



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318870-24

#### Development

Large scale residential development (LRD): Construction of 181 residential units and site development works including 3 ESB substations and undergrounding of 38kv overhead electricity lines. Access by roundabout on R394 C-link road. Environmental Impact Assessment Report (EIAR) has been submitted to the planning authority with application.

#### Location

Rathgowan, Mullingar, Co. Westmeath.

#### Planning Authority

Westmeath County Council

#### Planning Authority Reg. Ref.

2360270

#### Applicant(s)

Marina Quarter Ltd (subsidiary of Glenveagh Homes Ltd)

#### Type of Application

Permission

#### Planning Authority Decision

Grant with Conditions

#### Type of Appeal

Third Party x 2

<b>Appellant(s)</b>	Mary O'Driscoll Patrick Lynch
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	10 <sup>th</sup> April 2024
<b>Inspector</b>	Mary Crowley

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## **1.0 Site Location and Description**

- 1.1. The appeal site with a stated area of 5.95ha is located within the townland of Rathgowan within the development boundary of the town of Mullingar. It is situated approximately 1km northwest from Mullingar train station and approximately 500m southwest from Midland Regional Hospital. The site lies to the northwest of the town centre. It is located to the south of the R394 (known locally as the 'C-Link' Road) which connects to the N4 to the north and N52 to the south. The site is accessible via the existing entrances off the roundabout on the R394.
- 1.2. The immediate area is characterised by residential development. The lands immediately to the east and south have been developed for residential use and generally comprise two storey detached and semi-detached dwellings. The R394 or C-Link bounds the site to the north and Ashe Road and an ESB substation bound the site to the south. The site is relatively flat and comprises of agricultural fields currently in use for grazing livestock with boundary treelines and hedgerows.
- 1.3. Permission was previously granted by Westmeath County Council and An Bord Pleanála for Phase 1 and 2 of a residential development (Planning References: 21/97 and 21/139). The current proposed Large-scale Residential Development (LRD) scheme will replace these two previously permitted applications if granted. Phase 3 of this residential development was granted planning permission in January 2023 by Westmeath County Council under the LRD system. This Phase is located northwest of the subject Site, on the opposite side of the R394.
- 1.4. I refer to the photos and photomontages available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of my site inspection serve to describe the site and location in further detail.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the following development:
  - The construction of 181 no. residential units comprising of 155 no. dwelling houses (comprising a mix of 2, 3 and 4 bed semidetached and terraced/townhouse units) and 26 no. 1,2 and 3 bed maisonette and apartment units; and

- All associated ancillary development works including 3 no. ESB substations, footpaths, cycle lane, car and bicycle parking, drainage, bin storage, landscaping/amenity areas and the undergrounding of existing 38KV overhead electricity lines at Rathgowan, Mullingar, Co. Westmeath.

2.2. Access will be via the existing roundabout on the R394 (C-Link). Pedestrian access will be provided on to Ashe Road to the south. This development will form two phases of a larger (three-phase) residential development at this location.

2.3. The proposal will include c. 0.85 hectares of open space which equates to c. 17% of the net site area. The proposed 181 no. units will provide a density of 36.4 units per hectare. The design approach for the site is outlined in greater detail in the Design Statement, which accompanies this LRD application.

2.4. An Environmental Impact Assessment Report (EIAR) has been submitted to the planning authority with the application.

## 2.5. Key Planning Statistics

Gross Site Area	5.95 ha
Wayleaves	0.24 ha
Net Site Area	4.97 ha
Number of Units	181 no. units <ul style="list-style-type: none"> <li>▪ 155 no. houses (88.9%)</li> <li>▪ 10 no. apartments (2%)</li> <li>▪ 16 No. Maisonette (8%)</li> </ul>
Unit Mix	18 no. 1 bed apartments (10%) 81 no. 2 bed units (45%) 74 no. 3 bed units (41%) 8 no. 4 bed houses (4%)
Density	36.4 uph
Open Space / Amenity	0.84 ha (16.9% of NET area)
Building Height	1-3 storeys
Car and Bicycle Parkin	Car parking – 265 no. spaces Bicycle – 452 no. spaces

## 2.6. Breakdown of Housing Units

Houses		
Unit Type	No Of Units	Gross Floor Space in sqm

1 Bed	0	0
2 Bed	77	5,667.2 sqm
3 Bed	70	6,582.4 sqm
4 Bed	8	1,182.4 sqm
4+ Bed	0	
<b>Total</b>	<b>155</b>	<b>13,432 sqm</b>

<b>Apartments</b>		
<b>Unit Type</b>	<b>No Of Units</b>	<b>Gross Floor Space in sqm</b>
Studio	0	0
1 Bed	18	1,005 sqm
2 Bed	4	320 sqm
3 Bed	4	58.8 sqm
4 Bed	0	0
4+ Bed	0	0
<b>Total</b>	<b>26</b>	<b>1,783.8 sqm</b>

<b>House Type</b>	<b>Number</b>	<b>Percentage</b>
1 Bed Maisonette	16	8.8%
2 Bed Terrace	77	42.5%
3 Bed End	46	25.4%
2 Bed Apartment	2	1.1%
2 Bed Townhouse	2	1.1%
3 Bed Townhouse	4	2.2%
3 Bed Semi	24	13.3%
1 Bed Apartment	2	1.1%
4 Bed Semi Detached	8	4.4%
<b>Total</b>	<b>181</b>	<b>100%</b>

2.6.1. The application was accompanied by the following:

- Cover letter and Schedule of Documents
- Response to Westmeath County Council Opinion
- Completed Application Form and Form 19
- Press Notice
- Site Notice

- Letters of Consent from Westmeath County Council
- Statement of Consistency
- Planning and Design Statement including copy of Farranshock | Rathgowan Urban Design Framework Plan (prepared by prepared by Reddy Architecture and Urbanism in conjunction with Westmeath County Council)
- Part V Proposal
- Design Statement
- Housing Quality Assessment and Schedule of Accommodation
- Site Location Maps
- Architectural Drawings
- Site Layout Plans at 1:500
- Site Sections at 1:500
- Floor Plans, Elevations, and Sections at 1:200;
- Plan of areas proposed to be Taken in Charge;
- Landscape Plan and associated drawings
- Landscape Design Report & Planting Schedule
- Tree Survey
- Engineering Drawings
- Civil Design Report (including Confirmation of Feasibility from Irish Water and Letter from Irish Water confirming development is in line with Standard Details and Codes of Compliance)
- Road Safety Audit
- Traffic and Transport Assessment
- DMURS Compliance Statement
- Outline Construction Traffic Management Plan
- Preliminary Construction Environmental Management Plan
- Flood Risk Assessment
- Construction Demolition & Operational Waste Management Plan
- Public Lighting Drawings
- AA Screening

- Daylight, Sunlight & Overshadowing Assessment
- School Demand Report
- Childcare Assessment
- Social and Community Audit
- Photomontages
- EIAR

2.7. Further information was received on 3<sup>rd</sup> November 2023 setting out the following as summarised:

- Revised plans and landscape sections to demonstrate the provision of 2no. pedestrian connections from the site to the adjacent Ashefield estate.
- Revised landscaping plans providing increased landscaping throughout the plaza area and additional proposed planting along the R-394 (C-Link road) and L1000 (Ashe Road)
- Boundary treatment along the southeastern site boundary
- Revised plans for House Type B and F, demonstrating the provision of opaque glass side windows on the upper floors of specific unit numbers within the scheme.
- Revised plans demonstrating the proposed boundary treatment to separate the rear garden areas of the proposed maisonette units comprising 1.8m high timber panel fencing with concrete posts.
- Revised landscape plan demonstrating additional planting adjacent to the ground floor habitable room windows of Housing Type F which are located directly adjacent to public realm areas.
- Revised boundary plan which indicates that the existing timber post and wire fencing in this area will be removed with no damage to the existing vegetation.
- Revised contextual elevations demonstrating a revised design approach to the subject boundary wall.
- There is no communal bin or cycle storage provided for the proposed maisonette units as all maisonette units have access to private rear gardens which can be used for said storage purposes.

- The submission provides revised Part V proposals demonstrating the provision of a 4-bed dwelling as part of the proposed Part V units as requested. The revised Part V units will provide for the transfer of 18 no. units including 8 no. 1-bed maisonettes, 5 no. 2-bed dwellings, 2 no. 3-bed dwellings, 1 no. 4-bed dwelling, 1 no. 1-bed apartment, and 1 no. 2-bed apartment which would still equate to the provision of 10% of future permitted units on site for Part V.
- The submission confirms that a total of 259 no. car parking spaces will be provided throughout the scheme with a total of 237 in curtilage spaces and 22 no. non curtilage spaces which include 4 no. disabled spaces.
- The car parking has been reduced to 259 spaces (237 spaces provided in curtilage and 22 spaces provided non curtilage)
- The submission confirms that 452 bicycle parking is provided in curtilage comprising 362 secure bike storage spaces provided in all dwellings (2 spaces per dwelling) and 90 External Spaces Sheffield cycle stands for visitor

### **3.0 LRD Planning Authority Pre-Application Opinion**

- 3.1. In the LRD opinion issued on 6<sup>th</sup> July 2023 the planning authority was of the opinion that the documentation submitted constituted a reasonable basis on which to make an application for the proposed LRD. The planning authority specified information that should be submitted with the application. These related to planning and strategic issues, housing quality, transport/traffic and road safety, service infrastructure, drainage, noise, lighting, construction & waste management reports, flooding, water & wastewater, design and layout, climate, social infrastructure provision, Part V, environmental impact assessment (EIA) and AA, and other matters.
- 3.2. The applicant submitted a “Response to Westmeath County Council Pre-Application Consultation Opinion” with the planning application which addresses each of the matters cited by the planning authority in the LRD Opinion.

## 4.0 Planning Authority Decision

### 4.1. Decision

- 4.1.1. Westmeath County Council issued a notification of decision to grant permission on the 20<sup>th</sup> December 2023 subject to 25 no conditions as follows:

1)	Development shall be carried out strictly in accordance with the plans and particulars received by the Planning Authority on 24th August 2023, as amended by further information received on 03rd November 2023
2)	Section 47 agreement restricts all residential units permitted to first occupation by individual purchaser
3)	Areas not intended to be taken in charge shall be maintained by a legally constituted management company
4)	Phasing
5)	Provision of screening measures/defensible space adjacent to the 2no. ground floor level eastern facing habitable room Unit 03 of proposed Apartment Block A.  All upper floor side elevation windows of proposed residential dwellings, shall be obscurely glazed
6)	10% EV Charging
7)	Landscaping & Tree Planting
8)	Archaeology
9)	Ecology - All mitigation measures identified in the submitted CEMP, Ecological Impact Assessment (EcIA) Report, and Environmental Impact Assessment (EIA) Report shall be implemented in full. A suitably qualified Ecological Clerk of Works (ECoW) shall be appointed.
10)	Naming and Numbering
11)	Social and Affordable Housing
12)	Active Travel Infrastructure to be agreed

<b>13)</b>	Car / Bicycle parking - Breakdown of the type of car / cycle parking provision throughout the scheme, including in-curtilage parking, out of curtilage parking, parking for each unit type, disabled parking, and visitor parking spaces to be agreed
<b>14)</b>	Stage 1 & 2 Road Safety Audit and a Stage 3 Road Safety Audit post construction
<b>15)</b>	Fire Safety
<b>16)</b>	Refuse/Cycle Storage
<b>17)</b>	Construction Environmental Management Plan (CEMP) to be submitted and agreed
<b>18)</b>	Construction and Demolition Resource Waste Management Plan (RWMP)
<b>19)</b>	Water / Wastewater
<b>20)</b>	Surface Water
<b>21)</b>	Design and installation of all services and taking in charge
<b>22)</b>	Services & Cables
<b>23)</b>	Construction Hours
<b>24)</b>	Development Bond
<b>25)</b>	Development Contribution

## **4.2. Planning Authority Reports**

### **4.2.1. Planning Reports**

4.2.2. The Case Planner in their first report requested further information in relation to connectivity, landscaping, side facing windows, private amenity space, defensible space, boundary treatment, refuse / cycle storage, Part V, car parking and cycle parking. Further information requested on 18<sup>th</sup> October 2023

4.2.3. The Case Planner in their second report and having considered the further information submitted recommended that permission be granted subject to conditions. The

notification of decision to grant permission issued by Westmeath County Council reflects this recommendation.

#### 4.2.4. Other Technical Reports

- **Area Engineer** – No stated objection subject to conditions set out in their report relation to roads, surface water, water / wastewater, services and cables and general conditions.
  - **Housing Department** – In relation to Part V the applicant submitted that they would like to retain as much of the 4 beds as possible for the private market and would be happy to oblige with the 10% requirement and swap out 1 no. 3-bed end terrace for a 4-bed. Applicants' proposal to swap out an end of terrace 3B house for a 4B house is accepted.
  - **Environment Section** - No objection subject to conditions relating to the submission of a CEMP, preparation of a Construction and Demolition Resource Waste Management Plan, oils and hydrocarbons to be stored in a bunded area, oil / spill kit to be maintained on site, compliance with Waste Management Act 1996, surface water discharge, dust, noise, mitigation identified in the CEMP, Ecological Impact Assessment Report and EIAR shall be implemented, Ecological Clerk of Works shall be employed and no hedge cutting during breeding season.
  - **Westmeath County Childcare Committee CLG** - Recommended that a detailed Early Years Analysis be undertaken to review the demographic needs against current supply.
- a) **Active Travel Department** - No objection to this development subject to conditions relating to the final design of the segregated cycle track / cycleway / footway / footpath along the R394 (Mullingar C-Link) and the L1000 (Ashe Road), Section 47 agreement in relation to all works required on the R394 and the L1000 and the construction of the Active Travel infrastructure on the R394 and L1000 prior to the first occupation of any residential unit.
- b) **CFO** - Additional information sought to indicate how Apartment Block A (3-storey) and Apartment Block B (3-storey) complies with the requirements of Section 1.2 Design for Horizontal Escape of Technical Guidance Document B, Volume 1, 2006-2020 at 2nd floor level (excessive travel distances).

### 4.3. Prescribed Bodies

#### 4.3.1. Department of Housing, Local Government and Heritage

- **Nature Conservation** - Should the Planning Authority proceed to grant permission for the proposed development, it is recommended that the following be included as conditions:
  - 1) Mitigation measures outlined in EIA Biodiversity Section should be carried out under the supervision of a suitably qualified Ecological Clerk of Works (EcOW).
  - 2) Any required hedgerow, scrub or tree removal or cutting to facilitate the proposed development should not take place during the breeding season between 1st of March and 31st of August.
- **Archaeological Conditions**
  1. All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist. Prior to any construction works any previously identified archaeological features and deposits should be subject to excavation and conserved by Recorded
  2. Should further archaeological material be found during the course of works, the work on the site shall be stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government & Heritage with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

**Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

#### 4.3.2. Irish Water

- A water connection is feasible without infrastructure upgrade by Uisce Éireann.
- A wastewater connection is feasible subject to upgrades.
- There is sufficient capacity in the wastewater treatment facility to cater for this development.
- The applicant is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary.

- Confirmed that the applicant has received a Statement of Design Acceptance dated 11<sup>th</sup> August 2023 for the proposed water and / or wastewater infrastructure within the Development's redline boundary
- Following Conditions recommended as summarised:
  - 1) Applicant must sign a connection agreement with Uisce Éireann prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
  - 2) Uisce Éireann does not permit any build over of its assets and separation distances as per Uisce Éireann's Standards Codes and Practices shall be achieved.
  - 3) All development shall be carried out in compliance with Uisce Éireann Standards codes and practices

#### 4.4. Third Party Observations

- 4.4.1. There are 5 no observations recorded on the LRD file from Paul Clogher, Mary O'Driscoll, Margaret Cavanagh, Maria Colvert and Pat Lynch.
- 4.4.2. The issues raised relate to ownership and consent to make an appclaiton, requirement for an NIS, treeline to Ashefield to be retained, public notice not in a prominent place, footpath at No 75 Ashefield is unnecessary, pedestrian / cycle access, anti-social behaviour, access lane ways into Ashefield Estate near number 75.and 76 and no reference to access to Ashefield on the public notice's,

### 5.0 Planning History

- 5.1.1. There has been 2 no. recent planning application relevant to the subject site:
  - **Westmeath County Council Reg Ref 21/97:** Permission was granted for 98 no. residential units, 1 no. childcare facility, 1 no pumping station and all associated ancillary development works. Access to the development is via an existing entrance on the R394(C-Link) to the north of the site. This development is the first phase of a larger two-phase development at this location. A Natura Impact Statement (NIS) was submitted to the planning authority with the application. The application was appealed by a third party under **An Bord Pleanála Ref. ABP-312841-22** and permission was granted on July 31st, 2023.

