



An
Bord
Pleanála

Inspector's Report

ABP-315999-23

Development

Partial demolition of shed to the north of site. Construction of 90 bed nursing home, coffee shop, 81 residential units, vehicular road access, ESB sub station and associated site works. A Natura Impact Statement accompanies the application.

Location

Robinstown (Levinge) and Robinstown (Tyrrell), off Castlepollard Road (R394), Mullingar, Co. Westmeath

Planning Authority

Westmeath County Council

Planning Authority Reg. Ref.

21680

Applicant(s)

WHS Property Holdings Ltd

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

Phil Darcy

Observer(s)

None

Date of Site Inspection

21st of September 2023

Inspector

Caryn Coogan

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	9
3.4. Third Party Observations	9
4.0 Planning History.....	10
5.0 Policy Context.....	10
5.1. Development Plan.....	10
5.2. Natural Heritage Designations	15
5.3. EIA Screening	15
6.0 The Appeal	15
6.1. Grounds of Appeal	15
6.2. Applicant Response	19
6.3. Planning Authority Response	22
6.4. Observations	Error! Bookmark not defined.
6.5. Further Responses.....	Error! Bookmark not defined.
7.0 Assessment	22
8.0 AA Screening.....	37
9.0 Recommendation.....	49
10.0 Reasons and Considerations	49
11.0 Conditions	51
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The subject site is 3.1Ha located on the northern urban fringe of Mullingar town. It is located in 'Robinstown' about 1.5km from the town centre.
- 1.2. The site is accessed off the Castlepollard road, R395 Regional Road, which connects the town centre to the N4 interchange.
- 1.3. On the opposite side of the road to the site there is the **Lough Sheever Corporate Park**, the largest employment hub in Mullingar. Immediately opposite the site are a number of car dealerships. To the north is St. Oliver Plunketts GAA pitch.
- 1.4. To the west there is the Greenway pathway/ cycleway known as Farrainstick along the Grand Canal, this is a stream feeding into Lough Owel. To the east there is a laneway and agricultural fields.
- 1.5. Also along the eastern site boundary, there is a dwelling, outbuildings and a yard area, which is positioned along the Castlepollard road frontage.
- 1.6. There is a 2m footpath fronting both sides of the site and traffic signals providing a pedestrian crossing at the north-western extremity of the site.
- 1.7. The site is generally flat in appearance, however it does drop slightly from north to south. It is enclosed by mature hedgerows and trees along the boundary. The site is currently under grass for agricultural use.
- 1.8. The Mullingar Regional Hospital and a Medical centre are within 500metres west of the site along the Castlepollard Road.

2.0 Proposed Development

- 2.1. The proposed development involves the partial demolition of existing shed to the north of the site;
 - For the construction of 1No. 90 bedroom three storey nursing home
 - A single storey coffee shop
 - 81No. residential units comprising of:-
 - (i) 2No. Two storey detached apartment blocks each with 1 and 2 bedroomed apartments on the ground floor, and 2No. one and two

bedroomed apartments on the first-floor Total number of units in the two blocks is 16No. units)

- (ii) 5No. two bedr1 storey end-terrace elderly bungalows (Type A)
- (iii) 7No. 2bed 1 storey mid-terrace elderly bungalows (Type B)
- (iv) 1No. two bed one storey end terrace elderly bungalow (Type C)
- (v) 26No. 3 bed two storey end terrace houses (Type D)
- (vi) 2No. 3 bedroom two storey mid terrace houses (Type D)
- (vii) 16No. 2 Bedroomed two storey mid-terrace houses (Type E)
- (viii) 8 No. 3 bedroom two storey demi-detached houses (Type F)
- Associated site works: new vehicular access, pedestrian access, boundary treatments, landscaping, public lighting, carparking, signage, ESB substation, bin storage and bicycle storage, wastewater connection.

2.2 Further Information :

The re was further information and clarification of further information requested by the planning authority. There were 8No. items originally requested. Submissions were received on 30th of May 2022 and 17th of November 2022. Significant alternations included:

- Traffic and Transport Assessment
- The open space zoning to the west remains in situ
- Dual aspect included, substation relocated, screening between bungalows and nursing home, daylight and shadow analysis, bin storage
- Archaeology to be dealt with by way of condition for trench testing
- A new creche
- Full schedule of accommodation.

2.3 The planning authority requested Clarification of Further Information on 18th of August 2022. It was not satisfied with the location of the creche or the coffee shop within the scheme. The internal floor areas are to be included with the Schedule of accommodation. Additional details regarding the creche, public open space areas,

bin storage and northern boundary. Please note Drawing No. CL-01 submitted on the 17th of November 2022 is the final site layout drawing permitted by the planning authority in the Manger' Order in the Decision to Grant Planning Permission for the proposed development. Therefore **Granted** under the planning permission is as follows:

- 1No. 90 bedroom nursing home with 30No. parking spaces
- 2No. two storey apartment blocks (8No. units ground floor and 8No. units first floor) with 16No. parking spaces
- A coffee shop with 9No. parking spaces
- A creche with 12No. parking spaces
- 6No. 2 bed end terrace single storey units (Type A)
- 4No. 2 bed mid-terrace single storey units (Type B)
- 2 bed end terrace single storey units (Type C)
- 21No. 3 bedroomed semi-detached units (Type D)
- 16No. two bed mid terrace two storey units (Type E)
- 8No. three bed two storey mid terrace units (Type F)
- 7No. 3 bedroom semi-detached units (Type G)

3.0 Planning Authority Decision

3.1. Decision

Westmeath Co. Co. granted planning permission for the proposed development by Manager's Order on 10th of February 2023 subject to 26No. conditions. The conditions are standard for residential developments.

Conditions that are site specific and worth noting are as follows:

Condition No. 2 The residential element granted pursuant to the permission is 80No. units only.

Condition No. 3 First Occupation Control

Condition No. 4 Roads

Condition No. 8 Design

Condition No. 11 Ecology

Condition No. 13 Part V

3.2. Planning Authority Reports

3.2.1. Planning Reports

1st Report

- **Project Ireland 2040 National Planning Framework** : Chapter 6 is People Homes and Communities. National Policy Objective 13 Building Heights and carparking in urban areas. National Policy Objective 27 prioritising walking and cycling. National Policy Objectives 33 new homes at an appropriate scale relative to location
- **Regional Spatial and Economic Strategy** : The RSES is a people focused plan, with an objective to achieve compact growth and urban regeneration. Mullingar is identified as a Key Town
- **Mullingar Local Area Plan (as extended)**: All the relevant policies are outlined.
- **Principle of the Development**: Majority of the 3.1ha site is zoned O-LZ12 and a portion zoned O-LZ7. Mullingar is identified in the NPF as a key town. The Westmeath CDP sets a population target growth by 12% between 2021-2027. There is an Urban Design Compliance document with the application. The layout is not consistent with the open space zoning. The applicant should revise the layout. Having regard to the Robinstown Framework Plan the proposal will provide for the consolidation on the south eastern side of the R394 within the Framework Plan area. There is a future road layout proposal to the north-east of site with a connection to the Robinstown road roundabout. A contribution should be payable towards that.
- The site is beside Lough Sheever Corporate Park a big employer in the town and residential development Sherwood Park.

- **Density** The net site area for residential development is 2Ha. 40.5units per ha.
- **Visual Impact** 3 storeys is acceptable.
- **Amenity:** The public open space amounts to 15.1%The apartments have sufficient open space provision. There are two courtyards for open space provision for the nursing home.
- **Design and Layout:** There is a strong urban form been create along the road frontage with the three storey block There is a transport link along the road frontage to the town centre. The coffee shop is located at the entrance. The housing mix and design includes a1 and 2 storey units. To the west they will address the greenway. There are revisions to the deisgn required.
- **Education:** The 7No. schools within the catchment of the site have capacity to cater for the development. The application should include childcare facilities.
- **Part V:** Comply with planning authority requirements.
- **NIS:** Conclusions acceptable
- **Archaeological Condition required**
- **Roads:** As per Engineer's Report
- **Flooding:** The subject sites are located outside of the flood risk zones A and B.
- **EIA** Not required
- **AA:** the proposed development is unlikely to adversely affect any of the conservation objectives and qualifying interests of any European site.

There were 2 subsequent Planning Reports which analysed the Further Information and Clarification of Further Information until the overall scheme was revised to the satisfaction of the planning authority. A recommendation to grant planning permission was forwarded following a comprehensive assessment by the reporting planning officer.

3.2.2. **Other Technical Reports**

- Fire Officer: No objection subject to conditions
- Housing Section - Part V condition applicable
- Engineering: Roads acceptable. New connections to water and drainage. Further information required.

3.3. **Prescribed Bodies**

3.3.1 ***Department of Housing, Local Government and Heritage:***

An Archaeological Impact Assessment is required. Conditions are attached.

Nature Conservation: The development may have an adverse impact on nearby European sites, locally important habitats and species protected under the Wildlife Acts 1976-2018. The Mitigation Measures outlined in the NIS should be implemented. The Construction and Environmental Management Plan should be implemented. Hedgerow removal should not take place during the breeding season.

3.3.2 **OPW**

A 10metre wide strip be retained adjacent to the channel maintained by the OPW.

New culverts/ bridges will require a Section 50 consent form the OPW.

