



An
Bord
Pleanála

Inspector's Report

ABP-318123-23

Development	Development of 65 residential units and associated works.
Location	Ardmore Hills, Marlinstown, Mullingar, Co. Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	2260036
Applicant(s)	Frank Bell & Sons Ltd
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Joanne Bourke
Observer(s)	<ol style="list-style-type: none">1. Orla Keaney2. Sarah McCormack3. Deirdre McHugh.4. 8No. Others

Date of Site Inspection

10th of September 2024

Inspector

Caryn Coogan

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1.0 Site Location and Description

- 1.1. Ardmore Hills is a housing estate located in the eastern suburbs of Mullingar town, Co. Westmeath. The immediate area is a long established residential area of Mullingar. The site is a greenfield site, 2.24 Ha contiguous to the existing estate Ardmore Heights on the south-eastern axis of the site. Ardmore Heights is contemporary housing estate consisting of two storey dwellings facing onto a road system short cul de sacs roads off a spinal service road and with large public open space areas.
- 1.2. The site is strategically located off the Ardmore Road in close proximity to the N52 intersection off the M4.
- 1.3. The proposed access to the site is via Ardmore Hills at the end of a cul de sac serving a number of semi-detached units. There is an existing construction compound with containers and some scaffolding at the southern end of the site.
- 1.4. The site is level with a mature hedgerow forming the northern and southern site boundaries. The existing housing estate is to the west. The eastern boundary is an open boundary to the remainder of the greenfield.

2.0 Proposed Development

- 2.1. The subject site is 2.2ha.
- 2.2. The proposed development consists of **65**No. dwellings:
 - 3No.two bed dwellings
 - 32No. 3 bed dwellings
 - 27 4 bed dwellings
 - 3 4+ bed dwellings
- 2.3. There are a total of **123**No. carparking spaces proposed.
- 2.4. Part V of the Planning and Development Act 2000 (as amended) is applicable.
- 2.5. The total open space area is 0.29Ha (13.6%).
- 2.6. The proposed density is 30.4units/ ha. It is a contemporary unit design, similar in specification to the existing houses within Ardmore Hills.

- 2.7 The access to the new development will be from the existing Ardmore Housing Estate, whereby 3No. existing cul de sacs will open onto the new phase of Ardmore Hills.
- 2.8 The documentation received with the planning application includes a full set of drawings and the following:
- Planning Statement
 - Housing Quality Assessment
 - Traffic and Transport Assessment
 - Screening for Appropriate Assessment
 - Part V
 - Civil Engineering Report
- 2.9 The Further Information provided on the 21st of June 2023 and there were submitted revisions in respect of DMURS and a Road Safety Audit. The open space provisions complies with the 15% of the site area. Each dwelling will have EV charging points, a bicycle parking space, and adequate rear gardens. There are a total of 123 No. parking spaces provided throughout the scheme. The following additional reports were submitted with the further information:
- A Construction Environmental Management Plan.
- An Ecological Impact Assessment
- DMURS Statement of Compliance
- Stage 1 and 2 Safety Audit
- 2.10 The planning authority sought Clarification of Further Information regarding the creche facility. A response was received from the applicant on the 14th of August 2023, stating the applicant will provide a creche facility.

3.0 Planning Authority Decision

3.1. Decision

Westmeath Co. Co. granted planning permission for the proposed development on the 4th of September 2023, subject to 26No. conditions.

Of note: Condition No. 24

No unit within this development shall be occupied save without the prior written approval of the planning authority that sufficient childcare facilities are available to accommodate the development hereby permitted. The development thereafter shall be carried out strictly in accordance with the written agreement of the planning authority.

Reason: In the interests of clarity and to ensure timely provision of satisfactory childcare facilities in accommodating the needs for future occupants of the development hereby permitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports (17th of February 2023, 10th of September 2023)

- The site is not located within a Flood risk area.
- The proposed development complies with national, regional and local planning policy
- It is considered that the proposed development which will provide a net density of 30 units per hectare, with the net developable area stated as 2.14 ha is acceptable and is in accordance with the proper planning and sustainable development of the area
- It is considered that the unit mix comprising of detached, semi-detached and terraced dwellings and the range of sizes will support a wide and inclusive community.
- It is considered that the applicant should demonstrate how the proposed development is DMURS compliant

- Having regard to the Quality Housing for Sustainable Communities 2007, it is considered that the proposed dwellings meet the required criteria in terms of accommodation size.
- It is noted that 13.6% public open space has been provided within the scheme, which is marginally below the minimum standard. It is considered that a minimum of 15% usable open space is required in this proposed new residential development, given its distance from the town centre or any public park.
- In accordance with MLAP policy, the applicant is required to submit a Schools Demand Assessment to determine the existing and future capacity of local schools to accommodate increased enrolment number resulting from the proposed development. Further information will be requested.
- The applicant should be requested to demonstrate the extent to which the proposal is compliant with national guidelines on Childcare facilities and local policy P-SR12 'To require and co-operate in the provision of community facilities in tandem with residential development including, in particular, local services, schools, crèches and other education and childcare facilities'.
- The Environment Section has requested that the applicant should include the provision of nature-based surface water drainage solutions as part of the proposal

A request for Further Information was recommended.

3.2.2. ***Other Technical Reports***

- Engineering Report: 30Km/h speed limit on local road giving access to the development;
Adequate sight distance at existing entrance to Ardmore Hills estate;
New connections to public sewer and public water mains;
Drainage and attenuation system discharging to public sewer via hydro-carbon interceptor system;
Conditions recommended for Roads, Surface water, Water/ Wastewater, services/ cables and general.

- Environment Report: Development is compliant with Westmeath Noise Action Plan;

The mitigation measures in the Ecological Impact Assessment shall be implemented fully, and the Construction Management Plan shall be updated fully with the mitigation measures indicated;

The Construction Environmental Management Plan is acceptable;

Conditions recommended.

