



An
Bord
Pleanála

Inspector's Report

ABP-316334-23

Development

Retirement village and residential care home for 108 beds; a community hall; an extended cottage building; junction and access road off the Mullingar Road; the undergrounding of the ESB overhead line; on site wastewater pumping station; surface water attenuation area and solar photovoltaic panels at roof level. The planning application is accompanied by a Natura Impact Statement (NIS).

Location

Mullingar Road, Kinnegad, Co. Westmeath

Planning Authority

Westmeath County Council

Planning Authority Reg. Ref.

22325

Applicant(s)

Gerry Maguire

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s) Gerry Maguire

Observer(s) Paul Foley

Date of Site Inspection 20th of May 2024

Inspector Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located on the outskirts of the built up area of Kinnegad, Co. Westmeath. Kinnegad is strategically located just off the M4/M6 interchange. The site is to the northwest of the town, directly progressing from Main Street onto the Mullingar Road. The site is positioned beyond the junction of the Mullingar Road with Kilucan Road, on the north site of the Mullingar Road (Regional Road R148).
- 1.2. The general area is residential. There are a number of housing estates in the general vicinity, Manorfield, Tricroghan, Heathfield and the Hawthorns. The residential estates are low-medium density, with standard suburban layouts.
- 1.3. There is a creche on the Killucan Road in close proximity to the site. The site is approximately 1m from the town centre. It is located inside of the 60kph speed limit. There is a public footpath of on the opposite side of the Mullingar Road. There is no footpath fronting the proposed vehicular access to the site.
- 1.4. The site area is 4.51ha. It is a greenfield site currently been used for agricultural purposes (grassland/ silage), and forms part of a larger landholding. Along the southern and eastern site boundaries, there are linear houses backing onto the site along the full length of these two site boundaries. The northern and western site boundaries are open field boundaries with no hedgerows. There is a drain along the western site boundary.
- 1.5. The site appears level at first, however it is undulating, with a rise from south to north that drops again towards the rear site boundary (north). It also falls east to west. There are high voltage ESB overhead cables traversing the site.
- 1.6. The access to the site is directly off the Mullingar Road to the back of existing linear developments. The access currently includes a semi-detached two storey dwelling with a side garden.

2.0 Proposed Development

- 2.1. The proposed development consists of a Retirement Village and Residential Care Home on a site of 4.51ha comprising of:
 - 108No. bedroom two storey residential care home (6279sq.m.)

- 30No. 1 bed single storey assisted living units
- 15No. two bed single storey independent living units
- A community hall (195sq.m.)
- And extended cottage building (as existing),
- New junction and access road off the Mullingar Road
- 128No. car parking spaces
- 35No. secure cycle parking spaces
- Internal roads, footpaths, communal and private garden area
- Landscaping and boundary 2.2treatments
- Onsite wastewater pumping station
- Surface water attenuation area
- Solar photovoltaic panels at roof level to residential care home.

2.2 The planning application was accompanied by a Natura Impact Statement.

2.3 Summary:

Site Area	4.51Ha
Residential Nursing Home	6279sq.m.
Community Hall	195sq.m.
Assisted Living Units	30
Independent Living Units	15
Existing cottage	60sq.m
Extension to cottage	103sq.m.
Car parking spaces	128
Cycle Spaces	35
Open Space	1.44Ha

2.4 On the 9th of August 2022 the planning authority requested further information which basically re-design of the entire proposal. A response to the further information was received on **21st of November 2022**.

(i) There were revised public notices submitted;

(ii) Cross sections and levels given of the proposed development in the context of the site and neighbouring dwellings;

(iii) 3D imagery of the proposed development in the context of the existing built environment;

(iv) revised nursing home design with a stepped roof and vertical emphasis presented on revised elevations

(v) Noise surveys indicated the noise levels in the area were from the adjoining roads. Noise associated with the site will be daytime activities, and impacts are predicated as imperceptible.

(vi) Revised community building design and relocation within the scheme. The open spaces are more focused on the buildings, with a horse show design creating a more centralised communal open space

(vii) Design features added to the single storey assisted living units, and other features within the scheme.

(viii) A Design Statement

(ix) Extension of semi-detached cottage revised including 3D drawings;

(x) The proposed access has not been revised because it is the closest to Kinnegad village

(xi) Construction Environmental Management Plan, `External Lighting Proposal report, Drainage Design report, Overhead lines, Archeological Impact Assessment Report

(xii) Third party concerns are addressed by the 3D drawings demonstrating existing amenities are fully respected by the proposed design.

3.0 Planning Authority Decision

3.1. Decision

Westmeath Co. Co. **REFUSED** the proposed development by Manager's Order dated 27th of March 2023 for one reason:

The proposed development and in particular the siting and design of the proposed nursing home within the overall development, on unzoned lands, by virtue of its design, scale and form, fails to provide the optimum design and layout solution to allow the proposed development to integrate successfully with the adjoining built form.

Accordingly, to permit the development as proposed would substantially detract from the residential amenities for adjoining residential amenities to the east of this site, would be contrary to Council's Policy Objective CPO 8.109 of Westmeath County Development Plan 2021-2027 which outlines that it is Council's policy objective '*to allow the appropriate consideration of provision of a nursing home with an activity facility and meeting room as a central area for a small cluster of housing that would support an elderly population in accessing services they require locally within a sustainable development*' and would be contrary to policy objective CPO 16.11 of the Westmeath County Development Plan 2021-2027 as the proposed development does not present a considered design approach to tailor the scale, design and layout in response to the individual character of its immediate surroundings within the town of Kinnegad. In this regard, to permit the development as proposed would be premature, would depreciate the value of property in the vicinity, would set an undesirable precedent for similar of this type in the future and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

2nd of August 2022

The salient points of the assessment are as follows:

- The application site is on unzoned lands outside of Kinnegad. The site has been identified to allow consideration for a nursing home CPO8.109. The principle of the development is acceptable.
- The site represents a sequentially available site to provide for the aged population.
- The gross density is 33.9 units per ha which conforms with policy for edge of centre sites. There is an appropriate mix of housing types.
- The siting of the nursing home building on the highest part of the site in close proximity to an adjoining dwelling, will adversely impact on the visual and residential amenities of the adjoining dwelling units by overlooking and visual dominance.
- The location of the service yard associated with the nursing home will impact on existing residential amenities.
- The design of the nursing home is inappropriate, it is visually dominant and bland. No design statement with the application.
- The open space design is poor with pockets located along the service road
- The community hall design fails to integrate and complement the nursing home design.
- The assisted living blocks are arranged within 3 No. blocks. The proposed design lacks character. There are no quality open spaces.
- Independent Living units along the south-southwest boundary.
- The proposed extension to the cottage is an inappropriate design.
- Construction Environmental Plan required.
- Ad hoc access location

Further Information is recommended.

Planning Report 2 (28th of January 2023)

Assessment of Further Information

- P.A. is restricted to considering the planning merits of the application within the provisions of the Westmeath County Development.
- The proposed scale of the development failed to reflect or integrate successfully into the surroundings and was not consistent with Objective CPO 8.109.
- There is an extensive scale of development nestled into the south-east corner of a large landholding. The current layout is dominated by meandering roads creating a rigid style and fails to provide an open and pleasing environment for future occupiers.
- CPO 16.11 and CPO16.13 from the development plan are quoted
- The revised nursing home design do not address the concerns of the P.A. in terms of scale and massing. It is an inappropriate design solution which will be visually dominant in a low-rise context.
- The revised community hall is acceptable.
- There are still concerns reagridng the layout of open space.
- The revised design to the cottage, boundary treatment, overhead wires are acceptable.

Clarification of Further Information is recommended.

Planning Report No. m3 (28th of March 2023)

- The applicant did not address the concerns of the planning authority on unzoned lands. The proposal is out of scale and not consistent with the Policy CPO 8.109.
- There is a significantly large scale development shoehorned into the south eastern pocket of an extensive landholding, poor residential layout and substandard design which lacks design reference to the character and context of the area.
- It will adversely impact upon adjoining residential amenities by reason of overlooking, visual dominance and noise/ disturbance

Refusal is recommended.