- **Westmeath County Council Reg Ref 21/139:** Permission was granted for Phase 2 which comprised 83 no. residential units, 1 no. pumping station and all associated ancillary development works including footpaths, parking, drainage, landscaping and amenity areas. Access is also via an existing entrance on the R394 (C-Link) to the north of the site. A Natura Impact Statement (NIS) was also submitted to the planning authority with this application. The application was appealed by a third party under **An Bord Pleanála Ref. ABP-313091-22** and permission was granted on July 31st, 2023.

5.1.2. The adjoining lands to the north west have two concurrent planning applications by Glenveagh Homes Ltd. for the following:

- **Westmeath County Council Reg Ref 05/5100:** Permission for the construction of 478 no. residential dwelling units and 3 no. creches. The proposed development was granted permission on September 5th, 2005, with 26 conditions. One of the main conditions was for a change of layout to 501 residential dwelling units and 1 no. creche with vehicular access from the R393 Ashe Road, Western Link Road (R390-R394), as well as 533 car parking spaces. Additional amendments to the proposed development were made under Ref. No. 06/5468 and 07/5353 both of which were granted permission with conditions.
- **Westmeath County Council Reg Ref 22/515:** Permission for the construction of 213 no. residential dwelling units and 1 no. creche. The proposed development was granted permission on December 14th, 2002, with 26 conditions.
- **Westmeath County Council Reg Ref 19/6121** – Permission sought for 18 no apartment units. The proposed development was granted permission on 17<sup>th</sup> December 2019 subject to 19 no conditions.

## 6.0 Policy Context

### 6.1. National Planning Policy

#### 6.1.1. National Planning Framework

6.1.2. The NPF comprises the Government's proposed long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 25 years. Part of the vision of the NPF is managing growth and targeting

at least 40% of all new housing in existing built-up areas of cities, towns and villages through infill and brownfield sites while the rest of new homes will be targeted on greenfield edge of settlement areas and within rural areas. The NPF also sets out a number of National Strategic Outcomes which include Compact Growth and Strengthened Rural Economies and Communities.

6.1.3. The NPF has a number of directly relevant national policy objectives that articulate delivering on a compact urban growth programme. These include:

- NSO 1 - Compact Growth
- NSO 7 - Enhanced Amenity and Heritage
- NPO 3a - Securing Compact & Sustainable Growth
- NPO 3c - Securing Compact & Sustainable Growth
- NPO 4 - Why Urban Places Matter (Community)
- NPO 5 - Why Urban Places Matter (Economy/Prosperity)
- NPO 6 - Why Urban Places Matter (The Environment)
- NPO 9 - Planning for Ireland's Urban Growth (Ireland's Towns)
- NPO 11 - Achieving Urban Infill/Brownfield Development
- NPO 13 - Performance-Based Design Standards
- NPO 32 - Housing
- NPO 33 - Housing (Location of Homes)
- NPO 34 - Housing (Building Resilience in Housing - Lifetime Needs)
- NPO 35 - Housing (Building Resilience in Housing - Density)

## 6.2. **Section 28 Ministerial Guidelines**

6.2.1. The following national policy, statutory guidelines, guidance and circulars are also relevant:

- Housing for All: A New Housing Plan for Ireland (2021)
- Rebuilding Ireland: Action Plan for Housing & Homelessness (2016)
- Appropriate Assessment Guidelines (2009)

- Architectural Heritage Protection Guidelines (2011)
- Childcare Facilities Guidelines (2020)
- Environmental Impact Assessment Guidelines (2018)
- Flood Risk Management Guidelines (2009)
- Regulation of Commercial Institutional Investment in Housing Guidelines (2021)
- Sustainable Urban Housing: Design Standards for New Apartments (2020)
- Urban Development and Building Heights Guidelines (2018)
- Best Practice Urban Design Manual (2009)
- Design Manual for Urban Roads and Streets (2013)
- Quality Housing for Sustainable Communities (2007)
- Circular Letter: NRUP 02/2021 (Residential Densities in Towns and Villages)
- Housing Circular 28/2021 (Affordable Housing Act 2021 - Amendments to Part V)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)<sup>1</sup>
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Childcare Facilities Guidelines for Planning Authorities (2020)
- Guidelines for Planning Authorities on the Planning System and Flood Risk Management (2009)
- Part V of the Planning and Development Act 2000 Guidelines (2017)
- Local Area Plans Guidelines for Planning Authorities (2013)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

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<sup>1</sup> The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) have been revoked.

### 6.3. Regional Guidelines

#### 6.3.1. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES)

6.3.2. The RSES provides for the development of nine counties / twelve local authority areas, including Westmeath County Council. It is a strategic plan which identifies regional assets, opportunities, and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. It provides a framework for investment to better manage spatial planning and economic development throughout the region.

6.3.3. Mullingar is designated as a Key Town and it is described on pages 86 and 87 of the RSES. Under the sub-heading of 'Residential Development' it is stated 'The provision of housing plays a fundamental role in the overall economic, social and environmental success of the settlement. It is essential to ensure an effective supply of land for the provision of housing and that high quality development is secured in the right place at the right time. 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'.

### 6.4. Development Plan

#### 6.5. Westmeath County Development Plan 2021 – 2027

6.5.1. Policies and objectives of the **Westmeath County Development Plan 2021 – 2027** that are of relevance to this Screening Report are outlined below:

6.5.2. The **Westmeath County Development Plan (CCDP) 2021 – 2027** establishes a hierarchical network of settlements in the County. The CCDP identifies Mullingar as a 'Key town' and 'Gateway Region' where its main function is as:

*“Large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.”*

6.5.3. It is an objective of the plan to focus development on the Key Town of Mullingar. The core strategy for Mullingar is to:

*“Support the continued growth and sustainable development of Mullingar to act as a growth driver in the region and to fulfil its role as a Key Town in accordance with the principles and policies of the RSES.”*

6.5.4. In the Core Strategy Policy Objectives, it is a policy objective (CPO 2.5) of Westmeath County Council to “support the continued growth and sustainable development of Mullingar to act as a growth driver in the region and to fulfil its role as a Key Town in accordance with the principles and policies of the RSES.”

6.5.5. Policy objective CPO 2.6 states that it is an objective to prepare a Local Area Plan (LAP) for Mullingar to align with the RSES and the Core Strategy of the Development Plan.

6.5.6. In relation to housing mix it is an objective for:

*“Residential schemes to provide a range of dwelling sizes and typologies to accommodate emerging demographic trends in line with the Westmeath Housing Strategy and Housing Needs Demand Assessment or other evidence supported methodology. Proposals for residential schemes which are proposed on infill or smaller sites should demonstrate the ability of the proposal to provide a mix of dwelling types within the locality as opposed to within the scheme itself.”*

6.5.7. In relation to residential density, it is an objective of the plan to promote increased densities in appropriate locations. CPO 16.24 states that

*“increased residential density with Athlone Regional Centre and Mullingar (key towns) is acceptable in principle where the subject lands are (i) within walking distance of the town centre, or (ii) are adequately serviced by necessary social infrastructure and public transport and/or (iii) designated regeneration sites and development lands which comprise in excess of 0.5ha, subject to quality design and planning merit in ensuring company growth and the creation of good urban places and attractive neighbourhoods.”*

6.5.8. In relation to car parking, Table 16.2 of the County Development Plan outlines the car parking requirements for new developments. It is stated that in the case of residential developments 1 no. space per dwelling is acceptable county wide.

6.5.9. Policies relevant to this appeal are as follows:

- **CPO 2** - Support the continued growth and sustainable development of Mullingar to act as a growth driver in the region and to fulfil its role as a Key Town in accordance with the principles and policies of the RSES.
- **CPO 2.14** - Implement all land use planning policy and objectives in a manner which takes account of and is consistent with the Core Strategy in order to accelerate a transition to a greener, low carbon and climate resilient County with a focus on reduced travel demand through the promotion of sustainable settlement patterns.
- **CPO 2.15** - In the assessment of development proposals, to take account of transport corridors, environmental carrying capacity, availability and/or capacity to provide waste water and water supply services, potential to conflict with Water Framework Directive objectives, potential to impact on the integrity of European sites and Annexe Habitats and species, features of biodiversity value including ecological networks, impact on landscape and visual characteristics, education and other socioeconomic objectives.
- **CPO 2.16** - Promote the integration of land use and transportation policies and to prioritise provision for cycling and walking travel modes and the strengthening of public transport.
- **CPO 3.5** - Ensure that a suitable variety and mix of dwelling types and sizes is provided in developments to meet different needs, having regard to demographic and social changes.
- **CPO 3.15** - To support the development of quality residential schemes with a range of housing options having regard to the standards, principles and any specific planning policy requirements (SPPRs) set out in the 'Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities' (2009); 'Urban Development and Building Heights Guidelines for Planning Authorities' (2018) and the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2018)
- **CPO 12.24** - Protect and where possible enhance biodiversity and ecological connectivity, including woodlands, trees, hedgerows, semi-natural grasslands, rivers, streams, natural springs, wetlands, geological and geo-morphological systems, other landscape features, natural lighting conditions, and associated wildlife where these form part of the ecological network and/or may be considered

as ecological corridors or stepping stones in the context of Article 10 of the Habitats Directive. Appropriate mitigation and/or compensation to conserve biodiversity, landscape character and green infrastructure networks will be required where habitats are at risk or lost as part of a development.

#### **6.6. Mullingar Local Area Plan 2014-2020 (as amended and extended) (MLAP)**

6.6.1. At its meeting on 25<sup>th</sup> March 2019, the members of Westmeath County Council extended the life of the Mullingar LAP 2014-2020 for a period not exceeding five years.

6.6.2. The site is located within the development boundary of the town of Mullingar. The 2014 Mullingar Local Area Plan (LAP) sets out a clear vision for the town as follows:

*“To provide for the development of Mullingar as a driver of sustainable economic growth, commensurate with the Linked Gateway status of the town, whilst balancing the need to safeguard the town’s inherent environmental assets with the creation of appropriate development opportunities. To develop the town as a vibrant and dynamic town in which to live, work, do business and visit, offering high quality employment, educational opportunities together with recreation, amenity and tourism facilities, and the development of sustainable communities.”*

6.6.3. The site is zoned ‘Residential’ where the following objective applies:

*“O-LZ1: To provide for residential development, associated services and to protect and improve residential amenity.”*

6.6.4. The Mullingar LAP provides that an Urban Design Framework Plan (UDF) is to be undertaken for a 19.75-hectare plot where the objective is to prepare an “Urban Design Framework” (UDF) in order to create a sustainable residential community in this part of the town:

*“The remaining undeveloped residential zoned land outside the above Framework Plans is primarily concentrated along the C-Link, development zoned tract of land along the C-link. With regard to the residential zoned tract along the C-link, it is considered that an Urban Design Framework should be undertaken for a 19.75ha plot as indicated in Map 2.2. The Council would support the preparation of such a plan in conjunction with the relevant landowners. The objective is to create sustainable communities at this location,*

*characterised by high quality innovative design and permeable layouts, connectivity to adjoining residential areas and amenities, together with the provision of social, community and recreation together with the provision of social, community and recreation facilities. “*

- 6.6.5. A copy of the Urban Design Framework prepared for the Farranshock area is provided with the LRD file.
- 6.6.6. In the Core Strategy Policy of the 2021 Westmeath County Development Plan, it is an objective (CPO 2.6) to Prepare a Local Area Plan (LAP) for Mullingar to align with the RSES and the Core Strategy of the Development Plan. No specific timeframe has been provided for the preparation/adoption of the forthcoming LAP and the 2014 LAP has been extended to allow for the completion of the forthcoming Mullingar LAP.
- 6.6.7. Policies relevant to this appeal are as follows:
- **Policy P-H7** – *To ensure the provision of a suitable range of house types and sizes to facilitate the demographic profile of the town*
  - **Policy P-SR6** – *To ensure that new greenfield residential estate development should be in accordance with the Spatial Framework established in the relevant Framework Plan for the subject area, subject to infrastructural services being available.*
  - **Policy P-POS1** – *To ensure that the provision of public and private open space for new residential development is of a high standard, overlooked and integral to the overall development. Narrow tracts of land or ‘left over areas’ will not be included within open space provision.*

## **6.7. Mullingar Local Area Plan 2024 – 2030**

- 6.7.1. The Local Authority commenced the preparation of the Mullingar Local Area Plan 2024 – 2030 on the 10<sup>th</sup> October 2023. It is still at the pre-draft stage.

## **6.8. Natural Heritage Designations**

- 6.8.1. The proposed development site is not within a designated conservation area. The closest European site is the Lough Owel SAC (000688), Lough Owel SPA (004047), Lough Ennell SAC (000685) and Lough Ennell SPA (004044).

## **6.9. EIA Screening**

- 6.9.1. This application was received by the Board after the 1<sup>st</sup> September 2018 and therefore after the commencement of the European Union (Planning & Development) (Environmental Impact Assessment) Regulations, 2018, which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 6.9.2. The proposed development falls within the class of development types requiring an EIA under Schedule 5 of the Planning and Development Regulations 2001 (as amended). The proposed development is subject to Part 2 of this Schedule (Section 10) which deals with infrastructure projects where EIA is required for:
- 10. b (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectare in the case of other parts of a built up area and 20 hectares elsewhere*
- (in this paragraph “business district” means a district within a city or town in which the predominant land use is retail or commercial).*
- 6.9.3. The proposed project comprises the construction of 181 no. residential units, on a gross site area of c. 5.95ha. Given the size and scale of the project, it does not in itself trigger the needs for an Environmental Impact Assessment and it is noted that an Environmental Impact Assessment was completed for the adjacent Phase 3 application.
- 6.9.4. The entire masterplan area (394 no. residential units, 3 phases in total) encompasses an area of c. 13.58ha, which exceeds the threshold for site area set out above (i.e. urban development which would involve an area greater than 10 hectares in a built up area). Therefore, in this case it is considered that an EIAR is required with regard to the potential cumulative impacts of the development when considered in combination with the other phase as the combination of individual projects may, over a period of years, have significant effects on the environment and is subject to EIA.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- 7.1.1. There are 2 no appeal on the LRD file that may be summarised as follows:

## 1. Mary O'Driscoll, No 75 Ashefield, Mullingar Co Meath.

- **Public Notices** – they refer to *access will be via the existing roundabout on the R394 (C-Link Road) with pedestrian access will also be provided on to Ashe Road.* Drawing No JZT-JBAI-XX-XX-DR-L-001 Revision C01 dated 31<sup>st</sup> July 2023 does not demonstrate that pedestrian access between the proposed development and Ashefield was either indicated or sought which would join the scheme to Ashefield at the area outside the appellants house at No 75 Ashefield, Mullingar. This was underscored by the FI request dated 18<sup>th</sup> October 2023 (1(i) refers) that requested proposals to address pedestrian connections into the adjacent Ashefield Estate as the plans and particulars submitted do not clearly show this connection. The FI response submitted 3<sup>rd</sup> November 2023 referred to Drawing No JZT-JBAI-XX-XX-DR-L-001 Landscape Section *which clearly show the proposed connection into the adjacent Ashefield Estate.*
- **Permeability** - There is no planning requirement to establish pedestrian, cycle or any other, access between the proposed development and Ashefield. Sufficient pedestrian, cycle and other access is available to the proposed development via the existing roundabout on the R394 and via the Ashe Road as set out in the application form in support of 2360270.
- **Further Information** - The FI does not include measures to ensure satisfactory standards of personal safety and traffic safety within the neighbourhood and in particular at the proposed pathway and cycleway as required under DMURS. In particular no provision for lighting or other security provision for the pedestrian access located on the Ashefield side of the development is set out in the application or required in the planning permission granted.
- **Existing Boundary** - The boundary between Ashefield and the proposed development consists of mature trees and hedgerow which should not be affected by this development.
- **Amenity Area** - The green area which forms the boundary between the proposed development and Ashefield is a communal area which is used by the residents of Ashefield. Any reduction or dilution of this communal area would be detrimental to Ashefield and its residents and would result in the loss of much needed green space.