3.4. **Third Party Observations**

Phil Darcy objected to the proposed development on the following grounds:

- Poor Site Location
- Premature in the absence of a new Mullingar LAP
- Does not fulfil the requirements of the Robinstown Framework Plan
- Developer-led
- Exacerbate car dependent trips
- Lack of useable open space
- The need of a nursing home is not established

- There will be an oversupply of nursing home beds in Mullingar
- Need for a Masterplan for Robinstown Area
- Substandard form of development

4.0 Planning History

- 4.1 There are no relevant planning histories associated with the subject site.
- 4.2 To the south opposite St. Oliver Plunket's GAA grounds there is planning permission granted under planning reference 21-699 for 95No. residential units, which had a previous grant of planning permission under Ref. 17/6067, for 97No. residential units at Harbour Road, Mullingar.

5.0 Policy Context

5.1. National Policy

- 5.5.1 ESRI projections indicate that the numbers of people aged over 65 will more than double to 1.3 million people by 2040, making up approximately 23% of the population. This compares to 13.5% in 2016. In addition, it is expected that the population aged over 85 will quadruple. As people get older they are likely to have increasingly complex healthcare needs, with a requirement for services and facilities to support provision of suitable and necessary care.

This further reinforces the need for well-designed lifetime adaptable infill and brownfield development close to existing services and facilities, supported by universal design and improved urban amenities, including public spaces and parks as well as direct and accessible walking routes. The provision of such accommodation can provide opportunities for older people to downsize from larger houses within their existing communities. This may be integrated with more supportive communal and specialist care accommodation that will be required by some older people.

National Policy Objective 30 Local planning, housing, transport/ accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections,

supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans.

5.1.2 Regional Spatial and Economic Strategy

Mullingar is designated as a KEY TOWN in the Region. There is a focus on developing new communities within the existing urban footprint of the town.

5.1.3 There are relevant Section 28 Ministerial Guidelines relevant to the current proposal:

- Sustainable Residential Development and Compact Settlement Guidelines 2024
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas
- Design Manual for Urban Roads and Streets 2019
- Childcare Facilities - Guidelines for Planning Authorities 2001
- Design Standards for New Apartments - 2018
- Urban Development and Building Heights 2018

5.2. Development Plan

5.2.1 In the Mullingar Local Area Plan 2014-2020 is the relevant Plan. The commencement of the new Local Area Plan started on 10th of October 2023, and it has not been adopted to date.

The subject site is zoned **Mixed Urban Core**.

O-L212 - To provide for community, commercial, retail and residential uses.

A mix of town centre type uses is envisaged within this zone set within a specific built form and layout. When fully developed this area will consist of a combination of compatible uses appropriate to a new urban centre.

Chapter 10 includes the Zoning Matrix Table where it states Retirement Homes are ***Permitted In Principle*** under the Mixed Urban Core zoning.

The western strip of the site along the riverwalk is zoned as '**Open Space**'. This is to provide for, protect and improve the provision, attractiveness, accessibility and amenity value of public open space and amenity areas, including public open spaces.

5.2.2 8.26 ROBINSTOWN FRAMEWORK PLAN

8.26.9

Active and Passive Recreation A key objective of the Robinstown Framework Plan is to utilise and enhance the environmental qualities of the area, together with its accessibility to provide much needed municipal facilities both in terms of active recreation (playing pitches and walking/cycle tracks) as well as more passive recreation (formal parkland, and address the current and future needs of the town.

8.26.12

Development Mix It is intended that the Robinstown area's primary purpose is not to facilitate standard suburban expansion, but be at the heart of stimulating economic and commercial growth, working in synergy with the town centre on the one hand, and the amenity potential of the existing environment on the other. In terms of need, the town is well served by new residential development, and the Ardmore/Marlinstown Action and Mullingar South Framework Areas in particular will address principally residential needs. While Robinstown will ultimately provide choice and alternatives in the residential market catering for urban living and lifestyles, its primary focus initially will be on recreational and enterprise development.

8.27.2

Built Form Medium size perimeter blocks are prescribed in the Framework the basis for the development of the sites within each of the districts. This traditional approach promotes buildings facing the surrounding streets. The combination of an orthogonal grid with the use of perimeter blocks of medium size helps to create a highly integrated and "walkable" place. Each building and each development equally adds to the shaping of a common public space which along with proposed recreational areas will result in the establishment of a truly active new quarter for the Town of Mullingar.

[Relevant section relating to Robinstown is appended to this report.]

8.29.1 DISTRICT 1 - MIXED URBAN CORE

The Mixed Urban Core lies at the centre of the new quarter. It covers an area of approximately 30.5ha and when fully developed will consist of such uses as community, commercial, retail and residential. All of these uses will be mixed in a traditional grid layout with perimeter blocks, fine grain buildings and a central public space. The Mixed Urban Core will initially be linked to the existing Town Centre by a crossing of the Royal Canal supply via a new bridge. This way will be initially for pedestrians and cyclists but will be upgraded as more comprehensive development of the area takes place. For this area to be successful the mix of uses referred to above will be permitted which will include community, commercial, retail and residential facilities. Built form requirements will prescribe the type of buildings which will be developed within this area. Building heights within the Mixed Urban Core will be generally three storeys. At the core of this Mixed Urban Core District a public park or landscaped public square will provide the focus of the area.

5.2.3 In the Westmeath County Development Plan 2021-2027

Table 2.4: Settlement Hierarchy for Westmeath

Settlement Typology	Description	Settlements	Population 2016
Regional Growth Centre	Regional Growth Centres are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area.	Athlone*	21,349
Key Towns	Large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.	Mullingar	20,928

2.10 Key Town – Mullingar

Mullingar is designated as a Key Town in the RSES, which are defined as ‘Large economically active service and/or county towns that provide employment for their surrounding areas and with high quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres’.

In 2016, Mullingar's population had grown to 20,928 from its 2011 population of 20,153 (a growth rate of 4.1%). This represented 23.5% of the overall County population. The town occupies a strategic location along the N4, with excellent inter-urban links to the capital and international airport by motorway and rail. It has an existing base of both indigenous and international companies at the forefront of their field, in sectors such as engineering and consumer goods and services. In 2016, Mullingar had a ratio of jobs to resident workers of 1.079, one of the highest overall ratios in the region. In 2016, the town had 7,998 resident workers and 8,633 jobs.

The RSES states that Key Towns should seek commensurate population and employment growth, on high quality public transport corridors coupled with investment in services, amenities and sustainable transport. It is a policy objective of the Council to prepare a Local Area Plan (LAP) for Mullingar to align with the RSES and this Core Strategy. The Mullingar LAP will also identify suitable locations to facilitate higher and increased building heights in accordance with CPO 7.28.

An Area Based Transport Plan prepared by Westmeath County Council and which includes strategic road links within and surrounding Mullingar shall also be prepared in collaboration with the relevant transport agencies. This shall promote Mullingar as a sustainable transport hub, of national and regional importance.

Core Strategy Policy Objectives	
It is a policy objective of Westmeath County Council to:	
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.

5.2.4 Mullingar is also designated as a **Key Town** in the Eastern & Midlands Regional Assembly - Regional Economic & Spatial Strategy 2019-2031.

5.3. Natural Heritage Designations

The subject site is connected to Lough Ennell SAC (Site Code :000685 and Lough Ennell SPA for \Birds |(site Code 004044 via a tributary of the River Brosna which flows through the site.

The proposed site is adjoining the Royal Canal and pNHA (Site Code: 002103) which includes a feeder stream from Lough Owel.

Lough Owel SPA (site Code 004047) and SAC (Site Code:000688) and pNHA (Site Code: 00688)

5.4. EIA Screening

See Appendix to this report.

6.0 The Appeal

6.1. Grounds of Appeal

This appeal has been brought by Phil Darcy Office Buildings, Multyfarham, Co. Westmeath. A summary of the appeal submission made is as follows:

6.1.1 Introduction:

- The National Planning Framework 2020 sets out in Section 6.4 policy with respect of 'Age Friendly Communities'.

Government policy is to support older people to live with dignity and independence in their own homes and communities for as long as possible. In providing a more seamless and appropriate continuum of housing choices with appropriate supports for older people and a built environment that is attractive, accessible and safe, older people will be supported and motivated to enjoy more active, healthy and connected lives and to age confidently and comfortably in their community.

- National planning policy for the elderly calls for Infill sites and brownfield sites to be close to existing services and facilities. The proposed site is 2km from

the town centre opposite an industrial site which is clearly inappropriate. The proposal is not urban in nature and is a suburban

6.1.2 Policy Context

As per Section 5 of this Report.

6.1.3 The Application Process

As per Sections 2 & 3 of this Report.

6.1.4 Compliance with Zoning Objective

- The site has two zonings in the Mullingar LAP 2014-2020, Mixed Use Urban Core and Open Space. The response to the further information revised the layout to conform with the zoning objectives. The Mixed Use Urban Core is the main zoning associated with the site area. This is *To provide for community, commercial, retail and residential uses.*
- In addition to the zoning objective Section 8.26 sets out the policy for the Robinstown Framework Plan.
- Section 8.29.1 sets out the Mixed Use Urban Core which covers an area of 30.5Ha and when fully developed it will consist of such uses as community, commercial, retail and residential.
- It is clear from the Mullingar LAP the core objective for the zoned lands is :
 - (a) Not to facilitate standard suburban expansion;
 - (b) That any development on these lands should be very much urban in nature
 - (c) That the uses comprise of community, commercial retail and residential, and
 - (d) That these uses will be mixed in a traditional grid layout with perimeter blocks, fine grain buildings and a central public space.
- The proposed development does not adhere to the standards set out in the Mullingar LAP. The proposed development is not urban in nature and is suburban development, primarily all residential type uses and ancillary residential uses (café & creche) while the objective seeks to provide for a mix of uses. The layout is standard suburban, it is certainly not a traditional grid

layout with perimeter blocks, fine grain buildings and a central open space. The planning authority has set a poor principle for the remainder of the Mixed Urban Core District because it does not comply with the zoning objective or the Robinstown Framework Plan.

