporate the mitigating principles to ensure that the work is carried out in a way that minimises the potential for any environmental impacts to occur.

#### Phasing

- The phased delivery of this overall development is considered acceptable in principle.



## Conclusion and Recommendation

- It is the opinion of the Planning Authority that revised house design proposals are required in respect House Type G1, G2 and G3 which consist of five no. 3 storey 4-bedroom dwellings in a terrace formation.
- Subject to the above being satisfactorily addressed and An Bord Pleanála's (being the 'competent authority') determination in relation to EIAR/AA, the proposed strategic housing development would, subject to the conditions outlined hereunder, be acceptable subject to the attachment of appropriate conditions.
- Recommended that permission be **Granted** in this instance subject to recommended conditions.

### 8.1.2. Recommended Conditions of note include:

- Revised house designs for House Type G1, G2 and G3
- Two additional cycle paths
- Special contribution towards infrastructural works (pipeline)
- Special contribution towards infrastructural works (footpath/cycleway)

## Elected Members

### 8.1.3. 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 Friday 5<sup>th</sup> August 2022.

- Concerns in relation to the proposed phasing of the development
- Area 2 on the phasing map should be completed first followed by Area 1 which would lead to less disturbance to residents.
- Queries were also raised as to whether there was a proposed 4 storey building in the development and if so whether this would be in accordance with the Council's Building Height Policy
- Concerns were raised in relation to potential vehicular access link to adjoining lands to the west.

- Further concerns were raised about traffic management and road safety arrangements due to increased traffic volumes onto a busy road with multiple entrances near two local schools.
- Additional signage may be required to address traffic backlogs during the early morning rush hour.
- The addition of the pedestrian crossing and walking/cycling route was welcomed as was the proposed crèche
- The proposed development of a vacant site for housing purposes was welcomed.
- Concerns were raised in relation to ease of access to town and the need for bus/cycleway provision for the development.
- The need for an assessment of school places by the Department of Education was also highlighted as a development of this size will have a major impact on school places at local schools. Concerns were raised regarding the phasing of the development and the potential that all phases would not be completed, due to increased construction costs was highlighted.
- The proposed open space provision and environmental amenity areas as a much more holistic development was welcomed and it was submitted that their provision should be locked in so that the developer can't exchange these land for something else (as per previous experience in Kinnegad).
- Concerns raised on behalf of the residents of Rathgowan Wood. These concerns included the potential impact of increased noise levels by heavy machinery during and after construction phase and the need for noise screening arrangements to be put in place between the new development and existing estates
- Concerns were also raised about the increase in traffic that a development of 212 units would generate.
- Health and safety concerns were raised in association with the traffic that would be generated by the 4 storey creche facility in an estate which already has limited parking.

- Further concerns were highlighted regarding construction debris and the request from residents that an alternative access point to the new development be considered.
- Concerns in relation to overgrown trees impinging into properties in adjoining estates were highlighted and it was submitted that more boundary treatment details should be provided, particularly in areas proposed to adjoin existing residential homes.
- It was further indicated that the provision of pedestrian access routes into adjoining estates was not favoured.
- The level of social housing provision in the proposed development was also queried.
- Queried the relationship between the existing cycle lane in the vicinity and proposed development and proposed active travel measures, including how these would be delivered.
- Concerns were also raised around the potential negative impact on biodiversity and clarity was sought as to whether an ecological impact assessment had been conducted.

### Internal Reports

#### Environment Section / Water Services

- Comments with regard to Active Travel, contents of CEMP, retention of trees, nature-based surface water solutions and treatment of adjacent lands zoned open space

#### 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.

### Property

- Reference made to right of ways and wayleave burdens.

## 9.0 Prescribed Bodies

### Irish Water:

- Note sufficient capacity available in respect of water and wastewater.
- Potentially Irish Water (IW) water and wastewater assets within the southwestern area of the development site/ applicant must therefore engage with Irish Waters diversion section in regard to an assessment of feasibility of any diversions which may be required/ the applicant has not engaged with the Irish Water diversions section to assess feasibility of a potential build over / near.
- Recommends conditions

### TII

- No observations to make

## 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

## Zoning

- 10.2.1. The majority of the 6.37 Ha site is zoned 'Proposed Residential' as set out in the Mullingar Local Area Plan 2014-2020 (as extended) ["the MLAP"] 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 and I note that that the Planning Authority has raised no objection to the principle of development.
- 10.2.2. There is a small area zoned 'Open Space' (0.2ha). Within the area of open space it is proposed to relocate an existing underground attenuation tank and to accommodate a pedestrian and cycle path from the R394 into the development. I am satisfied that, given the attenuation tanks will be located underground, the provision of a use compatible with the open space zoning above same will be possible and no material contravention issues arise in relation to same. In relation to the pedestrian and cycle access, this will also provide access to any future uses that are compatible with the open space zoning, and I am of the view that these access routes are compatible with the overall objective for the open space area, which is *'to provide for, protect and improve the provision, attractiveness and accessibility of public open space and amenity areas intended for use for recreational or amenity purposes'* (my emphasis).

## Core Strategy

- 10.2.3. Table 2.9 of the Westmeath County Development Plan ["the Development Plan"] sets out a projected housing yield for Mullingar for the lifetime of the Development Plan (from 2021 to 2027) of 1350-2010 housing units. The proposal does not raise any issue in relation to compliance with housing targets.

## Density

- 10.2.4. The proposed density is 35.5 units/Ha (based on a net developable area of 5.96 Ha). 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.

- 10.2.5. 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.
- 10.2.6. The Mullingar Local Area Plan 2014-2020 (as extended) states that the Planning Authority will have regard to the principles as outline in the Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual, and also refers to a density of 35-50 unit/ha in outer suburban Mullingar (Section 9.9.4 refers). Outside the Framework Plan areas, Table 2.6 of the MLAP states that *inter alia* for 'Outer Suburban/Greenfield Sites' a density range of 30-35 units/Ha will apply. I am of the view that the site can be defined as such, rather than an 'Outer Edge of Urban/Rural Transition Site' where a lower density range of 20-35 units/ha would apply, with reference to Table 2.6 of the MLAP. The Planning Authority are also of the view that the site can be defined as an Outer Suburban/Greenfield Sites.
- 10.2.7. In relation to Section 28 Guidelines, I note the provisions of SPPR 4 of the Urban Development and Building Heights – Guidelines for Planning Authorities' (2018), states which states

*"It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure: 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), ABP-313265-22 Inspector's Report Page 34 of 105 titled "Sustainable Residential Development in Urban Areas (2007)"<sup>1</sup> " or any amending or replacement Guidelines; 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and 3. avoid mono-type building*

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<sup>1</sup> I note the correct reference should be 'Sustainable Residential Development in Urban Areas (2009)'

*typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more”*

- 10.2.8. I am of the view that the site is an edge of town location and as such, SPPR 4 provisions apply and the Board is obliged to apply those density provisions as set out in Sustainable Residential Development in Urban Areas (2009). I have considered the issues of mix and typologies in Section 10.3 below.
- 10.2.9. 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.
- 10.2.10. 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.
- 10.2.11. The Planning Authority have not raised an objection to the density proposed. I am satisfied that the density proposed in this instance is generally in accordance with density range set out in the in LAP for this site, notwithstanding that the proposed density is 35.5 units/ha, which is slightly above the upper limit of 35 unit/ha for this site as set out in Table 2.6 of the MLAP. I would note that a density of 35 units/Ha would result in 209 no. units, 3 no. units less than that proposed here. As such I am not of the view that the density as proposed, resulting in an additional 3 no. units over the 209 units that would be provided by a density of 35 units/ha (or an additional 1.4% of the 209 units) would represent a material contravention of the MLAP, notwithstanding that the applicant has submitted a Material Contravention Statement with the application, which refers to possible material contraventions of the Development Plan and the MLAP, including those provisions relating to density.