3.2.2. Other Technical Reports

Engineering:

- 60kph speed limit applies to access on the R418
- Sight Distance acceptable
- Connection to Public Water Mains
- Connection to public sewer via pumping station
- Surface water to discharge to existing watercourse via interceptor and attenuation tanks
- OPW Preliminary Flood Risk Assessment Maps indicates that the site is at risk to minor pluvial flooding.

Engineering Report 2 (19th of December 2022)

- €72,400 contribution towards providing a footpath
- Conditions recommended regarding roads, surface water, waste water, services.

HSE

- Lack of information regarding the Construction Management Plan
- Refuse storage should be sufficient
- Consult HSE regarding internal layout.

3.3. Prescribed Bodies

3.3.1 Department of Housing, Local Government and Heritage

- A large scale development. An Archaeological Impact Assessment is required.
- A suitably qualified archaeologist shall be employed.
- Written report to be submitted for consideration of the Department and P.A.

3.3.2 Irish Water

A pre-connection enquiry report is required. Design specification for the proposed wastewater pump station.

3.4. Third Party Observations

There were a number of third-party objections to the proposed development. I will summarise the submissions collectively because they raised similar issues:

- There is a two-storey building within 15metres of a residential boundary, overlooking their garden and sunroom, whereby their privacy is eroded. Because there are clear views into the windows of their home.
- The two-storey building is 111m long with windows overlooking their property, garden and house.
- There will be overshadowing of their garden area, particularly evening summer sun.
- Noise levels and dust pollution during construction.
- In close proximity to adjoining residential boundaries, the structures should be single storey.
- Views will be replaced by a 111m two storey structure.
- Boundary treatment proposals to rear of houses along the perimeter will block views.
- Empty buildings in the town of Kinnegad could accommodate retirement home.
- Traffic onto a busy road
- Sewage treatment plant at capacity
- The proposed development completely out of character with the area.
- Is there a need for another nursing home
- The site is unzoned.
- The development description does not refer does not refer to the demolition of the dwelling

- No footpath fronting the site
- New manholes are located outside of the site boundary
- The landowners own a consideration portion of land, yet the proposed development is on top of existing dwellings.
- The Royal Canal pNHA was not considered in the AA screening. No reference to bats, swallows
- Lighting- glare

4.0 Planning History

Planning Reference : 99/403

Terence Monaghan was Refused planning permission for 93No. dwellings on the site.

5.0 Policy Context

5.1. National Policy

5.5.1 ***Project Ireland – National Planning Framework***

The National Planning Framework has a number of policy objectives that articulate delivering on a compact urban growth programme. The following National Strategic Outcomes (NSOs) and National Policy Objectives (NPOs) are considered relevant to this appeal case:

NSO 1: Encourages compact growth and regeneration and revitalisation of urban areas.

NSO 10: Provide access to quality childcare, education and health services.

NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places.

NPO 6: Regenerate and rejuvenate cities, towns and villages of all types and scale.

NPO 13: In urban areas, planning and related standards, including in particular

building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes to achieve targeted growth.

NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility

Section 6.4 Friendly Communities Older People:

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

The Regional Strategic Outcomes want to achieve compact growth and urban regeneration, integrate landuse and transport, create healthy communities, protect biodiversity and natural heritage and enhance green infrastructure and consider sustainable management of water and waste.

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
- Housing Option for Our Aging Population- Policy Statement 2019
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities 2009

5.2. Development Plan

5.3.1 ***Westmeath County Development Plan 2021-2027***

5.3.2 Section 7.4.4 Healthy Placemaking

Healthy placemaking highlights the connection between people and place and importantly, how people interact with and use the everyday places of the built environment that surrounds them. Thus, it is essential to protect and enhance the unique identity and character of places and to facilitate improvements to human well-being and the quality of life that comes from the interaction of people and their environment. A key element of healthy placemaking is the need to ensure alternatives to the car in the design of streets and public spaces and to prioritise and promote cycling and walking as active transport modes. The provision of high-quality public transport, greenways and cycleways can enhance areas, contributing to more attractive places and creating opportunities to be physically active and reduce the necessity for car-based commuting. Healthy Placemaking features as one of 3 cross-cutting Key Principles that reflects the three pillars of sustainability; Social, Environmental and Economic. The central requirement to successfully achieve Healthy Placemaking is to ensure that policy objectives are people focussed, as 'quality of life' encapsulates strong economic output and stability, good

environmental performance and a good standard of living for all. In this regard the following policy is relevant:

CPO 7.6	<p>Promote the development of healthy and attractive places by ensuring:</p> <ul style="list-style-type: none">• Good urban design principles are integrated into the layout and design of new development.• Future development prioritises the need for people to be physically active in their daily lives and promote walking and cycling in the design of streets and public spaces.• New schools and workplaces are linked to walking and cycling networks.• The provision of open space considers different types of recreation and amenity uses with connectivity by way of safe, secure walking and cycling routes.• Developments are planned for on a multi-functional basis incorporating ecosystem services, climate change measures, Green Infrastructure and key landscape features in their design.
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Backland Development

Backland sites are usually undeveloped parcels of land located to the rear of existing buildings. Development proposals on these lands should be prepared using the principles of master planning to ensure that large areas of land, often in multiple ownership, are appropriately planned and developed in a sustainable manner. Masterplans provide a plan-led approach and may include provision for phasing, infrastructure provision, community facilities, density, layout, open spaces, landscaping and development design briefs and statements. Piecemeal development of individual plots will generally not be permitted unless it is satisfactorily demonstrated that the development will not jeopardise the comprehensive redevelopment of surrounding lands.

Section 7.9.2 Residential Respite and Retirement Homes (Nursing Homes)

The demographic of Ireland's population is changing with an increasing ageing population. By 2026 there will be 1.15 million people aged 60 or over representing one in every four people.

The Council recognises the need to ensure the provision of appropriate care facilities and accommodation for the elderly and other vulnerable people. In addition to universal design standards, the quality of such accommodation is dependent on its location in terms of safe and convenient access to services and amenities. As such, there is a presumption against the development of Residential Respite and

Retirement Homes in the open countryside for reasons relating to sustainability, poor accessibility and lack of public transport, social exclusion, isolation and safety.

Place making for Residential Respite and Retirement Homes Policy Objective	
It is a policy objective of Westmeath County Council to:	
CPO 7.49	<p>Implement the following criteria when designing proposals for residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation:</p> <ul style="list-style-type: none"> • Location/Placemaking - Locate new developments close (walking distance) to services and amenities. • Physical Considerations – Employment of Universal Design standards. • Technology - Integrate technology into developments, enhancing safety and security, health monitoring, comfort and social connectedness. • Social Supports - Integrate social supports into developments, access to information, find non-health service-based solutions. • The potential impact on residential amenities of adjoining properties. • Adequate provision of open space informed by the need to cater for all levels of disability and in particular the needs of an ageing population and mobility impaired users, in line with Ministerial and Departmental guidelines. • Apply standards outlined in the Housing Options for Our Ageing Population and the Housing Agency document 'Thinking Ahead: Independent and Supported Housing Modes for an Ageing Population'. • Provision of adequate parking facilities. • Innovative high-quality design and materials.

5.3.4 *Settlement Hierarchy:* (Table 8.1)

Kinnegad is a Self Sustaining Town with a moderate level of jobs and services- includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining.

Key priorities for Self-Sustaining Growth Towns are consolidation coupled with targeted investment where required, to improve local employment, services and sustainable transport options and to become more self-sustaining settlement.