- There should be a Masterplan for the lands either prepared by the Planning Authority or a consortium of the landowners before any piecemeal development is granted by the planning authority.

6.1.5 Sequential Development

- A principle of the National Planning framework 2040 and the Regional Economic & Spatial Strategy 2019-2031 is that the town centre brownfield and infill sites should be prioritised for development over underdeveloped greenfield sites on the periphery of the settlement. There are many vacant and infill sites closer to the town centre which under national, regional and local planning policy should be developed before greenfield developments.
- The planning application states the site is 1km from the town centre, the distance from the site to the town centre is 1.7km or 2km by car. The residential estate and proposed nursing home will be isolated from the town centre in a rural area, while sites closer to the town centre remain undeveloped. The piecemeal uncoordinated development is undesirable and results in urban sprawl and degradation of the countryside.

6.1.6 Inappropriate Location for a Nursing Home and Housing for the Elderly

- The site is located to the north of the town centre and whilst connected for vehicular and pedestrian traffic, the site is far removed from the town centre and is therefore not suitable for housing for the elderly or a nursing home.
- Under Policy objective CPO 7.49 Place Making for Residential Respite and Retirement Homes Policy Objective of the Westmeath County development Plan 2021-2027 it states it is a policy to locate new developments close to (walking distance) to services and amenities. The nearest service centre is the town centre, 1.7km from the site, which is a 21minute walk. This is too far for an elderly person to access services easily and the proposal is considered

to be too remote from services and therefore is contrary to the development plan objectives. The proposal is not an appropriate use for the site.

6.1.7 **Thinking Ahead : Independent and Supported Housing Models for an Aging Population**

The Westmeath County Development Plan states this document. This report details 19No. case studies for housing elderly people across Ireland. One of the key findings is that location is critical. Housing should be ideally located close to public transport, local shops, doctor, bank and church. Having to walk to the shops or cross the road can impact on an older person. The proposal does not comply with these Guidelines.

6.1.8 **National Policy with respect for Housing of the Elderly**

Section 6.4 of the National Planning framework refers to Age Friendly Communities. The inhabitants of the proposed development would be severely restricted from living an independent life by virtue of the fact their location is well removed from the town centre.

There is no existing community in Robinstown, just zoned greenfield sites and an industrial estate. The proposal will reinforce the car dependent lifestyle and isolation of elderly persons that the NPF seeks to eliminate.

6.1.9 **Need for Another Nursing Home in Mullingar**

- **Core Strategy:** The Westmeath County Development Plan 2021-2027 does not go into detail reagrindg the required number of nursing homes beds spaces during the plan period. Chapter 2 of the Plan sets out the existing population and population targets for the county and for each of it's settlements including Mullingar. The proportion of the population in Co. Westmeath over aged 65 is lower than the national rate, with 13% in this cohort. By their analysis of population figures and Analysis of the Nursing Home Beds showing Mullingar to have 420No. registered beds and an occupancy rate of 367 (87%) :
 - (i) There are enough Nursing Home Beds in the county of Westmeath for 5.5% of the population of 65 plus.

- (ii) Having regard to the acceptance that 4.5% of this population in the over 65 age cohort requiring a bed then 512 beds are required for the county as of 2016.
- (iii) The average occupancy across the County is 89% so not all of the existing beds are being taken up. If you look at Mullingar is isolation the average occupancy is 87% of the 420 beds in the area, with the current number of vacant beds being 53. With the current population figure of Mullingar at 23,325 persons, only 136 bedspaces are required by 2021 and 152No. spaces by 2027. The proposed development which comprises of 90 bedspaces would result in 510 spaces being available for current population where only 136 beds are required. The extra spaces will be filled by persons from outside of Mullingar, creating unsustainable visitor trips by car.

- Development Plan policy and National Policy would suggest nursing homes should be in town centres and close to services.
- There is a significant surplus of bed spaces in Mullingar and further bed spaces are not required.
- Only 18No. additional spaces are required for the county up to 2027. There is no planning need for a nursing home at this location in Mullingar. The proposal should be refused on that basis.

6.2. Applicant Response

A summary of the applicant's rebuttal of the third party as follows:

6.2.1 Zoning Objectives & Robinstown Framework Plan

Section 8 of the Mullingar LAP states that the Framework Plan seeks to guide and secure the sustainable urban expansion of individual areas of the town. It would appear the appellant states a Masterplan for the area should have been prepared, therefore, he is dismissing the Framework Plan for Robinstown in the LAP. Nowhere in the Mullingar LAP or the Westmeath County Development Plan is there a masterplan for the proposed lands mentioned.

The appellant fails to recognise Section 2.6.3 of the MLAP which states the majority of additional residential units required to meet the 2020 population maximum target will be provided on residential zoned land on greenfield sites and Mixed Urban Core and General Urban Core within the three framework plan areas. In fact it states 632No. housing units can be provided under these two zonings at a density of 35-30 units per hectare.

- Significant development has occurred on the opposite side of the road at Lough Sheever Corporate Park and recreational development along the Royal Canal Greenway located along the western site boundary.
- The Rebuilding Ireland Action Plan calls for a ramp up on the delivery of housing from its current supply across all tenures to help individuals and families meet their housing needs.
- The proposed development does not solely comprise of residential use. In consideration of the Mixed Urban Use afforded to the site, and in accordance with the wider principles of the Robinstown Framework Plan, a mix of uses has been put forward on the site including the provision of a commercial nursing home, a café and creche facility. These uses seeks the creation of a sustainable neighbourhood which can be built upon through further phases of the development of the Framework area.
- The Mix Urban Core lies in the centre of the new quarter in Robinstown. It covers a total area of 30.5Ha and when fully developed will cover a host of community, commercial and residential uses. The development site is 3.1Ha which represents only 10% of the mixed urban core zoning within the Robinstown Framework Plan, therefore adequate land remains to ensure a range of uses can be developed in the area. The planning authority deemed the proposed development to be in compliance with the development plan .
- It is noted the appellant does not contend the proposed development contravenes or materially contravenes the zoning provisions of the MLAP. Instead the appellant puts forward the supposition that the development does not adhere to the standards set out in the MLAP, based on the type and extent of residential development proposed. The Framework Plan provides for and supports residential development along with other uses.

6.2.2 Sequential Development

- The proposed development is 'plan led'. The site is zoned for development purposes and is located in an area of Mullingar designated for growth. There is no phasing of development in the LAP.
- Sequential development is essential in the preparation of LAPs as detailed in 'Local Area Plans Guidelines for Planning Authorities 2013'. The Mullingar LAP was prepared in accordance with the Guidelines.
- The mix of uses proposed in the development are reflective of the positioning of the site in Robinstown across from an established employment node, Lough Sheever Corporate Park and regional medical facilities. The proposed site is 450m from the Midland Regional Hospital in Mullingar town, and only 670m from Mullingar Primary Care Centre. It is considered the proposal will compliment and function in synergy with other established development in the area whilst benefitting from direct pedestrian and cycle connectivity to the town centre via the established greenway adjoining the site.
- The site is a 5minute walk from Mullingar Regional Hospital. The town centre is a 15minute walk along the Royal canal.

6.3.2 Location of Nursing Home and Elderly Housing

- The proposed development is intended to facilitate social inclusion and integration and to provide for a mix of tenures and age groups in accordance with Policy P-HT3 of the Mullingar LAP. There are existing facilities in the immediate vicinity of the site including a Centra located across the Castlepollard Road. There are employment opportunities in Lough Sheever Corporate Park, existing amenity facilities and medical facilities in close proximity to the site.

6.3.3 Need for a Nursing Home

- The proposed nursing home is not a speculative build. It has an established operator who has identified a need in Mullingar at that location. The applicant is currently constructing three nursing homes in Tramore, Waterford and Kilkenny. They have recently secured planning permission for three further sites in Tullamore, Neagh and Portlaoise.

- The number of surplus beds in Mullingar is not a planning matter. There is no planning policy controlling or regulating the quantum of nursing home bedspaces in Mullingar or throughout the country.
- Nationally the population is growing as is the age dependency ratio. The country needs to plan for the nursing population. The identified need is consistent with various reports including the DMK report commissioned by the HSE in 2015. The report concluded there was a clear need to invest in alternative care support in the future. The report states a supply gap of over 18,000 beds could rise by 2026. Assuming an average capacity per nursing home of 100beds at 95% occupancy rate, this equates to a demand of 200 nursing homes.
- The report also states there has been a lack of private investment by the private sector in supplying the required capacity, mainly due to lack of available sites. Many of the existing nursing facilities do not meet with HIQA infrastructural requirements and that HIQA may impose restrictions on registrations including no new admissions on non-compliant homes.
- The report concluded that there was a shortage in nursing home capacity especially in the larger urban areas.
- The planning system should not be used to prohibit competition, preserve existing commercial interests or prevent innovation.