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

- 10.3.1. 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 proposed CGI Views and a Housing Quality Assessment). 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.
- 10.3.2. 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 detailed design of a number of the house types (House Types G1, G2 and G3) and revised house types are requested by way of condition. Elected Members have queried if the proposed 4 storey height is in line with policy.
- 10.3.3. 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.
- 10.3.4. In terms of the proposed heights, the proposed heights range from 2-3 storey for the housing units, the duplex units are 3 no. storeys and the 1 no. apartment block is 4 storeys in height. There is no prescribed limit on height in Mullingar set out either the MLAP or in the Development Plan. The MLAP sets out that ‘tall buildings over 3-4 storeys are generally considered to be inappropriate for residential use in Mullingar’. There is no building over 4 storeys in height proposed under this application. As such, I am not of the view that the proposed height would result in a material contravention of the MLAP, notwithstanding the submission of a Material Contravention Statement, which refers to issues including *inter alia* height. The MLAP defines a tall building as ‘over 3-4 storeys in height’ (Section 9.1.5 refers) and I am not of the view the proposed 4 storey block here falls within this definition, and therefore the criteria for such tall buildings as set out in 9.1.6 and 9.1.7 of the MLAP do not apply in this instance



- 10.3.5. In relation to the height proposed, I refer to the Urban Development and Building Height Guidelines (2018) (“Building Height Guidelines”). Within this document it is set out that that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas (Section 1.21 refers). Furthermore, I note the provisions of Section 1.9 of the guidelines which state that there is scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which include suburban areas.
- 10.3.6. Section 3.2 of the Guidelines set out development management criteria to be applied when assessing development proposals for buildings taller than prevailing building heights, which is the case in this instance where buildings of 2, 3 and 4 storeys are proposed, with the prevailing height being 2 storeys. The criteria provide a useful framework to assess the heights proposed here. At the scale of the town, I have considered the accessibility of the site below, and I am satisfied that the site is relatively accessible. At the scale of the district/neighbourhood/street I am of the view that scale and height responds well to the context of the site, as discussed below in greater detail. Criteria 3.2 also sets out that, at the neighbourhood scale, proposals such as these are expected to contribute positively to the mix of use and building dwelling typologies, I have considered the mix and building typologies below, and I have concluded the proposal complies with this criteria. While the principle of the proposed heights are acceptable, further criteria to be considered within Section 3.2 include the need to ensure that the massing and height of the proposed development is carefully modulated so as to maximise access to natural daylight, ventilation and view and minimise overshadowing and loss of light. I have set out my assessment of the internal amenity of the proposed units, as results to daylight and sunlight in Section 10.4 below, and I am satisfied that a sufficient standard of daylight and sunlight would be provided to the units. I have considered the issue of overshadowing of proposed amenity spaces in Section 10.4 below. I have considered the issues of surrounding residential amenity, in relation to overshadowing, daylight and sunlight in Section 10.5 below, and I am satisfied that there will be no significant adverse impact on surrounding residential amenity, as relates to daylight, sunlight and overshadowing impacts. In relation to specific assessments, the Guidelines require that such assessments may be required, and

refer to an assessment of the micro-climatic effects of the proposed development. In relation to same, I do not consider that the maximum height of 4 no. storeys would have a material impact on wind patterns locally, and I am not of the view that the height is such that any specific technical assessments such as wind study or telecommunications study is required nor are the heights, at a maximum of 4 storeys, such that at a specific bat or bird collision study/assessment is required.

- 10.3.7. In relation to the criteria set out the Urban Design Manual, I have evaluated the proposal in relation to same below.
- 10.3.8. In terms of the location of the site and connectivity, I note that the site is relatively well connected with existing footpath connections to the town centre. The proposal is delivering additional connections the R394 to the east. It is also proposed to connect to the R393 to the north (see further discussion of this connection in Section 10.6 below). A potential future connection through the existing public open space in Rathgown Wood is also provided for in the proposed development. I am satisfied that the proposal provides sufficient connections to the town and to existing and future sites.
- 10.3.9. In terms of context, while the surrounding development are generally 2 storey in height, I am of the view that the varying heights of the 2-3 storey housing, the 3 storey duplexes, and the 4 storey apartment block, provide visual interest to the scheme, and are also in line with the provisions of the Building Height Guidelines, which encourages greater heights in suburban locations such as this site. In relation to House Types G1, G2 and G3, these are located within a terrace of 5 no, properties to the east of the site, and are three storeys in height. The Planning Authority are of the opinion that these units appear out of context. While these units are different in form and appearance to the other units within the scheme, and to surrounding developments, I am satisfied that they add to the visual interest of the scheme, and the location of these units, in proximity to the 4 storey apartment blocks, to the east of the site, provide for a defined urban edge, adjacent to the R394 C-Ring Road. I am also of the view that the wide variety of housing typologies proposed under this application are in line with the provisions of part 3 and 3 of SPPR 4, as referred to in Section 10.2 above, and within these typologies variation in design is proposed, providing a distinctiveness to the development. As such, I am not of the view that a revised design is necessary in this instance.

10.3.10. In terms of the visual impact, I note that there are no protected views (as defined in Map 67 of the Development Plan, MLAP Map 6 – in relation to Listed Views) or other views of special amenity value impacted by the proposal, and as such there is not necessarily the need for a standalone ‘Visual Impact Assessment’ in this instance (as per Section 9.12 of the MLAP) nor have the applicants submitted same. I note that the overall height of the flat roofed 4 storey block, sits slightly lower than the adjoining pitched roofs of the 3 storey dwellings, with the parapet level of the 4 storey block being +112.8m OD, and the ridge level of the adjacent 3 storey houses to the north being 113.3m OD. This is a result of the proposed 4 storey building being situated on the lower part of the site, serving to reduce the visual impact of same. In terms of views from neighbouring residential properties, the proposal will have a minimal visual impact in my view, with heights of the houses and duplexes limited to 2 and 3 storeys, with an appearance that is generally in keeping with a suburban housing estate. The 4 storey block is set back at least 31.5 m from the nearest existing housing at Rathgowan Wood, with the 4 storey element of same set back at least 43m from same. The form of development that is proposed under this application 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 within the internal road network, and in my view, these demonstrate the minimal visual impact that will result from the development, Generally speaking, 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.

10.3.11. In terms of the layout of the scheme, and the distribution of open spaces, I am satisfied that 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. 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). 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.

10.3.12. In terms of accessibility. I note that all of the dwelling houses have level access. All units within the development will meet the requirements of Part M of the Building Regulations. In terms of the mix of units I have set out the proposed mix below:

<b>Unit Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
House	-	31	70	6	107
%	-	29%	65%	6%	100%
Duplex	-	41	45	-	86
%	-	48%	52%	-	100
Apartment	9	10	-	-	19
%	47%	53%	-	-	100
<b>Total unit mix</b>	<b>9</b>	<b>82</b>	<b>115</b>	<b>6</b>	<b>212</b>
<b>%</b>	<b>4%</b>	<b>39%</b>	<b>54%</b>	<b>3%</b>	<b>100%</b>

10.3.13. 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. In terms of adaptability, the house layouts are designed to facilitate adaption with lightweight partition walls which can facilitate internal alterations.

10.3.14. In relation to the mix of uses provided within the development. the proposal is by definition limited in terms of the mix of uses that can be provide, given the nature of the proposal as a Strategic Housing Development. However, a crèche has been provided (428 sq. m) as well as a variety of open spaces with play areas have been provided which helps to promote a good mix of activities on the site.