3.2.3. **Conditions**

Condition No. 24

No unit within this development shall be occupied save without the prior written approval of the planning authority that sufficient childcare facilities are available to accommodate the development hereby permitted. The development thereafter shall be carried out strictly in accordance with the written agreement of the planning authority.

Reason: In the interests of clarity and to ensure timely provision of satisfactory childcare facilities in accommodating the needs for future occupants of the development hereby permitted.

3.3. **Prescribed Bodies**

Further information (FI) in regard to the proposed development was requested and received recently by Westmeath County Council. Part of the further information, including an Ecological Impact Assessment, relates to the Departments nature conservation concerns. We have considered the information received and our response is as follows:

The Department consider that the mitigation measure outlined to address protection of badgers and their breeding and resting places in regard to the proposed development is inadequate. The report considered that the badger sett located along the site boundary was disused at the time of inspection. It is important to point out that badgers utilise a system of setts dispersed within their territories, and these include the main (mainly used) sett, a nearby annex sett which may be used as their

primary residence. Further away from the main sett are a number of smaller, less used subsidiary and outlier setts. Subsidiary and outlier setts are used occasionally to shelter during bad weather or by evicted young male badgers or as an emergency bolt hole if a badger feels threatened. Therefore, while a sett maybe temporarily disused, it is still an essential part of badger existence and group ecology. It is essential that the appropriate approach to development of any site in proximity to badger setts is adequately dealt with through the planning process as there is no facility within the Wildlife Acts 1976-2021 to grant a licence for the destruction of the breeding or resting place of a protected species.

Should Westmeath County Council proceed to grant permission in regard to the proposed development, it is recommended the inclusion of the ***following conditions***:

1. In regard to the badger sett along the boundary of the development site and the other badger setts in close proximity, a pre-construction survey by an experienced and qualified mammologist shall be carried out prior to the commencement of any works on the site. Any works to take place within or adjacent to the badger sett shall be carried out in accordance with the Transport Infrastructure Ireland's Guidelines for the Treatment of badgers prior to the construction of National Road Schemes and should be overseen by an experienced and qualified mammologist. Proposals for badger sett shall be submitted to and agreed by the Planning Authority and the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage prior to works commencing on the site.
2. External lighting should be designed and installed to reduce impacts on foraging bats. The recommendations outlined in the guidance 'Bats & Lighting Guidance Notes for: Planners, engineers, architects and developers', December 2010, should be followed
3. Any required hedgerow or tree cutting, or trampling by machinery to facilitate the proposed development should not take place during the bird breeding season between 1st of March and 31st of August.

3.4. Third Party Observations

3.4.1 There were 54No. objections to the proposed development at the planning application stage. Most of the objections came from residents of the Ardmore Hills residential estate. One letter of support from the Mullingar Chamber.

3.4.2 The following concerns were expressed in the submissions:

- Safety concerns associated with increased traffic
- Lack of basic information on the planning file
- Piecemeal
- Alternative exit/ entrance should be provided
- No regard with additional traffic associated with the school.
- Construction traffic
- Lack of speed ramps, existing roads are not wide enough
- Provide an alternative access to the N%2 via the industrial estate
- Lack of sewerage capacity
- Thomas McDermot is the registered landowner
- Residents unaware there was to be further developments in Ardmore Hills
- Noise
- Lack of social/ community infrastructure
-

3.4.1 *Westmeath County Childcare Committee*: The developer has failed to comply with previous conditions in relation to childcare provision

4.0 Planning History

4.1 *Planning Reference 17/6126*

Planning permission granted to Frank Bell and Sons for 10No. detached dwellings, new boundary walls, footpaths and all associated site works.

4.2 ***Planning Reference 14/6134***

Planning permission granted to Frank Bell and Sons for 70No. new dwellings.
Permission also sought for a revised locations for a permitted creche. (Appealed to the Board and subsequently granted permission)

4.3 ***Planning Reference: 10/5107***

Planning permission granted to Frank Bell and Sons for 56No. dwellings and a creche. (Appealed to the Board and subsequently granted permission).

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1 Mullingar Local Area Plan 2014-2020 (as extended)

The subject site is zoned **Proposed Residential**.

Ardmore/Marlinstown Framework Plan

P-FP1 To secure the integrated and phased development of the Robinstown, Ardmore/Marlinstown and Mullingar South areas.

P-FP2 To ensure that development of the urban expansion areas of Robinstown, Ardmore/Marlinstown and Mullingar South is guided by Framework Plans for these areas.

P-H1 To facilitate residential development in Mullingar in line with its designation... and to ensure that this development reflects the character and setting of the existing built form, in terms of structure, pattern, scale, design and materials with adequate provision of open space, and which also protects the amenities of existing dwellings.

P-H5 To ensure, in accordance with Part V of the Planning & Development Acts 2000 as amended that arrangements for the provision of Social and Affordable Housing are made in accordance with the current Housing Strategy.

P-H7 To ensure the provision of a suitable range of house types and sizes to facilitate the demographic profile of the town.

P-H8 To have regard to the provisions of the 'Guidelines on Sustainable Residential Development in Urban Areas'(2009)and the accompanying 'Urban Design Manual' in assessing applications for housing development.

P-H9 To require diversity in the form, size and type of dwellings within residential schemes.

P-H12 To ensure that the density and design of development respects the character of the existing and historic town in terms of structure, pattern, scale, design and materials with adequate provision of open space.

P-HT1 To ensure a mix and range of housing types and in particular two-bedroom accommodation, to meet the diverse needs of resident

Residential Layout and Design Policies

P-RLD1 To achieve attractive and sustainable development and create high standards of design, layout and landscaping for new housing development.

P-RLD2 To determine the layout of new development before or at the same time as the road layout with connections to social infrastructure identified.

P-RLD3 To require that appropriate provision is made for amenity, public open space and social infrastructure as an integral part of new residential or extensions to existing developments.