5.3.5 **Kinnegad**

8.3.3.1 ***Location & Context:*** Strategically located at the junction of the M4 and M6, Kinnegad has witnessed a significant increase in population in recent decades. In 2016 the population of the town was 2,745 which represents an increase of 22% from the 2006 census. The town has a younger population than the county average,

with only 6% of the population of Kinnegad over 65 compared to the county average of 19.7%. With 64% of the population of working age, significant opportunity exists to develop the economic base of the town and thus help Kinnegad to realise its role as a self-sustaining growth town.

8.3.3.5 Function & Vision : Kinnegad is designated as a Self-Sustaining Growth Town in the Core Strategy and thus is an important economic driver for the County. The function of Kinnegad is to perform important retail, residential, service, amenity and employment functions for local rural hinterlands and to support the higher tiers of the settlement hierarchy, in particular the key town of Mullingar. The vision for Kinnegad is to facilitate its continued growth as a self-sustaining town. This will involve capitalising on the town's strategic location, availability of suitably zoned lands and its skilled working population to create a sustainable employment base in the town. Opportunity exists for the regeneration of a number of under-utilised brownfield and infill sites in the town centre together with measures to visually enhance the existing streetscape and public realm. Such measures will increase the attractiveness and vitality of the settlement. Provision of social and community infrastructure to meet the needs of existing rapidly expanding population and future residents is a priority.

Kinnegad - Settlement Plan General Policy Objectives	
It is a policy objective of Westmeath County Council to:	
CPO 8.86	Promote the development of Kinnegad as a driver of economic growth in the County and fulfil its role as a designated Self-Sustaining Growth Town.
CPO 8.87	Facilitate the expansion of the range of services and facilities available to residents and the wider rural hinterland.
CPO 8.88	Support the regeneration of infill and brownfield sites in the town core and seek to achieve sustainable compact mixed-use development at these locations based upon the principles of good urban design and placemaking.
CPO 8.89	Provide for the creation of sustainable communities in Kinnegad by identifying sufficient land for new development, in particular housing, enterprise and employment, community and recreational uses.
CPO 8.90	Support the provision of a "Park and Ride" facility together with dedicated bus pick-ups/drop offs complete with bus shelter on lands adjacent to the Kinnegad Plaza Service Station (See Map 10, Volume 2).

CPO 8.106	Support Kinnegad as an Age Friendly Town and ensure that new developments are designed to meet the needs of older Persons.
CPO 8.107	Support the development of housing for Older Persons within Kinnegad and its environs.

On the Kinnegad Objectives Map there is a site specific objective relating to the subject site:

CPO 8.109 To allow the appropriate consideration of provision of nursing home with an activity facility and meeting room as a central area for a smaller small cluster of housing that would support an elderly population in accessing services they require.

5.3.4 **CPO 16.30 Residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation:**

Proposals for this type of accommodation should:

- Be located within towns and villages for reasons of sustainability, accessibility, social inclusion and proximity to services. Exceptions will only be considered where a professional and evidence-based need is demonstrated to locate in a rural environment because of the nature of the care required.
- Provide adequate open space informed by the need to cater for all levels of ability and in particular the needs of an ageing population and the mobility impaired, in line with Ministerial and Departmental Guidelines including Housing Options for Our Ageing Population Policy Statement (Department of Health) (2019) and Thinking Ahead: Independent and Supported Housing Models for an Ageing Population (Housing Agency) (2018).
- Provide adequate parking facilities.
- Be of a size, scale and incorporate external finishes appropriate to the area.
- Not detract from the residential amenities of adjoining lands

5.3. Natural Heritage Designations

North of Kinnegad: Mount Hevey Bog pNHA (001584)

North of Kinnegad: River Boyne and River Blackwater SPA/ SAC (Site Code 004232)

East of Kinnegad : Molerick Bog NHA (Site Code 001582)

West of Kinnegad: Miltownpass Bog NHA (Site Code 002323)

5.4. EIA Screening

5.4.1 See Appendix to this report.

5.4.2 The subject site has a stated area of 4.51ha, approximately. It is on greenfield lands in Kinnegad on the fringe of the built-up area of the town. The subject development is proposed to connect to the mains foul water and water networks. The development does not exceed the thresholds for mandatory submission of an EIAR as set out in Schedule 5 of the Planning and Development Regulations, as amended.

5.4.3 Having regard to the existing development adjoining the site, the limited nature and scale of the proposed development, which comprises the demolition of construction of a new nursing home (108No bed spaces), 30No. assisted living units, 15No. independent living units and a community facility and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 Executive Summary and Rationale for the Proposed Development

The planning authority has failed to acknowledge the development is plan-led and of significant strategic importance, meeting with national, regional and local planning policy objectives.

The reasons for refusal are subjective issues associated with the design with no substantive evidence base to prove same. The applicant has presented evidence to overcome the concerns regarding scale and massing and neighbouring amenity considerations.

Extensive information was provided to the planning authority. There were revised proposals submitted by way of further information. Then revised proposals submitted following clarification of further information. It should be noted POLICY OBJECTIVE CPO 8.109 makes no reference to the scale of the development. It is clear from the Planning reports on file, the planning authority consider the nursing home retirement village and care facilities to be 'too large for Kinnegad'.

6.1.2 Grounds of Appeal

1. The principle of the development is wholly acceptable under the County Development Plan Policy Objective CPO 8.109 for Kinnegad
2. The principle is acceptable in connection with available social infrastructure, and the specific needs assessment for a retirement village and associated housing demand.
3. The presented design and layout considerations of the scheme do not impact on the neighbouring development and fully integrate into the wider community as a compact urban form, respect of the best urban lands and sustainable development
4. The development meets the needs of the growing residential care sector, housing for the aging population.

A 'de novo' assessment is required for the development by the Board,

There is no breach of policy assessed in the Planner's Report on file. The decision of the planning authority to refuse appears to be based on inaccurate/ incorrect assumption that the development is a standard housing development as refers to CPO 16.11.

The refusal refers to the 'unzoned' nature of lands that is acknowledged by the applicant but there is a clear planning objective to allow appropriate consideration of a nursing home and ancillary facilities and meeting room for a small cluster of housing.

6.1.3 ***Additional Supporting Documentation ‘de novo’ consideration by the Board.***

Included with all of the planning application documents are the following additional items presented on appeal for the Board’s consideration:

- Minutes from a recent parliamentary debate in Seanad Eireann associated with the Private Nursing Home Sector, dated 16th of November 2022, demonstrating the growing evidence of the social welfare needs of the aging population.
- Pre-planning Guidance for Residential Care Homes, June 2021
- We note the considerations of the local planning authority and the Board in of a 90 bed nursing home and 13No. independent living units under Planning Ref: 21/680 (ABP 315999).

There has been an inconsistent approach to the current scheme which has been considered rigorously and negatively in comparison to the recently approved retirement complex in Mullingar.

6.1.4 ***Planning Reports***

The planning reports were considered and it would appear the reporting officer considered the scale of the development to be too large for Kinnegad.

6.1.5 ***General terms of Refusal Examined***

There is no evidence of any particular conflicting policy guidelines or development management standard. The wording of the reason for refusal is broken down into 7No. soundbites.

6.1.6 ***Significant Revised proposals presents at Further Information Stage***

The site layout plan No. 21-628 01000 Rev A revised the following by way of further information:

- Relocated and redesigned the community buildings;
- Redesigned elevational treatments.
- Revised landscape masterplan
- Revised design of assisted living units

- R-alignment and greater spacing of Units 1-3 allowed by the relocation of the Community Building
- Other responses to the further information request.

There was clarification of further information requested relating to scale, layout and design.

The applicant represented a redesign to break-up the considered monolithic structure, providing setback, changes to the roof profiles and the addition of architectural relief. Cross-sections and topographical mapping were provided with shadow analysis. The ridge height of the two storey building falls below those of dwellings on the Killucan Road. The planning authority have overplayed the scale, nature and massing of the proposed development because their view does not consider the separation distances, the topographical levels, the redesigned elevations, shadow analysis and montages.