- **Residential Amenity** - The creation of pedestrian, cycle and other access between the proposed development and Ashfield would result in the loss of communal parking spaces, would severely negatively impact on the security of Ashfield and would lead to anti-social behaviour, would severely and negatively impact on noise levels outside the appellants house and in the wider Ashfield area, particularly and negatively impact on the privacy of the appellant's home.

## 2. Patrick Lynch, Proudstown Road, Navan, Co Meath

- **Refusal** - The Board is asked to refuse planning permission.
- **Ownership** - From the very recent planning history, Reg Ref 2197, that application form states that Glenveagh Homes Ltd. owned the site. This latest application is by Marina Quarter Ltd. but it is not clear who owns the site, is it Glenveagh, and if so, where is the letter of consent to file the application? Without a letter consent, the application is invalid.
- **AA Screening** - From a review of Reg Ref. 2197 that application included a Natura Impact Statement but this application includes an AA screening report that screens it out. The Council, as the competent authority for AA, appears to regurgitate the AA screening report without any apparent objective analysis or consideration of the previous AA screening conclusion. In short, both AA screening documents identify the same potential effect but classify it differently to either proceed to Stage 2 NIS or not to proceed to Stage 2. It occurs to me that the precautionary principle should apply as was the case in ref. 2197 and that a Natura Impact Statement is required for this proposal.
- **Housing Policy** - The proposal does not comply with Housing Policy P-H7 in the Mullingar Local Area Plan 2014-202 (as extended). No where in the application is the range of house type and sizes proposed correlated to the existing and emerging demographics of Mullingar.
- **Sustainable Residential Policy** - The proposal does not comply with Sustainable Residential Development Policy P-SR6 in that the proposed layout is not in accordance with the Spatial Framework established in the relevant Framework Plan for the site. The previous applications on the site included the Farranshock Rathgowan Urban Framework Plan but there's no mention of it in this application.

- **Public Open Space** – Queried if the proposal complies with Policy P-POS1 in respect of public open space. The statement of consistency and planning and design statement claims 0.84 hectares or 16.9% of the site area is proposed as public open space. There are two things wrong with this statement. First and most important, the site area is stated on the application form as 5.95 hectares, so 0.84 ha. only equates to 14.1% of the gross site area - the County Development Plan standard is 15% of the gross site area. Second, the 0.84 ha. public open space includes narrow tracts of land and left over land plus substantial areas for surface water attenuation. Policy P-POS1 specifically requires narrow tracts and left over land to be excluded but that does not appear to be the case here. Substantial areas of the proposed public open space can and should be discounted from their calculation, and on that basis and by reference to the gross site area, the scheme does not provide the minimum area required for public open space.
- **Homezones** - The provision of "homezones" appears to be a ruse to deflect from the lack of sufficient public open space in the scheme. The suitability and appropriateness of the two as you approach the two apartment buildings is highly questionable from a child safety perspective.
- **Residential Amenity** - The scheme layout is overly dominated by roads and surface level car parking to the detriment of the residential amenity of the future residents of the proposed development. The primary open space within the centre of the development is surrounded on all side by roads; there is a road along/inside the north/northwestern site boundary and the potential for a prominent corner building at the southwest corner of the site is occupied by an "arrival plaza" which is architecture 'speak' for surface level car parking and an extensive hardstanding area.
- **Hedgerows** - The proposed development does not comply with Policy PO 12.24 in respect of the protection of hedgerows. Again, I see this policy hasn't been considered in the applicant's statement of consistency. From reviewing the tree survey, there is no justification provided to remove the hedgerows, which should be retained and ideally mature hedgerow 1 should be included in the landscape plan for any residential development of this site.

- **ESB Substation** - The proposal does not properly address the existing ESB substation at the southern end of the site. There is no buffer between the proposed dwellings and the ESB substation which is visually dominant and would detract from the residential and visual amenity proposed dwellings.

## 7.2. Applicant Response

- 7.2.1. The first party response to the appeal has been prepared and submitted by McCutcheon Hally Chartered Planning Consultants on behalf of the applicant, Marina Quarter Limited and may be summarised as follows:
- 7.2.2. **Validity of Appeal** - It is submitted that the appellant Mr Patrick Lynch, is a serial objector against development proposed by Marina Quarter Ltd., a subsidiary of Glenveagh Homes Ltd. There is a very strong case for this appeal to be dismissed under Section 138(1) of the Planning and Development Act 2000, as amended (the Planning Acts), which provides for the dismissal of appeals that are vexatious, frivolous, or without substance or foundation. A detailed submission in this regard is provided together with a response prepared by McCann FitzGerald Solicitors which has been attached to Appendix A of the response. Given the number of submissions and appeals which have been brought by Mr Patrick Lynch against development proposed by the applicant, the remoteness of the proposed development from Mr Patrick Lynch's residence, and the previous planning history at this site, it is considered that the substance and motives of the present appeal to be highly questionable. The Board is asked to consider exercising its discretion to dismiss the present appeal under Section 138(a)(i) of the Planning Acts.
- 7.2.3. **Compliance with National and Local objectives pertaining to the site** - The subject site is situated within the development boundary of the town of Mullingar where it is an objective of the MLAP to secure an increase in the population of the settlement. The Council deemed the proposed development fully complies with all relevant policies and objectives and determined that "*the proposed development complies with the zoning objectives and associated policies of the MLAP. In this context, it is also considered that the proposed development is in compliance with the WCDP Core Strategy and the overall vision for Mullingar contained within the aforementioned policy documents.*"

- 7.2.4. **Range of House Types and Town Demographic** - A full analysis of the demographics of the area is included within Chapter 4; Population and Human Health of the submitted EIAR. The demographic analysis carried out as part of the EIAR ensured that an appropriate unit mix is proposed to adequately serve the needs to the town of Mullingar. The Council as part of their assessment deemed the mix proposed to be fully compliant with the MLAP and deemed it appropriate for the area.
- 7.2.5. **Urban Design Framework Plan** - The Farranshock Rathgowan Urban Framework Plan is fully addressed within Section 3 of the Planning and Design Statement submitted with the planning application. In accordance with the MLAP, a UDF was prepared and a copy was enclosed as part of the planning application submission and the proposed layout and design approach of the subject development had regard to and is consistent with the approach advocated in the UDF. The same approach was already adopted and accepted (by Westmeath County Council and An Bord Pleanála) in the previous Phase 1 and 2 applications submitted by the applicant and permitted by the Council/An Bord Pleanála.
- 7.2.6. **Open Space** - As part of the overall amenity provision, it is proposed that a number of accessible and usable public open spaces with excellent passive surveillance will be provided within the proposed development. The 0.84 ha public open space proposed constitutes 16.9% of the net site area. It is considered the quantum of open space being provided complies with the requirements of the Development Plan. No narrow tracts or left over spaces of open space have been included within the open space calculations. The proposed open space provision was assessed by the Council who deemed it acceptable.
- 7.2.7. **Hedgerows** - A full Arboriculture Impact Assessment and associated tree survey drawing was submitted with the application. Appendix 1 of the Assessment report provides details on the existing hedges within the site.
- 7.2.8. **Impact the residential amenities of the area** - From the outset and to ensure that there would not be a negative impact on the residential amenities of the area, the proposed development was very carefully conceived and based on a comprehensive and robust appraisal to ensure that the scheme would be delivered and managed to a very high standard in order to protect the residential amenities of the area.

- 7.2.9. **Pedestrian Connectivity** - The proposed pedestrian and cycle access to the Ashfield Estate will enhance the area as a whole and ensure that the proposed development is well connected and integrated with the existing community.
- 7.2.10. **Trees and Hedgerows** - No trees are proposed for removal in the area where the connection point is proposed. A small 2m wide portion of existing hedgerow and scrub is to be removed to allow the connection point. To counteract this additional native planting is to be planted along the existing boundary ditch to the north of the connection point. This approach was welcomed by the A/Senior Executive Planner. The proposed pedestrian connection will not result in the loss of any communal green space used by the Ashfield residents as they will have direct access to additional open space areas within the proposed development.
- 7.2.11. **Communal Parking Spaces** - The appellant has not considered or examined the submitted site layout plans or landscaping plans as it is clear from the submitted material that the proposed pedestrian connection point is nowhere near the existing communal parking area adjacent to the appellants dwelling so therefore there will be no loss of any parking adjacent to the appellants property.
- 7.2.12. **Anti-Social Behaviour, and Privacy** - The appellants property, no. 75 Ashfield is situated adjacent to an existing large open space area and there is an existing footpath directly outside the appellants dwelling. The proposed path does not run directly in front of the appellants property but instead links to the existing path to the west of their property. Therefore, the proposed connection will have no negative impacts on the appellants property as it is situated to the west of her property and not directly in front.
- 7.2.13. **Roads Layout, Car Parking, and Homezone Areas** - As part of the overall scheme a total of 259 no. car parking spaces are provided. Of the 259 no. spaces all but 22 are in curtilage spaces. The 22 no. surface parking spaces are discretely located throughout the site and surrounded by trees and low hedging to ensure they do not cause any negative visual impacts for the residents. The Council assessed the roads and transportation issues raised by the appellant and raised no concerns in relation to the proposed roads layout, level of car parking or home zone areas.
- 7.2.14. **ESB Substation** - The proposed dwellings surrounding the ESB sub station back onto the substation with one properly side facing it. To the rear and side of all dwellings is a 1.8m high block wall as per figure 2 below. The provision of this boundary treatment

will ensure the residents are not impacted in anyway negatively from the existing ESB substation.

7.2.15. **Letter of Consent** - The applicant, Marina Quarter Ltd. are the owners of the site, and this was clearly referenced under question 10 of the submitted application form.

7.2.16. **Natura Impact Statement** - As noted by the appellant, the potential for a construction phase hydrological impact pathway was originally screened in for Stage 2 Assessment in the previous AA Screening submitted with the previous application at the Site (Reg Ref: 21/97), this is considered to be an overabundance of caution; considering the remote and tenuous nature of the hydrological pathway (public surface water network near the Site) and the lack of any existing watercourses/drainage ditches on Site.

7.2.17. **Supporting Material and Information** - All documents submitted to the Council were prepared by competent professionals and all were to a very high standard. The Council were satisfied that the required documentation submitted at both initial application stage and further information stage were not deficient in any way and provided them with all the relevant information required to assess the application.

### 7.3. **Planning Authority Response**

7.3.1. None

### 7.4. **Observations**

7.4.1. None

### 7.5. **Further Responses**

7.5.1. A further detailed response was received from FP Logue Solicitors on behalf of Patrick Lynch in response to the Boards letter dated 27<sup>th</sup> February 2024 that enclosed a copy of a submission made by McCutcheon Halley on behalf of Marina Quarter Limited (the "applicant"). The submission is summarised as follows:

- The appellant expresses very serious concern that malicious and untrue allegations were made against him. He reiterates that the Board has absolutely no role in relation to supervising public participation generally and has no jurisdiction

whatsoever to carry out investigations into individual participants in the planning system.

- The appellant has filed his appeals using his real name and address. He has never filed an appeal via another person's name. This allegation is untrue and made maliciously.
- The appellant wishes to emphasise that he denies all of the allegations made by McCutcheon Halley and/or McCann Fitzgerald LLP on behalf of the applicant and/or by Glenveagh in its letter of 19<sup>th</sup> December 2023.
- The Board has misused its power under Section 132 as this is clearly concerned with the submission of documents, particulars or other information that are necessary to determine an appeal. This does not include the solicitation of comments. The Board's power to request comments on a matter is to be found in Section 131.
- It is grossly unfair to seek unspecified information from our client failing which the Board has indicated that it will dismiss the appeal for unspecified reasons and/or has indicated that the mere failure to respond will result in dismissal. In our client's view this is a clear case of pre-judgment with the Board misusing its powers with a view to achieving a particular outcome.
- The appellant notes that the Board does not have jurisdiction to carry out a general investigation into an individual's participation in the planning system. The appellant is concerned that following a request for it to carry out an unlawful general investigation of the appellant and a third party which was not disclosed to him, it is now using this appeal as cover for such an investigation and in essence has acceded to Glenveagh's extraordinary demand. This is grossly unfair and involves the Board acting outside of its jurisdiction.
- The right of appeal is provided by the legislature and does not delay development since an applicant has, by definition, no right to develop until such time as permission is granted. The number of appeals by any person and the location of the development are irrelevant factors.
- The appeal is not vexatious, it is well founded, and was validated by the Board under Section 127.

- There is no provision in the Act which permits the Board, in handling an appeal, to have regard to appeals by an appellant against other decisions. As noted above the Board is not empowered to investigate generally any person's participation in the planning system.
- An appellant does not have to disclose an interest to make an appeal. It is clear from the grounds of appeal that the appellant's interest is proper planning and sustainable development and the protection of the environment.
- If the Board dismisses the appeal the appellant will have no difficulty in having the decision quashed in a judicial review and/or having the relevant legislation struck down.
- In light of the above the applicant's request for dismissal should be rejected.

## 8.0 Assessment

- 8.1. I note the detailed submission and accompanying legal opinion from the applicant in response to the third party appeals regarding the validity of the third party appeal(s) and the request in their first party response to dismiss the appeal(s). I also note the detailed legal submission by the third party that accompanied their response. The issues raised in the appeal are with substance in terms of planning and are issues that have a foundation or at least should be considered. I cannot determine if they are vexatious. That is a matter for the Board to consider. I do not therefore consider these issues in this context to be material to the consideration of this appeal and therefore I do not propose to deal with these matters in this assessment.
- 8.2. I also note concerns in the appeal with regard to ownership of the site and the applicant's response to same where it is stated that Marina Quarter Ltd (applicant) *are the owners of the site and this was clearly referenced under question 10 of the submitted application form.* Having considered the information available on file I am not satisfied that the objectors in this case have demonstrated that the applicant does not have sufficient interest to carry out the works pertaining to proposed development. I would also point out that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, Section 34(13) of the Planning Act (as amended) states that a person is not entitled

solely by reason of a permission to carry out any development. Should planning permission be granted and should the appellants or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 (as amended) is relevant.