6.3. Planning Authority Response

There was no further response form the planning authority.

7.0 Assessment

7.1 I considered the appeal file in full, the relevant submissions to the appeal and inspected the site in Mullingar town. I intend to examine the proposed development under the following headings:

- National Planning Policy
- Local Planning Policy

- Robinstown Framework Plan
- Sequential Approach
- Need for Nursing Home
- The Design and Layout
- Proposed Land Uses
- Traffic Roads
- Other
- Appropriate Assessment

7.1.1 From the outset I wish to state, I examined all submission documentation associated with the planning application. The original submission and design made by the applicant on the 21st of December 2021 was amended throughout the planning assessment. I considered the three detailed planning reports on file which assessed the overall merits of the proposed development comprehensively, and all the submissions made by the applicant. The planning authority requested revisions to the overall design and the inclusion of a childcare facility in line with national planning guidance and local planning policy. I consider the final submission which was the Response to Clarification of Further Information received at the planning authority on **17th of November 2022**, to be the design in keeping the relevant zoning and planning guidelines. I intend to highlight the merits of the final design throughout my report in terms of access, roads, layout design, bin storage, open space and other relevant design details. I am aware of the need to examine the case de novo. However, the original proposal did not comply in full with planning policy, I am satisfied to assess the merits of the revised proposal received on the 17th of November 2022, because it is in keeping with current planning policy as demonstrated in the Planning Reports on file, and my assessment below.

7.2. **National Planning Policy**

7.2.1 I refer to *Project Ireland 2020 - National Planning Framework* under Chapter 6 'People Homes and Communities'. There are objectives in the NPF to ensure the integration of safe and convenient alternatives to car dependent communities into the design of future urban areas, by prioritizes walking and cycling accessibility and integrating physical active facilities for all ages. It also seeks to increase densities in

settlements by the use of increased heights, infill schemes and re-use of existing buildings. (National Policy Objectives 13 and 27 and 33).

- 7.2.2 ESRI projections indicate that the numbers of people aged over 65 will more than double to 1.3 million people by 2040, making up approximately 23% of the population. This compares to 13.5% in 2016. In addition, it is expected that the population aged over 85 will quadruple. As people get older, they are likely to have increasingly complex healthcare needs, with a requirement for services and facilities to support provision of suitable and necessary care.

This further reinforces the need for well-designed lifetime adaptable infill and brownfield development close to existing services and facilities, supported by universal design and improved urban amenities, including public spaces and parks as well as direct and accessible walking routes. The provision of such accommodation can provide opportunities for older people to downsize from larger houses within their existing communities. This may be integrated with more supportive communal and specialist care accommodation that will be required by some older people. The Regional Midlands Hospital is within 500m of the site and a medical centre.

National Policy Objective 30 Local planning, housing, transport/ accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans.

- 7.2.3 Mullingar is identified as a Key Town in the **Regional Spatial and Economic Strategy** which aims to achieve compact growth and urban regeneration, integrate land use planning, create healthy communities, protect biodiversity and natural amenities and enhance the green infrastructure.

- 7.2.4 The proposed development consisting of a nursing home, housing for the elderly, housing for new communities, a creche and coffee shop on a 3.1ha greenfield site located in the northern suburbs of Mullingar, is a positive response to national and regional planning policy. The site is located on the Castlepollard Road opposite the largest corporate business park in the town and within walking distance of Mullingar Hospital, a medical centre and a local shop. It is also located alongside the local

Greenway Route (Grand Canal). I am satisfied the proposal complies with National and Regional Planning policy.

7.3 Local Planning Policy

7.3.1 The Westmeath County Development Plan 2021-2027 in Chapter 2 denotes Mullingar as a Key Town. There are two important policies to note:

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 **Regional Spatial and Economic Strategy**.

CPO 2.6 Prepare a Local Area Plan for Mullingar to align with the **Regional Spatial and Economic Strategy and Core Strategy** of the County Development Plan.

Important and relevant Westmeath County Development Plan Policies include, CPO 4.8 to provide for housing that is accessible for older people, the very young and people with disabilities and that residential buildings together with non-residential buildings are accessible and usable by people with disabilities. In addition, 4.10 aims to deliver a sufficient supply of housing over the period of the Plan that is reflective of current and future demographic trends.

At the present time the *Mullingar Local Area Plan 2014-2020 (as extended)* is relevant plan governing the subject site. The new LAP for the area is in preparation stage since October 2023. Therefore, I will examine the current proposal under the provisions of the current LAP in place.

7.3.2 Firstly I refer to the zoning map for Mullingar, whereby the subject site has two zonings. The majority of the 3.1ha site is zoned as:

O-LZ 12 – MIXED URBAN USE CORE *To provide for community, commercial, retail and residential uses.*

The western portion of the site adjoining the Grand Canal is zoned as :

O-LZ7 - *To provide for, protect and improve provision, attractiveness, accessibility and amenity values of public open space and amenity areas, including public open spaces.*

Under the O-LZ12 the proposed development is permitted in principle according to the land uses Zoning Matrix Table in the Mullingar LAP. The site can be examined in the context of **Map 8.12** of the Robinstown Road Network which indicates a new road layout for the area with a new road link to be provided to the southeast of the site. The subject site is located 1.0 km from the town centre within an established built up area of the urban fringe. The site is an undeveloped greenfield site. It is flat with mature hedgerows along its boundaries. As stated, the site is zoned **Mixed Use Urban Core**, and the area is served by public transport and sufficient public infrastructure. There are pockets of existing residential developments to the southeast and southwest of the site, with a major corporate business park on the opposite side of the Castlepollard Road to the subject site.

7.3.4 The proposal offers a mix of housing types and sizes to accommodate a broad spectrum of the population and tenure types. The proposed development is intended to facilitate social inclusion and integration and to provide for a mix of tenures and age groups in accordance with **Policy P-HT3** of the Mullingar LAP.

7.3.4 On balance, the proposed development complies with the local development plan policies and objectives. The site is also located within a designated area of the Mullingar LAP called the Robinstown Framework Plan.

7.4 Robinstown Framework Plan

7.4.1 It is outlined in the Mullingar LAP that it is Council policy to secure the integrated and phased development of Robinstown area, using the Mixed Urban Core zoning. Section 8.26 of the Mullingar Plan outlines the framework plan for the area. Of note are the following:

- It is intended that the Robinstown area's primary purpose is not to facilitate standard suburban expansion but be at the heart of stimulating economic and commercial growth, working in synergy with the town centre on one hand, and the amenity potential of the existing environment on the other.
- Medium sized perimeter blocks are prescribed in the Framework as the basis of the development sites within each district.
- The site is within District 1 - Mixed Urban Core, which covers 30.5ha and when fully developed will consist of uses as community, commercial, retail

and residential. All of these uses will be mixed on a traditional grid layout with perimeter blocks, fine grain buildings and a central public space.

- Building heights within the Mixed Urban Core will generally be three storeys maximum.

7.4.2 The third-party appellant claims the proposed development does not adhere to the standards set out in the Mullingar LAP. He further claims the proposed development is not urban in nature and is a suburban development, primarily all residential type uses and ancillary residential uses (café & creche) while the objective seeks to provide for a mix of uses. It is claimed by the third party the planning authority has set a poor principle for the remainder of the Mixed Urban Core District lands, because it does not comply with the zoning objective or the Robinstown Framework Plan. Finally, he has stated a Masterplan for the lands should be prepared by either prepared by the Planning Authority or a consortium of the landowners before any piecemeal development is granted by the planning authority. Without a Masterplan for the Robinstown lands the proposed development is piecemeal development.

7.4.3 In response to these grounds of appeal, I wish to state, there is no mention in the County Development Plan or the Mullingar LAP of a Masterplan for this area. This assertion by the third party is unsupported by any planning policy. It is clear to me from the current hierarchy of plans, i.e., National Planning Framework, Regional Spatial Strategy, Westmeath Co. Development Plan, Mullingar LAP and Robinstown Framework Plan, that the proposed development is plan -led. In terms of the claim that the proposed development is more suburban, than urban in design. I submit the appellant fails to acknowledge all the proposed mixed uses on the site comply with the zoning objective. The site area is 3.1ha which is only 10% of the Mixed Urban Core District 1 zoned lands in Robinstown. A site of 3.1ha cannot be expected to provide all the land uses envisaged under the zoning objective. I consider the proposed development is a commendable start to the development for these lands. The proposal caters for the elderly cohort of the population of Mullingar and its hinterland, plus it facilitates social inclusion and integration by providing for a mix of tenures and age groups throughout the entire

scheme. On balance the proposal complies with the local planning policy for the area.