10.3.15. In terms of efficiency, 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 and the Sustainability and Energy Statement set 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.

#### Conclusion on Design and Layout

10.3.16. Overall I am satisfied that the proposed design and layout of the proposal is acceptable.

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

10.4.1. The Planning Authority have stated that the overall mix is acceptable. It is stated that, a minimum of 5% of accessible units should be provided. In relation to the open space, it is stated that the proposed provision is broadly consistent with the requirements of the MLAP.

#### 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 (June 2022)' (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 Daylight and Sunlight Assessment Report applies the standards and recommendations of the 3rd edition of BRE - Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice (2022) (the latest edition of the BRE Guidelines).

10.4.4. It is set out within the report that, of the apartments and duplex units, 98% of all habitable rooms exceed the minimum target levels for daylight provision (with reference to the illuminance method) and 95% of the spaces meet the target levels for sunlight provision.

10.4.5. In relation to same I am satisfied that, overall, the proposed units will have a high standard of daylighting and sunlighting. In relation to those habitable rooms that do not meet the standard, the proposal provides compensatory measures as follows:

- Ground floor terrace to the rear, accessed through the units, are provided above the required areas.
- Communal amenity areas are well in excess of requirements.
- All duplex apartments have direct aspect/adjacent to open space lands.

#### Amenity Spaces

10.4.6. The BRE Guidelines (2022) 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 communal amenity spaces (S1 to S9) with the proposed development with 100% of these areas of open space exceeding BRE standards.

#### Conclusion on Daylight/Overshadowing

10.4.7. As expected in a scheme of this nature, in which heights are not excessive, with the majority of the built form being 2 and 3 storeys in height, with only 1 no. 4 storey block set well away from surrounding development, 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 close to 100% compliance with BRE Standards. In relation to those units that do not meet the standard, adequate compensatory measures are set out. 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

10.4.8. A total of 10600 sq. m. (1.06 ha) of public open space is provided, which equates to approx. 17% of the net site area. 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. As such sufficient public open space has been provided/

10.4.9. In relation to communal open space to the apartments this is proposed in the form of a semi-private / communal open space adjacent to same. The total area of same is 119 sq. m. exceeding the Apartment Guidelines Standards of 115 sq. m for the 19 units proposed. In relation to the duplex units, these units have terrace areas, which are as follows:

- Block 6 – 340 sq. m; Block 7 – 268.9 sq. m; Block 8 – 216 sq. m. (total of 825 sq. m).

10.4.10. This is in line with Apartment Guidelines Standards.

#### Private Amenity Space

10.4.11. Objective CPO 16.19 of the Development Plan states that new apartments should be designed in line with the design criteria as set out in the 2018 Sustainable Urban Housing: Design Standards for New Apartments. 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 as set out in the Apartment Guidelines (2022). As such the private open space standards for the duplexes and apartment have been met, and comply with the most recently adopted policy document, notwithstanding the provisions of Section 9.9.14 of the 2014 MLAP which set out a higher standard of open space provision. I am not of the view that the proposal represents a material contravention of the MLAP, notwithstanding the reference to same in the applicant's Material Contravention Statement, and the Planning Authority are not of this view either, and have applied the standards as set out in the Development Plan, and in their submission on this application, note compliance with same.

#### Dual Aspect

10.4.12. 59% of the apartments are dual aspect, with no. north facing single aspect units provided, and the duplexes are 100% dual aspect. The dual aspect provision therefore is in excess of the 50% dual aspect units 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, generally to the south of the site, at Ardilaun Heights. The site boundary wraps around the houses at Rathgowan Wood and Rathgowan Park, and lies to the west, north and east of same. To the north there are existing housing on the south side of the R393, in proximity to the site boundary.

- 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 cycle and pedestrian 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. Observer submissions have raised concerns in relation to noise pollution from vehicles accessing the site, at construction and operational stages. Objections are raised in relation to the road/cycle/pedestrians link off the existing residential estate (Rathgowan Park), and it is stated that this element will result in road safety concerns, anti-social behaviour and security concerns. Concern is also raised in relation to noise impacts during construction stage. Concerns in relation to the visual impact of the 4 storey apartment block and the impact of same on sunlight levels.

#### 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 3<sup>rd</sup> edition of the BRE Guidance (2022). The report notes that there will be minimal impact to the daylight and sunlight to the adjacent dwellings with no perceivable reduction in either daylight or sunlight. There will be a minimal reduction in the sunlight to any of the adjacent amenity spaces. All areas assessed continue to meet or exceed the recommendations of the BRE guidelines
- 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. 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.*

As noted in the report, no windows to the adjacent buildings facing the proposed development, face within 90° of due south. Additionally all of the proposed units are to the north of the existing houses and their gardens and will not impact on the sunlight. 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. In relation to same, I note that there are some proposed units that lie to the east or west of existing units, and as such there is some potential for loss of sunlight. However, where this is the case the proposed units are a sufficient distance from existing unit to ensure that any impact would not be significant (for example the distance from proposed Unit 210, a three storey end of terrace unit, to the rear of nearest property in Rathgowan Wood is 27m).

Therefore I am satisfied there is no potential adverse impact as related to loss of sunlight to windows or overshadowing of amenity areas.

#### Surrounding Amenity Spaces

10.5.8. Section 7 of the report notes that the private amenity spaces of the adjacent residential properties are due south of the proposed development and hence there would be no impact on sunlight levels to these amenity spaces. In relation to same, and as noted above, there are some proposed units that lie to the east or west of existing units, and as such there is some potential for loss of sunlight to existing gardens. However, where this is the case the proposed units are a sufficient distance from existing gardens so as to mitigate any impact. With reference to the sunlight amenity diagram as set out in Section 7.2 of the submitted Daylight & Sunlight Assessment, it is clear that that given the proposed amenity spaces meet BRE Criteria in relation to sunlight to amenity spaces, those existing amenity spaces, which lie further from the proposed units, will also meet BRE Criteria and as such I am satisfied that there will be no material impact on sunlight levels to existing amenity spaces as a result of this proposed development.

#### Conclusion on daylight, sunlight and overshadowing

10.5.9. 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

10.5.10. The nearest directly opposing windows are those dwellings at Ardilaun Heights, which have rear windows that face towards the rear windows of the proposed dwellings. The nearest directly opposing rear windows are set back at least 22m from each other. This distance is in line with Section 9.9.9 of the MLAP which states that, in general, there should be a distance of 22m between opposing rear first floor window. I am satisfied that there will be no loss of privacy and/or material overlooking of existing properties.

#### Noise Impacts

10.5.11. In terms of noise impacts from at construction stage, I note that this will be temporary in nature, and some level of noise disturbance is necessary to facilitate development

that is adjoining existing residential estates. I note the Planning Authority have suggest that construction traffic should access the site from the R393 (to the north of the site). I concur with same and I share the view that this access point is more favourable in terms of safety and residential amenity, than the suggested access point via Rathgowan Park (as outlined in the Construction and Environmental Management Plan).

10.5.12. I note the concerns of an observer in relation to noise impacts, including noise impacts from the crèche. I am of the view the impacts as a result of noise would not be so dissimilar to the existing noise environment, associated with the existing road network, the existing residential housing estates, and from the school. While there will some noise generated from the crèche, this will be during daytime hours, and noise impacts resulting from the crèche and from the development are what one would expect from a residential development of this scale in an urban area, on land zoned for such development, and would not have a significant impact on surrounding residential amenity. I note also that a submission has stated that the existing hedgerow provides a noise barrier from the road. In relation to same, I assume that this is referring to the existing immature hedge to the east of the housing on Rathgowan Wood. This would appear to have grown in the over the last 9 years or so<sup>2</sup>. While it may provide some barrier to noise levels, I would note that the development of the lands to the east of the housing was always envisaged, and it was likely that this hedge would not remain in place. It is also likely that the proposed housing units would also provide some barrier to road traffic noise from the R394.