- 8.3. With regard to the concerns raised in relation to Appropriate Assessment and the different approaches and outcomes in “similar cases” I would like to point out for the purpose of clarity that the development proposed is considered “de novo”. That is to say that the Board considers the proposal having regard to the same planning matters to which a planning authority is required to have regard when making a decision on a planning application in the first instance and this includes consideration of all submissions and inter departmental reports on file together with the relevant development plan and statutory guidelines, any revised details accompanying appeal submissions and any relevant planning history relating to the application. The matter of AA is dealt with under separate heading below and is considered de novo. Further I have considered the information available on file and I am satisfied that together with my site inspection that there is adequate information available to consider the appeal.
- 8.4. Planning permission was sought from Westmeath County Council on the 24<sup>th</sup> August 2023 for a large scale residential development (LRD) comprising 181 residential units and site development works including 3 ESB substations and undergrounding of 38kv overhead electricity lines with access by roundabout on R394 C-link road at Rathgowan, Mullingar, Co. Westmeath. The scheme was amended by way of further information on the 3<sup>rd</sup> November 2023. Westmeath County Council issued a notification of decision to grant planning permission subject to 25 no conditions.
- 8.5. Accordingly, this assessment is based on the plans and particulars submitted to Westmeath County Council on 24<sup>th</sup> August 2024 as amended by further plans and particulars submitted by way of further information on the 3<sup>rd</sup> November 2024.
- 8.6. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle

- Policy P-H7 - Range of House Types and Town Demographic
- Policy P-SR6 - Urban Design Framework Plan
- Policy P-POS1 - Open Space
- Policy PO 12.24 – Hedgerows
- Residential Amenity
- Roads Layout, Car / Bicycle Parking, and Homezone Areas
- ESB Substation
- Other Issues

## 8.7. Principle

- 8.7.1. The proposed development seeks permission for the construction of 181 no. residential units and all associated ancillary development works. The current application is essentially a resubmission and amalgamation of two previously permitted developments at this site (ABP Reg Refs. 312841 and 313091, respectively).
- 8.7.2. The LRD site for Phase 1 and 2 measures 5.95ha, and forms part of a larger masterplan area of c. 17.9ha at this location. The masterplan site is located within the development boundary of Mullingar, Co. Westmeath and is situated to the northwest of the town centre. The LRD site (Phase 1 and 2) is located to the southeast of the R394 (known locally as the 'C-Link' road) and north of Ashe Road. The permitted Phase 3 site is located northwest of the R394. The site is surrounded by medium density housing, mainly comprising two-storey residential buildings arranged around central green spaces in distinct neighbourhoods. The lands immediately adjoining the subject site to the east and south have been developed for residential units and generally comprising two-storey detached and semi-detached dwellings.
- 8.7.3. The site is located within the development boundary of the town of Mullingar that is identified as a Key Town in the Eastern and Midland Regional Assembly - Regional Spatial and Economic Strategy (RSES)(2019-2031), with a focus on improving local economies and quality of life to attract investment supported by sustainable communities. The Westmeath County Development Plan (WCDP)(2021-2027) sets out that the population of Mullingar is targeted to grow by 12% between 2021 and

2027. It is an objective of the Development Plan to *support the continued growth and sustainable development of Mullingar to act as a growth driver in the region and to fulfil its role as a Key Town in accordance with the principles and policies of the RSES.*

8.7.4. The site is zoned as 'Proposed Residential' within the Mullingar Local Area Plan 2014-2020 (as extended) where residential use is 'permitted in principle'. There are no protected structures, national monuments or zone of archaeological potential on or adjoining the site, and it is not located within an ACA. Furthermore, the site is not subject to any protected views or prospects in the Development Plan. Accordingly, I am satisfied that the proposed development complies with the zoning objectives and associated policies of the Mullingar Local Area Plan 2014-2020 (as amended) and the Westmeath County Development Plan 2021 – 2027.

8.7.5. Further requirements set out for the site in the Development Plan are addressed as follows:

- The proposed site is located close to the western periphery of Mullingar Town and the immediate settlement pattern consists of predominantly detached, semi-detached, and terrace dwellings. The scale, massing and urban grain have been developed to reflect the prevailing context of the surrounding area. Based on a net site area of 4.97 ha, the proposed density 36.4 units per hectare which is considered appropriate for this site at this location. This density is also consistent with the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (2024).
- The proposed development provides a range and mix of units comprising 4 bed (4%), 3 bed (41%), 2 bed (45%) and 1 bed (10%) units to be provided in a mix of terraced/townhouses, semi-detached, apartment and maisonette units to meet the needs of the area. The residential areas surrounding the site comprises mainly of detached, semi-detached, and terrace dwellings and it is considered that the mix proposed has a varied range of unit types and sizes to support a wide and inclusive socio-economic community. The housing mix proposed is in line with the Development Plan and SPPR 1 and is acceptable at this location.
- A detailed Design Statement was submitted with this application. The layout and design of the proposed development is based on the principles and 12 design criteria of the Urban Design Manual. The proposed development is set around a

network of streets, interlinked pedestrian and cyclist pathways and open space which provide connections to the wider bus and rail routes, local services and employment areas within the town. Shared Surface Streets have been included to prioritise pedestrian access within the development. Overall, a suitable layout and design has been achieved, based on the provision of a mix of residential units and through the creation of a pedestrian and cycling extensions that connect back to the centre of Mullingar.

- A minimum of 50% of the proposed apartments and duplex units are dual aspect. This exceeds the minimum of 50% dual aspect required under SPPR 4.
- The scale, massing and urban grain have been developed to reflect the prevailing context of the surrounding area and to maximise the natural daylight ventilation and views. The application was accompanied by extensive supporting material including a Landscape and Visual Impact Assessment, and a Daylight, Sunlight and Overshadowing analysis. Overshadowing and loss of light to adjoining properties is minimised. The Sunlight/Daylight assessment demonstrates that the proposed development is in compliance and achieves all the relevant standards in the BRE's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2:2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
- The site is bound by the R394 with 1 no. central access point onto the R394 which runs along the north western boundary of the site. This route is in turn fed by a number of shared surface routes, which offer direct access to each home zone area. These routes are designed to favour pedestrians and cyclists, creating a safe and overlooked environment. The proposed layout has provided opportunities for future connections to adjacent lands.
- All units have access to useable private amenity space many in excess of minimum standards. Public, private and communal amenity spaces have been developed to suit children of varying ages, teenagers, adults and seniors where relevant. These spaces are well defined and accessible to all. All buildings are designed to provide passive surveillance of the public realm, including streets, paths and open spaces.

- The majority of dwellings will be designed to provide optional conversion of the attic space, which will increase the size of dwellings to provide flexibility for families change where necessary
- A 97-child place creche of 429 sqm has been permitted to the west under Westmeath County Council Ref. 22/515. This facility is located on the north-eastern part of the site adjacent to the site entrance. The creche facility has been sized to cater for the needs of all the proposed and permitted phases of development including the proposed development, therefore I am satisfied that the provision of an additional creche facility as part of this development is not required
- The proposed development is the final phase of a larger development, including the development approved under Council Planning Ref 22/515. The scheme will be developed over two phases, with phase 1 delivering 93 no. units, 2,315sqm of open space at the north eastern corner of the application site, half of the central open space area, and the entirety of the pedestrian and cycle route through the site from the C Link to the Ashe Road. The remaining 88no. units and open space areas will be delivered in Phase 2. It is expected that each phase would span of the order of 18 months. However, some degree of overlap is expected. With the expected overlap, this development is expected to span around 24 months. Having regard to the information submitted, no concerns are raised regarding the proposed phasing plan.
- A Site-Specific Flood Risk Assessment (SSFRA) has been completed for the site. Based on the results of this SSFRA, it is estimated that proposed residential development is located in Flood Zone C. The District Engineer and Environment Section have reviewed the details submitted within the Flood Risk Assessment and raise no objection in this regard. I am satisfied that no issues arise in this regard.

## **8.8. Policy P-H7 - Range of House Types and Town Demographic**

- 8.8.1. The appellant raises concerns that the proposal does not comply with housing policy P-H7 in the Mullingar Local Area Plan 2014 – 2020 (as extended). The appellant is also concerned that the range of house type and sizes proposed does not correlated

to the existing and emerging demographics of Mullingar. Policy P-H7 states the following:

*"To ensure the provision of a suitable range of house types and sizes to facilitate the demographic profile of the town."*

8.8.2. I refer to the analysis of the demographics in the area included within Chapter 4; Population and Human Health of the EIAR. It is stated that this informed an appropriate unit mix to adequately serve the needs to the town of Mullingar. The proposed development consists of 18 no. 1 bed apartments, 81 no. 2 bed units, 74 no. 3 bed units and 8 no. 4 bed units. The proposed mix of house types consists of apartments, maisonettes and townhouses.

8.8.3. I am satisfied that the proposed development incorporates a good mix of housing types that reflect the current demand for housing. The housing mix supports future population growth for both small and larger families, as well as couples and single occupants. The high proportion of 2 and 3 bed units, reflects the trend towards small household sizes and will ensure there is a variety of household options for the population. The inclusion of 18 no. 1-beds in the current proposal will ensure that there is a variety of household sizes available without also saturating the area with only smaller units. Overall, I agree with the Case Planner and the applicant that the housing mix proposed has a varied range of unit types and sizes to support a wide and inclusive socio-economic community is appropriate for the area and its population.

## **8.9. Policy P-SR6 - Urban Design Framework Plan**

8.9.1. The appellant submits that the proposal does not comply with Sustainable Residential Development Policy P-SR6 in that the proposed layout is not in accordance with the Spatial Framework established in the Framework Plan for the site. It is further submitted that the previous application on these sites included the Farranshock Rathgowan Urban Framework Plan but there is no mention of it in this application.

8.9.2. Policy P-SR6 of the Mullingar Local Area Plan 2014 – 2020 (as extended) (MLAP) states the following:

*To ensure that new greenfield residential estate development should be in accordance with the Spatial Framework established in the relevant Framework Plan for the subject area, subject to infrastructural services being available.*

- 8.9.3. The MLAP provides that an Urban Design Framework Plan (UDF) is to be undertaken for a 19.75 hectare plot where the objective is to prepare a UDF in order to create a sustainable residential community in this part of the town as follows:

*"The remaining undeveloped residential zoned land outside the above Framework Plans is primarily concentrated along the C-Link, development zoned tract of land along the C-link. With regard to the residential zoned tract along the C-link, it is considered that an Urban Design Framework should be undertaken for a 19.75ha plot as indicated in Map 2.2. The Council would support the preparation of such a plan in conjunction with the relevant landowners."*

- 8.9.4. The MLAP also states that the UDF and any proposed development should be characterised by high quality innovative design and permeable layouts, connectivity to adjoining residential areas and amenities, together with the provision of social, community and recreation together with the provision of social, community and recreation facilities.
- 8.9.5. A UDF was prepared for the relevant plot of land highlighted in purple on the zoning map from the Mullingar LAP. The Farranshock Rathgowan Urban Framework Plan (UDF) is an amalgamation of six individual land parcels and is bisected by the R394, also known as the 'C-Link', a distributor road around the periphery of Mullingar. The UDF is addressed within Section 3 of the Planning and Design Statement submitted with the planning application. A copy of the UDF prepared for the Farranshock area is appended to the Statement. It is stated that this is the "exact approach" taken on the previous applications mentioned by the appellant.
- 8.9.6. I am satisfied that in accordance with the MLAP, a UDF was prepared, and a copy was enclosed as part of the planning application submission. The proposed layout and design of the proposed LRD development now before the Board had regard to the approach advocated in the UDF and in turn, the MLAP. While there have been some adjustments to the layout as indicated in the UDF in terms of block form and open space configuration I consider that such flexibility is an imperative part of the evolution of any design. The primary objective of any non-statutory UDF is to ensure a co-ordinated approach to the development of serviced, zoned lands and the delivery of quality housing that is permeable, well connectivity and supported by social,

community and recreation facilities. I am satisfied that the scheme before the Board meets these criteria and is compliant with Policy P-SR6 of the Mullingar Local Area Plan 2014 – 2020 (as extended).

#### 8.10. Policy P-POS1 - Open Space

8.10.1. Concern is raised in respect of the provision of adequate public open space as the scheme does not provide the minimum 15% area of the gross site area required for public open space in compliance with P-POS1. The appellant submits that only 14.1% open space is provided based on the gross site area of 5.95 hectares and that it includes narrow tracts of land and left over land plus substantial areas for surface water attenuation. Stated that Policy P-POS1 specifically required narrow tracts and left over land to be excluded.

8.10.2. Policy P-POS1 of the Mullingar Local Area Plan 2014 – 2020 (as extended) states:

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

8.10.3. Section 9.9.12 Public Open Space of the Mullingar Local Area Plan 2014 – 2020 (as extended) states that *open space in housing estate areas shall normally be based on a standard of 15% minimum of gross site area. The open space provision should be on a hierarchical system distributed throughout the housing area, ranging from small children's play areas, located in sight of their homes to larger areas where recreation and games can be facilitated.*

8.10.4. I would draw the Board's attention to Objective CO16.21 of the Westmeath County Development Plan (CCDP) 2021 – 2027 where it states inter alia that:

*In general, 15% of gross site area should be provided for multifunctional open spaces at suitable locations within new residential schemes.*

8.10.5. The applicant states that 0.84 ha public open space proposed constitutes 16.9% of the net site area and that the quantum of open space being provided complies with the requirements of the CDP. As stated, this is based on the net site area. However as pointed out by the applicant the stated gross site area on the application form is

5.95 hectares and therefore 0.84 ha. equates to 14.1% of the gross site area. As mentioned above the County Development Plan standard is 15% of the gross site area.

- 8.10.6. Notwithstanding the foregoing Development Plan criteria I would also refer to Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2014) where it states that *for the purposes of calculating public open space provision, it can include areas used for Nature-based Urban Drainage and other attenuation areas where they form part of an integrated open space network and that incidental areas of open space that do not form part of an interconnected network of hard and soft landscaped areas should not be included in the calculation of public open space provision.*
- 8.10.7. Further, Policy and Objective 5.1 - Public Open Space of the Guidelines states that it is a policy and objective of these Guidelines that *statutory development plans include an objective(s) relating to the provision of public open space in new residential developments (and in mixed-use developments that include a residential element). The requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of **net site area** and not more than a minimum of 15% of **net site area** save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas. The minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations.* (emphasis added).
- 8.10.8. The scheme before the Board provides one central open space area with a number of smaller areas dispersed throughout the site. These spaces have been designed to be age-friendly and will provide a variety of uses and spaces including kick-about areas, local play areas, neighbourhood play areas, natural play areas, and seating areas. A pathway is provided through the central open space, connecting the space to the wider pedestrian facilities and providing an alternative pedestrian route through the site. A second open space is in the northern corner of the site. The third open space is located to the east of the site adjoining the existing open space serving the Ashfield Estate. An informal strip of open space is provided along the boundary of the site with the C-Link road. As documented it is part of the overall amenity provision that a number of

accessible and usable public open spaces with passive surveillance are to be provided within the proposed development.

- 8.10.9. Having regard to the design and layout of the cumulative area of open space proposed I am satisfied that the landscaping proposals are visually acceptable and as stated by the Case Planner will support the creation of pleasant communities, enhance biodiversity, and provide green infrastructure linkages throughout the scheme. I am further satisfied that the area of public space proposed within the scheme is acceptable in this instance having regard to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2014).

#### **8.11. Policy PO 12.24 - Hedgerows**

- 8.11.1. Concern is raised that the proposed development does not comply with Policy PO 12.24 in respect of the protection of hedgerows and that there is no justification provided to remove the hedgerows.

- 8.11.2. Policy CPO 12.24 of the Westmeath County Development Plan (CCDP) 2021 – 2027 sets out the following:

*It is a policy objective of Westmeath County Council to protect and where possible enhance biodiversity and ecological connectivity, including woodlands, trees, hedgerows, semi-natural grasslands, rivers, streams, natural springs, wetlands, geological and geo-morphological systems, other landscape features, natural lighting conditions, and associated wildlife where these form part of the ecological network and/or may be considered as ecological corridors or stepping stones in the context of Article 10 of the Habitats Directive. Appropriate mitigation and/or compensation to conserve biodiversity, landscape character and green infrastructure networks will be required where habitats are at risk or lost as part of a development.*

- 8.11.3. The existing hedgerows on the site will be largely removed to facilitate the development. Existing trees on the eastern boundary adjacent to Ashefield residential development will be retained in part and enhanced with native planting. It is stated that no trees are proposed for removal in the area where the connection point is proposed. A small 2m wide portion of existing hedgerow and scrub is to be removed to allow the connection point. To counteract this 2m wide loss of hedgerow additional

native planting is to be planted along the existing boundary ditch to the north of the connection point.

8.11.4. I refer to the Arboriculture Impact Assessment and associated tree survey drawing submitted with the application. Appendix 1 of the Assessment report provides details on the existing hedges within the site. The appellant specifically references Hedgerow 1 which as stated in the Arboriculture Impact Assessment is "*a fragmented hedgerow consisting of low-lying hawthorn and ash.*" The associated tree survey drawing provides a justification for the removal of this hedgerow as it is considered a Category C hedgerow which is of "*low quality and value*". I accept the findings of this assessment.

8.11.5. Overall, I agree with the Case Planner that the retention of existing trees combined with new landscaping proposals throughout the site will help assimilate the proposed development within the site and provide a visually pleasing outlook and character to the overall development and that reasonable justification has been presented regarding the removal of existing hedgerows and that same is acceptable in this case.