7.5 Sequential Approach

- 7.5.1 The appellant states town centre brownfield and infill sites should be prioritised for new development over underdeveloped greenfield sites on the periphery of the Mullingar. It is submitted there are many vacant and infill sites closer to the town centre which under national, regional and local planning policy should be developed before greenfield sites on the outskirts of the town. The residential estate and proposed nursing home will be isolated from the town centre in a rural area, while sites closer to the town centre remain undeveloped. The piecemeal uncoordinated development is undesirable and results in urban sprawl and degradation of the countryside. It is also claimed the site is far removed from the town centre and is therefore not suitable for housing for the elderly or a nursing home. In addition, it is argued there is no existing community in Robinstown, just zoned greenfield sites and an industrial estate. The proposal will reinforce the car dependent lifestyle and isolation of elderly persons that the National Planning Framework seeks to eliminate.
- 7.5.2 I note the site is zoned for development purposes and is located in an area of Mullingar designated for growth. There is no phasing of development in the LAP. The appellant has not indicated any sites to support the sequential test claims. The appeal does not substantiate or claim that the proposed development is contrary to the zoning for the area. Sequential development is essential in the preparation of LAPs as detailed in 'Local Area Plans Guidelines for Planning Authorities 2013'. The Mullingar LAP was prepared in accordance with the Guidelines. I note there is planning permission granted south of the subject site under P.A. Reference 17/6076 for 97No. dwellings and a creche off Martins Lane beside Oliver Plunketts GAA pitch. The mix of uses in the proposed development is reflective of the location of the site in Robinstown, across from an established large employment node, *Lough Sheever Corporate Park* and within walking distance of a medical centre and hospital critical community facilities. The proposed site is only 670m from Mullingar Primary Care Centre (Cluain Lir Care Centre and Midoc Mullingar) and 500m from Mullingar Regional Hospital. I consider the proposal will complement the established

development in the area whilst benefitting from direct pedestrian and cycle connectivity to the town centre via the established greenway adjoining the site along the western site boundary. The town centre is a 15minute walk along the Royal Canal Greenway.

- 7.5.3 The appellant's argument about the 'sequential approach' of the development of Mullingar is completely unsubstantiated and is contradicted by the development plan policies and objectives and the established and permitted development in the vicinity of the site.

7.6 Need for a Nursing Home

- 7.6.1 The proportion of the population in Co. Westmeath are over aged 65 is lower than the national rate, with 13% in this cohort. By the third party's analysis of population figures and the Nursing Home Beds showing Mullingar to have 420No. registered beds and an occupancy rate of 367 (87%). On this basis the appellant argues there are enough Nursing Home Beds in the county of Westmeath for 5.5% of the population of 65 plus. The average occupancy of nursing homes across County Westmeath is 89% so not all of the existing beds are being taken up. If you look at Mullingar in isolation, the average occupancy is 87% of the 420 beds in the area, with the current number of vacant beds being 53. With the current population figure of Mullingar at 23,325 persons, only 136 bedspaces are required by 2021 and 152No. spaces by 2027. The proposed development which comprises of 90 No. additional bedspaces would result in 510 spaces being available for current population where only 136 beds are required. The extra spaces will be filled by persons from outside of Mullingar, creating unsustainable visitor trips by car. It is submitted that there is no planning need for a nursing home at this location in Mullingar and the proposal should be refused on this basis.
- 7.6.2 In response to the third-party grounds of appeal that there is no need for a new nursing home in Mullingar, the applicant has submitted it is established operator who has identified a need in Mullingar for a nursing home. The applicant is currently constructing three nursing homes in Tramore, Waterford and Kilkenny. They have recently secured planning permission for three further sites in Tullamore, Nenagh and Portlaoise. It is further stated the number of surplus beds in Mullingar is not a

planning matter. There is no planning policy controlling or regulating the quantum of nursing home bedspaces in Mullingar or throughout the country.

7.6.3 Nationally the population is growing as is the age dependency ratio. The country needs to plan for the elderly population. The projected trends show that there will be a huge segment in the over 80s bracket by 2050. The identified need is consistent with various reports including the DMK report commissioned by the HSE in 2015. The report concluded there was a clear need to invest in alternative care support in the future. The report states a supply gap of over 18,000 beds could rise by 2026. Assuming an average capacity per nursing home of 100beds at 95% occupancy rate, this equates to a demand for 200No. new nursing homes in the area.

7.6.4 It is not sound grounds of appeal to argue against competition. The applicants are experienced in this field and are building nursing homes nationwide. The purpose-built nursing home and single storey houses for elderly persons is the main crux of the proposed development. I am satisfied the location is appropriate and the principle of a new nursing home and houses for the elderly is a sustainable form development based on future population projections for the area and the future needs of the aging population in the area.

7.7 The Design and Layout

7.7.1 I refer to the Site Layout Plan, **Drawing No. CL-01** submitted to the planning authority on the 17th of November 2022. The subject site is currently in agricultural use. There is a slight fall from north to south across the site. The design of the scheme takes the difference in levels across the site into consideration. The proposed development is accessed off the Castlepollard Road is alongside the residential development/ yard area, to the east of the site. There is a footpath fronting the site, and a signalled pedestrian crossing adjacent to the subject entrance on the Castlepollard Road. The proposed layout includes the nursing home, creche and coffee shop to the front of the scheme along with associated carparking. The nursing home will be the landmark feature of the scheme when viewed from the roadway and greenway. The single storey housing units face onto a central park area. There are rows of terraces addressing the central park area and the greenway along the western site boundary, with two apartment blocks to the rear of the

scheme. There is efficient connectivity created throughout the scheme with the use of a grid like layout.

- 7.7.2 The proposed 90No. bedroom **nursing home** is to be located along roadside boundary of the Castlepollard Road opposite the Lough Sheever Corporate Park. The proposed building is three storeys in height with a two-storey feature. The proposed building is boxlike in appearance, which is required under the framework plan. It is a flat roof monolithic type building mainly consisting of a brick finish. I am conscious of the receiving environment onto the Castlepollard Road and addressing the Grand Canal Greenway and the entrance to the overall scheme.
- 7.7.3 Regardless of the accommodation features, internal layout around a central green courtyard, the building is the main feature of the development that will be visible from the road and Greenway. The curvature of the service road and the site configuration will mean, views into the entire scheme will be restricted from the public road. Therefore, in my opinion, it is important that the nursing home design creates a signature building, with high architectural design standard and finish. Although this is a subjective issue, I consider the proposed design of the nursing home to be substandard. The planning authority stated the proposed nursing home building was visually strong in the location and provides a strong urban form on a main arterial route into the town.
- 7.7.4 I do not agree with planning authority on this issue. The proposed building envelop is monolithic in appearance, resembling a big box with exposed 'dead' frontages. The front and side facades addressing Castlepollard Road are bland, nondescript and dead. It is a very underwhelming design at entrance to the proposed scheme and along a main arterial route into the town. In my opinion, the current featureless design of the nursing home will detract from the visual qualities of the area. The Lough Sheever Corporate Park on the other side of the road has car dealerships on the opposite side of the road (Honda, Peugeot and Citroen, and Mitsubishi). These dealerships consist of box-like structures to accommodate their service areas and show rooms. With advertisements, flags and a range of colours the road frontage has a more interesting and engaging façade/ streetscape to it than the proposed nursing home development. I accept the function of the proposed building is a nursing home, and radically different to a car dealership, however, this is the entrance to the new urban landscape in Robinstown, and a strong urban form and

landmark building is required at this location. The design and brick finish with lacklustre fenestration design, creates a utilitarian, office-like structure. In my opinion, it creates a featureless legibility within the context of the location, which requires a more distinguished design due to its location. Overall, I consider the nursing home design is a poor design response for the area. Furthermore, in my opinion, it does not compliment the remainder of the proposed scheme.

7.7.5 I recommend the design of the nursing home building be revised to create a more dynamic, imaginative and appealing design response into the receiving environment. The proposed nursing home is going to be a focal point of a new urban edge located alongside the Greenway in Robinstown. In its current form and specification, it will not create a positive visual contribution to the area apart from a giant featureless block. There is potential to create a more positive design response to the entrance of this site and to create a signature building as the foundation for the new urban formation alongside the Greenway. The western elevation along the Grand Canal Greenway, is a nap plaster finish, with minimal design detail and features. It is a very non-engaging elevation, which is not reflective of the remainder of the scheme whereby the terraced housing face onto the Greenway, and in my opinion this will create greater connectivity and integration into the wider area as the entire Mixed Urban Core area progresses, with the emphasis on the linear park, Grand Canal Greenway.

7.7.6 Other elements of the proposed scheme include:

- The creche and coffee shop are located to the rear of the nursing home adjoining a link through the development onto the Greenway. There are two blocks of single storey terraces suitable for elderly people positioned beside the creche and coffee shop. The creche overlooks a large central park area (22290sq.m.).
- The scheme includes blocks of terraced housing with 2 No. two storey apartment blocks located at the rear of the scheme. The subject density is 35.5 units per hectare (80 No. units/ 2.25 Net Ha.). The breakdown of the proposed units is outlined in Section 2 of this report.
- The provision of open space is 4,700sq. m. the equivalent of 15% of the site area in line with development plan standards. As stated, there is one large central park, and a long linear strip adjoining the Grand Canal Greenway,

because these lands adjacent to the Greenway are zoned as **Open Space in the Mullingar LAP**. There are future pedestrian links via the proposed development to the Royal Canal Greenway. 14No. dwellings within the scheme face onto the Greenway. There is a variety of public open space areas that will ensure a range of recreational needs in close proximity to the homes. The main open space area is a central park (2290sq.m) which is overlooked by the creche, houses and apartment blocks. There are 6No. pocket parks throughout the scheme linked by footpaths. The existing hedgerow is to be retained along the eastern and southern site boundaries. The existing hedgerows are a strong feature of the site. Overall I have no objection to the quantity or quality of the public open space and consider that it would provide an appropriate level of recreational and passive amenity for future residents and would also improve the visual amenities of the site.