5.1.2 National policy and Ministerial Guidance.

Project Ireland 2040 - National Planning Framework

Chapter, No. 6, entitled 'People Homes and Communities', includes objectives which seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. It seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. It seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 13

In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

National Policy Objective 33

Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location

Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2008:

5.1.3 Regional Spatial and Economic Strategy

Mullingar is identified as a 'key Town' in the Gateway Region of the RSES Settlement Hierarchy to: "Provide for the sustainable, compact, sequential growth and urban regeneration in the town core of identified Key Towns by consolidating the built footprint through a focus on regeneration and development of identified Key Town centre infill / brownfield sites".

With regards to residential development it identifies that 'a range of well-designed housing types that meet the needs of a variety of households will help to sustain and enhance the settlement, contributing to the creation of a high-quality place'.

5.1.4 Section 28 Ministerial Guidelines

The following list of Section 28 Ministerial Guidelines are considered to be of particular relevance to the proposed development:

- Sustainable Development Residential Developments and Compact Settlements – Guidelines for Planning Authorities 2024
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual);
- Design Standards for New Apartments - Guidelines for Planning Authorities 2018;

- Urban Development and Building Heights - Guidelines for Planning Authorities, 2018.
- Design Manual for Urban Roads and Streets, updated 2019; (DMURS)
- Quality Housing and Sustainable Communities, 2007.
- Childcare Facilities – Guidelines for Planning Authorities, 2001.
- The Planning System and Flood Risk Management’ – Guideline for Planning Authorities, 2009 (including the associated ‘Technical Appendices’).

5.2. **Natura 2000 sites**

5.2.1 Listed in Section 8 of this report

5.3 **EIA Screening**

5.3.1 See Appendix 1 and 2 of this report.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appeal has been submitted by Liam Madden on behalf of Joanne Bourke, 121 Ardmore Heights, Mullingar. A summary of the relevant issues in the third-party appeal is as follows:

6.1.1 **Ownership** The applicant has falsely stated he is the owner of the site. Frank Bell & Sons do not own the site and have not submitted the written consent from the relevant landowner of Folio WH10329F, Mr. Thomas McDermott. The Planning Report on file mentions the legal error but failed to seek the outstanding item in the request for Further Information and Request for Clarification. This is a mandatory requirements under the Planning and Development Regulations 22(2)(g). This is sufficient grounds for Judicial Review.

6.1.2 The registered owners of Folio WH1957F is Frank Bell & Sons Ltd and these lands are the lands through which access is intended for the proposed 65No. dwellings. However, Folio WH19578F relies on Folio WH17679F for easement of access and services. The registered owners of Folio WH17679F are Bernard Lawless and Catherine Malone.

- 6.1.3 Tailte Eireann (formerly PRA) does not record any easements granted over WH17679F (Lawless/ Malone) in favour of WH19578, and no easements granted in favour of WH10328F (McDermott). Another grounds for Judicial Review.
- 6.1.4 Question 19 states there was a pre-planning meeting between Paula Hanlon and Alen Kelly, 10th of November 2022. There is no reference number or no published records of the meeting. Another grounds for Judicial Review because it is a fundamental planning procedure.
- 6.1.5 **Site Area and Creche:** The open space provisions is below the 15% standard. The applicant relies on an existing residential development to supplement the shortcomings of the proposal. The earlier Frank Bell and son's phase does not comply with planning conditions imposed by ABP regarding the provision of a creche. The first phase is unauthorised development and the applicant wants to piggy back this phases onto an illegal phase one.
- 6.1.6 There is no surplus of open space area in the earlier phase as the creche should have been built on the open space. There is no statute of limitations for Non-compliance with planning conditions. The Planning report has indicated its dissatisfaction regarding the missing creche. On this basis the permission should have been refused.
- 6.1.7 **Bell Homes:** On 9th of August 2023, Bell Homes, a trade name for Frank Bell & Son Ltd underpins the failings of the applicant/ development in the creche matter by declaring the planning application for the creche will be lodged in the coming months on someone else's' land, McDermotts, and the land is zoned for Innovation Technology, without the consent of the landowner. The proposal may be refused because it contravenes the development plan zoning.
- 6.1.8 **Area Engineer : Connectivity** There is a lot of emphasis placed on connectivity between the phases of houses and the landlocked industrial lands. The Area Engineer considered the sightlines at the housing estate road to be adequate. The estate road has a speed limit of 30 kmph. The report does not highlight the sharp bends and corners. The estate roads are not suitable for industrial traffic.
- The traffic study stating it complies with DMURS takes not account of industrial and landlocked lands via housing estate roads. DMURS standards cannot be complied with cul de sac connectivity roads.

- 6.1.9 **Irish Water:** The wastewater drainage requires 14m network extension through the private estate (Ardmore Hills) to the north of the development. The applicant is required to obtain all necessary permissions/ consents and wayleaves through private estates. It is a long established law that an easement serving only existing terminus may not be extended beyond that terminus to another's land even if the further terminus land falls into the ownership of the first terminus landowner
- 6.1.10 **Environment Report:** The report confirms minor pluvial risk on lands High Vulnerability substrata. The AA Screening declares in hydrological link to any Natura Site within 15km and concludes a full NIS is not required. Where do the pluvial waters go? A full ecological report was advised by the DHLG Heritage 30.01.23 regarding Wildlife, in particular badgers setts on the southern hedgerow. On 13/07/23 the DHLG & Heritage declared the F.I. Ecological Report to be inadequate. The planning authority ignored the advise.
- 6.1.11 The application should be refused because the applicant has not demonstrated sufficient or any legal interest in the application lands to enable him to carry out the development.