## 8.12. Residential Amenity

8.12.1. **Pedestrian Connectivity** – I note the concerns raised in relation to specific impacts the proposed pedestrian connectivity to the Ashefield estate may have on the appellants property. It is stated that "there is no planning requirements to establish pedestrian, cycle or any other access between the proposed development and Ashefield" as "sufficient pedestrian, cycle and other access is available to the proposed development via the existing roundabout on the R394 (C-Link Road) and via the Ashe Road". In line with the principles of good planning and urban design I agree with the applicant that the proposed pedestrian and cycle access to the Ashefield Estate will enhance the area as a whole and ensure that the proposed development is well connected and integrated with the existing community and promote sustainable methods of travel and permeability. I also agree with the Case Planner that the proposed connectivity and permeability demonstrated throughout the scheme is considered acceptable and in accordance with the proper planning and development of the area.

- 8.12.2. **Trees and Hedgerows** - The appellant has stated that the existing trees and hedgerows along the boundary between the Ashefield Estate and the proposed development 'would be severely and negatively impacted by any access. No trees are proposed for removal in the area where the connection point is proposed. As stated a small 2m wide portion of existing hedgerow and scrub is to be removed to allow the connection point. To counteract this 2m wide loss of hedgerow additional native planting is to be planted along the existing boundary ditch to the north of the connection point.
- 8.12.3. The appellant has stated that "the green area which forms the boundary between the proposed development and Ashefield is a communal area which is used by the residents of Ashefield, and that any reduction or dilution of this communal area would be detrimental to Ashefield and its residents and result in the loss of much needed green spaces." I do not consider that the proposed pedestrian connection will result in the significant loss of any communal green space used by the Ashefield residents and nor will it detract from the open space offering available to the Ashefield residents as they will have direct access to additional open space areas within the proposed development. As is clear from the submitted site layout drawings the pedestrian path is kept to the far south of the existing Ashefield open space, proximate to the existing boundary wall therefore resulting in no loss of usable open space currently enjoyed by the Ashefield residents.
- 8.12.4. **Communal Parking Spaces** - The appellant has also stated that the proposed pedestrian connection point will result in "the loss of communal parking spaces." The proposed pedestrian connection point is removed from the existing communal parking area and there will be no loss of any parking adjacent to the appellants property.
- 8.12.5. **Anti-Social Behaviour, and Privacy** - The appellant submits that the proposed access will severely negatively impact on the security of Ashefield, would most certainly lead to anti-social behaviour near their home and would severely and negatively impact on the privacy of their home.
- 8.12.6. **As documented** the appellant's property is situated adjacent to an existing large open space area and there is an existing footpath directly outside the appellants dwelling. The proposed path does not run directly in front of the appellants property but instead links to the existing path to the west of their property. I agree with the applicant that

in all likelihood that the proposed connection will have no negative impacts on the appellants property as it is situated to the west of their property and not directly in front. There is nothing on the appeal file to suggest that anti-social behaviour is a significant problem in the area. As pointed out by the Case Planner the overall layout lends itself to increased passive surveillance and that this assists in discouraging anti-social behaviour and also assists in ensuring a safe and secure public realm. I am satisfied that it would be unlikely that the development would lead to any significant levels of anti-social behaviour, if any.

8.12.7. **Overlooking** – I note the revised plans for House Type B and F submitted by way of further information demonstrating the provision of opaque glass side windows on the upper floors of specific unit numbers within the scheme. The submitted plans are noted. However, I agree with the recommendation of the Case Planner that a condition is attached requiring all upper floor side windows for the proposed House Type Units within the development to be obscure glazed in order to sufficiently address concerns regarding impact on neighbouring amenity.

8.12.8. **Boundary Treatment / Screening** – I note the revised landscape plan submitted by way of further information demonstrating additional planting adjacent to the ground floor habitable room windows of Housing Type F which are located directly adjacent to public realm areas. As noted by the Case Planner there is no defensible space or screening measures provided for 2no. ground floor habitable room windows in Unit 03 of apartment building A. These ground floor windows are located directly adjacent to a communal pathway that provides access to the communal garden to the rear of the apartment building. I therefore agree with the Case Planners recommendation that the provision of additional screening measures / defensible space adjacent to said windows is secured via condition in order to safeguard the residential amenity of the future occupiers of this unit.

### 8.13. **Roads Layout, Car / Bicycle Parking, and Homezone Areas**

8.13.1. Concern is raised that the layout is overly dominated by roads and surface level car parking to the detriment of the residential amenity of the future residents of the proposed development and that the provision of 'homezones' appears to be a ruse to deflect from the lack of sufficient public open space in the scheme. Open space has

been dealt with separately above. I refer to the documentation available with the scheme together with the Road Safety Audit, Traffic and Transport Assessment and DMURS Street Design Audit that have been carried out as updates to the original approval at this site.

- 8.13.2. Vehicular access to the proposed development will be via the existing roundabout located on R394. It is proposed to provide a shared footpath and cycle path along the Ashe Road boundary which will connect to the existing cycle path located outside the south-east corner of the site. Additional access points (pedestrian only) are proposed in the southern area of the site, which will connect pedestrian access from the site to Ashe Road.
- 8.13.3. The proposed access road width is 6m with 2m wide footpaths on both sides. The footpath on the right-hand side entering from the R394 roundabout is offset 3m from the road edge to accommodate a two-way cycle facility. This will create a corridor for cyclists through the development that will stretch to the south onto Ashe Road. The access to the development at this location on Ashe Road is to be a pedestrian/cyclist only access. All internal roads have been designed in accordance with the requirements of Design Manual for Urban Roads and Streets and the Recommendations for Site Development Works for Housing Areas.
- 8.13.4. All internal roads have been designed in accordance with the requirements of Design Manual for Urban Roads and Streets. External connectivity has been enhanced with the proposal of new and/or maintenance of existing tactiles strategically located around the development. Raised junctions, raised pedestrian crossings, shared surface areas and a pedestrian only 'Plaza' area in the southwest corner will provide full linkage for the visually impaired and less-able pedestrians while also prioritising pedestrian movements over vehicular movements. In addition a number of shared spaces are provided throughout the development site. The shared spaces allow pedestrians and cyclists to have priority over vehicles. Different surface material treatments will be applied to the full length of the homezones combined with no kerbing to further indicate pedestrian and cyclist priori
- 8.13.5. As part of the overall scheme a total of 259 no. car parking spaces are provided. Of the 259 no. spaces all but 22 are in curtilage spaces. As can be seen from the submitted layout and the landscaping layout the 22 no. surface parking spaces are

discretely located throughout the site and surrounded by trees and low hedging to ensure they do not cause any negative visual impacts for the residents of the scheme. The Council assessed the roads and transportation issues raised by the appellant as part of their assessment and raised no concerns in relation to the proposed roads layout, level of car parking or home zone areas. However I note the Case Planners concerns that further detail is required including the submission of revised plans demonstrating the location of specific car parking types in order to fully demonstrate compliance with car parking standards as per the Westmeath County Development Plan 2021-2027. I agree with the Case Planners recommendation that this matter is dealt with by way of condition.

8.13.6. I note that the further information confirmed that a total of 452 cycle spaces will be provided throughout the scheme with a total of 362 no. secure bike storage spaces provided for the proposed dwellings, equating to 2no. spaces per dwelling. The submission states that 90 no. external Sheffield cycle stands will be provided for visitor cycle parking. However as documented by the Case Planner the stated cycle parking provision does not appear consistent with the provision indicated on the submitted plans. I agree that further detail is required in order to fully demonstrate compliance with cycle parking standards as per the Westmeath County Development Plan 2021-2027 but that this can be dealt with by way of suitably worded condition.

8.13.7. Overall I am satisfied that the scheme in terms of layout and design is typical of a scheme of this density and that it is not overly dominated by roads and surface level car parking to the detriment of the residential amenity of the future residents of the proposed development. I refer to the DMURS Compatibility Statement. I am satisfied that a DMURS compliant road, footpath and cycle network which provides a hierarchy of streets and connectivity with adjoining lands where appropriate given the nature of the site has been proposed and is therefore acceptable. I also note the report of the Westmeath County Council Area Engineer and recommended that conditions as set in their report or similar are attached to any grant of permission.

#### 8.14. **ESB Substation**

8.14.1. The appellant raises concerns that the proposed development does not properly address the existing ESB substation and that this would detract from the residential

and visual amenity of proposed adjoining dwellings. I am satisfied that the proposed development has addressed the existing ESB substation whereby the proposed dwellings proximate to the ESB substation back onto the substation with one property side facing it. To the rear and side of all dwellings is a 1.8m high block wall as per. I am satisfied that the provision of this boundary treatment will ensure future residents are not impacted negatively from the existing ESB substation.

#### 8.15. Other Issues

- 8.15.1. **Development Contribution** - I refer to Westmeath County Council Development Contribution Scheme. The proposed scheme is not exempt from the contribution scheme. Accordingly, it is recommended that should the Board be minded to grant permission that a Section 48 Development Contribution condition is attached
- 8.15.2. **Archaeology** – I refer to the report of the Department of Housing, Local Government and Heritage together with the Chapter 15 Cultural Heritage & Archaeology and associated Appendices of the EIAR. There are no recorded archaeological sites within the proposed development site and there are no extant examples located within 500m of its boundary. Should the Board be minded to grant permission it is recommended that an archaeological monitoring condition is attached.
- 8.15.3. **Biodiversity** – I refer to the report of the Department of Housing, Local Government and Heritage together with the Chapter 14 Biodiversity and associated Appendices of the EIAR. The habitats on site are considered to be of local ecological importance to common passerine birds, providing nesting, foraging and sheltering habitat.
- 8.15.4. The 2023 bat activity surveys of the site recorded a total of three bat species, common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*) and Leisler's bat (*Nyctalus leisleri*). Bat activity was predominantly associated with the boundary treelines, hedgerows and areas of scrub. Bat activity was minimal along the C-Link Road and Ashe Road due to a high level of artificial lighting along the road network however Leisler's bat appeared to utilise the boundary fence for commuting along the road network. The integrated design features and mitigation measures recommended in the EIAR address potential impacts and include wildlife friendly lighting measures, seasonal constraints on vegetation removal and abundant landscaping at the site. Enhancement measures recommended for the site include

bird and bat boxes which will be located at suitable locations around the site and the adoption of a low-intervention hedgerow management plan for the site. This will maintain the outer boundary vegetation in as wild a state as possible to maximise the biodiversity value provided by these features.

8.15.5. I share the concerns raised by the Department of Housing, Local Government and Heritage that the proposed development:

- Has the potential to cause an adverse effect on a significant area of the habitat of bats which 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) and protected under the Wildlife Act 1976, as amended and
- Has the potential to cause an adverse effect on a significant population of wild birds which are protected under the Wildlife Act 1976, as amended.

8.15.6. This affect would be caused by any tree/ vegetation removal carried out during the breeding season and / or destruction of birds' nests, eggs and young.

8.15.7. I further agree with the Department of Housing, Local Government and Heritage that the following be included as conditions:

- 1) Mitigation measures outlined in EIA Biodiversity Section should be carried out under the supervision of a suitably qualified Ecological Clerk of Works (EcOW).
- 2) Any required hedgerow, scrub or tree removal or cutting to facilitate the proposed development should not take place during the breeding season between 1st of March and 31st of August.

8.15.8. I am satisfied that subject to compliance with the mitigation measures outlined in the EIAR and conditions outlined above that the proposed development would not have any unacceptable impact on biodiversity and that no significant impacts are likely to arise as a result of the proposed development.

## **9.0 Screening for Appropriate Assessment**

9.1. In addition to the EIAR the application was accompanied by a Stage 1 Appropriate Assessment Screening Report. On the basis of the content of these reports, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best scientific knowledge and in view of

the conservation objectives of the relevant European sites, the proposed development, individually or in combination with other plans or projects is likely to have a significant effect on any European site.

- 9.2. The site description and proposed development are set out in the foregoing reports and also Section 1.0 and 2.0 above. Permission is sought for a LRD comprising of the construction of 181 no. residential units and all associated ancillary development works including 3 no. ESB substations, footpaths, cycle lanes, car and bicycle parking, drainage, bin storage, landscaping/amenity areas and the undergrounding of existing 38KV overhead electricity lines at Rathgowan, Mullingar, Co. Westmeath. Access will be via the existing roundabout on the R394 (C-Link). Pedestrian access will be provided on to Ashe Road. This development will form two phases of a larger (three-phase) residential development at this location.
- 9.3. Surface Water - The scheme incorporates a number of nature based SuDS (Sustainable Drainage Systems) to manage surface water runoff quality and quantity at the site. Surface water will be attenuated and treated on site prior to discharge to the public surface water network along the C-Link Road. All surface water generated on site will pass through an oil / petrol interceptor designed to separate hydrocarbons from water prior to discharge to 4 no. soakaway units.
- 9.4. Foul Drainage - Due to the topography of the site the foul network has been split into 2 no. networks; gravity and pumped. It is proposed that wastewater generated from circa. 99 no. units will discharge via gravity to an existing 225mm Uisce Éireann foul sewer which runs within a small section of the site along the southern boundary. A new manhole will be constructed on the existing sewer at the point of connection. The remaining units, will be pumped northwards via a 100mm PE Rising Main along the C-Link Road to an existing Uisce Éireann foul sewer. A pumping station located in the north of the site was granted planning permission as part of a separate application (Planning Ref. 22515). This pumping station has been designed to accommodate the granted planning application and the additional loading from the scheme. An average loading rate of 2.7 Population Equivalent (P.E.) per dwelling was calculated for the scheme to account for the varying unit occupancies. Foul water will ultimately be treated at Mullingar Wastewater Treatment Plant (WwTP). The total P.E. loading associated with the scheme was calculated as 489 P.E. A feasible connection of wastewater services for up to 200 houses has been confirmed by Uisce Éireann.

- 9.5. Water Supply - A 150mm watermain connection from the existing 400mm watermain which runs along the C-Link Road is proposed. All watermain designs will be fully vetted by Uisce Éireann prior to receiving an offer to connect. Details of the watermain arrangement are presented in the Civil Works Design Report. A pre-connection enquiry for 200 units was submitted to Uisce Éireann, and a positive Confirmation of Feasibility was provided.
- 9.6. **Existing Environment (Desk Study Results)**
- 9.7. **Hydrology, Geology and Hydrogeology** - The site is within the Lower Shannon catchment and Brosna sub catchment (EPA, 2023). The River Brosna lies 0.6km northeast of the site and flows through Mullingar Town prior to discharging to Lough Ennell 3.9km south of the site.
- The River Brosna was assigned a Water Framework Directive (WFD) status of Poor and the waterbody is At Risk of not achieving its status objectives under the WFD (EPA, 2023).
  - Lough Ennell was assigned a WFD status of Good and the waterbody risk of not achieving its status objectives under the WFD is currently under Review (EPA, 2023).
  - The Royal Canal main line (Lower Shannon) lies 0.5km southeast of the proposed development and has a WFD status of Good and is Not At Risk of not meeting its status objectives under the WFD (EPA, 2023).
- 9.7.1. The majority of the Site is situated on the Inny groundwater body (GWB), a minor portion of the Site (in the southwest corner) is within the Clara GWB. Both groundwater bodies are assigned a status of Good and Not At Risk of not achieving their status objectives under the WFD. The aquifer type in the area is Locally Important Aquifer.
- 9.8. **Habitats & Flora** - During the site survey on the 21<sup>st</sup> of April 2023 no habitats that are listed in Annex I of the Habitats Directive were identified. No rare or protected flora were observed during the survey. The site is dominated by species poor Improved Agricultural Grassland (GA1) habitat with boundary Treelines (WL2), Hedgerows (WL1) and areas of Scrub (WS1) habitat. A small area (approximately 1,280m<sup>2</sup>) of Wet Grassland (GS4) habitat associated with a depression in the land lies at the

southwest of the site, scattered areas of Recolonising Bare Ground (ED3) were mapped throughout the site. A section of Amenity Grassland (GA2) and Buildings and Artificial Surfaces (BL3) habitat associated with the C-link Road and Ashe Road are included within the site boundary. No species of plant listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 were recorded at the Site during surveys.