- Each of the dwellings have rear garden ranging in size from 55sq.m. to 133sqm. The apartments and a number of the single storey elderly homes have communal garden areas. Having regard to the limited (2-storey) height of the proposed residential units, the separation distances between existing and proposed dwellings and the orientation of the scheme I am satisfied that it would not result in any undue overlooking or have an overbearing impact on any proposed dwellings. No concerns were raised by the planning authority regarding a negative impact on existing residential amenity. There were no objections to the proposed scheme from the one adjoining resident.
- The proposed scheme is laid out in a grid pattern with a minimum of c. 22m separation distances between the rear elevations of the proposed dwellings. SPPR 1- Separation Distances of the Sustainable and Compact Settlement Guidelines requires a minimum separation distance of 16m is provided between opposing windows serving habitable rooms above ground floor level. It further states that a separation distance below 16m may be considered acceptable in certain circumstances. I am satisfied that the proposed layout would not result in any undue overlooking within the proposed scheme.
- The rear elevations of all residential units are a minimum of 10m from the site boundaries. Therefore, I am satisfied that the proposed layout would not

impede the potential future development of adjacent lands. The layout has had clear regard to the future development of adjoining lands.

- A daylight, sunlight and overshadowing assessment was not submitted with the application. Section 5.3.7 of the Sustainable and Compact Settlements Guidelines notes that the provision of acceptable levels of daylight in new residential developments is an important planning consideration. However, planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases and that in the case of low-rise housing with good separation distances, it should be clear from the assessment of architectural drawings that undue impact would not arise. Given the characteristics of the proposed development I am satisfied that it would not result in overshadowing of any existing or proposed residential dwellings and a technical assessment of daylight, sunlight and overshadowing performance is not necessary in this instance. I note the Shadow Study prepared by Fewer Harrington and Partners which focused on the Nursing Home. Given the separation distances and the height of the nursing home, there will not be a negligible impact to residential amenities from overshadowing.
- There is also ample bicycle parking proposed. There are 18No. spaces provided for the apartment block, 30No. spaces provided for the nursing home, 17No. spaces for the coffee shop, and 24No. spaces for the elderly bungalows.
- There are 64No. car parking spaces provided for the 64No. dwellings in line with the development plan requirements. There are 16No. spaces provided for the apartment unit. In line with the development plan requirements of 1 space per 0.33 bed (90No. bed nursing home) there will be 30No. spaces provided including 3No. disabled spaces. There are 12No. spaces for the creche and 9No. spaces for the coffee.
- Communal waste facilities have been proposed for the apartment development. There are turning areas for refuse vehicles throughout the scheme. The nursing home will have three large bins within a secure yard area.

- The homes will be heated using air-water heat pumps powered by energy generated by the home itself. There is fabric insulation, smart glazing, mechanical solar panels, grey water harvesting, air to water heat pumps.
- Boundary treatment range from post and panels between the rear gardens of the dwellings, to concrete walls around the nursing home.

7.7.7 The site boundary area is 3.1Ha. The nett residential area is 2.23Ha. There are 80 No. units on 2,25 ha which equates to a density of 35.5 units per Ha. Table 3.6 of the *Sustainable Residential Development and Compact Settlements Guidelines* sets out density ranges of 30 – 50 units per ha for the suburban / urban expansion of Large Towns. A Large Town is identified as a settlement with a population of over 5,000. The proposed density of 35.5 units per ha is, therefore, at the low end of the target range. However, having regard to the established and permitted pattern of development in the wider environs of the appeal site, and the mixed tenure types in the proposal, I am satisfied that the proposed density is acceptable and in accordance with the provisions of the Mullingar LAP, and Table 3.5 of the *Sustainable Residential Development and Compact Settlements Guidelines*.

7.7.8 In conclusion, apart from the façade design and finish of the nursing home, I am satisfied that the proposed scheme would result in the creation of a high-quality development that would provide a positive contribution to the area and support the consolidation of the urban environment. Therefore, I have no objection to the proposed design approach and consider it represents a reasonable response to its context.

7.8 Traffic/ Roads

7.8.1 The proposed access to the development is via a T-junction off the Castlepollard Road. The Castlepollard Road (R394) is a two way single carriageway regional road which runs to the N4. There are footpaths on both sides of the road in front of the site. There is a speed limit of 50kph.

The application documentation includes the following:

- Stage 1 Roads Safety Audit (November 2022)
- Vehicle Tracking Analysis
- Traffic and Transport Assessment Report

7.8.2 The overall design has taken into account DMURS by providing appropriate measures to reduce vehicle speed and address natural pedestrian desire lines such as crossing points, dropped kerbs and tactile paving. The site layout has been designed to allow vehicular connection to future 'Link Roads' contained in the Robinstown Framework Plan. The capacity assessment of the proposed access junction on the Castlepollard Road using PICADT analysis software has shown negligible capacity, queuing or delay issues predicted for the future 2038 design year scenario.

7.9 Other Issues

- Childcare Facility: Originally the purpose-built childcare facility did not form part of the development within the scheme until the planning authority informed the applicant it must comply with the Childcare Facilities Guidelines for Planning Authorities.
- Part V 8No. units are to be transferred to the local authority.
- Department of Environment and Heritage note the NIS and Screening report accompanying the planning application and the Environmental Management Plan. The conditions should be attached in accordance with both documents.
- The proposed development will connect to the public water supply and wastewater disposal and treatment. Irish Water have no objections to the proposed development. The wastewater network for the development is located on private land. Irish Water has nominated itself as the beneficiary of a wayleave across such lands to allow maintenance and repair to the infrastructure.
- The site is located outside of the Flood Risk Zones A and B, therefore located in Flood Risk Zone C. OPW Preliminary Flood Risk Assessment Maps indicate a flood risk for very minor Pluvial flooding.
- There is a Construction Environmental Management Plan that was submitted as part of the planning application. This can be conditioned as part of the decision.

8.0 AA Screening

8.1. The areas to be addressed are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- Appropriate Assessment

8.2. Compliance with Articles 6(3) of the EU Habitats Directive

8.2.1 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.

8.2.2 An Appropriate Assessment (AA) Screening Report and a Natura Impact Assessment (NIS) prepared by Fehily Timoney were submitted with the application. AA Screening Report includes a description of the proposed development, identifies the European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development. The Stage 1 assessment concludes that the possibility of significant effects on Lough Owel SAC (Site Code 000688) and Lough Ennell SAC (000685). The NIS identifies elements of the project potentially impacting on the Natura network and mitigation measures to protect Natura sites. The NIS concluded, subject to the mitigation measures outlined in the NIS, the proposed development would not have a significant adverse impact on qualifying interests, special conservation interests or on the integrity or extend of the Lough Owel SAC (Site Code 000688) and Lough Ennell SAC (000685 or on any European site.

8.2.3. Having reviewed the documents and submissions on the case, I am satisfied that the information provides a reasonable basis for the examination and identification of potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

8.3 Stage 1 AA Screening

8.3.1 The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

8.3.2 *The Proposed Development*

The proposed development consists of the construction of a nursing home, a mixed use development which also includes 80. Residential units on agricultural lands along Castlepollard Road, Mullingar. The proposed development will include construction works such as site mobilisation, site clearance, boundary securing, initial road layout, drainage works and foundations, construction of the development, playout of green areas, construction of boundaries and development of infrastructure.

The subject site is a green field located alongside a Proposed Natural Heritage Area, Royal Canal site code 002103 (running alongside the western site boundary). The water channel is a Lough Owel Feeder Canal, where it meets the Royal Canal Main Line (Lower Shannon) approximately 700m from the site). The feeder canal alongside the site is fed by water from Lough Owel which is an SAC and SPA (000688 and 004047). The site lies within the Lower Shannon Catchment and the River Brosna runs approximately 1km to the east of the site where it meets Lough Ennell (SPA 004044 and SAC 00685) 5km southeast of the site.

8.2.3 *Zone of Influence*

8.2.3 The proposed development is not directly connected to or necessary to the management of any European site and is therefore subject to the provisions of Article 6(3) of the Directive. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed

development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway- Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features

8.2.4. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

Designated Site (Site Code)	Qualifying Interests	Distance	Link	Considered Further
Lough Ennell SAC (000685)	7230 Alkaline Fens	4.1km	Hydrological link from the site via storm water drainage to the R. Brosna	Yes
Lough Ennell SPA (004044)	A059 Pochard A061 Tufted Duck A125 Coot	4.1km	Hydrological link from the site via storm water drainage to the R. Brosna	Yes

Lough Owel SAC (000688)	1092 Whiteclawed Clayfish 2140 Hard oligo-mestrophic waters with benthic vegetation 7140 Transition Mires and quaking bogs 7230 Alkaline Fens	2.2km	Indirect physical link via Lough Owel Feeder Canal adjacent to the site. Ecological link via mobile species, whiteclawed crayfish	Yes
Lough Owel SPA (004047)	A056 Shoeler A125 Coot	2.2km	Indirect physical link via the Lough Owel Feeder Canal adjacent to the site	Yes

The proposed development has no potential source pathway receptor connections to any other European Sites.

8.3. Identification of Likely Effects

8.3.1 The development site is not located within any European site. Therefore, it would not result in temporary loss, disturbance or disruption of habitat. However, there is potential for effects relating to construction discharges, with the potential to cause a release of suspended solids and hydrocarbons into Lough Owel Feeder Canal adjoining the site along the western site boundary, therefore has the potential to cause indirect effects on the water dependant species and habitats of the designated sites through a reduction in water quality.