Montages indicate the nearest point to an adjoining dwelling is 14.6m which far exceeds the residential standards. Special care and attention have been given to the carrying capacity of the site and in particular the neighbouring residential amenities. There has been immeasurable and non-evidence based judgement calls made by the planning authority. There has been acknowledgement the applicant has carefully considered and designed the proposal to meet with long-term planning objectives of compact growth fully respecting the neighbouring properties.

- 6.1.7 The generous open space and layout was underestimated by the planning authority. The presented layout and schedule clearly express that the total open space areas when eliminating the nature based surface water and generous open space settings. There is generous open space associated with 15No. independent living units some 17,000 sq.m. or 1.7hectares or 2 ha of total amenity open space (including private garden areas) 50% of the developable lands are laid out to amenity areas. There are generous landscaped buffer areas present between the built footprint of the development and the boundaries within the neighbourhood.
- 6.1.8 The design rationale and concept associated with the development has been presented as an appropriate and consolidated and compact form of development on available serviced urban lands. The scale and form of the proposed development may appear 'cramped' when compared with the linear, unsustainable single site

housing development as present in a ribbon format necklacing the Killucan and Mullingar Roads, which potentially land locks backland and infill sites. The site coverage represents 40% with significant open space amenity areas.

- 6.1.9 The issue of the scale of the nursing home is subjective. There is no limitation implied on the size or scale of the development in the development plan objective. CPO 8.109 states appropriate consideration not judgement to size or scale. Based on continued and progressive shortfalls in appropriate nursing home bedspaces, the proposed 108bed nursing home and 30No. assisted living units with 15No. independent units will meet with the demands of the aging population of Kinnegad and the rural areas.

Smaller scale nursing homes are no longer viable, the assisted and independent living model alongside the nursing home is a workable model. There is evidence based from census figures that Co. Westmeath has one of the highest aging populations in the county with 16.5% over 65 in 2016. The 108No. bedroom nursing home cannot be considered oversized.

- 6.1.10 It is suggested the applicant should follow Policy Objective CPO 16.11 of the Westmeath County Development Plan 2021-2027:

Require that planning proposals for housing schemes present a considered design approach to tailor the scale, design, layout and density of housing in responding to the individual character of the respective town or village.

The applicant maintains the proposal meets with this objective. The size and scale of the development is appropriate to the village. The development is within the carrying capacity of the site for a nursing home and housing. Kinnegad has the strategic advantage of being located at the confluence of 2 motorways. The proposal does not detract from the amenities of adjoining lands.

- 6.1.11 There has been an inconsistent approach to the assessment of the overall design by Westmeath Co. Co. Case cited is planning reference 13/6027, whereby the reporting officer considered the proposal to be overdevelopment of the site, but the recommendation was overturned and granted by the planning authority. The layout and aerial photographs of the nursing home are presented, and there is less open space and more hard surfacing in the existing nursing home(Newbrook) than the current proposal. The planning authority also permitted a nursing home in Mullingar

ref. no. 21/680 (APB -315999). There are blatant inconsistencies regarding the planning authority's approach to the design of nursing home schemes.

6.1.12 In terms of reason for refusal stating the development would detract from residential amenities, the planning authority did not specify how this would occur. They did not substantiate this reason for refusal.

The drawings in particular RE 21-628 0100 and site sections 21-628 0101 represent the building heights and separation distance, that meet development standards. There have been shadow diagrams submitted. There will be no habitable rooms affected by the proposed development. The drawings submitted throughout the application process provided adequate and detailed information to make a positive determination. The Board can assess the merits of the proposal and determine the proposal integrates and assimilates properly into the extended village setting in a compatible form which does not undermine the residential amenities of the adjoining residents.

6.1.13 There is established evidence to suggest the next housing crisis will be associated with the lack of appropriate accommodation for the aging population. There is government policy, ***Housing Options for Aging Populations*** that require new accommodation for the aging population. The planning authority are incorrect in describing the development as premature or an undesirable precedent. The proposed model and form is presenting for an age friendly environment which is presented in the interest of the common good and providing the necessary social and community infrastructure to ensure there is a place for older people within the villages and towns.

6.2. Planning Authority Response

There was no response from the planning authority.

6.3. Observations

6.3.1 Paul Foley made an observation on appeal. A summary of his submissions is as follows:

- The three reports on the planning file show how the planning authority robustly refused the proposed development.
- Westmeath Co.Co. are the custodians of the Westmeath Co. Development Plan. The land is not zoned for development in the County Development Plan.
- The development is high density and the scale is not in keeping with the character of the local area.
- The design of the entrance is not in keeping rural setting and has poor sightlines. Existing hedgerows are obstructing sightlines. Other traffic concerns are road safety audits and traffic congestion.
- Public notices do not mention the demolition works
- Permission for refused for 93No. dwellings on the site in 1999.
- Fire safety Regulations.
- No documentation or written agreement from the ESB regarding the overhead wires.
- There has been no consent from adjoining landowners to the placing underground of the overhead wires.
- No Appendix E drawings as referenced in the appeal. The applicant is submitting alternative proposals on appeal which undermines the appeal process, and signifies the applicant has reservations about their own original submission.

7.0 **Assessment**

7.1. I inspected the site in Kinnegad and considered the extensive information on the appeal file, and I intend to examine the merits of this appeal under the following headings:

- Development Plan Policies and Objectives
- Design/ Layout/ Scale
- Impact on existing Amenities

- Traffic Considerations
- Other Issues
- Appropriate Assessment

7.2 ***Development Plan Policies and Objectives***

- 7.2.1 The relevant development plan is the *Westmeath County Development Plan 2021-2027*. Kinnegad is recognised as a Tier 3- Self Sustaining town and under CPO 5.21 it is a policy objective to seeks to encourage investment in self-sustaining towns and establishing new economic roles and functions and enhancement of local infrastructure and amenities; facilitating amenities and services catch-up, jobs and/or improved sustainable transport links to surrounding settlements.
- 7.2.2 The County Development Plan recognises the need for Residential Respite and Retirement Homes under Section 7.9.2 of the development plan, to cater for the aging population. The Plan states '*The Council recognises the need to ensure the provision of appropriate care facilities and accommodation for the elderly and other vulnerable people. In addition to universal design standards, the quality of such accommodation is dependent on its location in terms of safe and convenient access to services and amenities.*' There are policies relating to Nursing Homes in the development plan as per CPO 7.49 which includes locating new developments close to services and amenities, and to ensure an adequate provision of open space to cater for all levels of particular needs of the aging population.
- 7.2.3 In terms of the location, I consider the site is within walking distance of the town centre (1km). The site is an unzoned greenfield site, but it positioned alongside a built up residential area. The site is to the rear of 17No. dwellings which form eastern and southern site boundaries. Access to the proposed development will be via an existing residential curtilage located on the Mullingar Road. In essence, the proposal is a form of backland development. In the Westmeath County Development Plan, *Backland Development* are usually undeveloped parcels of land located to the rear of existing buildings. Development proposals on these lands should be prepared using the principles of master planning to ensure that large areas of land, often in multiple ownership, are appropriately planned and developed

in a sustainable manner. The subject site is under a single ownership and the in-depth development, a retirement village, has been carefully planned to integrate into the existing built environment as later discussed in this report.

- 7.2.4 The County Development Plan includes the Settlement Plan for Kinnegad outlined in Chapter 8 (mapping appended to this report). The Plan acknowledges the strategic location of the town at the junction of the M4 and M6 motorways. Kinnegad has witnessed a significant increase in population in recent decades. In terms of social infrastructure, Kinnegad serves as the retail centre for a larger rural catchment area and possesses a range of services, social and community facilities, including a Garda Station, Post Office, Bank, Credit Union, Primary Care Centre and health services, Creches and Churches, retail shops, public houses and a hotel within the town. St Etchens Primary School is the sole school located within the town centre, with almost 600 pupils. There is no nursing home or facilities for the elderly in the town. The Plan includes the three following objectives to encourage the development of housing for older persons in Kinnegad and its environs.