9.9. **Birds** - A set of targeted winter bird surveys were undertaken of the adjacent land northwest of the site (previously referred to as Phase 3) over the 2021/2022 winter period comprising six survey days i.e., a total of 36 hourly counts across October and December 2021 and January, February, March and April 2022. The purpose of these surveys was to provide a robust evidence-based assessment of whether the Phase 3 lands in their current state could be utilised as ex-situ habitat for SCI species of Lough Ennell SPA or Lough Owel SPA. The improved grassland that dominates the site render it largely unsuitable for the SCI species of any nearby SPAs and provides suboptimal / insignificant habitat for any other additional species which may be present under the wider waterbird assemblage. The distance of 2.6km and 3.9km between the site, Lough Owel SPA and Lough Ennell SPA respectively is considered sufficient to exclude the possibility of significant disturbance effects to the SCI species of these SPAs.

9.10. **Mammals** - No evidence of mammal use was observed on site during the ecological walkover survey. The treelines and hedgerows on site provide potential commuting, foraging, nesting and resting habitat for bats and regularly occurring populations of bird species and potential habitat for small mammals' such as hedgehog and pygmy shrew. The site did not present as particularly suitable for any other protected mammal species. It is surrounded by residential development and is very open in nature.

#### 9.11. **Identification of Relevant European Sites**

9.12. The site is not located within or directly adjacent to any designated Natura 2000 site and there are no proposals for works to any European Site. Four European sites were identified to have a S-P-R link of note to the Proposed Development Site as follows:

- Lough Owel SAC (000688).
- Lough Owel SPA (004047).

- Lough Ennell SAC (000685).
- Lough Ennell SPA (004044).

9.13. These sites are listed below together with the qualifying interests and conservation objectives for each European site:

<b>Special Areas of Conservation (SAC)</b>	
Lough Owel SAC Site Code 004047 Distance - 2.6km North	<p><b>Conservation Objectives</b></p> <p>To maintain the favourable conservation condition of the Qis/ SCIs within Lough Owel SAC</p> <p><b>Qualifying Interests</b></p> <ul style="list-style-type: none"> <li>▪ Hard oligo-mesotrophic waters with benthic vegetation of Clara spp.</li> <li>▪ Transition mires and quaking bogs</li> <li>▪ Alkaline fens</li> <li>▪ White-clawed crayfish (<i>Austropotamobius pallipes</i>)</li> </ul>
Lough Ennell SAC Site Code 000685 Distance - 3.3km South	<p><b>Conservation Objectives</b></p> <p>A site-specific conservation objective is not available for this (Hard oligo-mesotrophic waters with benthic vegetation of Clara spp) QI habitat within Lough Ennell SAC.</p> <p>To maintain the favourable conservation condition of Alkaline fen habitat within Lough Ennell SAC.</p> <p><b>Qualifying Interests</b></p> <ul style="list-style-type: none"> <li>▪ Hard oligo-mesotrophic waters with benthic vegetation of Clara spp.</li> <li>▪ Alkaline fens</li> </ul>
<b>Special Protection Area (SPA)</b>	
Lough Owel SPA Site Code 004047 Distance - 2.6km North	<p><b>Conservation Objectives</b></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as SCIs for this SPA.</p> <p>To maintain or restore the favourable conservation condition of the wetland habitat at Lough Owel SPA as a resource for the regularly occurring migratory waterbirds that utilise it.</p> <p><b>Qualifying Interests</b></p> <ul style="list-style-type: none"> <li>▪ Shoveler (<i>Anas clypeata</i>)</li> <li>▪ Coot (<i>Fulica atra</i>)</li> <li>▪ Wetlands and waterbirds</li> </ul>
Lough Ennell SPA Site code 004044 Distance - 3.9km South	<p><b>Conservation Objectives</b></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as SCIs for this SPA.</p> <p>To maintain or restore the favourable conservation condition of the wetland habitat at Lough Ennell SPA as a resource for the regularly occurring migratory waterbirds that utilise it.</p>

	<b>Qualifying Interests</b> <ul style="list-style-type: none"> <li>▪ Pochard (<i>Aythya farina</i>)</li> <li>▪ Tufted duck (<i>Aythya fuligula</i>)</li> <li>▪ Coot (<i>Fulica atra</i>)</li> <li>▪ Wetlands and waterbirds</li> </ul>
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#### 9.14. **Potential Impacts**

9.15. The proposed development is not directly connected with or necessary to the management of European sites. There will be no habitat loss and alteration as the application site is not located within the designated site. There will be no direct habitat / species fragmentation. The proposed development will not cause disturbance and / or displacement of species of qualifying interest as the sites is not an ex-situ habitat or foraging location for qualifying interests. However, the following elements of the proposed development were identified and assessed for their potential to cause likely significant effects on European sites.

#### 9.16. **Construction Phase)**

- Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks;
- Surface water run-off containing silt, sediments and/or other pollutants into nearby surface water networks;
- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater;
- Waste generation during the Construction Phase comprising soils and construction wastes;
- Increased noise, dust and/or vibrations as a result of construction activity;
- Increased dust and air emissions from construction traffic;
- Increased lighting in the vicinity as a result of construction activity; and
- Increased human presence and activity as a result of construction activity.

#### 9.17. **Operational Phase**

- Surface water drainage from the site of the proposed development;
- Public drinking water abstraction from Lough Owel;
- Foul water from the proposed development;

- Increased lighting at the site and in the vicinity emitted from the proposed development; and
- Increased human presence and activity at the site and in the vicinity as a result of the proposed development.

#### 9.18. **Potential Pathways to European Sites**

9.19. For the above listed potential sources of effects to have the potential to cause likely significant effects on any European site, a pathway between the source of potential effects (i.e., the site of the proposed development) and the receptor is required. Potential impact pathways are discussed in the following sections in the context of the identified impact sources as identified above.

#### 9.20. **Direct Pathways**

9.21. **Hydrological pathways** - A hydrological pathway was identified between the site of the proposed development and four European sites during the Operational Phase of the proposed development as follows:

- Lough Ennell SPA
- Lough Ennell SAC
- Lough Owel SPA
- Lough Owel SAC.

9.22. A hydrological pathway between the site and Lough Ennell was identified via the public surface and foul water networks. A hydrological pathway between the site of the proposed development and Lough Owel was identified via the public drinking water network. No other European sites are hydrologically connected to the Proposed Development.

9.23. **Hydrogeological pathways** - During groundworks and other construction activities, the ground will be exposed and any potential accidental discharges to ground could potentially migrate vertically downward to the underlying bedrock aquifer and laterally within the aquifer to the downgradient River Brosna which is hydrologically connected to Lough Ennell SAC and Lough Ennell SPA. Given the small area of the site within the Clara GWB and the separation distance between the site and Lough Ennell,

potential significant impacts to Lough Ennell via groundwater flows are considered unlikely to occur. No other European sites maintain a hydrogeological pathway with the proposed development.

9.24. **Air and land pathways** - The Construction Phase of the proposed development could introduce dust and noise impacts transferable via air and land pathways, as well as increased lighting and human activity at the site and in the vicinity of the site during the Construction and Operational Phases. No potential land or air pathways were identified between the proposed development and any European site given the distance of 2.6 km between the site, Lough Owel SAC and Lough Owel SPA and the upbuilt nature of the habitats in the immediate vicinity of the proposed development. This distance is deemed sufficient to exclude any potential for impacts from increased noise, light, dust or other airborne pollutants.

9.25. **Indirect Pathways**

9.26. No indirect pathways (e.g., disruptions to migratory paths) were identified.

9.27. **Assessment of Likely Significant Effects**

9.28. No direct habitat loss and/or alteration or direct habitat or species fragmentation is expected as a result of the proposed development, given the separation distance between the Proposed Development and any European site.

9.29. **Lough Ennell SAC and Lough Ennell SPA**

9.30. **Surface Water** - During the Construction Phase there is potential for surface water runoff containing silt, sediments, and/or pollutants to reach the public surface water drainage network along the C-Link Road. During the Operational Phase, treated and attenuated surface water will ultimately be discharged to this public surface water sewer along the C-Link Road. The embedded SuDS components at the site and standard best practice construction methods employed during the Construction Phase will primarily protect surface water in the immediate vicinity of the site from pollutants, but secondarily will also protect downstream ecological receptors; including the European sites at Lough Ennell. Even in the absence of these embedded design measures, effects on the Lough Ennell SAC and Lough Ennell SPA via surface water

discharges from the site during the Construction and Operational Phase are deemed insignificant given the low volume of any potential surface water run-off relative to the volume of the receiving public surface water network, River Brosna and Lough Ennell, and the potential for mixing, dilution and dispersion in the public surface water network and River Brosna.

9.31. **Foul Water** - Mullingar WwTP has adequate capacity to treat the additional loading as a result of the proposed development and foul water does not represent a potential source of significant impacts to the River Brosna post treatment and discharge from the WwTP. The proposed development will connect to the approved pumping station located in the north of the Site (Planning Ref. 22515). This pumping station has been designed to accommodate the granted planning application and the additional loading from the proposed development. A pre-connection application was submitted to Uisce Éireann for the connection of 200 units to the wastewater network. A confirmation of Feasibility from Uisce Éireann has been received.

#### 9.32. **Lough Owel SAC and Lough Owel SPA**

9.32.1. Changes in Water Quality and Resource – A connection between the Proposed Development and Lough Owel was identified during the Operational Phase via an increased demand for public drinking water to serve the Proposed Development. Lough Owel is a designated SAC and SPA and consideration must be given to the conservation objectives which are under threat from abstraction. In accordance with Uisce Éireann's current abstraction authorisation, Uisce Éireann will discontinue abstraction at Lough Owel before the end of the decade. Therefore, continued abstraction from Lough Owe in light of the abstraction licence for Lough Owel which will ensure the level of the waterbody does not fall below 98.90 m O.D., significant negative impacts on Lough Owel SAC or Lough Owel SPA as a result of cumulative impacts related to water abstraction will be avoided and no further assessment on the potential impacts of the abstraction for water from Lough Owel are deemed to be required for the proposed development.

**9.33. Disturbance and / or Displacement of Species**

9.34. No direct disturbance and/or displacement of species is expected as a result of the Proposed Development, given the large separation distance between the Proposed Development and any nearby European site.

**9.35. Potential for In-combination Effects**

9.36. **Existing Planning Permissions** - A search of planning applications located within a 2km radius of the site was conducted. No potential for in-combination effects arise.

9.37. **Relevant Policies and Plans** - The local policies and plans were reviewed and considered for possible in-combination effects with the Proposed Development. Each of these plans has undergone AA, and where potential for likely significant effects have been identified (e.g., in the case of the Westmeath County Development Plan), an NIS has been prepared which identifies appropriate mitigation. As such, it is considered that the plans and policies listed will not result in in-combination effects with the proposed development.

**9.38. Conclusion**

9.39. No European sites are within the zone of influence of the proposed development. Having taken into consideration surface water drainage from the proposed development, the distance between the proposed development to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the dilution effect with other effluent and surface runoff, it is concluded that the proposed development would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of qualifying interests of European sites.

9.40. 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, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the site's

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

## **10.0 Environmental Impact Assessment**

### **10.1. Introduction**

- 10.2. The overall masterplan (Phases 1, 2 and 3) comprises 394 no. residential units, a creche, and all ancillary development works including access, footpaths, cycle paths, car parking, bicycle parking, 1 no. pumping station, drainage, landscaping, lighting, and amenity areas. Access to the site will be via the existing entrance onto the C-Link road which traverses the masterplan area.
- 10.3. The current proposal (Phase 1 and 2) includes 181 no. residential units. The permitted Phase 3 includes 213 no. residential units and is currently under construction. The current proposal and overall masterplan provide a mix of 1 bed, 2 bed, 3 bed, and 4 bed residential units within a mix of apartments/maisonettes and houses.
- 10.4. Phase 1 and 2 (the current proposal) provide a variety of house types arranged around a central open space. A landscaped buffer strip is provided along the western boundary to the C-Link which will act as a noise and visual buffer. This buffer strip has been designed to provide some areas of useable public open space with seating provided. A pumping station is located in the northern corner of the site, to the east of the site access. The area around this pumping station will be landscaped to provide a public open space. A central cycle route is provided through the site in a north-south direction which will provide an alternative pedestrian and cyclist access to the Ashe Road to the south.
- 10.5. The Phase 3 (permitted) layout includes a range of unit types arranged in blocks throughout the site. It includes four areas of public open spaces which are dispersed throughout the site to ensure every home has easy access to a useable open space. A landscaped buffer strip is provided along the eastern edge of the site, providing a buffer between the R394 and the permitted development. Construction has commenced on this phase of development.

- 10.6. Phase 3 included a creche which was designed to cater for the entire masterplan development (i.e. all 3 phases). This permitted creche measures 429sqm and will cater for c. 97 no. children.
- 10.7. The current proposal includes a total of 0.85ha (8,500sqm) public open space and the permitted Phase 3 application includes a total of 1.087ha public open space. Overall, the entire masterplan area provides 1.937ha (19,370sqm) public open space.
- 10.8. The proposed Phase 1 and 2 development includes 300 no. cycle parking spaces and 265 no. car parking spaces. Phase 3 provides a total of 661 no. cycle parking spaces (including 371 no. spaces provided via rear garden access) and 336 no. car parking spaces. In total the masterplan area will provide a total of 961 no. cycle parking spaces and 601 no. car parking spaces.

**10.9. Statutory Provisions**

- 10.10. Item 10 (b) of Part 2 of Schedule 5 of the Planning Regulations 2001 (as amended) provides that an EIA is required for infrastructure projects comprising of either:
- Construction of more than 500 dwelling units
  - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere
- 10.11. The proposed project comprises the construction of 181 no. residential units, on a site with a gross area of 5.95 ha and net developable area 4.97 ha. Given the size and scale of the project it does not in itself trigger the need for an Environmental Impact Assessment.
- 10.12. However, in this case it is considered that an EIAR is required with regard to potential cumulative impacts of the development when considered in combination with the adjacent phase of development to the north west. The entire development area (394. No residential units) encompasses an area of c. 13.58 ha, which exceeds the 10 ha threshold for 'urban development' as set out in Article 93, Schedule 5, Part 2 Class 10(b)(iv). Accordingly, an EIAR has been and submitted with this application
- 10.13. I have carried out an examination of the information presented by the applicant, including the EIAR and appendices and the submissions made during the course of

the application. A summary of the reports and submissions made by the planning authority, observers and prescribed bodies has been set out previously in this report above. A summary of the main contents of the EIAR are listed below, with a detailed assessment of the environmental aspects after.

### **Volume I – Non-Technical Summary**

### **Volume II - Main Statement**

- Chapter 1 Introduction
- Chapter 2 Site Location & Project Description
- Chapter 3 Alternatives Considered
- Chapter 4 Population & Human Health
- Chapter 5 Land, Soils & Geology
- Chapter 6 Hydrology & Hydrogeology
- Chapter 7 Air Quality
- Chapter 8 Climate Change
- Chapter 9 Noise & Vibration
- Chapter 10 Landscape & Visual Impact
- Chapter 11 Material Assets: Waste
- Chapter 12 Material Assets: Traffic & Transport
- Chapter 13 Material Assets: Service Infrastructure & Utilities
- Chapter 14 Biodiversity
- Chapter 15 Cultural Heritage & Archaeology
- Chapter 16 Significant Interaction of Impacts
- Chapter 17 Summary of Mitigation Measures & Monitoring
- Chapter 18 Screening for Major Accident

### **Volume III - Appendices**

Chapter 1 Introduction

- Appendix 1.1 Consultation Responses

Chapter 5 Land, Soils & Geology

- Appendix 5.1 Site Investigation Report

Chapter 10 Landscape and Visual

- Appendix 10.1 Photomontage

#### Chapter 12 Material Assets: Traffic and Transport

- Appendix 12.1 Traffic and Transport Assessment

#### Chapter 13 Material Assets: Service Infrastructure & Utilities

- Appendix 13.1 Civil Works Design Report
- Appendix 13.2 Construction and Environmental Management Plan
- Appendix 13.3 Outline Construction Management Plan
- Appendix 13.4 Construction, Demolition & Operational Waste Management Plan
- Appendix 13.5 Civil Engineering Layout and Details
- Appendix 13.6 Uisce Éireann Letters

#### Chapter 14 Biodiversity

- Appendix 14.1 Value of Ecological Resources
- Appendix 14.2 EPA Impact Assessment Criteria
- Appendix 14.3 Bat Detector Metadata
- Appendix 14.4 Previous Bat Activity Survey (Ash Ecology, 2022)

#### Chapter 15 Cultural Heritage & Archaeology

- Appendix 15.1 Cultural Heritage Impact Assessment

10.14. The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

10.15. I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with Article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

10.16. This EIA has had regard to the application documentation, including the EIAR, and the observations received, as well as to the assessment of other relevant issues set out in Section 8 of this report above. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment above.