8.3.2 Given the proximity and the hydrological connection between the appeal site to the Lough Owel SAC & SPA and Lough Ennell SAC & SPA, I agree with the assessment of the applicants AA Screening Report that in the absence of mitigation measures, it is not possible to rule out impacts which could negatively impact on qualifying interests of the designated site.

8.3.3 Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a significant effect on the \$no. listed European sites above, in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a NIS is, therefore, required.

8.4 The Natura Impact Statement

8.4.1 A report entitled Appropriate Assessment Screening Report and Natura Impact Statement prepared by Fehily Timoney in December 2021 accompanied the application documentation. The report described the proposed development (Project Description), European Sites and Identification of Impacts, Screening Conclusion which concluded that a Stage 2 Appropriate Assessment was required on the basis that there is potential for the proposed development, alone or in combination with other projects, will have significant effect on two European sites:

Lough Owel SAC (000688)

Lough Ennel SAC (000685).

Table 4-2 of the NIS outlines the Source-Pathway-Receptor Assessment. The Lough Owel Feeder to the Royal Canal runs adjacent to the site. There is Lough Owel Feeder to the Royal Canal which runs adjacent to the site.

8.4.2 Potential Adverse Impacts

Site Clearance, Construction :There is possible habitat connectivity for the **Whitewater Clawed Crayfish**. Movements of machinery and personnel from catchments with crayfish plague outbreaks have potential to distribute the disease to Lough Owel via crayfish that may exist in the feeder channel. There is possible habitat connectivity for the white clawed crayfish, for which Lough Owel is protected. Movement of machinery and personnel from the catchments with crayfish plague outbreaks have the potential to distribute the disease to Lough Owel via crayfish that may exist in the feeder canal. There is no pathway or receptor for disease outbreaks identified for the remainder of the conservation interests for European sites with the Zone of Influence.

Noise/ Vibration/ Human Presence The development site does not contain suitable habitat for breeding birds or wintering birds protected under the European sites within the Cone of Influence, therefore there is no potential for significant effects.

Cement Pouring: In the event of discharge of cementitious material to the Lough Owel Feeder Canal caused by uncontrolled concrete chute washout or heavy rainfall when wet concrete is present, white clawed crayfish could be impacted upon.

Hydrocarbons: Toxic effects on aquatic species may occur due to surface water pathway identification.

There are no European sites within the Zone of Influence in terms of surface water discharge or treated wastewater discharge due to distance.

The NIS outlines the methodology used for assessing potential impacts on Lough Owel SAC and Lough Ennell SAC as a result from an indirect physical/ ecological link via the Lough Owel Feeder Canal and a hydrological link with Lough Ennell. It identifies and assesses the potential for adverse impacts on qualifying interest features and mitigation measures are detailed and described and in-combination effects assessed.

8.4.1 The In-combination Impacts are outlined under section 4.4 of the AA Screening Report. It is reported that there are no in combination effects foreseen.

8.4.2 ***Lough Owel SAC (000688)***

The Qualifying Interests and the Conservation Objectives are indicated below. The white-clawed crayfish is the only freshwater crayfish recorded in Ireland. Crayfish plague is confirmed in a number of catchments in Ireland within the region. However the crayfish plague has not been identified in Lough Owel. An indirect link exists with Lough Owel SAC, via the Lough Owel Feeder Canal. Release of suspended sediment and/or polluted runoff in the Lough Owel Feeder Canal during construction works, would indirectly effect the Lough Owel SAC via its qualifying interest white clawed crayfish in the event of run off from the proposed development entering the channel. Changes in water quality could cause mortality, and reduce availability of prey for the aforementioned QI species.

Lough Owel SAC (000688)

Qualifying Interest	Conservation Objective	Potential Adverse Impacts	Mitigation Measures	In Combination effects	Can adverse effects on integrity be excluded.
Alkaline Fens	To maintain or restore the favourable conservation condition of Alkaline Fens	Discharges – activities associated with construction and operation may result in the release of sediment, chemical or other waste material pollution.	<p>Appropriate storage facilities will be provided on site for areas of high risk. Any fuels, oils and chemicals will be stored on impervious base within an bund away from any surface water ditches / locations. All tank, container and drum storage areas will be rendered impervious to the material stored. Concrete mixer trucks will not be permitted to washout on site. Water will not be discharged to open water courses.</p> <p>All works will be carried out will comply relevant legislation and best practice guidelines. Staff will be appropriately trained. Storm drains will be protected. Surface water run-off will be treated using silt trays / settlement ponds and temporary interceptors and traps will be installed. All waste water will be stored and disposed of appropriately. All soil stockpiles would be situated at least 10m from any drainage ditch or watercourse and would have silt fencing installed. Implementation of the measures outlined in the draft Construction Waste Management Pla</p>	No effects	Yes
White-Clawed Cray Fish	To maintain or restore the favourable		As above	No effects	No potential for adverse effects as crayfish

	conservation conditions				plague could spread
Transition Mires and Quaking bogs	To maintain or restore the favourable conservation conditions	Habitat disturbance	As above		Yes, The Qualifying interest is not hydrologically linked to the site
Hard oligo-mesotrophic waters with benthic vegetation	To maintain or restore the favourable conservation conditions				Yes, The Qualifying interest is not hydrologically linked to the site

8.4.3 Lough Ennell SAC

A large release of contaminated runoff or silt into the drainage network during construction works, in particular headwall installation could affect Lough Ennell SAC which is hydrologically connected to the River Brosna, south of the Grand Canal.

Lough Ennell SAC (000685)

Qualifying Interest	Conservation Objective	Potential Adverse effects	Mitigation Measures	In-Combination Effects	Can Adverse effects on integrity be ruled out
Alkaline Fens	To maintain or restore the favourable conservation condition of Alkaline Fens	Discharges – activities associated with construction and operation may result in the release of sediment, chemical or other waste material pollution	<p>Appropriate storage facilities will be provided on site for areas of high risk. Any fuels, oils and chemicals will be stored on impervious base within an bund away from any surface water ditches / locations. All tank, container and drum storage areas will be rendered impervious to the material stored. Concrete mixer trucks will not be permitted to washout on site. Water will not be discharged to open water courses.</p> <p>All works will be carried out will comply relevant legislation and best practice guidelines. Staff will be appropriately trained. Storm drains will be protected. Surface water run-off will be treated using silt trays / settlement ponds and temporary interceptors and traps will be</p>	No effects	No due to the hydrological connectivity between the site and Lough Ennell construction emissions may affect water quality in particular the pH due to cement contamination during site works

			installed. All waste water will be stored and disposed of appropriately. All soil stockpiles would be situated at least 10m from any drainage ditch or watercourse and would have silt fencing installed. Implementation of the measures outlined in the draft Construction Waste Management Pla		
--	--	--	--	--	--

8.4.1 As stated an Appropriate Assessment and Screening Report and Natura Impact Statement (Fehily, Timoney, December 2021) accompanies the planning application. The nearest Natura 2000 site is Lough Owel SAC (Site Code 000688) which is approximately 2.2km from the site, and Lough Ennell SAC (Site No. 000685).

8.4.2 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/species fragmentation as a direct result of the proposed development.

8.5.1. Discussion

I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on the following designated sites where it has been established that a Source-Pathway-Receptor link exists.:

- Lough Owel SAC (000688)
- Lough Ennell SAC (000685)

As reported in the AA Screening, all other European designated sites can be excluded from the need for further assessment because there is no connectivity between them and the subject site.

- 8.5.2. The NIS identifies and assesses possible adverse effects of the proposed development on specific Qualifying Interests and Conservation Objectives of these designated sites. A summary description of the European sites is provided in the NIS. Table 6-1 provides the 'Conservation Objectives, Attributes and Targets for Lough Owel SAC and Table 6-2 provides Conservation Objectives, Attributes and Targets for Lough Ennell SAC. These two tables include 'Potential for adverse effects on the qualifying interests and conservation objectives of two Natura 2000 sites'. Surface water pollution and silt are listed as potential contaminants.
- 8.5.3. Proposed mitigation measures are provided in Table 6-3 of the NIS, as outlined above in the Table. Most of these are standard measures that would be employed on any such construction site. Included are more specific measures such as the employment of a project manager and environmental manager from prior to commencement of development up to the completion stage. Local silt traps and a silt fence along the boundary with the Lough Owel Feeder Canal will be employed on site to prevent sediment entry into the Canal. There will be a Pollution Incident Control Response system put in place on site, and certain construction works will not be carried out during periods of heavy rainfall. The measures are adequate to ensure that the Owel Feeder Canal is protected during the construction phase of this development.
- 8.5.4. In conclusion, the NIS reports 'No significant effects are likely on Natura 2000 sites, their features of interest or conservation objectives. The proposed project will not either alone or in combination with other plans or projects, adversely affect the integrity of European sites.' in light of conservation objectives of these European sites.

8.6 Assessment

- 8.6.1. I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

8.6.2. The Lough Owel SAC and Lough Ennel SAC are subject to appropriate assessment.

A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.

8.6.3. Aspects of the Development that could adversely affect the designated site: The main aspect of the development that could impact the conservation objectives of the European sites are through deterioration of water quality during the construction and operational phases of the development.