## 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 (June 2022), the DMURS Statement of Compliance (June 2022), the Stage 1 & 2 Road Safety Audit (May 2022), the Mobility Management Plan (June 2022) and the Outline Construction and Environmental Management Plan (June 2022).

10.6.2. The Planning Authority submission has not raised any fundamental concerns, in relation to transport Issues, although have recommended that a crossing facility be provided which directly links with the proposed pedestrian and cyclist pathway

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<sup>2</sup> It does not appear in Google Streetview dated from September 2013.

exiting/entering the proposed development, and that Board should consider the inclusion of two additional sections of 4m wide combined pedestrian/cycle paths adjacent to the northern boundary of Rathgowan Wood and the western side of the Development to the C link cycle paths to the west of the roundabout on the C link.

- 10.6.3. Observer submissions have raised transport related issues including the impact of construction traffic, road safety concerns, use of the existing access road to access the proposed development, increases in traffic volumes on the existing access road, insufficient parking for the crèche and the lack of a drop off zone for same. It is set out that an alternative access should be provided, parallel to the existing access road or via a route located in between the two existing roundabouts. Objections are also raised in relation to the future pedestrian link indicated on the plans, which would cross the existing open space associated with Rathgowan Wood, as it would result in a significant increase in pedestrians crossing through the estate.

DMURS/Proposed Transport Infrastructure/Permeability

- 10.6.4. The proposal has incorporated the requirements of DMURS and makes provision for increased permeability, including connections the east of the site, as well as potential future, vehicular cycle and pedestrian connections to adjoining lands. The proposal has integrated a street hierarchy, with limited use of cul-de-sacs, and the incorporation of home zones. The applicants have also proposed a connection to the north of the site, with access onto the R393 road. However, where this connection adjoins the road, there is no existing footpath, and the closest footpath is located to the east, at a distance of approximately 100 m. This issue is identified as a problem in the Stage 1 & 2 Road Safety Audit. The Planning Authority have recommended that the applicant provide design details of a footpath/cycle path along the R393 to tie in with this proposed access point, and have also recommended that the applicant provide a special contribution towards the funding of same. It is not clear what side of the road is being referred to as an extension of the footpath on the northern side of the R393 would require a pedestrian crossing, while an extension on the southern side would negate the need for same, although ideally an extension on both sides of the road would be possible. It is also not clear who is to deliver the project. However, I am of the view it is possible to impose an appropriately worded condition should be to ensure that this project is delivered prior to the occupation of any of the proposed units.

- 10.6.5. I note a toucan crossing is being provided on the R394 which will tie in with the proposed cycle/pedestrian link through the development. This link will provide an alternative access point for pedestrian through the development, as well as providing access to the R393 to the north of the site.
- 10.6.6. I note the Planning Authority has suggested that two additional 4m wide combined cycle/pedestrian paths be provided, to the north of Rathgowan Wood (through the proposed public open space) and to the west of Rathgowan Wood (through the proposed public open space and existing open space associated with Rathgowan Wood. In relation to same, I would note that a 4m wide pathway through the proposed open space to the north of Rathgowan Wood, would have implications for the amenity value of this open space, and I note that there is already a proposed pathway to the north and south of the space. I am not of the view that the benefits of an additional cycle/pedestrian pathway through this open space would outweigh the loss of some area of open space. In relation to the area to the west of Rathgowan Wood, again I am of the view that a 4m wide cycle/pedestrian pathway here would result in substantial land take from the proposed and existing areas of open space. However, a pedestrian connection here, as indicatively shown on the plans, would be of benefit in term of permeability, and would not encroach as much onto the areas of open space. I note that the a number of observers have raised concerns in relation to this proposed link, stating that it will raise security concerns and increase pedestrian traffic through the existing estate. However, such the a link is supported by 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'.
- 10.6.7. With reference to the guidance as set out in DMRURS, I note that this link, and the other 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 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 links are not a 'laneway' links of substantial length where such issues could potentially arise. The proposed links are filtered links, which serve only pedestrians and cyclists, which is in line with DMURS guidance.

- 10.6.8. I further note also that the areas which the link to the west of Rathgowan Wood would pass through are owned by the applicant or in charge of the Local Authority (as per the submission from the Planning Authority). I would recommend that this proposed link should be provided by way of condition, should the Board be minded to grant.
- 10.6.9. In terms of road connections, the proposal is tying into the existing road connections within the Rathgowan Wood estate. It would appear that additional connections to this road were always intended having regard to the evidence of unfinished connections from same. In terms of road safety, the Road Safety Audit does raise concern in relation to the existing Rathgowan Park Road arm of the Farran, and notes that a solid pedestrian refuge should be provided here, in light of the proposed increases in road traffic along this arm. Subject to this being provided, I am not of the view that the use of the existing Rathgowan Wood access road will raise road safety concerns, nor will it result in negative impact on residential amenity. I am not of the view that an additional road connection, off the existing roundabout, or parallel with the existing road, as suggested by some observers, is necessary, nor would this be an efficient use of residential zoned land, given that an existing road exists, which has sufficient capacity to accommodate the new access point. In particular a parallel access road would not be in line with the provisions of DMURS. While there will be additional traffic on this road (46 arrivals, 94 departures trips in the AM Peak, between 08:15 and 09:15 and 84 arrivals and 50 departures trips in the PM peak, between 15:30 and 16:30 as well as additional traffic throughout the day) I note that the existing road network was always earmarked for additional connections, having regard to the planning history of the site, where this existing residential estate was originally planned to be part of a larger housing development. Furthermore, I am of the view that the additional driveways to the residential units on the eastern side this access road and the proposed crèche drop off spaces, will also serve to reduce traffic speeds along this road, as per the guidance in DMURS, and I note also there are traffic calming measures (a speed bump) already in place on the road.

### Car and Cycle Parking

10.6.10. A total number of car parking spaces provided is 275 no. spaces, with each of the units having 1 no. car parking space. A total of 63 visitor spaces are proposed. This is in generally in line with 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 283 no. car parking spaces, noting the provision of 63 no. visitor spaces is slightly below the maximum provision of 71 no. spaces. There is no specific requirement for crèche parking, however the proposed provision is 7 no. spaces for staff and 8 visitor (drop off) spaces. The Planning Authority has raised no objection to the quantum of car parking provided.

### Cycle Parking

10.6.11. Objective CPO 16.19 of the Development Plan states that new apartments should be designed in line with the design criteria as set out in the 2018 Sustainable Urban Housing: Design Standards for New Apartments. Objective CPO 16.37 states that 1 cycle parking should be provided per bed space, and 1 visitor space per 2 housing units. The proposal provides for a total of 526 no. cycle parking spaces to serve the development. 302 no. spaces are to be provided for the duplexes (240 no. residents spaces and 62 no. visitor spaces). 42 no. spaces for the apartments (32 no. residents spaces and 10 no. visitor spaces). This is in excess of the Sustainable Urban Housing: Design Standards for New Apartments Cycle parking space requirements. A further 160 no. spaces will be provided for the mid terrace houses, and 22 no. spaces are to be provided to serve the proposed creche. While no designated cycle parking is provided for the housing units, it is generally the case that cycles are either stored to the rear garden or internally within the house, and secure parking is not generally provided in standard housing units. I note the requirements of CPO 16.37, which would require 1,049 no. bicycle parking spaces. As noted, the standard housing could easily accommodate at least 2 cycle spaces to the rear of each unit (which would equate to 214 spaces) therefore a total of 640 spaces would be provided. I am not of the view that the shortfall would represent a material contravention of the Development Plan, nor of the MLAP (which would require 529 no. spaces), notwithstanding the applicant's submission of a Material Contravention Statement relating to same. The Planning Authority have not stated

the provision represents a material contravention of either plan, and have referenced the standards as set out in the Apartment Guidelines.