#### **10.17. Vulnerability of Project to Major Accidents and / or Disaster**

10.18. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. Chapter 18 Screening for Major Accident provides a review of the characteristics of the proposed development and of the project location to consider potential accident scenarios.

10.19. The development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential for impacts from this source. There is no site-specific mitigation required for the overall proposed development. The risk of contamination, utility emergency, traffic incident / disruption, contamination and fire / explosion is 'very unlikely' to occur and will have 'limited' consequences should it do so, representing a 'low-risk scenario' during the construction and operational phases.

10.20. Having regard to the location of the site and the existing land use as well as the zoning for the site, I am satisfied that the risk of major accident and / or disasters is very low. I am satisfied that the proposed use, i.e. residential and commercial, is unlikely to be a risk of itself. I am satisfied that the risk of major accident is low.

#### **10.21. Alternatives**

10.22. Article 5(1)(d) of the 2014 EIA Directive requires a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment. EIAR Chapter 3 deals with Alternatives Considered.

10.23. Having regard to the zoning of the development site which expressly provides for a residential land use zonings, it was not considered necessary to consider alternative locations in detail. A number of site layout and alternative designs were considered during the iterative design process. The development as now proposed is considered to have arrived at an optimal solution in respect of making efficient use of zoned, serviceable lands whilst also addressing the potential impacts on the environment relating to residential, visual, natural and environmental amenities and infrastructure. The description of the consideration of alternatives in the EIAR is reasonable and coherent, and commiserate with the scheme proposed and therefore the requirements of the directive in this regard have been satisfactorily addressed.

#### **10.24. Assessment of the Likely Significant Direct and Indirect Effects**

10.25. The likely significant effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU.

#### **10.26. Population and Human Health**

10.27. Chapter 4 of the EIAR addresses population and human health. The methodology for assessment is described as well as the receiving environment. This chapter assesses the potential impacts on population and human health that are not covered elsewhere in the EIAR. It also details the proposed mitigation measures where necessary.

10.28. The Mullingar Town Local Area Plan 2014 – 2020 (as extended) identifies that there will be significant population growth in Mullingar and Westmeath as a whole. Mullingar is anticipated to experience a significant increase in population from 20,153 in 2016 to 26,003 in 2027. Therefore, the projected housing need that is expected in Mullingar is in tandem with its projected population growth. According to the figures provided in the Westmeath County Development Plan 2021 – 2027, the Mullingar Town Local Area Plan 2014 – 2020, as well as the associated Census, calculations reveal that in order to cater to such rapid growth, an additional 2,974 residential units in total will be required to meet this population projection.

10.29. There is significant short term, positive effects on population and health during the construction phase of the development, associated with the generation of more jobs

during peak activities, as well as off-site employment and economic activity. Mitigation measures during the construction and operational phase are detailed. To avoid negative impacts on population and human health, in relation to noise, dust and air quality, and traffic. Mitigation measures are further detailed in the relevant sections of the EIAR. No significant cumulative impacts are anticipated. I am satisfied that negative impacts on population and human health during the construction phase would be short-term and slight negative and that impacts will be mitigated to an acceptable level by the measures detailed in the relevant sections of the EIAR and associated appendices. No significant impacts on human health are predicted at the operational stage of the development

10.30. During the operational phase, I consider that the impact of the scheme will be largely positive due to the provision of housing, employment and community facilities. Any potential adverse impacts arising e.g. from traffic, noise or other disturbance, will be mitigated to an acceptable level by the measures detailed in the EIAR and associated appendices.

10.31. No likely negative impacts have been identified for population, or land use, accordingly no mitigation measures are required. No specific monitoring is proposed. In general, monitoring will be undertaken by the Building Regulations certification process and by the requirements of specific conditions of a planning permission. Monitoring is outlined in the interacting chapters – Air, Noise, and Traffic.

10.32. I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to population and human health would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of population and human health.

**10.33. Biodiversity, with Particular Attention to Species and Habitats Protected Under Directive 92/43/EEC and Directive 2009/147/EC**

10.34. Chapter 14 of the EIAR addresses biodiversity and details the methodology of the ecological assessment. An AA Screening report has been submitted as part of the application and a Stage 1 Screening has been undertaken (see Section 9 above).

- 10.35. A detailed desk study, in combination with a suite of field surveys was carried out regarding the proposed development. Field surveys included: habitat/flora (including invasive plants) surveys, bird surveys, mammal surveys, herptile scoping surveys and bat surveys. All surveys were undertaken at the appropriate time of year and no limitations were encountered in the preparation of this Chapter.
- 10.36. Lough Ennell and Lough Owel are designated as a Special Areas of Conservation (SAC), Special Protection Area (SPA), proposed Natural Heritage Area (pNHA) and Ramsar Sites and fall within the Zone of Influence (ZOI) of the proposed development. The Grand Canal pNHA was also deemed to fall within the ZOI. These designated sites are linked to the proposed development via hydrological and hydrogeological pathways. The potential impacts to the SAC and SPA are assessed in the AA Screening Report accompanying this application under a separate cover. The pNHA and Ramsar sites in Lough Ennell and Lough Owel are covered by proxy in the AA Screening Report as the potential impacts identified are analogous with those detailed for the SAC/SPA due to the overlapping boundaries and similarities in the important features for which the sites are designated. The Royal Canal pNHA is considered further as a Key Ecological Receptor (KER) in this Chapter and a suite of surface water and groundwater protection measures are detailed to ensure there is no potential for the Proposed Development to result in significant impacts to the Royal Canal pNHA.
- 10.37. The habitats on site are considered to be of local ecological importance to common passerine birds, providing nesting, foraging and sheltering habitat. No signs of protected species such as badger (*Meles meles*), otter (*Lutra lutra*), hedgehog (*Erinaceus europaeus*) or pygmy shrew (*Sorex minutus*) were recorded on site, although the hedgerows, treelines and scrub habitats on site likely support hedgehog and pygmy shrew. There are no watercourses or drainage ditches on site to support fish or amphibian species. Due to the isolated nature of the wet grassland habitat on site and the up-built nature of the adjacent lands, the site does not provide significant habitat for amphibians.
- 10.38. The 2023 bat activity surveys of the site recorded a total of three bat species, common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*) and Leisler's bat (*Nyctalus leisleri*). Bat activity was predominantly associated with the boundary treelines, hedgerows and areas of scrub. Bat activity was minimal along the C-Link Road and Ashe Road due to a high level of artificial lighting along the road

network however Leisler's bat appeared to utilise the boundary fence for commuting along the road network. In light of the report the Department of Housing, Local Government and Heritage Birds and Bats are discussed in Section 8 of this report also.

10.39. Potential impacts of the proposed development were predicted to range from neutral to significant at the local scale only and can be readily addressed with the mitigation measures proposed. Potential Construction Phase impacts will be via habitat loss or damage, increases in noise and dust emissions, direct mortality or disturbance of breeding birds and small mammals during vegetation removal, runoff of sediment or other water borne pollutants into the local groundwater body and light pollution impacts to nocturnal species (e.g., bats). The proposed landscape design for the site includes the retention of the treeline at the northeastern corner of the site and additional planting is also proposed in this area. A potential impact during the operational phase of the proposed development was identified via light pollution impacts to nocturnal species.

10.40. Mitigation measures are set out in Chapter 14 of the EIAR and include, inter alia, a wildlife friendly lighting measures, seasonal constraints on vegetation removal and landscaping at the site. Enhancement measures recommended include features such as bird and bat boxes which will be located at suitable locations around the site. Other mitigation measures include provision of a Construction and Environmental Management Plan to avoid impact on groundwater and surface water during construction; all foul water is to be discharge to the public sewer and treated at the Mullingar Wastewater Treatment Plant which has adequate capacity and capability to fully treat sewage. The mitigation measures address the source of impacts (e.g., night-time light pollution, dust, noise, vegetation clearance) and ensure that there will be no significant impact on local fauna at the site.

10.41. Cumulative impacts have been fully considered and no potential for cumulative impacts when considered in-combination with other plans and projects are anticipated. I am, therefore, satisfied that the issue of cumulative impacts does not arise.

10.42. Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to biodiversity would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable

conditions. No significant residual or cumulative impacts on biodiversity are identified. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity.

#### 10.43. **Land, Soils, Water, Air and Geology**

10.44. Chapter 5 of the EIAR addresses **Land, Soils and Geology**. A detailed desk study, results of the ground investigation, a site walkover survey and review of all relevant drawings and documents pertaining to the site and proposed development was carried out. The results of the assessment provided information on the baseline conditions at the site. A detailed assessment of the potential impact was undertaken, and appropriate avoidance and mitigation measures were identified to reduce any identified potential impact associated with the proposed development.

10.45. There will be an unavoidable land take of 5.95 Ha for the construction of the proposed development and the land use at the site will change from greenfield agricultural land to residential. The construction phase of the proposed development will include the excavation of 12,020m<sup>3</sup> of soil and subsoil to depths of up to 1.2mbGL to achieve formation levels, to 1.0mbGL for foundations and to 3.5mnGL for drainage and infrastructure. Where possible, it is intended to retain and re-use suitable excavated soil and subsoil for engineering fill and landscaping. Based on the preliminary cut & fill analysis, the construction of the proposed development will require the importation of 5,200m<sup>3</sup> soils to achieve the finished floor levels and road levels. There will also be a requirement for the importation of aggregates for the construction of the proposed development (e.g., granular material beneath road pavement, under floor slabs and for drainage and utility bedding / surrounds etc.).

10.46. An Outline Construction and Environmental Management Plan (CEMP) and Construction Demolition & Operational Waste Management Plan (CDOWMP) have been prepared as part of the planning application. The appointed contractor will further develop the CEMP and CDOWMP to provide detailed construction phasing and methods to manage and prevent any potential emissions to ground having the relevant industry standards. The CEMP and CDOWMP will be implemented for the duration of

the Construction Phase, covering construction and waste management activities that will take place during this phase.

10.47. Mitigation measures will be adopted as part of the construction works for the proposed development. The measures will address the main activities of potential impact which include:

- Control and Management of Earthworks;
- Control and Management of Soils and Stockpiles;
- Management and Control Procedures for the Exportation of Surplus Soils and Bedrock;
- Management and Control Procedures for the Importation of Fill Materials;
- Control and Handling of Cementitious Materials;
- Control and Handling of Fuel and Hazardous Materials; and
- Accidental Release of Contaminants.

10.48. The Operational Phase of the proposed development consists of the typical activities in a residential area and with the exception localised gardening works by residents, there will be no bulk excavation of soils or bedrock or infilling of waste.

10.49. Chapter 6 of the EIAR addresses **Hydrology and Hydrogeology**. This chapter identifies, describes, and assesses the potential effects of the proposed development on the local hydrological and hydrogeological environment (surface water and ground water).

10.50. The site is located within the Lower Shannon Water Framework Directive (WFD) Catchment (catchment I.D.: 25A) and the Brosna\_SC\_010 sub catchment ( Sub-catchment I.D.L 25A\_10). The majority of the site is within the Brosna\_020 sub-basin while the southeast corner of the site is within the Brosna\_030 sub-basin. There are a series of land drains within the area which were constructed as part of the Brosna Arterial Drainage Scheme which discharge to the Brosna River.

10.51. Foul water for two thirds the proposed development will discharge under gravity to the existing UE 225mm foul sewer at the point of connection in the southwest corner of the site. Foul water for the remaining one third of the proposed development will be pumped via the pumping station located in the north of the site (previously granted planning by WCC (Planning Reference No. 22/515)) to a 110mm PE rising main on

the R394 C-Link Road along the northwest boundary of the site before discharging to the existing UE 525mm foul sewer located circa. 80m north of the site. The pump station has been designed with consideration to the proposed development to ensure that there is sufficient capacity to accept foul water from the proposed development.

10.52. Water supply to the proposed development will be from the two (2 No.) existing UE watermains located within the R394 C-Link Road and Ashe Road. The UE Confirmation of Feasibility letter dated the 3rd July 2023 states that the both the foul water and the water supply connections are feasible subject to upgrades. As outlined in the Civil Design Report these upgrades have been incorporated into the design for the proposed development as per UE requirements.

10.53. Mitigation measures will be adopted as part of the construction works on the site. The measures will address the main activities of potential impact which include:

- Control and Management of Water and Surface Runoff;
- Management and control of imported soil and aggregates from off-site sources;
- Fuel and Chemical handling, transport, and storage; and
- Accidental release of contaminants – notify relevant statutory authorities.
- CEMP will be implemented

10.54. During the Operational Phase surface water runoff from the site will be managed in accordance with the principles and objectives of Sustainable Drainage Systems (SuDS) and the Greater Dublin Sustainable Drainage System (GDSDS) to treat and attenuate water prior to the outfall points from the site. Ongoing regular maintenance of the proposed drainage including the SuDS measures in accordance with CIRIA SuDS Manual C753 will be incorporated into the overall management strategy for the Proposed Development.

10.55. Overall, there are no significant residual impacts on hydrology and hydrogeology anticipated and there will be no impact to the existing WFD Status of water bodies associated with the proposed development including the Brosna River (Brosna\_010 to Brosna\_040), the Ennell lake waterbodies and the Inny and Clara groundwater bodies as a result of the Proposed Development taking account of design avoidance and mitigation measures where required.

- 10.56. Chapter 7 of the EIAR addresses **Air Quality**. The methodology and receiving environment are addressed. The existing air quality environment, baseline data and data available from similar environments indicates that levels of nitrogen dioxide, particulate matter less than 10 microns and less than 2.5 microns and are generally well below the National and European Union (EU) ambient air quality standards. Impacts to air quality can occur during both the construction and operational phases of the proposed development. In terms of the operational stage air quality impacts will predominantly occur as a result of the change in traffic flows on the local road links near the proposed development.
- 10.57. Any potential dust impacts can be mitigated through the use of best practice and minimisation measures which are outlined in this report. The local air quality modelling assessment concluded that levels of traffic-derived air pollutants resulting from the development will not exceed the ambient air quality standards either with or without the proposed development in place. Using the assessment criteria outlined in Transport Infrastructure Ireland's 2022 guidance document 'Air Quality Assessment of Specified Infrastructure Projects – PE-ENV-01106' the impact of the development in terms of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> emissions is long-term, direct, neutral and imperceptible.
- 10.58. The best practice dust mitigation measures that will be put in place during construction of the proposed development will ensure that the impact of the development complies with all EU ambient air quality legislative limit values which are based on the protection of human health. Therefore, the impact of the construction of the proposed development will be short-term, negative and imperceptible with respect to human health. Operational phase predicted concentrations of pollutants are predicted to be significantly below the EU standards, the impact to human health is predicted to be long-term, direct, neutral and imperceptible.
- 10.59. No significant impacts to air quality are predicted during the construction or operational phases of the proposed development.
- 10.60. Chapter 8 of the EIAR addresses **Climate**. The methodology and receiving environment are addressed. There is the potential for release of a number of greenhouse gas emissions to atmosphere during the full lifecycle of the proposed development including construction and operation. GHG emissions associated with

the proposed development are predicted to be a small fraction of Ireland's total 2021 GHG emissions which is the baseline scenario.