6.2. **Applicant Response**

- 6.2.1 The Planning Partnership has submitted a response to the third party appeal. There were 52No. objections to the proposal at the planning application stage, and most of the concerns were addressed in the Further Information. This is one single appeal arising and it is only to delay the application. It should be dismissed.
- 6.2.2 **Ownership:** The appellant wishes to invalidate the application on the grounds of ownership. The applicant's solicitor has submitted a detailed response on appeal confirming the validity of the title, and has responded to the Folios cited. The appellant has invented Foilios associated with lands over 20km north-east of the site, i.e. Folio No. WH1769F. The appellant has deliberately cited incorrect land ownership which is vexatious and frivolous with the intention of frustrating the planning process. The Board is obligated under Section 34(13) of the Planning and Development Act 2000, 'A person shall not be entitled solely by reason of a permission under this section to carry out any development' .This provision ensures

that any disputes over title should be resolved in the appropriate forum but this does not prevent planning permission from being granted.

- 6.2.3 **Pre-planning Process:** Details of the pre planning meeting are referenced in the planning report. The suggestion by the appellant that the section 247 meeting was covert, cosy cartel meeting , demonstrates they do not realise these meetings are formal events that occur on a regular basis. The suggestion by the appellant the pre-planning meeting was a procedural blunder is completely refuted by the applicant.
- 6.2.4 **Site Area and Creche:** The calculation of communal open space is explained in the further Information response. The presented open space represents 0.35ha (15.2%) of the site area. The suggestion by the appellant that the open space areas referred benefit from the omission of the unbuilt creche facility are untrue. The creche facility has not been built to date because the restriction on the hours of use and numbers has meant a future operator cannot not operate it viability. The applicant has met with the County Childcare Committee and has committed to provision of a childcare facility on the lands. The Board should note that the first occupation of the subject scheme has been restricted by Condition No. 25 until sufficient childcare facilities are available.
- 6.2.5 **Bell Homes:** The matters raised regarding the legality of the existing houses and their certificates of completion would be legally irresponsible and again vexatious on the part of the appellant to suggest this.
- 6.2.6 **Connectivity :** Access to the Innovation Technology zoned land is clearly referred within the MLAP 2014-2020 and as such the intention to preclude industrial based traffic from making its way through residential lands where roads are designed in accordance with DMURS and not intended for the type and size of vehicles associated with industrial zoned lands.
- 6.2.7 **Uisce Eireann :** The applicants solicitors has responded to this issue. The deliberate citation of an incorrect land ownership is an ultimate intention to frustrate the lawful process.
- 6.2.8 **Environment Report:** There is no minor Pluvial risk, and there was no floodrisk identified with the subject site. The appellant may be trying to link pluvial flood

waters with potential risk to a Locally Important Aquifer. These issues were dealt with in the ecological assessment.

6.3. Planning Authority Response

There were no further issues raised by the planning authority on appeal.

6.4. Observations

6.4.1 There were 12No. observations submitted to the appeal. The relevant planning issues arising in each submissions are summarised below:

6.4.2 Maruna Farrell McCauley, 169 Ardmore Hills

- Uisce Eireann stated that they do not have sufficient pressure for fire service for the proposed development.
- The existing estate does not comply with planning permission because the creche was not completed. The creche was supposed to be constructed under reference 14/6134.

6.4.3 Orla Keaney, 128 Ardmore Hills

- There is no opposition to the houses which are badly needed. However, the concerns relate to the planning in its current form.
- There is a blind spot on the internal service road facilitating No.s 116-129 Ardmore Hills. The wall at house No. 38 does not allow for sightline of traffic coming from either side. There is greater risk when cars are parked along the roadside. There is a green area on this bend where children regularly play.
- The original planning conditions for Ardmore Hills have not been complied with.
- Holy Family school on the Ardmore Road is at capacity, with 58% of junior infants applications been declined by the school for the year 2023/24.
- This phase of 1 and 3, the developer has indicated he intends applying for another 135No. of dwellings. This will require an alternative entrance for the safety of the existing residents.

- There should be another entrance proposed for the current development proposal and this should form a condition of planning. The current layout of the estate cannot cope with the additional traffic. There are other large estates in Mullingar that have two access points: Greenpark, Lakepoint, Petitswood Manor and Farranshock Park.

6.4.3 Sarah McCormack

- The third party appeal is supported.
- Ardmore Road is an arterial road that is already oversubscribed by residential developments, and a lot of the traffic use Saunders Bridge at the west end of same which does not have the capacity to cater for the increase in traffic on Ardmore Road.
- An Bord Pleanála refused development under case ref. PI25M. 243830 , whereby Ardmore Road and Saunders Bridge were considered to be substandard to carry the additional traffic.
- Saunders Bridge has not improved since that decision, and Ardmore Road has only had footpaths installed, there was no improvement to the road.
- The density and design of the development does not take into account the character, patterns and scale of the low density setting of Ardmore Road and the Dublin Road. The development does not protect the existing residential amenities of Ardmore Hills.
- An alternative entrance off the N52 would be more realistic solution.
- The local school has no capacity for additional children. There are currently 3No. applications along Ardmore Road, the current one 65No. units, Shaston Construction with 71No. units and Andrews Construction with 245No. units.

6.4.4 Roisin and Oisin Masterson, 116 Ardmore Heights

- Safety concerns for residents and children due to increased traffic movements
- Traffic study was carried out during construction phase of Ardmore Heights
- Lack of information on utility designs and traffic flows
- Traffic study does not include the local school

- Piecemeal development
- An alternative access should be provided from the N52, with the possibility of utilising the existing roundabout on the N52 at the IDA Park. The existing internal road within Ardmore Hills is difficult to navigate. There is a pinch point at 116 Ardmore Heights that causes serious safety concerns.
- There are other large estates in Mullingar that have two access points: Greenpark, Lakepoint, Petitswood Manor and Farranshock Park.