CPO 8.106 Support Kinnegad as an Age Friendly Town and ensure that new developments are designed to meet the needs of older Persons.

CPO 8.107 Support the development of housing for Older Persons within Kinnegad and its environs.

CPO 8.109 Allow the appropriate consideration of provision of a nursing home with an activity facility and meeting room as a central area for a small cluster of housing that would support an elderly population in accessing services they require locally within a sustainable development (See Map 10, Volume 2)

I note from Map 10 of Volume 2, CDP, Site Specific Objective CPO 8.109 is associated and positioned on the subject site. Therefore, I consider the proposed development of a nursing home with assisted living units, independent living units to be in keeping with the Site Specific Objective contained in the current development plan for the area.

- 7.2.4 Unfortunately, in my opinion, the site-specific objective conflicts with the Kinnegad Zoning Map. Map -08 Volume 2 of the development plan which indicates the subject site is outside of the designated development plan boundary for Kinnegad,

and as stated, the subject site is unzoned. The planning authority refused the proposed development for one lengthy reason citing the design, scale and form of the development on unzoned lands failed to integrate successfully into the adjoining built form. In this case we have conflicting objectives in the development plan relating to the subject site. However, on balance, considering the three objectives cited above for Kinnegad, it is clear the planning authority aim to encourage housing and facilities for the aging population in the town, because there are no existing facilities to cater for the town in the longterm. It is also clear that the planning authority earmarked the subjects site for such facilities in the current development plan with objective CPO 8.109.

7.2.5 The site is fully serviced. It is within walking distance of the town centre (1km). The nursing home is large, 108No. beds, with 30No. assisted living units and 15No. independent living dwelling units and a community hall. Although the lands are unzoned, I have examined the zoned lands in the town centre, and I am unsure, if the scale of the current proposal with the amount of open space areas, could be accommodated on the appropriately zoned lands in the Kinnegad Settlement Plans. The layout enables a variety of house types and building envelopes and sizes. There is scope for further development to the west of the scheme within the wider landholding. On balance, having regard to the three objectives in the Kinnegad Settlement Plan, in particular CPO 8.109 , I considered the proposed development is acceptable and does not contravene development plan policies subject to satisfying development management criteria.

7.3 Design/ Layout/ Scale

7.3.1 This issue is the crux of the appeal. The planning authority refused the proposed development because it considered the design, scale and form failed to provide the optimum design and layout solution to allow the proposed development to integrate successfully with the adjoining built form.

7.3.2 There was a robust assessment of the design, and layout carried out by the planning authority. There are three detailed reports on the planning file, with a comprehensive request for further information on the 9th of August 2022 and Clarification of Further Information on 27th of January 2023. Each of the requests from the planning authority expressed concerns regarding the siting, massing,

orientation and overall design of the nursing home, the community hall, open space, and the assisted living units.

7.3.3 There are three different layouts on the appeal file. The layouts essentially contained the same development but form different layouts.

(i) The original layout submitted on 22nd of June 2022, included the two storey building positioned alongside the eastern site boundary, with the community building to the front of it and the assisted living units along the northern site boundary with the 12No. semi-detached homes located along the southern boundary.

(ii) Following extensive further information, a revised layout was submitted on the 21st of November 2022 with three houses at the entrance alongside the existing cottage to be renovated and extended, the community building at the south eastern extremity of the site with a crescent shaped amenity area, the large nursing home building remained along the eastern site boundary and the centre of the site, with revisions to the façade design and finishes, and along the northern site boundary the assisted living homes remained as per the original and the independent retirement homes. The independent living units are located along the southern site boundary as per the original scheme.

(iii) A site layout drawing scale 1:500 submitted on appeal on 19th of April 2023. All of the single storey assisted living houses have been placed along the eastern site boundary opposite existing residential homes located along the Killucan Road. The two-storey nursing home building has been mirrored onto the western site boundary. The community building is positioned centrally on the site. The independent homes remain along the southern site boundary. The drawing is a conceptual layout plan.

7.3.4 The submission documents submitted on the 21st of November include cross sections and photomontages of the proposed development. The detailed drawings demonstrate the proposed development integration into the existing built environment. It represents a more appropriate proposal than the original proposal because the community building is more sensitively located at the entrance to the retirement village with a horseshoe amenity area. The external elevations of the nursing home have been revised to break up the monolithic appearance of the building. The design of the cottage along the roadside boundary, and the assisted living units are more appropriate and interesting.

7.3.5 The planning authority wrote to the applicant in January 2023 seeking Clarification of Further Information. The planning authority was not satisfied with the revised design proposals submitted by further information in November 2022, and stated that the design, layout and scale should meet with Council's policy objective CPO 8.109 of the County Development Plan. This issue ultimately became the reason for refusal. The Site Specific Objective is as follows:

CPO 8.109 Allow the appropriate consideration of provision of a nursing home with an activity facility and meeting room as a central area for a small cluster of housing that would support an elderly population in accessing services they require locally within a sustainable development (See Map 10, Volume 2).

The Final Planning Report with the Recommendation to recommending a refusal of the proposed development, dated the 14th of March 2023, states the proposed development should be to a suitable scale as per objective CPO 8.109. In my reading of this objectives, there is no reference to scale or design in this objective. The Reporting Planner has made assumptions about the objective and deemed the scale and siting of the proposed development to be inconsistent with the adopted policy objective. The planning report further states the proposed development will result in a significantly large-scale development shoehorned into the south-eastern pocket of an extensive landholding which will result in a poor layout for future occupiers and a substandard design which lacks reference to the character of the area.

7.3.6 The applicant has submitted the redesign of the large nursing home building, which is two storeys in height, has been given new façade treatments that break up its monolithic appearance. There have been adequate setbacks provided from adjoining and future residential properties, changes to the roof profiles and the addition of appropriate architectural relief.

7.3.7 I note the scale, massing and design of the proposed development has been extensively demonstrated on the submission drawings. I consider the scale of the development to be appropriate for the site. The built-up area of Kinnegad to the east of the site mainly consist of two-story dwellings. The development does not introduce excessive building heights or form. The nursing home building includes three facades based on an open courtyard layout. There is a long elevation formed

in eastern axis of the site, with a buffer area created by landscaping, a service yard, access road and amenity area. There is landscaping proposed along the eastern site boundary, which is currently open, allowing the existing dwellings backing onto the site full views into the subject site. Under the current proposal, the eastern boundary will be screened in time. The separation distances between existing and proposed development, are sufficient and in line with development management standards. In addition, the open space areas account for 50% of the total site area or 2ha of the private amenity areas are included with the public amenity area. The public amenity areas are a mixture of soft and hard landscaping with an attractive design associated with each function of the proposed buildings. I would not consider the layout to be cramped or shoehorned into the site. The site coverage (40%) and plot ratio are acceptable and the proposal represents an efficient use of serviced lands.

7.3.8 The site-specific objective CPO 8.109 refers only to 'appropriate consideration'. The planning authority considered this in the context of size and scale. However, in my opinion, the need for housing options for the aging population and the continued shortfall of appropriate bedspaces for the aging population is an appropriate consideration also. In addition, smaller scale nursing homes can be non-viable, and larger scale nursing homes with a variety of assisted and independent living accommodation would appear to be the sustainable form of catering and accommodating the aging population into the future, given the national population profile over 60 years over the coming decades. In this context I do not consider a 108 bed nursing home in a self sustaining town in Kinnegad to be out of scale or oversized.

7.3.8 The reason for refusal also cites the proposal would be contrary CPO 16.11 of the Westmeath County Development Plan because it does not present a considered design approach to tailor the scale, design and layout in response to the individual character of the immediate surroundings within the town of Kinnegad. The immediate character of surrounding area, can be described as ribbon development backing onto the site along the Mullingar and Killucan Roads. The relevant policy statement from the development plan is as follows:

CPO 16.11 Require that planning proposals for housing schemes present a considered design approach to tailor the scale, design, layout and density of housing in responding to the individual character of the respective town or village.