#### Impacts on the surrounding road network.

10.6.12. The baseline traffic conditions within the TTA are based upon a traffic survey carried out on 15<sup>th</sup> December 2020. Trip generation rates from the TRICS database were utilised. 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). Detailed capacity tests were undertaken for the Farran Roundabout and the Rathgowan Roundabout. Tests were undertaken for the 'without development' and 'with proposed development' scenario. The results of the capacity tests show that the proposed access junction will operate well within capacity for all scenarios, with the exception of the AM 2039 Design Year. In relation to the 2039, while the theoretical capacity is exceeded, the maximum RFC is 87%, indicating the some practical capacity is in place, and it is concluded within the TTA that this level of capacity is acceptable in an urban environment and that furthermore the contribution of the development to the overall capacity is of the order of 3%. 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.
- 10.7.2. The application is accompanied by an Ecological Impact Assessment Report (EclA), (June 2022). This is based on a general site survey carried out on the 22<sup>nd</sup> June 2022, a Breeding Bird Survey carried out on the 16<sup>th</sup> June and a bat survey carried out on the 23<sup>rd</sup> June 2022. Section 5 sets out the baseline ecological conditions of the site and surrounds. It is noted that the River Brosna lies 1.1km to the north-east of the proposed development, which subsequently flows through Mullingar Town prior to discharging to Lough Ennell, 3.6km south of the site.
- 10.7.3. The habitats on the site include buildings and artificial surfaces (BL3), transitional habitat from recolonising bare ground to wet grassland (GS4/ED3), wet grassland (GS4), recolonising bare ground (ED3), wet grassland/dry meadow (GS4/GS2), dry meadow and grassy verges (GS2), hedgerow (WL1), treeline (WL2), scrub (WS1),



drainage ditches (FW4) and 'widening in drainage ditch with scrub, forming a pond' (FW2/WS2). No invasive species listed on Schedule III of the of the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477 of 2011, as amended) were recorded at the Site. However, 'medium impact' invasive species, Sycamore and Butterfly Bush, were recorded on the site, in relatively small growths. A total of 23 no. species were recorded during the bird survey, with two no. red listed species recorded, 4 no. amber listed species and 17 no. green listed species. 4 no. species of bat were recorded during the evening/nighttime bat survey (common pipistrelle, soprano pipistrelle, Leisler's Bat and Nathusius' Pipistrelle) with one unknown Pipistrelle Species also recorded, with high activity recorded in the centre and west of the site. No confirmed bat roost were noted during the activity survey on 23<sup>rd</sup> June 2022, and nine trees with moderate bat roost potential were identified, five of which are proposed to be removed as part of the works. Three of the site boundary trees/hedgerows were noted as having moderate/high commuting/foraging suitability for bats, one of which is to be removed (Boundary E).

10.7.4. In the absence of mitigation, the loss of the extensive, grassland habitat within the site is considered to have a negative, permanent, slight impact at a local scale. There is also the potential to impact on those trees to be retained, and there will be a loss of habitats for local bird and bat populations (with a potential short-term, negative significant impact on same, in the absence of mitigation), as well as hedgehog and pygmy shrew, Common Frog, Smooth Newt and Marsh Fritillary (with a negative, long-term significant impact on the Marsh Fritillary, in the absence of mitigation). In the Direct mortality or injury to species (including birds, bats, and smaller mammals) as a result of inappropriate and/ or unlawful clearing of trees and vegetation could also occur. Indirect impacts on otter and fisheries could occur as a result a reduction of water quality in the river Brosna, as a result of the proposed works. Other non-significant impacts at operational stage, in the absence of mitigation include impacts on bats as a result of inappropriate lighting and cumulative impacts of lighting associated with housing or other construction.

10.7.5. The application is also accompanied by an Arboricultural Impact Assessment and related drawings (Tree Constraints Plan, Landscape & Arborist Plan). The report notes that there are a total of 28 trees on the site, and 2 hedgerow, of which 1 was a Category A (High Quality) tree, 24 were Category B (Good Quality), were Category

C (Low quality) and 1 which was to be removed due to its poor condition (Category U). The two hedgerows on site were classed as Category B. The report notes that the majority of trees and hedgerows are to be retained, with 12 category B Ash trees to be removed, and a partial removal of a Hedgerow (Hedgerow 1), as well as an area of scrub (Category C). The overall impact of the proposed development was classed as 'low' within the report. The report sets out protection and management recommendations in relation to the trees and hedgerows that are to be retained on the site

- 10.7.6. Mitigation measures set out in the EclA include measures relating to surface water management at construction stage, protection of those habitats to be retained, measures relating to the removal or eradication of the invasive species found on the site (Sycamore and Butterfly Bush), as well as transfer of the existing species of the Common Spotted orchids on the site to suitable locations on the site. Appropriate timing of vegetation clearance will mitigate impacts on breeding bird (in compliance with the Wildlife Act 1976 (as amended)). Those tree earmarked for felling, with moderate potential for roosting, will be subject to a pre-felling survey by a qualified bat ecologist, with derogation licences sought if necessary from the NPWS. Bat boxes are proposed to offset those loss of trees with moderate roost potential and appropriate lighting will be utilised at construction stage to minimise impacts on bats. Prior to the commencement of works, a qualified ecologist will be retained to conduct surveys for breeding frog and newt, and consultation will take place with the NPWS should frog or newt require removal. Other measures at construction stage include the reduction of noise and dust related impacts.
- 10.7.7. At operational stage, planting is proposed to mitigate the loss of the existing hedgerows, as well as appropriate management of retained trees and hedgerows, with appropriate lighting design to minimise impacts on bats.
- 10.7.8. The EclA concludes that, with the implementation of the mitigation measures as outlined in the report, there will be no significant residual impact on the local ecology or any designated conservation site (I have discussed potential impacts on European Sites in Section 12 of this report).
- 10.7.9. In relation to the loss of trees and hedgerow on the site, I note that there is some inconsistency in the Arboricultural Impact Statement. It is proposed to removal an

Apple tree (No. 5037) that is classed as Category B in Table 1, but is classed as Category A2 in Appendix A 'Tree Survey'; of the same report. I note also that 'Hedgerow 2', to the west of the site, is mislabelled 'Hedgerow 1' on the associated drawings. Notwithstanding these errors, I note that there is only one Category 'A' tree to be removed and there is only a partial removal of a Category B Hedgerow, which is located somewhat centrally in the site, and the retention of same would not appear to be feasible. 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 partial hedgerow removal is, on balance, acceptable.

10.7.10. In conclusion, and having regard to the considerations above, with the implementation of mitigation measures as described in the EclA, I am of the view the residual impact on ecology, as a result of the proposed development, will not be significant.