6.4.5 The remaining observations have expressed the same concerns and rather than repeating all the submission, I will summarise them collectively. (i) Decan Murtagh, 38 Ardmore Hills, (ii) Claire Buckley, 37 Ardmore Hills, (iii) Yvette and Gavin Keogh, 20 Ardmore Hills, (iv) Tom Byrne, 3 Ardmore Hills, (v) Margaret and Noel Reddington, 25 Ardmore Hills, (vi) Deirdre McHugh, 86 Ardmore Heights, (vii) Patrick and Fiona Healy, 89 Ardmore Hills, (viii) Gamal Hamid and Einas Badawi of 145 Ardmore Hills have expressed similar concerns to the observations outlined above.

- The estate traffic travels in a loop around Ardmore Hills estate, and the new development would imply all the traffic associated with the proposed development would pass by 89 Ardmore Hills. The main estate road will have to carry an excessive level of traffic resulting in safety concerns for the existing residents, and potentially represents a danger to children crossing over or utilising the green areas along the internal roads.
- The existing green areas cannot provide for more than the 165No. dwellings already using the spaces
- The adjoining school is oversubscribed and has no capacity.
- Traffic survey carried out during construction phase of Ardmore Hills
- Alternative access is required.
- Lack of information regarding utility designs and traffic flows.

7.0 Assessment

7.1 I have inspected the site and considered the appeal file. I intend to assess the appeal under the following relevant headings:

- Planning Policy
- Design and Layout
- Traffic
- Legal Issues
- Creche
- Other Matters

7.2 Planning Policy

7.2.1 The appeal site has a gross area of 2.24ha and a net development area of 2.14 ha. The subject site zoned '*Proposed Residential*' and a small section as '*Open Space*', which straddles the subject site and the existing residential development of Ardmore Hills.

The following zonings apply:

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

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

7.2.2 The subject site is also located within the Ardmore/Marlinstown Framework Plan of the Mullingar LAP 2014-2020 (as extended).

7.2.3 The proposed development consists of 65 (no.) residential units comprising semi-detached, mid-terrace and detached houses ranging in size from 2-bed to 5-bed units. It is an extension to an existing housing estate, Ardmore Hills. The proposed development complies with the zoning objective as per the MLAP and is in compliance with the County's Core Strategy (adopted May 2021) and the MLAP. In my opinion, the proposed development represents a 'plan-led' development. Although the applicant, is applying for planning permission for housing within Ardmore Hills on a piecemeal basis, overall, the principle of housing on the subject lands is acceptable because these lands have been earmarked for in-depth residential development in line with government guidelines since 2014. The proposed development complies with the relevant development management

standards set out in the Westmeath County Development Plan 2021-2027 and the Mullingar LAP 2014-2020 in particular the Ardmore/ Marlinstown Framework Plan. The proposed density of 30.4 units per hectare is consistent with the existing density of Ardmore Hills, and Sustainable Residential Guidelines 2024 due to the site's outer suburban location. The proposed development is permitted in principle as per the zoning matrix. On balance, I consider the proposal to be a modest development and it represents the natural progression of Ardmore Hills estate.

7.3 Design and Layout

- 7.3.1 The design and layout of the proposed 65 No. dwelling is a natural progression of the Ardmore Hills housing estate. The proposed houses are laid out along service road which are an extension from three existing residential roads in Ardmore Hills. will be accessed from two short cul de sac roads within Ardmore Hills. There are 9 No. dwellings orientated onto the existing large public open space area. To the rear of those houses, a large volume of the proposed dwellings will address a new public open space area, with some dwellings have back-to-back rear gardens and others backing onto the site boundaries. I note the public open space allocation within the proposed development is 15.2% of the site area, which meets with the development plan requirements.
- 7.3.2 The existing built fabric and footprint of Ardmore Hills will be maintained throughout the scheme by utilising and extending existing roads and footpaths. The open space areas can be communally utilised. In addition, future development lands are indicated to the north of the site, extending permeability to the adjoining lands owned by the applicant. In my opinion the proposed development represents a sequential development of an existing housing estate. The building height, massing and layout complement the existing Ardmore Hills estate.
- 7.3.4 The proposed form and layout presents a mix of units sizes. These are two storey units and cater for families and first time buyers. The units are 2, 3, 4 and 5 bedroom units within a variety of unit types terraces, semi-detached and detached units.
- 7.3.5 On balance, the overall proposal complies with government guidelines in respect of residential developments in urban areas and the development plan development management standards. The density is acceptable and reflective of the prevailing

residential densities in the area. The proposal will provide new housing with satisfactory privacy and residential amenities, catering for a variety of family sizes.

- 7.3.6 The proposed house design and elevational treatment and specification is simple, contemporary and in keeping with Ardmore Hills estate.

7.4 Traffic

- 7.4.1 A number of existing residents in Ardmore Hills consider the existing access to Ardmore Hills is at capacity and cannot not cater for more housing. They believe a new second entrance should be provided to give access to the proposed 65No. dwellings, preferably directly off the N52, which to the east of the site. In addition, the appellants and observers believe the existing road layout for Ardmore Hills is substandard in design and layout to cater for the additional traffic the proposed development will generate. It is stated, the bends in the existing Ardmore Hills estate road are severe and prevent free flow of traffic and adequate sightlines.
- 7.4.2 The planning and engineering reports on the application file have no objections to the proposed access and layout via Ardmore Hills estate. The estate roads have a 30kmph speed limit. The existing estate road within Ardmore Hills, have been purposely designed and constructed short, to include cul de sacs and bends in order to comply with the DMURS (Design Manual for Urban Roads and Streets) Guidelines. The new dwellings will be accessed from three points off the existing estate roads in Ardmore Hills. There is no connection proposed to Innovation Technology zoned lands as claimed in the third-party appeal. Any future connection via these lands may the subject of a future planning application. The proposed development and site boundaries are the only consideration under this appeal.
- 7.4.3 A Traffic and Transport Assessment was submitted with the planning application on the 16th of December 2022. The drawings indicate the main access to the site will be via the southern access route of Ardmore Hills alongside the large open space area to the east of the existing estate. This has a direct access onto Ardmore Road which provides a link between the Dublin Road and the eastern side of Mullingar town. It is accepted there is an existing pinch point at the western end of Ardmore Road at Saunders Bridge over the Royal Canal. It is acknowledged the local authority has plans to introduce a separate pedestrian/ cycle bridge at Saunders Bridge.