In my opinion, the proposal is not a housing scheme. It is a private community facility, a retirement village, including a nursing home, a community hall with step down facilities associated with assisted and independent living within an established town. The National Planning Framework, Objective 30 states '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.' The current proposal is appropriate in terms of the Westmeath County Development Policy CPO7.49 relating to Residential Respite and Nursing Homes. I do not agree with the planning authority's inclusion of CPO 16.11 into the reasoning for refusal. In my opinion, the planning assessment focus should be the nature of the proposed development as a nursing home village, and the relevant planning policy associated with same. In my opinion, CPO 16.11 relates to residential scheme.

Notwithstanding that, upon examination of the housing element of the scheme, which is 30No. single storey terraced dwellings for associated living, and two bedroom single storey independent living units, on a density of 30units/ ha, I consider the design, layout and scale of the housing element, to be in keeping with the built of character of the receiving environment.

- 7.3.9 On appeal, the applicant has cited a number of planning application references to support it's case that the planning authority has been inconsistent in its approach to the scale and design of nursing homes. Having reported on one of the cases, ABP 315999-23 in Robinstown, Mullingar. I will not attempt to draw on direct comparisons between the schemes, because they have completely different designs and site contexts, however, I would agree, there was a different assessment approach taken to this current scheme in Kinnegad, with a very strong emphasis placed on the size and scale of the proposal, with no clear reason for placing such emphasis on these attributes which were not a material consideration in the nursing home case in Mullingar. However, I accept, the current proposal must be examined on it's own merits and context, in this regard I believe the design response as

submitted by way of further information on 21st of November 2022, was determined by the subject site's constraints and opportunities, with particular emphasis on the relationship of the proposed scheme to the character of the wider area and the immediate vicinity. It is my view, the overall scheme,

- is proportionate in scale to the receiving environment in terms of it's height, massing and scale;
- supports urban consolidation by the use of available infrastructure within a well-designed medium density scheme;
- provides a diversity of housing and facilities to meet with the future needs of Kinnegad's community;
- is respectful of the existing neighbourhood;
- with its, variety of designs and finishes provides for an innovative contemporary design which will make a positive contribution to the neighbourhood;
- integrates with the abutting landuses and layouts;
- achieves an energy efficient and environmentally friendly scheme, and
- provides a safe, comfortable and functional living environment for the aging population of Kinnegad.

7.4 Impact on Existing Amenities

7.4.1 A number of third parties objected to the proposed development, one of which made an observation on appeal. There are 17No. dwellings backing onto the site along the southern and eastern site boundaries. The two residual boundaries are currently open field boundaries. The ridge height of the nursing home does not exceed 9.8m and it is two storey. The assisted living units are single storey terraces. The independent semi-detached units are single storey. The buildings are low profile. The separation distance between proposed buildings and existing buildings range from 35-50metres (average 40m). In my opinion, these are significant separation distances for a suburban setting. A standard used is 22metres between the opposing windows of properties. The proposed layout exceeds these separation distances.

- No habitable room windows will be affected due to the site being 2-3 metres lower level than the neighbouring residential properties and the separation distances. In addition, additional screen planting and landscaping will be provided along the site boundaries.
- The Site Sections and Shadow analysis diagrams demonstrate the lower level finished floor levels, topographical differences across the site, and the significant separation distances across the buildings, 3D modelling views and photomontages, all demonstrate the impact to adjoining properties which is not significant, and there will be no serious injury to existing residential amenities as a result of the proposed development.
- There was a Noise Consultant engaged regarding the service yard located along the eastern site boundary. The findings indicated the noise and vibration resulting from additional traffic movements will be well below the existing background noise levels from the old N4 Mullingar Road and the new motorway (M4). The noise levels predicated are low level and imperceptible.

7.4.2 I am satisfied that the proposed development will not impact negatively on existing residential amenities. The proposal integrates into the existing neighbourhood and is compatible with adjoining landuses on serviced lands. The privacy, layouts and distances from existing residential properties has been a key issue in the design of the scheme. In addition, the topography, drainage and access have been key factors in determining the design and layout of the scheme. I consider the scheme as presented in the further information to be an appropriate and acceptable design response.

7.5 Traffic Considerations

7.5.1 The proposed access is from the old Mullingar Road via an existing residential curtilage. The side garden area of a semi-detached dwelling will provide access to the site. The existing dwelling is to be refurbished and extended, and incorporated into the overall scheme. There are 120m x 2.4m visibility splays provided along the Regional Road (R148) within the 60 kph speed limit.

7.5.2 Of note is the Engineering Report on the planning file dated the 19th of December 2022. The developer shall pay €72400 towards the cost of providing a footpath/ cycleway and pedestrian crossing on the R148. The footpaths are to be 3metres in

width within the development to accommodate cyclists and mobility vehicles. Other conditions are specified in the roads report.

7.5.3 The internal road layout and pedestrian linkages throughout the scheme meet with the DMURS Guidelines. Furthermore, the road layout design, has taken into consideration the future development of lands to the west of the proposed site.

7.6 Other Matters

- Revised public notices received on 24th of November 2022 are acceptable.
- The Construction Management Plan is noted.
- A new revised site layout drawing (No. 21-628 CS001) was submitted on appeal. The two-storey nursing home building was mirrored onto the western site boundary. The single storey assisted living dwellings are all positioned along the eastern site boundary with the community hall located centrally on site. I would consider this proposal to be acceptable. However, the one drawing submitted is an alternative concept layout, and there is insufficient detail to examine the merits of the proposed concept scheme on appeal.
- An Archaeological Impact Assessment Report was submitted on the 21st of November 2022. There are no known archaeological sites within the area of the proposed development site or in the immediate vicinity of it. Archaeological testing on the footprint of the proposed development is recommended. There was a further Archaeological report submitted on 16th of January 2023. There were 6No. trenches dug on the footprint of the proposed development. There was no archaeological stratigraphy, features or artefacts recorded. The Department of Housing, Local Government and Heritage made 2No. submissions. The final report dated 6th of January 2023 recommended 3No. conditions.
- Connection to public mains and connection to Public Sewer via a pumping station are to be discussed and implemented by Uisce Ireland.
- Surface water to discharge via an inceptor and an attenuation tank to the west of the scheme.
- The site at risk of very minor pluvial flooding.

- There are High Voltage wires traversing the site. The relocation of the overhead wires underground will be a matter between the applicant and the ESB. This issue is beyond the remit of this appeal.

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 Eolas Ecology 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.

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 Proposed Development*

The proposed development consists of the construction of a nursing home, a community hall, 30No. assisted living homes and 15No. independent living homes at

Mullingar Road, Kinnegad. 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, hard and soft landscaping, construction of boundaries and development of infrastructure. There is the creation of a surface water attenuation pond to the west of the site. The aim of the pond is to replicate existing run off rates and there will be a restrictor on the drainage system prior to the outfall. The proposal also includes a foul water pumping station within the site which will pump the foul effluent to the existing foul sewer along the Mullingar Road.

The subject site is a green field located between the Mullingar and Killucan Road. It slopes from east to west and is bound on two sides by housing and on the other two boundaries by grassland. The entire site is currently a grassland habitat. There are a number of short lengths of indigenous hedging along two of the site boundaries. The proposed surface water attenuation lagoon to the west of the proposed retirement village is adjacent to a small stream/ drainage ditch. There is a hawthorn hedge alongside the drain. There is also a drainage ditch along the southern site boundary of the remainder of the field system which comprises of a concrete pipe which discharges into the watercourse along the southern site boundary.

8.3.2 Identification of Natura 2000 Sites

The project is not directly connected with or necessary to the management of a European Site. 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

The open drainage ditches immediately adjacent to the proposed development (and adjacent to the attenuation lagoon) discharge to Kinnegad River located 1.8km to the east of the site. The Kinnegad River flows an easterly directly where it discharges into the River Boyne approximately 7.2km east/ southeast (via Kilwarden River).