## 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.
- 10.8.3. A Site Specific Flood Risk Assessment (June 2022) has been submitted with the application. In terms of the surrounding surface water network, it is stated that the Royal Canal is located to the east and south, approximately 800m from the proposed development site. The River Brosna is located to the east, approximately 1.7km from the proposed site. There are existing drainage ditches located approximately 100m to the north of the site.
- 10.8.4. It is noted that there is no record of past flood events on the site, having regard to records on the OPW Flood Mapping Website. In terms of flood mapping it is noted

that there is no Preliminary Flood Risk Assessments (PFRA) or Catchment Flood Risk Assessment and Management Study (CFRAMS) mapping available for the site. A Strategic Flood Risk Assessment was carried out for the Westmeath County Development Plan 2021-2027, and the mapping shows that the site is not at risk of Fluvial Flooding. However the mapping indicates that the site is at risk of 'indicative' and 'extreme' Pluvial Flooding to the west and south of the site. The SSFRA notes that there are some areas within the site which may be subject to pluvial flooding due to their naturally low depressions but that the provision of a suitable surface water drainage system will serve to mitigate against this risk. The mapping as carried out for the now expired Mullingar LAP also indicated that the south-eastern portions of the site are at risk of pluvial flooding and are located within the 'Pluvial 100 Year Flood Event' indicative area. The SSFRA has concluded that the site lies within Flood Zone C,

- 10.8.5. In relation to off-site flood risk, I note that the surface water from the site will be attenuated on site prior to flow controlled discharge and as such, there will be no increase in flood risk downstream from the site. SUDs measures are proposed including permeable paving, engineered swales, infiltration trenches, tree pit systems and bio-retention areas/modified planters.
- 10.8.6. In relation to the conclusions of the Flood Risk Assessment, I am satisfied that the site is not at risk of fluvial flooding, and those areas of the site that are currently at risk of pluvial flooding will be development and the pluvial flood risk mitigated by the proposed surface water design as set out in the FRA and the Engineering Report. 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 residentially zoned area of the wider site is not identified as one of these areas. However, I note that the open space zoned land is identified as one of these areas with potential for significant pluvial flooding and as such it is zoned as 'open space' and is to be designed as part an attenuation area to protect property downstream. In

relation to same I note that the proposed development is providing replacement and additional attenuation tanks within this area zoned as 'open space', and there is no additional flood risk arising as a result of this proposed development.

10.8.7. In conclusion, therefore, 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. 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 an Engineering Planning Report (June 2022).

This sets out proposals for water supply, surface water drainage and foul drainage, as well as proposals for roads and access.

10.9.2. I note that a submission has stated that neighbouring properties to the north wish to be connected to the proposed sewerage network, as these housing units are currently served by septic tanks, and maintenance of these tanks is currently carried out from the R393 Ashe Road.

10.9.3. In relation to proposals for surface water, it is set out that a new surface water sewer network is proposed which will be entirely separated from the foul water sewer network. All surface water run-off from the roof areas and hardstanding areas will be collected by a gravity pipe network. Existing services on the site will be diverted to accommodate the proposed development. 3 no. attenuation tanks will provided to service the development, which eventually discharge with limited flow rates to the surface water sewer. It is noted that the existing attenuation tanks bordering the site, or within the site, will either be relocated and replaced with a tank of appropriate size

with a hydrobrake (in the case of tank D) or removed (in the case of Tank E – as this is redundant). Tank F will be retained.

- 10.9.4. It is noted that all finished floor levels are 50mm above drainage water levels for a 100 year return period. SUDs measures are proposed including permeable paving, engineered swales, infiltration trenches, tree pit systems and bio-retention areas/modified planters.
- 10.9.5. In terms of foul water, it is proposed to connect to the existing foul sewer to the east, via a new gravity foul sewer network, and existing foul connections running through the site will be diverted as necessary. In relation the submission from an observer as regards the housing units to the north, who wish to be connected to the proposed foul sewer network, this is not a matter for consideration under this current application, and is a matter between the applicant, Irish Water and the relevant householder to the north of the site. Access arrangements to the existing septic tanks are also a matter outwith the scope of this application.
- 10.9.6. In terms of water supply, the existing infrastructure on the site is redundant. This is to be replaced and connections made to the existing mains supply along the Rathgowan Road.
- 10.9.7. I am generally satisfied that, subject to detailed design 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. **Archaeology**

- 10.10.1. The application is accompanied by an Archaeological Impact Assessment (June 2022), as well as a Report on Archaeological Testing and a Preliminary Architectural Heritage Survey (June 2022). The Impact Assessment Report notes that the site adjoins a Recorded Monument, a ringfort (WM019-046) listed in the Sites and Monuments Record (SMR) and the Record of Monuments and Places (RMP). The Zone of Notification (ZoN) for the monument extends into the western extent of the subject site. There is also a second recorded monument in the area comprising of a standing stone (WM0019-089003) which is no longer extant. The report notes that the remains of an undesignated vernacular building is present within the subject site in the form of a low stone wall. There is potential for unrecorded archaeology being preserved within or below the peat on the site. Three likely prehistoric pits have been

identified on the site. It is concluded within the report that the site is an area of potential for further unrecorded archaeological features surviving in areas that have not been subject to archaeological testing. It is recommended that a programme of test excavations and monitoring be undertaken within the site.

10.10.2. I note that there has been no objections from the Planning Authority, from any relevant Prescribed Bodies or from any third parties, in relation to archaeology, and I am satisfied that, subject to appropriate conditions, there will be no significant negative impact on any potential archaeological remains on the site.

### 10.11. **Material Contravention**

10.11.1. I note that the applicants have submitted a Material Contravention Statement which highlights potential material contraventions of the Westmeath County Development Plan 2021-2027 and the 2014-2020 Mullingar Local Area Plan. The potential material contraventions relate to the issues of Density (which I have considered in Section 10.2 of this report), Building Height (which I have considered in Section 10.3), Private Open Space (which I have considered in Section 10.4) and Cycle Parking (which I have considered in Section 10.6). While I note the content of the Material Contravention Statement, I have not identified a material contravention of either the Development Plan or the MLAP, nor have the Planning Authority identified any such material contravention.

## 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 212 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 6.15ha 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. It is noted that the site adjoins a Recorded Monument, a ringfort (WM019-046) listed in the Sites and Monuments Record (SMR) and the Record of Monuments and Places (RMP). The Zone of Notification (ZoN) for the monument extends into the western extent of the subject site. However, subject to mitigation which includes test excavations and monitoring, it is not considered that the proposed development would have a significant impact on any potential archaeological features within the site.
- 11.1.4. 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.
- 11.1.5. 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 June 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 Impact Assessment Report
- Appropriate Assessment Screening Report and a Natura Impact Statement
- Arboricultural Impact Assessment
- Lighting Design Report
- Engineering Planning Report
- Site Specific Flood Risk Assessment
- Traffic and Transport Assessment
- Outline Construction Management Plan
- Outline Resource and Waste Management Plan
- Landscape Rationale
- Architectural Design Rationale
- Social Infrastructure Assessment
- Building Lifecycle Report
- Universal Design Statement
- Construction and Environment Management Plan
- Construction and Demolition Waste Management Plan
- Archaeological Assessment
- Daylight and Sunlight Assessment

- Sustainability and Energy Statement

11.1.6. 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: -

- An Appropriate Assessment Screening Report, a Natura Impact Statement and an Ecological Impact Assessment which was undertaken in response to the Habitats Directive (92/43/EEC).
- An Engineering Planning Report, a Construction Environmental Management Plan which was undertaken in response to the EU Water Framework Directive (2000/60/EC).
- A Construction Environmental Management Plan, a Construction and Demolition Waste Management Plan, an Outline Construction Management Plan and an Outline Resource and Waste Management Plan which was undertaken in response to Directive 2002/49/EC on the assessment and management of environmental noise.
- A Construction Environmental Management Plan, a Construction and Demolition Waste Management Plan, an Outline Construction Management Plan and an Outline Resource and Waste Management Plan which was undertaken in response to Directive 2008/50/EC on ambient air quality and cleaner air for Europe.
- A Site Specific Flood Risk Assessment which was undertaken in response to Directive 2007/60/EC on the assessment and management of flood risks.
- An Ecological Impact Assessment, an Appropriate Assessment Screening Report and a Natura Impact Statement which was undertaken in response to the Birds Directive (79/409/EEC), Bern and Bonn Convention and Ramsar Convention.
- A Construction and Demolition Waste Management Plan, an Outline Resource Waste Management Plan, a Construction Environmental Management Plan

which was undertaken in response to Directive (EU) 2018/850 on the landfill of waste, Directive 2008/98/EC on waste and Directive 2000/14/EC (relating to the noise emission in the environment by equipment for use outdoors).