- 7.4.4 The Strategic Transportation Map in the Mullingar Local Area Plan 2014 indicates a new access road linking the Ardmore Road with the N52 passing through lands to the south of the appeal site. The proposed development will not impact on the delivery of this link road.
- 7.4.5 The proposed layout indicates there are 3No. road connections between the existing Ardmore Hill residential estate and the proposed development. The southern link of the 3No. access points will form the main traffic route connecting the existing and proposed development, with the other two forming local access routes, creating maximum connectivity between the entire developments. This is in line with DMURS to ensure existing cul de sacs are re-connected, all footpaths and pedestrian crossings are 1.8m, with adequate visibility spays at junctions.
- 7.4.6 The proposed parking provision is 123No. spaces. This breaks down as follows:
50No. dwellings with 2No. spaces
15No. dwellings with 1 space
8 No. Communal parking for visitors.

The proposed provision is in line with development plan standards.

7.5 Legal Issues

- 7.5.1 The appellant claims the applicant does not own the subject site. She further implies the issue may be the subject of a Judicial Review. She claims the land is owned by Thomas McDermott (Folio WH10328F), who has not given his consent to the application. The appellant also claims easement for access and services is required from the registered owners of Folios WH17679F (Bernard Lawless and Catherine Malone).
- 7.5.2 In response to these claims the applicant's solicitor has submitted evidence that Frank Bell and Sons Ltd are the legal owners of the site. The purchase was completed in September 2021. Furthermore, the reference to Bernard Lawless and Catherine Malone is not understood and is factually incorrect.
- 7.5.3 The third-party appellant has made claims against the applicant without substantiating the claims in any way. The applicant has submitted to the Board evidence that the claims made are factually incorrect. In addition, the Folio cited WH1769F associated with Bernard Lawless and Catherine Malone, is 20km from

the site. Furthermore, the presentation by the appellant regarding easements to the public sewerage system is also factually incorrect.

- 7.5.4 I recommend the Board dismiss this element of the appeal. In the event the Board is favourable towards the proposal, I recommend that Board includes a footnote with the conditions in respect of Section 34(13) of the Planning and Development Act 2000 which states '*A person shall not be entitled solely by reason of a permission under this section to carry out any development.*'

7.6 Creche Facility

- 7.6.1 Under appeal reference PL25M.245270 (decision appended to this report) planning permission was granted for revisions to previously granted development (planning register number 10/5107) to remove units 12-54 and provide 70No. new units, and revision of previously granted creche at Ardmore Hills. Condition No. 2 of the permission stated that no more than 43 No. units and the creche facility shall be constructed prior to the completion of the footpath and cycleway along Ardmore Road. In addition, Condition No. 17 of the permission specified *The crèche facilities shall operate in accordance with "Childcare Facilities: Guidelines for Planning Authorities" issued by the Department of the Environment and Local Government in June, 2001. The number of children to be accommodated within the crèche shall not exceed 20 at any time on any day.*
- 7.6.2 On the planning file Westmeath County Childcare made a submission stating the childcare facility had not been built. The submission indicated that the childcare facility should be built in advance of any further dwellings being constructed in Ardmore Hills. In a further submission following a request for further information from the planning authority, Westmeath County Childcare Committee indicated it had met with the developer, and it was agreed a Standalone Childcare Facility will be completed as Phase 1 in the upcoming proposed development. This facility will provide for 110 + places. The applicant intends applying for another large scale development on their lands and the applicant has submitted in writing to the planning authority that the standalone childcare facility will be provided in the First Phase. This satisfied the concerns of the planning authority and the county childcare committed board. The permitted childcare facility was not constructed due

a restriction imposed on the scale and hours of operation of the facility made it unfeasible.

7.6.3 I note Condition No. 24 of the decision to grant permission:

No unit within this development shall be occupied save without the prior written approval of the planning authority that sufficient childcare facilities are available to accommodate the development hereby permitted. The development thereafter shall be carried out strictly in accordance with the written agreement of the planning authority.

Reason: In the interests of clarity and to ensure timely provision of satisfactory childcare facilities in accommodating the needs for future occupants of the development hereby permitted.

7.6.4 The applicant did not appeal this condition. I am not convinced this condition is enforceable if the creche is to be provided under another planning application and within a different site boundary. In my opinion, it is not reasonable to restrict the occupation of the dwellings houses proposed under this appeal, to a permission being granted for a development on a different site. It is been presumptuous the subsequent permission will be permitted, or applied for. I do accept the applicant has engaged with the relevant authorities on the issue of the creche and is committed to provide the creche under the next scheme associated with the adjoining lands. Based on the above information, I do not consider the current proposal should be refused on this basis, and condition no. 24 should be omitted.

7.8 Other Matters

7.8.1 The appellant's claims regarding the pre-planning consultation process i.e. referring to the meeting as a cosy cartel, are a misrepresentation and misunderstanding of the nature of the pre-planning meetings, which are normal practice in the planning process.

7.8.2 The appellant's concerns reagridng industrial traffic utilising the residential roads to access land-locked industrial zoned land are unfounded and should be dismissed.

7.8.3 Uisce Ireland has no objection to the proposed development. The proposed development will be facilitated through existing infrastructure serving Ardmore Hills estate.

7.8.4 Part V condition is applicable.

7.8.5 The conditions recommended by the Department of Housing Local Government and Heritage should be included as explained in Section 8 below.