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.

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
Mount Hevey Bog SAC (002342)	Active Raised Bogs (7110) Degraded Raised Bogs (7120) Depression on peat substrates of the Rhynchosporion (7150)	1.8km northeast	No direct or indirect hydrological link	No
River Boyne and River Blackwater SPA (004232)	Kingfisher (A229)	4.8km northeast	Hydrological link from the site via storm water drainage to the R. Kinnegad.	Yes. Potential to cause deterioration in water quality during construction and

				operation arising from surface water, ground water and outfall of sewage and hydrocarbons from the proposed development and to potentially adversely impact upon/ habitats and species within the SPA
R. Boyne and R. Blackwater SAC (002299)	<p>Alkaline fens [7230]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	4.8km	Hydrological link from the site via storm water drainage to the R. Kinnegad	<p>Yes</p> <p>Potential to cause deterioration in water quality during construction and operation arising from surface water, ground water and outfall of sewage and hydrocarbons from the proposed development and to potentially adversely impact upon/ habitats and species within the SAC</p>
Wooddown Bog SAC (002205)	Degraded raised bogs still capable of natural regeneration [7120]	11.7km	No direct or indirect hydrological link	No

I concur with the identification of source-pathway-receptor chain conclusions of the applicants AA screening for AA, the only Natura 2000 sites where there is potential for likely significant effects are R. Boyne and R. Blackwater SAC and SPA.

The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including observations on the application made by prescribed bodies and other observers, and I have also visited the site.

Significant impacts on the remaining SAC and SPA sites are considered unlikely, due to the distance, dilution factor and the lack of hydrological connectivity or any other connectivity with the application site in all cases having consideration of those site's conservation objectives. As such, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on two European Sites as follows

Wooddown Bog SAC and Mount Hevey Bog SAC.

8.3. *Identification of Likely Significant 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 drain adjoining the site along the western site boundary, therefore has the potential to cause indirect effects, alone or in combination with other pressures on the transitional quality.
- 8.3.2 Given the hydrological connection between the appeal site to tributaries of the River Kinnegad, I consider that there is potential for indirect significant effects in the form of outfall of sediment and/or hydrocarbons to the surface water network during the construction period on water quality within the R. Boyne and R. Blackwater SAC and SPA.. I acknowledge that these factors are temporary in nature, however, in line with the precautionary principle, the threshold for AA screening is low and therefore, further consideration of these matters will be undertaken.
- 8.3.3 The surface water management proposals, proposed for the operational phase are considered adequate to serve the development and would not result in likely

significant effects upon the European sites. Therefore, I am satisfied that potential impacts during the operational phase do not require further assessment in the context of Appropriate Assessment.

8.3.4 In combination effects have also been considered as part of this assessment. I have considered the effects of the development on adjacent sites within the settlement boundary of Kinnegad, which have been granted planning permission. However, through the implementation of best practice construction methods and the fact that all of these sites have been subjected to Strategic Environmental Assessment and also have been subjected to an Appropriate Assessment determination under the preparation of the Westmeath County Development Plans of 2021, the cumulative environmental impact of all of the zoned lands being developed was considered and deemed acceptable.

8.3.5 Therefore, taking the precautionary approach, I consider that there is an ecological rationale for proceeding to a Stage 2 AA in relation to further assessing any potential significant effects that may arise in relation to a number of the nearest European sites, namely, R. Boyne and R. Blackwater SAC and SPA. This conclusion is consistent with that of the applicant's initial documentation.

8.3.6 *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 2^{no.} listed European sites above, in view of the site's Conservation Objectives, and Appropriate Assessment is, therefore, required.

8.4 **Stage 2 Appropriate Assessment**

8.5 The Natura Impact Statement

8.4.1 A report entitled Appropriate Assessment Screening Report and Natura Impact Statement prepared by Eolas Ecology in May 2022 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:

River Boyne and River Blackwater SPA (004232)

River Boyne and River Blackwater SAC (002299)

Table 1 of the NIS outlines the Source-Pathway-Receptor Assessment. The site is physically separated from the River Boyne and River Blackwater SPA/SAC by 4.8km. As such construction such as sedimentation and contamination of surface waters drainage systems presents risks of contamination to the aquatic environment which could in turn pose a risk to the habitats within the SAC/ SPA and the habitats that the qualifying features (Kingfisher, River Lamprey, Atlantic Salmon and Otter) of the SPA/ SAC site rely upon for feeding. The construction period will be temporary up to two years but the works may present heightened risks of contamination/ pollution and disturbances to feature species if implemented incorrectly.

8.4.2 SITE NAME: RIVER BOYNE AND RIVER BLACKWATER SPA SITE CODE: 004232

The River Boyne and River Blackwater SPA is a long, linear site that comprises stretches of the River Boyne and several of its tributaries; most of the site is in Co. Meath, but it extends also into Cos Cavan, Louth and Westmeath. It includes the following river sections: the River Boyne from the M1 motorway bridge, west of Drogheda, to the junction with the Royal Canal, west of Longwood, Co Meath; the River Blackwater from its junction with the River Boyne in Navan to the junction with Lough Ramor in Co. Cavan; the Tremblestown River/Athboy River from the junction with the River Boyne at Kilnagross Bridge west of Trim to the bridge in Athboy, Co. Meath; the Stoneyford River from its junction with the River Boyne to Stonestown Bridge in Co. Westmeath; the River Deel from its junction with the River Boyne to Cummer Bridge, Co. Westmeath. The site includes the river channel and marginal vegetation. Most of the site is underlain by Carboniferous limestone but Silurian quartzite also occurs in the vicinity of Kells and Carboniferous shales and sandstones close to Trim.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive of special conservation interest for the following species: Kingfisher

RIVER BOYNE AND RIVER BLACKWATER SPA SITE CODE: 004232

Qualifying Interest	Conservation Objective	Potential Adverse Impacts	Mitigation Measures	In Combination effects	Can adverse effects on integrity be excluded.
Kingfisher	To maintain or restore the favourable conservation status of habitats and species of the Kingfisher	<p>The proposal may impact downstream environments due to increase runoff, pollution of watercourses used for foraging Kingfishers.</p> <p>No evidence of species was found during site survey</p>	Disturbance pathways can be eliminated through good working practices, ensuring drainage on site is undertaken following recommendations for the site and adherence to pollution presentation guidelines.	No effects	Yes

8.4.3 Site Name: River Boyne and River Blackwater SAC Site Code: 002299

This site comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers. These riverine stretches drain a considerable area of Meath and Westmeath, and smaller areas of Cavan and Louth. The underlying geology is Carboniferous Limestone for the most part, with areas of Upper, Lower and Middle well represented. In the vicinity of Kells Silurian Quartzite is present while close to Trim are Carboniferous Shales and Sandstones. There are many large towns adjacent to but not within the site, including Slane, Navan, Kells, Trim, Athboy and Ballivor

River Boyne and River Blackwater SAC Site Code: 002299

Qualifying Interest	Conservation Objective	Potential Adverse effects	Mitigation Measures	In-Combination Effects	Can Adverse effects on integrity be ruled out
[7230] Alkaline Fens	To maintain or restore the favourable	Discharges – activities associated	Appropriate storage facilities will be provided on site for areas of high risk. Any fuels, oils and chemicals will be	No effects	Yes

[91E0]	conservation condition of Alkaline Fens	<p>with construction and operation may result in the release of sediment, chemical or other waste material pollution</p> <p>This species is not found within the Zone of Influence of the subject site.</p>	<p>stored on impervious base within an bund away from any surface water ditches / locations. All tank, container and frum 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>		
[1099] River Lamprey (Lampetra fluviatilis)	To maintain or restore the favourable conservation condition of River Lamprey	Discharges – activities associated with construction and operation may result in the release of sediment, chemical or other waste material pollution may lead to mortality or habitat degradation.	Disturbance pathways can be eliminated through good working practices, ensuring drainage on site is undertaken following recommendations for the site and adherence to pollution presentation guidelines	No effects	Yes
[1106] Atlantic Salmon	To maintain or restore the favourable conservation condition of	Discharges – activities associated with construction	Disturbance pathways can be eliminated through good working practices, ensuring drainage on site is undertaken following recommendations for the site and adherence to pollution presentation	No effects	Yes