- A Building Lifecycle Report which was undertaken in response to Directive 2012/27/EU on energy efficiency, Regulation (EU) 2018/842 (relating to the Paris Agreement), Directive (EU) 2018/2001 on the promotion of the use of energy from renewable source and Regulation (EU) No 517/2014 on fluorinated greenhouse gases.

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 'Appropriate Assessment Screening Report' (June 2022) and the 'Natura Impact Statement' (June 2022), both prepared by Enviroguide Consulting, as well as other relevant information on file and relevant submissions received.

#### 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 Section 10.9 of this report and I refer the Board to same.
- 12.1.5. The AA Screening Report identifies the potential for likely significant impacts potential impacts on 2 no. European Sites as follows:
- Lough Ennell SAC (2.9 km from the site) For reasons relating to an indirect hydrological linkage as a result of stormwater drainage at construction stage, which discharges to the River Brosna and subsequently flows to Lough Ennell, impacting on water quality within Lough Ennell.
  - Lough Ennell SPA (3.2km from the site): For the same reasons as set out for Lough Ennek SAC.
- 12.1.6. Likely significant impacts on all other European Sites are ruled out in the AA Screening Report.

12.1.7. A Natura Impact Statement (NIS) was submitted on the basis of the conclusions of the AA Screening Report. The NIS sets out a detailed description of Lough Ennell SAC and Lough Ennell SPA, including their relevant qualifying interests and conservation objectives. Mitigation measures are set out which include surface water management measures at construction stage. With these measures in place it is concluded within the NIS that the proposed development will not have any significant adverse effects on any European Sites.

#### Inspector's AA Screening

12.1.8. As set out within the AA Screening Report, the River Brosna lies 1.1km north east of the proposed development site, and this discharges to Lough Ennell 3.6km south of the site. This is assigned a Water Framework Directive (WFD) status of 'Poor' and the waterbody is 'At Risk' of not achieving its status objectives under the WFD, with reference to 2022 EPA data. Lough Ennell was assigned a WFD status of 'Good' and the waterbody is 'Not At Risk' of not achieving its status objectives under the WFD (EPA,2022). The site is underlain by the Clara groundwater body, which is assigned a status of 'Good' and 'Not at Risk' under the WFD. Groundwater vulnerability is 'High' throughout the site.

12.1.9. It is noted in the AA Screening Report (and as set out in the EclA) that the proposed development site does not offer any suitable *ex-situ* habitat for the SCI species of Lough Owel SPA or Lough Ennell SPA.

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

12.1.10. The Applicant's Screening Report notes the only sites that are within the 'Zone of Influence' are Lough Ennell SAC (000685) and Lough Ennell SPA (004044) due to an indirect hydrological connection, as described above, and Lough Owel SPA (004047) and Lough Owel SAC (000688) due to water abstraction to serve the development. I concur with same and also note that, in addition to same, and while the issue of foul water treatment is not considered in detail in the AA Screening Report, Appendix D of the Engineering Planning Report comprises of correspondence from Irish Water that confirms that foul water from the development will be treated in the Mullingar Area is treated at the Mullingar WWTP and that there is sufficient capacity at this plant to facilitate the proposed development. The primary

discharge from the treatment plant is to the River Brosna<sup>3</sup>, which in turn flows into Lough Ennell. As such, there is also an indirect hydrological link via the foul water network.

12.1.11. I am not of the view there are any other European Sites within the zone of influence of the proposed development, given the lack of obvious source-pathway-connections, with reference to the AA Screening Report and the EPA Appropriate Assessment Tool<sup>4</sup>. As such likely significant impacts on European Sites, other than the 4 no. European Sites referred to above, can be ruled out at a preliminary stage.

12.1.12. I have set out the Qualifying Interests/Species of Conservation Interest and Conservation Objectives of the 4 no. sites in Table 1 below.

Table 1.

Site (site code)	Distance from site	Qualifying Interests/Species of Conservation Interest	Conservation Objectives
Lough Ennell SAC (0685)	3.2km	3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.  7230 Alkaline fens	To maintain the favourable conservation condition of Alkaline Fens <sup>5</sup>  There are no specific conservation objectives set out for 'Hard oligo-mesotrophic waters with benthic vegetation of Chara spp.'

<sup>3</sup> [Microsoft Word - Mullingar AER report 2013A.doc \(epa.ie\)](#)

<sup>4</sup> <https://gis.epa.ie/EPAMaps/AAGeoTool>

<sup>5</sup> NPWS (2018) Conservation Objectives: Lough Ennell SAC 000685. Version 1. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.

Lough Ennell SPA (004044)	3.5km	<p>Pochard (<i>Aythya ferina</i>) [A059]</p> <p>Tufted Duck (<i>Aythya fuligula</i>) [A061]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Wetland and Waterbirds [A999]</p>	<p>1. To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <p>2. 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.<sup>6</sup></p>
Lough Owel SPA (004047)	2.6km	<p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Wetland and Waterbirds [A999]</p>	To maintain or restore the favourable conservation condition of the bird species

<sup>6</sup> First Order Site-Specific Conservation Objectives Version 1 dated 12/10/2022 (NPWS) which replaces the Generic Conservation Objectives Version 9.0 document.

			<p>listed as Special Conservation Interests for this SPA</p> <p>To maintain or restore the favourable conservation condition of the wetland habitat at Lough Owel SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p>
Lough Owel SAC (000688)	2.6km	<p>Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. [3140]</p> <p>Transition mires and quaking bogs [7140]</p> <p>Alkaline fens [7230]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p>	To maintain the favourable conservation condition of the habitats and species listed as qualifying interests for this SAC.

### Assessment of Potential of Likely Significant Effects

#### Habitat Loss and Fragmentation



12.1.13. 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 c2.6km from Lough Ennell SPA/SAC, and c3.2km from Lough Ennell SAC, the closest European Sites. The AA Screening Report (and the EclA) noted that the proposed development site does not support populations of any fauna species that are qualifying interests or special conservation interests of any European Site, and there is no evidence on file, or from any submissions on the file, to refute this assertion. 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

12.1.14. I note the conclusions of the AA Screening Report, in which it is noted that there is an indirect hydrological linkage via the existing stormwater drainage infrastructure on the adjacent roadway during the construction phase of the proposed development, with a potential for negative effects on water quality of Lough Ennell to arise from the transfer of pollutants or silt laden surface waters from the site via discharges from the local surface water drainage network to the River Brosna. It is concluded within the AA Screening Report that the potential for significant effects during the construction phase could not be ruled out, particularly in light of the existing poor water quality of the River Brosna, which is the contributing watercourse to Lough Ennell.

12.1.15. However, within the AA Screening Report there is no discussion of the distance via the hydrological network, from the proposed development site to Lough Ennell, nor is there any discussion of any dilution effects that would occur should pollutants enter the surface water network. Furthermore, within Section 7.2.12 of the NIS, it is deemed unlikely that construction related surface water discharges would lead to significant reductions in water quality in Lough Ennell or the River Brosna, especially in view of the dilution factor of the River Brosna, save in the case of a 'worst-case' pollution event. Such a 'worst-case' scenario is not defined and nor is the likelihood of such an event happening discussed. Table 3 of the NIS deems it unlikely that the proposed development would have a significant impacts on either of the qualifying habitats of Lough Ennell, although within the same table it is concluded that there is

'potential for significant effects' on both habitats, with no additional justification provided.