8.0 AA Screening

8.1 Background

Reference ABP-318123-23 refers to a Third Party appeal related to the construction of 65 no. residential units, at Ardmore Hills, Marlinstown on the Ardmore Road, Mullingar, Co. Westmeath. The proposal includes 123No. carparking spaces, the provision of communal open space, all associated hard and soft landscaping, boundary treatments, footpaths, and all other ancillary works above and below ground. The lands are zoned for proposed residential development. The residential development is an extension to the existing Ardmore Hills estate which is on lands immediately west of the subject site.

Appropriate Assessment (AA) Screening Report submitted with the planning application.

Foul water from the development will be directed to the existing sewer infrastructure associated with Ardmore Hills estate. The surface water system has been designed in accordance with the SUDS principles. All surface water rainfall will be collected via the surface water pipe network and collected into one Stormtech underground surface water attenuation tank at an invert level of 104.88om. The outflow will be restricted with a Hydrbrake storm control manhole located on a 1000mm pipe which discharges into the existing surface water manhole at a level of 104om.

8.2 Overview of AA Screening Report submitted with the planning application dated November 2022.

The report states the site is 2.2ha on the outskirts of Mullingar town. The site is bounded to the west by Ardmore Hills estate. The site is to the north of Ardmore Business and Technology Park. The land use surrounding the site is the Mullingar urban fabric. Beyond these lands are agricultural lands and improved agricultural grassland is the dominant grassland.

The application site does not lie within or adjacent to any area that has been designated for nature conservation purposes. The appeal site is improved agricultural grassland (Habitat Code GA 1), with mature hedgerows along the boundaries consisting of native species.

8.2.1 *Water Feature and Quality*

The appeal site is within the Lower Shannon Hydrometric Area, and the Brosna Sub-Catchment and Sub-basin. There are no water courses within the appeal site. There is a ditch along the southern boundary of the field where the site is located. The ditch was dry during my inspection, and it is culverted under the access road into the Ardmore Industrial Park. The River Brosna is 2km west of the site. The River Brosna flow through Mullingar town until it flows into Lough Ennell. The drainage ditch south of the site is not a stream or mapped watercourse. From examination of aerial photography, the screening report description and site photograph's, the drainage ditch appears to serve surface water drainage of the larger field where the site is located, particularly the southern part which is characterised by wetter conditions, and runs south along the boundary hedgerow, into an existing culvert which travels under the access road of the IDA Ardmore Business and Technology Park. Of note is that the flow direction is to the south in the direction of the Royal Canal waterway and not the River Brosna which is further to the west. There is no clear pathway discernible for where the culvert eventually discharges as flow is to south and away from more receiving tributaries to the west of Ardmore Road. There would appear to be no direct or indirect hydrological connection with the River Brosna.

8.3 Submissions and Observations

The Department of Housing Local Government and Heritage made a submission on the 30th of January 2023. It indicated the hedgerow that forms part of the southern boundary of the proposed development supports a number of badger sets. The proposed development will involve the removal of a length of hedgerow along the northwestern site boundary and will also include works along the hedgerows which

form the northeastern and southern boundaries of the proposed development site. These hedgerows are important as wildlife corridors under Annex 10 of the EU Habitats Directive and support foraging/ feeding bats and breeding birds. Bats and wild birds and their nests, eggs and young are protected under the Wildlife Acts 1976, as amended. Also bats are listed under Annex IV of the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora) which require strict protection. The Department is of the view that the proposed development: has the potential to cause an adverse affect on the habitats and local species populations of bats, which are listed under Annex V of the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora) and which are protected under the Wildlife Act 1976, as amended. It would cause an adverse effect on a significant population of wild birds and badger which are protected under the Wildlife Act, as amended. It has the potential to cause an adverse affect on important wildlife corridors in the local area. The applicant indicated in the further information that the badger set on site was not in use. However the Department considered the response it to be inadequate, because badgers operate a network of setts and certain setts may not be in use for sometime. The Department recommended site specific conditions to include a pre-construction survey by an experienced and qualified mammologist shall be carried out prior to the commencement of any works on the site. In addition, a condition is recommended regarding external lighting to be designed and installed to reduce impacts on foraging bats. The recommendations outlined in the guidance 'Bats & Lighting Guidance Notes for: Planners, engineers, architects and developers', December 2010,

8.4 European Sites

8.4.1 The development site is not located in or immediately adjacent to a European site.

The closest is 2.3km to the northeast of the site.

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. There were 11No. sites identified within a possible zone of influence of the proposed development: .

Site Name and Code	Distance	Qualifying Interests	Screened In/ Out
Wooddown Bog SAC 002205	2.3km north-east	Degraded Raised bogs	Screened out due to separation distance and hydrological connectivity between the sites
Lough Ennell SAC 000685	3.9km southwest	3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. 7230 Alkaline fens	Screened out due to separation distance and hydrological connectivity between the sites
Lough Ennell SPA 004044	4.4km southeast	A059 Pochard Aythya ferina A061 Tufted Duck Aythya fuligula A125 Coot Fulica atra A999 Wetlands	Screened out due to separation distance and hydrological connectivity between the sites
Lough Owel SAC 000088	5.4km north-west	3140 Hard oligo-mesotrophic waters with benthic vegetation of Chara spp. 7230 Alkaline fens Transition mires and quaking bogs White-clawed crayfish	Screened out due to separation distance and hydrological connectivity between the sites
Lough Owel SPA 004047	5.4km northwest	Shoveler Coot Wetland and waterbirds	Screened out due to separation distance and hydrological connectivity between the sites

Scragh Bog SAC 000692	6.9km North-west	7230 Alkaline fens Transition mires and quaking bogs Slender green feather moss	Screened out due to separation distance and hydrological connectivity between the sites
Lough Derravaragh SPA 004043	10km north	A061 Tufted Duck Aythya fuligula A125 Coot Fulica atra Whooper swan Pochard Wetland and waterbirds	Screened out due to separation distance and hydrological connectivity between the sites
River Boyne and Blackwater SAC 002299	10.3km north- east	Salmon Otter River Lamprey Alkaline Fens Alluvial forests	Screened out due to separation distance and hydrological connectivity between the sites
Lough Iron SPA 004046	12km northwest	Wigeon Teal Shoveler Coot Golden Plover Greenland White Fronted Goose Whooper swan Pochard Wetland and waterbirds	Screened out due to separation distance and hydrological connectivity between the sites
River Boyne Blackwater SPA 004232	13.6km east		Screened out due to separation distance and hydrological connectivity between the sites