	Atlantic Salmon	and operation may result in the release of sediment, chemical or other waste material pollution may lead to mortality or habitat degradation	guidelines		
[1355] Otter	To maintain or restore the favourable conservation condition of the Otter	Disturbance and displacement of local otter populations is identified as potentially significant	Disturbance pathways can be eliminated through good working practices, ensuring drainage on site is undertaken following recommendations for the site and adherence to pollution presentation guidelines	No effects	Yes

8.4.1 The in combination and cumulative effects were considered as part of the NIS assessment (section 6.2). There were a number of developments within Kinnegad considered within close proximity of the site over the preceding five years. I have considered the effects of the development on adjacent sites, existing, permitted and those under construction. With the incorporation of best practice construction methods and the fact that many/all of these sites would have been subjected to their own individual Appropriate Assessments, Strategic Environmental Assessment and an Appropriate Assessment determination under the preparation of the Westmeath County Development Plan 2021-2027, the cumulative environmental impact of development within the appeal site and within the adjacent lands has been considered and deemed acceptable.

8.4.2 Mitigation Measures

I note the Drainage Report on file which outlines a Surface Water Drainage Strategy, which will ultimately provide discharge to the open drain controlled by a hydro brake adjacent to the attenuation lagoon. The limit flows will equate to 5litrs/ sec/ hectare. Removal of hydrocarbons from the surface water discharges will be achieved by the use of trapped road gullies on the road network and a by-pass interceptor placed in

advance of the outfall. There will be a Construction Management Statement prepared to ensure protection of water quality of the drainage ditches.

During the construction phase, control measures will be put in place to mitigate against surface water contamination, nuisance and protect the environment.

Measures, as recommended in the documented guidance (Section 6.3.4, Table 2 of the N.I.S. and the Construction Management Plan), that will be implemented to minimise the risk of spills and contamination of soils and waters include:

- Fuel storage facilities will be designed in accordance with guidelines produced by CIRIA and will be fully bunded.
- All vehicles and plant will be regularly inspected for fuel, oil and hydraulic fluid leaks. Suitable equipment to deal with spills will be maintained on site.
- Where possible, soil excavation will be completed during dry periods and undertaken with excavators and dump trucks. Topsoil and subsoil will not be mixed together.
- Ensuring that all areas where liquids are stored or cleaning is carried out are in a designated impermeable area that is isolated from the surrounding area, e.g. by a roll-over bund, raised kerb, ramps or stepped access.
- Use collection systems to prevent any contaminated drainage entering surface water drains, watercourses or groundwater, or draining onto the land.
- Minimise the use of cleaning chemicals.
- Use trigger-operated spray guns, with automatic water-supply cut-off.
- The use of a settlement lagoon or suitable absorbent material such as flocculent to remove suspended solids such as mud and silt.
- Ensure that all staff are trained and follow vehicle cleaning procedures. Post details of the procedures in the work area for easy reference.

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.:

- River Boyne and River Blackwater SPA
- River Boyne and River Blackwater SAC

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 2 provides the 'Conservation Objectives, Attributes and Targets for River Boyne and River Blackwater SAC and Table 3 provides Conservation Objectives, Attributes and Targets for River Boyne and River Blackwater SPA. 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 2 of the NIS. Most of these are standard measures that would be employed on any such construction site. The measures are adequate to ensure that the boundary stream is protected during the construction and operational 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 Appropriate Assessment Conclusion:

8.6.1. The proposed nursing home development at Kinnegad, 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.

8.6.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on River Boyne and River Blackwater

SPA/ SAC. 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.

8.6.3. 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 River Boyne and River Blackwater SPA/ SAC.

8.6.4. 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 River Boyne and River Blackwater SPA and River Boyne and River Blackwater SAC.
- 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 River Boyne and River Blackwater SPA/ SAC.

8.6.5. 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 River Boyne and River Blackwater SPA/ SAC.

9.0 Recommendation

Having considered the contents of the planning application, the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason and considerations and subject to the conditions outlined below.

10.0 Reasons and Considerations

Having regard to the following:

- (a) The nature and scale of the proposed development, as amended by the clarification of further information submitted on the 21st of November 2022,
- (b) The policies and objectives of the Westmeath County Development Plan 2021-2027
- (c) Kinnegad Objectives Map 10 in particular Site Specific Objective CPO 8.109
To allow the appropriate consideration of provision of nursing home with an activity facility and meeting room as a central area for a smaller small cluster of housing that would support an elderly population in accessing services they require.
- (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 pattern of existing and permitted development in the area,
- (k) The planning history in the area,
- (l) The submissions and observations received,

it is considered, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and design of

development in this urban location on serviced lands, would comply with development plan objectives regarding the aging population, 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:

River Boyne and River Blackwater SPA (004232)

River Boyne and River Blackwater SAC (002299)

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: 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 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 River Boyne and River Blackwater SPA (004232) and River Boyne and River Blackwater SAC (002299) 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 21st of November 2022 and the Clarification of Further Information received 1st of February 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 (108No. beds), a community hall, 30No. single storey assisted living units and 15No. independent living units., as per the site layout drawing and house types submitted as further information on 21st of November 2022.

Reason: In the interests of clarity.

3. 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.

4. The areas of public open space shown on the lodged plans (21st 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.

5.
 - 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

6. 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.

7. (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.

8. 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.

9. 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.

10. 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.

11. Prior to the commencement of the development the applicant shall agree in writing and make payable a special financial contribution towards the provisions of a public footpath/ cycleway and pedestrian crossing along the Mullingar Road (Regional Road 148) in the general vicinity of the proposed access to the development.

Reason: To ensure an equitable contribution is paid towards public infrastructure provision benefitting the proposed development.

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. The developer shall enter into water and wastewater 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

28th of May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	316334-23			
Proposed Development Summary	1No. 108 bedroom nursing home, 1No. Community Hall, 1No. creche, 30No. associated living residential units and 15No. independent living units.			
Development Address	Mullingar Road, Kinnegad, Co. Westmeath			
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.		
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4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

Form 2

An Bord Pleanála Case Reference	ABP 316334-23	
Proposed Development Summary:	1No. 108 Bedroom, community, 30No. associated living units, 15No. independent living units	
Development Address:	Mullingar Road, Kinnegad, Co. 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 residential and agricultural uses typically found on the outskirts of a urban area, such as Kinnegad.</p> <p>The site has a stated area of roughly 4.2ha. 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> <p>No significant waste, emissions or pollutants would arise during the</p>	No

	operational phase due to the nature of the proposal, which is a nursing home, community hall 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>	<p>No, the proposed development is on lands unzoned on the outskirts of Kinnegad, adjoining a built up neighbourhood. The proposal is commercial and residential in nature, and I do not believe there will be potential for cumulative impacts arising.</p>	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 sensitive site or location?</p> <p>Does the proposed</p>	<p>The site is adjoining a stream along the western site boundary. This is feeds into Kinnegad River, which is a tributary of the River Boyne. It feeds into the Boyne at Clonard, Co. Meath. There is potential for significant effects to occur during construction phase. There are mitigation measures to be developed to prevent potential effects occur either alone or in combination with other projects, as per the submitted NIS.</p>	No

development have the potential to significantly affect other significant environmental sensitivities in the area?	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.	
CONCLUSION		
There is no real likelihood of significant effects on the environment. EIA not required. ✓	There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	There is a real likelihood of significant effects on the environment.

Inspector: Caryn Coogan

Date: 28th of May 2024