12.1.16. I am of the view that 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 Outline Construction Environmental Management Plan, would prevent polluted surface water from entering the surface water drainage network. Such measures as outlined in the Outline Construction Environmental Management Plan, constitute the standard approach for construction works in an urban area, and they are not mitigation measures for the purposes of AA Screening. 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. However, even in the absence of the above measures, I note that the site is at least 3.2 km from the point the River Brosna enters Lough Ennell (with the distance through the hydrological network being greater than this). 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, notwithstanding the conclusions of the AA Screening Report.

12.1.17. In relation to surface water impacts at operational stage, I am satisfied that the proposed surface water drainage measures as outlined in the Engineering Report (and the AA Screening Report) 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. 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 (000685) or on Lough Ennell SPA (004044), 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.

12.1.18. In relation to water abstraction from Lough Owel, and the potential impacts on Lough Owel SPA and Lough Owel SAC resulting from same, this issue is considered in detail in the AA Screening Report. It is noted that over 60% of the drinking water supply is sourced from Lough Owel, and hence there is a potential connection between the proposed development and Lough Owel during the operational phase. As set out in the AA Screening Report, Irish Water are responsible for water supply, and provide this service having regard to the requirements of national and European Legislation including the Birds and Habitats Directives. Furthermore, the Mullingar LAP, which has *inter alia* zoned this site for residential development, has also been screened for AA and it was determined that the implementation of the LAP would not give rise to significant negative impacts on any European Sites. Furthermore, the Westmeath County Development Plan 2021-2027, which also influences the form of development on this site, has also been subject to Appropriate Assessment, and it is concluded therein that the Plan is not foreseen to give rise to any significant adverse effects on designated European sites, alone or in combination with other plans or projects.<sup>7</sup> As such, I am satisfied that likely significant effects on Lough Owel, as a result of water abstraction from same to serve the proposed development, can be ruled out.

#### Foul Water

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<sup>7</sup> <https://www.westmeathcoco.ie/en/media/Volume%205%20Natura%20Impact%20Report.pdf>

12.1.19. With regard to wastewater, 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>8</sup>, which in turn flows into Lough Ennell. Irish Water have confirmed that there is sufficient capacity at the plant to accommodate the proposed development. 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>9</sup> of the River Brosna. 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

12.1.20. 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.

12.1.21. 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

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<sup>8</sup> [Microsoft Word - Mullingar AER report 2013A.doc \(epa.ie\)](#)

<sup>9</sup> Annual Environmental Report 2020 - Mullingar

rise to any likely significant effect to Natura 2000 Sites within the zone of influence of the proposed development

#### AA Screening Conclusion

12.1.22. Notwithstanding the submission of a Natura Impact Statement (NIS), 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 (000685), Lough Ennell SPA (004044), Lough Owel SPA (004047) nor Lough Owel SAC (000688), 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 04<sup>th</sup> July 2022 by DSPL Limited care of Armstrong Fenton Associates, 13 The Seapoint Building, 44-45 Clontarf Road, Dublin 3, D03 A0H3.

#### **Proposed Development:**

The proposed development will consist of 212 no. dwellings and a creche. The residential dwellings are comprised of 107 no. 2 & 3 storey houses, 86 no. 2 & 3 bed duplex units in 8 no. 3 storey blocks and 19 no. 1 & 2 bed apartments accommodated in 1 no. 4 storey building, which also accommodates a crèche at ground floor level (428sq.m), with associated outdoor play area (c.258sq.m). The proposed houses consist of 31 no. 2 bed, 70 no. 3 bed and 6 no. 4 bed detached, semi-detached and terraced houses. The proposed development provides for all associated site development works, relocation of existing underground surface water attenuation tank, surface car parking (Total: 290 no. spaces), bicycle parking, bin & bicycle storage, public open space (c. 1.06Ha) & communal open space, hard & soft landscaping and boundary treatments, underground utilities, 3 no. substations and public lighting. Vehicular access to the development will be off the R394, via Rathgowan Park with pedestrian & cyclist access also proposed onto the R393 Ashe Road to the north.

#### **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;
- (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 Impact Assessment, the Engineering Report, the Site Specific Flood Risk Assessment, the Construction and 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. 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) Full design details of the footpath/cycle path along the R393 as referenced in Section 3.2 of the Stage 1 and 2 Safety Audit. No units shall be occupied prior to the completion of these works.

- (b) All roads in the development shall be a minimum of 5.5m in width.

- (c) Footpath/cycleways on the distributor road from the R394 shall be a minimum of 3m on width.

- (d) All parallel parking bays shall be 6m x 2.4m.

- (e) The bus stop shall be located as per drawing 202215-PUNCH-XX-XX-DR-C-400 REV C03/6253-P-003 as opposed to bus stops shown at two locations on drawing 202215-PUNCH-XX-XX-DR-C-460 Rev C05.
- (f) The toucan crossing on the R394 shall be constructed in accordance with details contained within Drawing No. 202215-Punch-XX-XX-DR-C-0401 Rev Co2 and all associated expenses accrued shall be paid by the developer, unless otherwise agreed in writing with the Planning Authority.
- (g) The Developer shall apply to Westmeath County Council for a road opening licence and comply with conditions imposed relating to any works on the public roads/footpaths.
- (h) All works to roads and footpaths shall be carried out in accordance with the standards set out in the 'Design Manual for Urban Roads and Streets' (2019).
- (i) The developer shall carry out 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 (December 2017 Revision)
- (j) Full annotated design drawings for all footpaths shall be submitted for the written agreement of the Planning Authority.
- (k) A Public Lighting design that accords to the provisions of the Midland Counties Public Lighting Specification.
- (l) All Traffic Signs shall comply with Traffic Signs Manual published by the Department of Transport, Tourism & Sport, August 2019.

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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. Full details of all boundary treatments (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.

11. The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the

archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

**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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. The developer shall pay the sum of € 25,400 (updated at the time of payment in accordance with changes in the Wholesale Price Index - Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of providing a footpath/cycleway on the R393 Ashe Road to connect the proposed pedestrian/cycle access to the existing footpath at the Ballynacarrigy roundabout. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

28. 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.

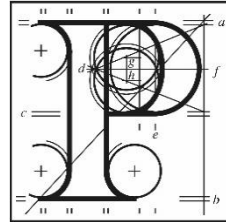
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Rónán O'Connor  
Senior Planning Inspector

6<sup>th</sup> July 2023

Appendix A: EIA Screening Form



An  
Bord  
Pleanála

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

**A. CASE DETAILS**

<b>An Bord Pleanála Case Reference</b>		ABP-313973-22
<b>Development Summary</b>		212 no. residential units (107 no. houses and 105 apartments), creche 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 and the Natura Impact Statement (NIS) 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 Section 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 residentially zoned portion of 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 700m to the south 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>The site adjoins a Recorded Monument, a ringfort (WM019-046) listed in the Sites and Monuments Record (SMR) and the Record of Monuments and Places (RMP). The Zone of Notification (ZoN) for the monument extends into the western extent of the subject site. Subject to mitigation measures including archaeological test excavations and monitoring being carried out, it is not considered that the proposed development would have a significant</p>	<p>No</p>

		impact on any potential archaeological features within the site.	
<b>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?</b>	<b>No</b>		No
<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>	<b>No</b>	There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The residential portion of the site is not at risk of flooding.	No
<b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b>	<b>No</b>	There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion.	No

<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>	<b>No</b>	The site is served by a local urban road network.	<b>No</b>
<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>	<b>Yes</b>	There is no existing sensitive land uses or substantial community uses which could be affected by the project.	<b>No</b>

<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>		
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## 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 Impact Assessment, the Engineering Report, the Site Specific Flood Risk Assessment, the Construction and 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:** **06<sup>th</sup> July 2023**