8.5 Identification of Likely Effects

8.5.1 There is no reference in the accompanying Screening Report to the elements of the development that could give rise to construction related impacts such as site clearance, excavation, soil storage etc. In considering indirect impacts during construction the AA Screening report states that none are likely as there is no hydrological connectivity between the application site and any of the SACs and SPAs. There was a Construction Environmental Management Plan submitted as further information. The CEMP completed for the site has standard construction measures boundary including the following:

- Settling lagoon/ holding pond to be used during the construction phase- to enable settlement of suspended solids from wheel wash facilities and excavators.
- Central refuelling location to prevent hydrocarbon infiltration
- Emergency response kit to contain and deal with any accidental spillages

There are no watercourses within the appeal site, and the Screening Report states there will be no run-off from the construction works that will lead to significant effects on European sites. During the operation phase clean surface water will be discharged to the existing surface water manhole within the estate.

8.6 Mitigation measures

8.6.1 No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

8.7 Screening Determination

8.7.1 Finding of no likely significant effect

8.7.2 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 would not be likely to give rise to significant effects on any European site, in view of the site's

Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

I recommend planning permission for the proposed development be upheld.

10.0 Reasons and Considerations

Having regard to the provisions of the Mullingar LAP 2014-2020 (as extended), as supported by national policy as set out in the National Planning Framework (2018), and Ministerial Guidance, *Sustainable Residential Development and Compact Settlements* (2024) both issued by The Department of Housing, Planning and Local Government, to the location of the site in an established residential area, to the nature of the proposed development which is an extension of an existing housing estate and to the pattern of development in the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not result in traffic hazard and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 plans and particulars submitted and received on appeal on the 30th of May 2023 and 14th of August 2023, 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. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

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

4. The permitted development shall be landscaped and the final details of all boundary treatments shall be provided in accordance with a detailed comprehensive scheme of landscaping and boundary treatments, details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting

season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

5. (i) All external lighting shall be designed and installed to reduce impacts on foraging bats. The recommendations outlined in the Guidelines '*Bats and Lighting Guidance Notes for Planners, Engineers, architects and developers*' December 2010. The developer shall agree such details in writing with the Planning Authority prior to commencement of development.

(ii) Public lighting shall be provided in accordance with a scheme which shall include lighting of public open spaces, communal spaces and parking/servicing areas, details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development. The design of the lighting scheme shall take into account the existing and permitted public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

6. 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.

7. (i) Prior to the commencement of the development, the applicant shall submit and agree in writing with the planning authority and the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage details regarding the badger sett located along the boundary of the site and other badger setts in close proximity. A pre-construction survey shall be carried out by an experienced and qualified mammologist;

(ii) Any works to take place within or adjacent to the badger sett shall be carried out in accordance with the Transport Infrastructure Ireland's Guidelines for the Treatment of badgers prior to the construction of National Road Schemes and should be overseen by an experienced and qualified mammologist.

Reason: In the interests of protecting the protected species associated with the general area of the site.

9. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

10. The management and maintenance of the proposed development following its completion (save for areas that are to be taken in charge) shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

11. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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.

Reason: In the interests of visual and residential amenity.

13. All car parking spaces shall be provided with functioning electric vehicle charging stations/points. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To facilitate the use of electric vehicles.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

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

15. Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management

Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

16. (i) The proposed development shall be carried out in accordance with a Construction and Environmental Plan to be submitted and agreed in writing with the planning authority prior to the commencement of the development. All mitigation measures outlined in the Preliminary Construction and Environmental Plan submitted on appeal shall be carried out as specified.

(ii) In accordance with the mitigation measures as outlined in the Preliminary Construction and Environmental Plan and prior to the commencement of the development, the developer shall submit the following for agreement with the planning authority: a waste management plan, a surface water management plan, and an operational management plan.

Reason: In the interest of clarity and to mitigate potential environmental effects.

17. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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.

18. A plan containing details of the management of waste in particular recyclable materials within the development including the provision of facilities for storage, separation and collection of waste and in particular recyclable materials shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development. Thereafter the waste shall be managed in accordance with an agreed plan.

Reason: To provide an appropriate management of waste and in particular recycled materials in the interests of the environment.

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

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

20. The site entrances and junctions, raised tables, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such works.

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

21. 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.

22. 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 landscaping commitments and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

24. 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.

Footnote: Section 34(13) of the Planning and Development Act 2000

‘A person shall not be entitled solely by reason of a permission under this section to carry out any development.’

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

30th of September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318123-23		
Proposed Development Summary	65No. Residential Units		
Development Address	Ardmore Hills, Mullingar, 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	X
		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	X		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)
No		N/A	
Yes		Class 10(b)(i): threshold of 500 dwellings Class 10(b)(iv): threshold of 2 hectares in the case of a business district, 10 hectares in the	Sub-threshold Proceed to Q.4

		case of other parts of a built-up area and 20 hectares elsewhere.		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318123	
Proposed Development Summary	65No. dwellings at Ardmore Hills estate,	
Development Address	Ardmore Road, Mullingar	
<p>The Board carried 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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Significant Effects Likely Yes / No / Uncertain
<p>Nature of the Development.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>		<p>No</p> <p>No</p>
<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>It is a modest extension consisting of 65No. dwellings to an existing housing estate in a serviced built up area of Mullingar</p>	<p>No</p>

<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, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>There is a badger sett located along the southern site boundary. A condition recommended by the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage has been included</p>	<p>No</p>
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector:

Date:

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)