8.6.4. **Mitigation:** A range of mitigation measures are provided in the NIS, and these are noted. These primarily refer to the construction phase of development. These are outlined in Table 6-3 of the NIS, but the main points that are specific to this project are summarised here:

- The employment of a project manager and environmental manager from prior to commencement of development up to the completion stage.
- Local silt traps will be employed on site during the construction phase.
- A silt fence to be installed on the periphery of works along the treeline which bounds the Lough Owel Feeder Canal to prevent sediment entry into the Canal
- Pollution incident control response
- Concrete management
- Management of hydrocarbons on site

The list of mitigation measures in Table 6-3 is long and comprehensive. I consider that the remaining measures would be employed during any similar development without any specific reference to designated European sites, they are basic construction management protocols.

8.6.5. Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse

effects on the integrity of designated European sites based on the outlined mitigation measures. I consider that the mitigation measures are necessary having regard to the proximity of the site to the feeder canal and in turn its hydrological connection to the listed SPAs and SACs. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan.

8.6.6. In Combination Effects: No issues of concern are raised subject to the full implementation of mitigation measures outlined in the NIS.

8.7 **Appropriate Assessment Conclusion:**

8.7.1. The proposed mixed development at Robinstown, Mullingar, Co. Westmeath has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.7.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Lough Owel SAC (000688) and Lough Ennel SAC (000685). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

8.7.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Lough Owel SAC (000688) or Lough Ennel SAC (000685)

8.7.4. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of Lough Owel SAC (000688) and Lough Ennell SAC (000685)
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Lough Owel SAC (000688) and Lough Ennel ISAC (000685).

87.5. I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the

information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of Lough Owel SAC (000688) and Lough Ennell SAC (000685).

9.0 Recommendation

I recommend the planning authority's decision to grant planning permission for the proposed development be upheld.

10.0 Reasons and Considerations

Having regard to:

- (a) The nature and scale of the proposed development, as amended by the clarification of further information submitted on the 17th of November 2022,
- (b) The policies and objectives of the Westmeath County Development Plan 2021-2027
- (c) The Mullingar Local Area Plan 2024 (as extended)
- (d) The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage (2024)
- (e) The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities the Department of Housing, Local Government and Heritage (2024)
- (f) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009,
- (g) The Design Manual for Urban Roads and Streets (DMURS) 2023 as amended,

- (h) The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009.,
- (i) The nature, scale and design of the proposed development,
- (j) The availability in the area of a range of social, community and transport infrastructure,
- (k) The pattern of existing and permitted development in the area,
- (l) The planning history in the area,
- (m) The submissions and observations received,

it is considered, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this urban location on appropriately zoned and serviced lands, would be acceptable in terms of pedestrian and traffic safety, and would not seriously injure the visual and residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's Report in respect of the identification of European sites that could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives.

The Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites, in view of the site's conservation objectives, other than the following, for which Appropriate Assessment is required:

- Lough Ennell SAC (Site Code: 000685)
- Lough Owel SAC (Site Code 000688)

Appropriate Assessment

The Board considered the Natura Impact Statement submitted with the planning application and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development on European Sites: Lough Ennell SAC (Site Code: 000685) and Lough Owel SAC (Site Code 000688) . The Board considered the information before it was adequate to carry out the Appropriate Assessment.

In completing the Appropriate Assessment, the Board considered in particular, the following:

- (a) The likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) The mitigation measures which were included as part of the current proposal and
- (c) The conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board and accepted and adopted the Appropriate Assessment carried out in the inspector's report in respect of the potential effects of the proposed development on the Lough Ennell SAC (Site Code: 000685) and Lough Owel SAC (Site Code 000688) having regard to the sites conservation objectives.

In the overall conclusion, the Board was satisfied that the proposed development subject to identifiable mitigation measures, by itself or in combination with other plans or projects, would not adversely affect the integrity of the sites listed above, or any other European Site, in view of the sites conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information submitted on the 30th of May, 2022 and the Clarification of Further Information received 17th of November 2022, except as may otherwise be required in order to

comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Planning permission is granted for a nursing home, a creche, a coffee shop and 80No. dwellings units only, as per the site layout drawing and house types submitted as further information on 17th of November 2022.

Reason: In the interests of clarity.

3. Within three months of this decision, the applicant shall submit to an agree with the planning authority in writing revised elevation design and specification for the nursing home building to include:
 - (i) a greater vertical emphasis on the elevational frontages to Castlepollard Road and the Greenway to the west of the site;
 - (ii) the vertical emphasis shall be created by using revised fenestration design, and a mix of materials on the facades as opposed to the current blanket brick or nap plaster finish façade;
 - (iii) the revised design should be to minimise the monolithic appearance of the overall façade treatment;
 - (iv) Details, including samples, of the materials, colours and textures of the external finishes to the proposed buildings;

Reason: In the interests of visual amenity and clarity

4. The mitigation measures detailed in Section 6-3 of the Natural Impact Statement shall be implemented in full.

Reason: In the interest of clarity and to ensure the protection of the European sites.

5. The areas of public open space shown on the lodged plans (17th of November 2022 shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the landscaping proposals received by the planning authority and the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

6. a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

8. (a) Any required hedgerow, tree or scrub removal or cutting to facilitate the proposed development shall not take place during the bird breeding season which is between the 1st of March and the 31st of August;

(b) All environmental construction and ecological mitigation measures identified in the Construction Environmental Management Plan and the Natura Impact Statement shall be implemented in full by the developer in conjunction with the times lines to be agreed in writing with the planning authority prior to the commencement of the development, except as may otherwise be required in order to comply with the conditions of this order.

Reason: In the interests of clarity and nature conservation and to ensure environmental sustainability of the subject site.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces and the public park, 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 house.

Reason: In the interest of amenity and public safety.

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

11. The developer shall comply with the requirements of the roads, access, lighting and parking arrangements including facilities to recharge electric vehicles. In particular:

(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(c) The internal road network to serve the proposed development (including junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.

(d) The materials used, including tactile paving, in any roads/footpaths provided by the applicant shall comply with the detailed standards of the planning authority for such road works.

(e) Mobility Management Plan shall be prepared and submitted to the planning authority for approval prior to the commencement of the development.

(f) The developer shall carry out a Stage 2 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit) which shall be submitted

to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.

(g) Within six months of substantial completion of the development, a Stage 2 Quality Audit (including Road Safety, Access Audit, Cycle Audit and Walking Audit) of the constructed development shall be submitted to the planning authority for approval.

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

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

13. 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 within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, submitted with the planning application.

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

15. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority

Reason: In order to safeguard the [residential] amenities of property in the vicinity.

16. Proposals for an estate/street name, house numbering scheme, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

17. 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.

18. 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, as amended, that restricts all houses and apartment 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.

18. The developer shall enter into water and waste water connection agreements with Uisce Eireann prior to the commencement of the development.

Reason: In the interests of public health.

19. Drainage arrangements, including 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.

20. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site.

(a) Prior to any ground works taking place archaeological test trenches of the proposed site shall be carried out, the results of which will inform the development of an archaeological strategy/ methodology.

(b) All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist.

(c) Should archaeological material be found during the course of works, the work on site shall be stopped pending a decision as to how best to deal with archaeology.

The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any necessary mitigation action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

Reason: To ensure the continued preservation of places, site, features or other objects of archaeological interest.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased

payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Caryn Coogan
Planning Inspector

3rd of May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	315999-23		
Proposed Development Summary	1No. 90 bedroom nursing home, 1No. coffee shop, 1No. creche, 2No. apartment blocks with 8No. units in each block, 80No. residential dwellings.		
Development Address	Robinstown, Castlepollard Road, Mullingar		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	√		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
Conclusion			
No		N/A	No EIAR or Preliminary Examination required
Yes	√	10. Infrastructure projects (b)(iv) Urban development which would involve a greater area than 2 hectares in the case of a business	Proceed to Q.4

		district, 10 hectares in the case of other parts of a built-up area and 20hectares elsewhere.		
--	--	---	--	--

4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

Form 2

An Bord Pleanála Case Reference	ABP 315999-23	
Proposed Development Summary:	1No. 90 bedroom nursing home, 1No. coffee shop, 1No. creche, 2No. apartment blocks with 8No. units in each block, 80No. residential dwellings	
Development Address:	Robinstown, Castlepollard Road, Mullingar	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/ No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	<p>The surrounding area is mainly characterised by a mix of commercial and agricultural uses typically found on the outskirts of a large urban area, such as Mullingar.</p> <p>The site has a stated area of roughly 3.1ha. During the construction phase the proposed development will earthworks. Given the moderate size of the development and site, I do not consider that the construction works arising would be significant in a local, regional or national context.</p>	No

	No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal, which is a nursing home, creche, coffee shop and housing.	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	No, the proposed development is on lands zoned for Mixed Urban Core uses. There is a large corporate site on the opposite side of the road to the proposed development, and the proposal is commercial and residential in nature, and I do not believe there will be potential for cumulative impacts arising.	No
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically</p>	The site is adjoining a pNHA along the western site boundary the Royal Canal. This is an Lough Owel SAC and SPA Feeder Canal where it meets the Royal Canal Main Line (Lower Shannon) approximately 700m from the site. There is potential for significant effects to occur during construction phase. There are mitigation measures to be developed to prevent potential effects occur either	No

<p>sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>alone or in combination with other projects, as per the submitted NIS.</p> <p>The site is located within a serviced urban area. I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area during the operational phase of the development.</p>	
CONCLUSION		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> <p>✓</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	<p>There is a real likelihood of significant effects on the environment.</p>

Inspector: Caryn Coogan

Date: 8th of May 2024