- 10.61. The changes in traffic volumes associated with the operational phase of the development were substantial enough to meet the assessment criteria requiring a detailed climate modelling assessment, as per Transport Infrastructure Ireland (TII) 2022 guidance "PE-ENV-01104: Climate Guidance for National Roads, Light Rail and Rural Cycleways (Offline & Greenways) – Overarching Technical Document". The proposed development is not predicted to significantly impact climate during the operational stage. Increases in traffic derived levels of CO<sub>2</sub> have been assessed against Ireland's obligations under the EU 2030 non-ETS target and Ireland's carbon emission ceilings. Impacts to climate are deemed imperceptible and long-term with regard to CO<sub>2</sub> emissions.
- 10.62. The proposed development has been designed to reduce the impact on climate where possible during operation. The proposed development will comply with the NZEB standards and has aims to achieve an energy efficient design. Once mitigation measures are put in place, the effect of the proposed development in relation to GHG emissions is considered long-term, minor adverse and not significant in EIA terms.
- 10.63. An assessment was conducted to determine the vulnerability of the proposed development to climate change once operational, as per the TII 2022 guidance. The proposed development has a worst-case low vulnerability to the various climate hazards and therefore no significant risk was identified. Overall, no significant impacts to climate are predicted during the construction or operational phases of the proposed development.
- 10.64. Conclusion - Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to land, soil, water, air and climate would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on land, soil, water, air and climate are identified. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of land, soil, water, air and climate.

## 10.65. **Noise and Vibration**

- 10.66. Chapter 9 of the EIAR evaluates **Noise and Vibration** associated with the construction and operational phases of the development. A schedule of mitigation measures has been proposed for both the construction and operational phases to reduce, where necessary, any significant noise and vibration impacts arising from the development; The inward impact of noise from the surrounding environment on the proposed buildings has also been assessed to determine the requirements for additional noise mitigation to provide suitable residential amenity for the occupants of the site.
- 10.67. The baseline noise environment is typical of a suburban environment. Construction noise calculations have been performed representing typical noise levels associated with the construction of the various phases of work on site. Potential exceedances of the construction thresholds may occur when construction activities are occurring within 20m from residential dwellings along the southern boundary, such activities are temporary in nature.
- 10.68. A range of noise mitigation measures have been included to reduce construction noise levels at the closest site boundaries including the inclusion of a solid construction site hoarding along noise sensitive boundaries. The application of binding noise limits and hours of operation, along with implementation of appropriate noise control measures, will ensure that the noise impact is controlled to within the construction significance thresholds.
- 10.69. Vibration impacts during the construction phase of the proposed development are not significant at the nearest sensitive building. Site activities will be managed so as not to exceed the vibration limits set out in Chapter 9. The main potential sources of outward noise from the development during the operational phase relate to traffic flows to and from the development via public roads and any mechanical and electrical plant used to service the proposed buildings. There are no vibration sources associated with the operational phase. A range of noise mitigation and best practice control measures have been included within the assessment to control noise levels at the closest noise sensitive properties within the development once operational.
- 10.70. Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to noise and vibration would be avoided, managed, and mitigated by the measures which

form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on noise and vibration are identified. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of noise and vibration.

#### 10.71. **Material Assets, Cultural Heritage, and the Landscape**

10.72. Chapter 11 of the EIAR details the **Waste** element of the development. All waste materials generated during the Construction Phase and Operational Phase of the Proposed Development will be managed in accordance with the Construction Management Plan, the Operational Management Plan and the Construction Demolition Waste Management Plan.

10.73. All waste generated during the Construction Phase will be segregated onsite and the priority of the Construction Phase waste management shall be to promote recycling, reuse and recovery of waste and diversion from landfill wherever possible. It is expected that all of the excavated material is to be reused on site (pending environmental soil testing). Provided the mitigation measures detailed in the CDOWMP are implemented, compliance with national legislation, recycling and recovery is achieved, no significant residual impacts are anticipated during the Construction and Operational Phases of the proposed development.

10.74. The assessment concluded that the likely cumulative impact of the proposed development with other developments in the area during both the construction and operational phases will be neutral and not significant on waste management facilities in the area in the long-term.

10.75. Chapter 12 of the EIAR details **Traffic & Transport** element of the development. The proposed development will impact on the surrounding roads network during construction and operational stages. It is broadly accepted that operational stage traffic will exceed that of construction stage traffic and will be potentially less manageable in terms of avoiding peak hour traffic periods. Therefore, traffic models of the proposed development access junctions as well as the existing Junctions 1 and 2 have been developed with operational phase traffic presenting a worst-case scenario.

- 10.76. The construction phase of the proposed development will have a short-term slight negative effect on the surrounding transport network. Traffic control measures will be in place throughout the construction phase, including a Construction and Environmental Management Plan (CEMP), which will be finalised upon agreement with the relevant Planning Authorities in advance of the commencement of construction. Traffic modelling for the operational phase of the proposed development has been completed as part of the Traffic Impact Assessments. This assessment has found that due to the nature of the works associated with the proposals the network can accommodate the increased traffic associated with the project. The proposed development is predicted to have a long-term positive cumulative effect with regard to traffic and transport.
- 10.77. Chapter 13 of the EIAR details **Service Infrastructure & Utilities**. There is limited existing surface water control on the existing site. It is evident that existing rainwater drainage from the site is by means of direct infiltration and percolation into the existing agricultural ground. Section 9.35 and 10.6 above provides details of wastewater disposal to the public sewer system.
- 10.78. The 82no. units from this development have been considered in the design for sizing the pump station. A 400mm AC watermain is located on the western side of the C-Link Road. There will be some disruption to the existing watermain whilst making the connection, but the works will be brief and any potential temporary shutdowns to water supply will be agreed with Irish Water and people that will be affected will be advised in advance of the short-term impacts that they may experience. Appendix 13.6 of the EIAR provides a copy of the Irish Water confirmation of feasibility for the water pre-connection enquiry. The watermain will be metered in accordance with Irish Water requirements.
- 10.79. It is proposed to approach the management of surface water drainage for the development using the principles of Sustainable Urban Drainage Systems (SuDS). The proposed surface water drainage networks will run to underground soakaway cells or attenuation tanks, from which the water will be contained until it naturally flows through the soil beneath the cells and into the water table below ground level. Overflow from the attenuation tanks generally then flow through hydro-brake manholes, which control the discharge rate of the water, discharging ultimately onto a bio-swale before discharging to an existing box culvert along the R394.

- 10.80. It is proposed to underground the existing power lines that are currently overhead from the southern boundary to the ESB distribution facility to the west of the site. Telecoms ducting and cables will be laid within the development site during the construction stage. The potential impact from the construction phase of the proposed development on the local telecoms network is likely to be brief, neutral and imperceptible.
- 10.81. Chapter 15 of the EIAR addresses **Cultural Heritage and Archaeology**. This chapter assesses the impacts of the proposed development on the known and potential cultural heritage resource, which includes archaeology, architectural heritage, folklore, historical associations and language. No recorded monuments are located on the proposed development site. No protected structures are located on or within the immediate vicinity of the proposed development site. No undesignated features of cultural heritage interest, such vernacular or industrial heritage structures, townland boundaries, demesne lands or historical associations, were identified within the proposed development site.
- 10.82. The site was previously subject to a programme of archaeological test trenching and the full excavation of a single pit feature of unknown date, which remains in situ within the site, was previously included as a condition in the County Westmeath grant of permission for an earlier application at this location (WCC ref. 21/139). This condition is in accordance with an observation/recommendation of the National Monuments Service, via the Development Applications Unit, during statutory consultations carried out as part of that planning application. A similar recommendation as received from the Department of Housing, Local Government and Heritage in relation to this scheme and has also been addressed in Section 8 of this report above whereby it is recommended that an archaeological monitoring condition is attached.
- 10.83. Chapter 12 of the EIAR addresses **Landscape and Visual Impact**. The EIAR sets out the methodology and examines the policy context and existing visual character. The applicant has submitted photomontages (Verified Views and CGI) of the development from various viewpoints. A dedicated Landscape design is included as part of the proposed development. The potential impacts in both landscape and visual terms are assessed, including cumulative impacts. The proposed development site is not a protected landscape within any local landscape policy. During the construction phase, potential landscape and visual effects will result as the site changes from an area of agricultural land to a construction site of considerable size.

- 10.84. The addition of the proposed development will not fundamentally change the character of the landscape area (suburban) within which it is viewed. There is generally a suburban character to the landscape area which the proposed development will somewhat alter as it represents an increased level of development. However, it is noted that there are already several pre-existing and permitted developments located in the immediate vicinity of the site and the continued development aligns with the planning policy and land-use zoning.
- 10.85. In the operational phase, the highest negative landscape impacts are expected to be permanent and slight deriving from the removal of the existing field boundary vegetation within the site, loss of agricultural land and use of material that are different to the existing estates. At the same time the removal of the overhead cables will positively impact the landscape character as well as views from the south and west. The highest negative operational impacts are expected along the northern boundary for R1, where existing vegetation is not retained. This is expected to be of moderate significance. No significant impacts are expected
- 10.86. No significant cumulative landscape and visual effects are likely to arise as a result of the proposed development. Mitigation in the form of a landscaping plan with extensive planting of trees and shrubs is proposed will address residual impacts. Likely landscape and visual effects anticipated from the proposed development are not deemed to be significant. Considering the mitigation plans in place, and the zoning of these lands, residual effects upon the landscape and visual amenity are deemed to be acceptable and in line with the sustainable development of the area.
- 10.87. Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to material assets, cultural heritage and the landscape would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. No significant residual or cumulative impacts on material assets, cultural heritage and the landscape are identified. I am satisfied overall with regard to the above assessment that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of material assets, cultural heritage and the landscape.

#### **10.88. Cumulative Impacts and Interactions**

10.89. All interactions and cumulative impacts have been addressed in Chapter 16 Significant Interactions with cumulative impacts and interactions fully addressed in the relevant specialist Chapters of this EIAR. The proposed development forms part of a larger development area which is proposed to develop on a phased basis. To date, a separate phase 3 application has been submitted and granted by Westmeath County Council. The potential cumulative impacts of the proposed project (phases 1 and 2) in combination with the permitted phase 3 application (Westmeath County Council Reference: 22/515) were considered in the EIAR. No significant cumulative impacts have been identified.

10.90. All mitigation measures relating to the construction and operational phases of the Proposed Development are set out in the relevant chapters of this EIAR. Chapter 17 of the EIAR presents a compilation of these measures, grouped according to environmental field/topic in a format which provides an easy to audit list that can be reviewed and reported on during the future phases of the project. The proposals for site inspections and environmental audits are set out in the Construction and Environmental Management Plans (CEMP) which are included in the EIAR.

10.91. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

#### **10.92. Reasoned Conclusion on the Significant Effects**

10.93. Having regard to the examination of environmental information set out above, including the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and public in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- A positive impact with regard to population and material assets due to the increase in housing stock that would be made available in Mullingar.
- Potential for moderate short-term negative impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no

significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design and implementation of a Mobility Management Strategy for the development.

- Potential negative effects arising from noise and air during the construction and operational phases, which will be short term in nature and will be mitigated by appropriate construction management and design measures outlined in the relevant section of the EIAR. Operational effects will be longer term but will be mitigated through design and operational practices and are not considered to be significant.
- There will be changed views from various locations given the change from a largely greenfield site to a residential development. The lands are zoned for development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists in the immediate and wider area. The potential impact will be positive.
- Potential indirect impacts on water during the construction and operational phase, which will be mitigated by construction management measures and implementation of sustainable drainage system measures.

10.94. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described, and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments.

## 11.0 Recommendation

11.1. Having considered the contents of the 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.

## 12.0 Reasons and Considerations

### 12.1. Having regard to the following:

- a) the location of the site in the established key town of Mullingar,
- b) the policies and objectives of the Westmeath County Development Plan 2021 – 2027
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018)
- f) the Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- g) the Design Manual for Urban Roads and Streets (DMURS) (2013)
- h) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- i) the nature, scale and design of the proposed development ,
- j) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- k) the pattern of existing and permitted development in the area,
- l) the planning history within the area,
- m) the submissions and observations received

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

## 13.0 Recommended Draft Order

**Appeal** by Mary O'Driscoll, No 75 Ashefield, Mullingar, Co. Westmeath and Patrick Lynch, Proudstown Road, Navan, Co Meath against the decision made on 20<sup>th</sup> day of December 2023 by Westmeath County Council to grant permission to Marina Quarter Limited subject to 25 no conditions.

### **Proposed Development:**

The development will consist of the provision of a total of 181 no. residential units. Particulars of the development comprise as follows:

- The construction of 181 no. residential units comprising of 155 no. dwelling houses (comprising a mix of 2, 3 and 4 bed semidetached and terraced/townhouse units) and 26 no. 1,2 and 3 bed maisonette and apartment units; and
- All associated ancillary development works including 3 no. ESB substations, footpaths, cycle lane, car and bicycle parking, drainage, bin storage, landscaping/amenity areas and the undergrounding of existing 38KV overhead electricity lines at Rathgowan, Mullingar, Co. Westmeath.
- Access will be via the existing roundabout on the R394 (C-Link). Pedestrian access will be provided on to Ashe Road to the south. This development will form two phases of a larger (three-phase) residential development at this location.

An Environmental Impact Assessment (EIAR) have been prepared in respect of the proposed development.

### **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

### **Matters Considered:**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to

have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- a) the location of the site in the established key town of Mullingar,
- b) the policies and objectives of the Westmeath County Development Plan 2021 – 2027
- c) the Rebuilding Ireland Action Plan for Housing and Homelessness (2016)
- d) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018)
- f) the Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- g) the Design Manual for Urban Roads and Streets (DMURS) (2013)
- h) the Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- i) the nature, scale and design of the proposed development (as amended),
- j) the availability in the area of a wide range of social, community, transport and water services infrastructure,
- k) the pattern of existing and permitted development in the area,
- l) the planning history within the area,
- m) the submissions and observations received
- n) the report of the inspector

The Board 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 be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms

of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment (AA):**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that European Sites Lough Owel SAC (000688), Lough Owel SPA (004047), Lough Ennell SAC (000685) and Lough Ennell SPA (004044) were the only European Sites in respect of which the proposed development has the potential to have significant effects.

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. 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 the European sites which 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 site's Conservation Objectives. The Board was 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 European Site Lough Owel SAC (000688), Lough Owel SPA (004047), Lough Ennell SAC (000685) and Lough Ennell SPA (004044) or any other European site, in view of the site's Conservation Objectives

### **Environmental Impact Assessment (EIA):**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- a) the nature, scale, location and extent of the proposed development,
- b) the environmental impact assessment report and associated documentation submitted with the application;

- c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application, and,
- d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board completed an environmental impact assessment in relation to the proposed development and, in doing so, agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report, associated documentation submitted by the applicant, and submissions made in the course of the planning application, and adopted the Inspector's assessment in this regard.

### **Reasoned Conclusions on the Significant Effects**

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- a) A positive impact with regard to population and material assets due to the increase in housing stock that would be made available in Mullingar
- b) Potential for moderate short-term negative impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area in the operational phase and any potential impact will be mitigated by way of design and implementation of a Mobility Management Strategy for the development.
- c) Potential negative effects arising from noise and air during the construction and operational phases, which will be short term in nature and will be mitigated by appropriate construction management and design measures outlined in the relevant section of the EIAR. Operational effects will be longer term but will be mitigated through design and operational practices and are not considered to be significant.

- d) There will be changed views from various locations given the change from a largely greenfield site to a residential. The lands are zoned for residential development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists in the immediate and wider area. The potential impact will be positive.
- e) Potential indirect impacts on water during the construction and operational phase, which will be mitigated by construction management measures and implementation of sustainable drainage system measures.

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

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **13.1. Conditions**

1.	<p>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 the 3<sup>rd</sup> November, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including Chapter 17 of the Environmental Impact Assessment Report,</p>

	<p>'Summary of Mitigation Measures &amp; Monitoring' submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health</p>
3.	<p>The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to the planning authority for written agreement.</p> <p><b>Reason:</b> To ensure the timely provision of services and facilities, for the benefit of the occupants of the proposed dwellings and the satisfactory completion of the overall development.</p>
4.	<p>Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:</p> <ul style="list-style-type: none"> <li>a) Revised plans shall be submitted to and approved in writing by the Planning Authority. The revised plans shall demonstrate the provision of screening measures/defensible space adjacent to the 2<sup>nd</sup> ground floor level eastern facing habitable room (living/dining/kitchen) windows in Unit 03 of proposed Apartment Block A.</li> <li>b) All upper floor side elevation windows of proposed residential dwellings, indicated by way of details received by the Planning Authority on the 3<sup>rd</sup> day of November 2023, shall be obscurely glazed and thereafter maintained as such, unless otherwise agreed in writing with the Planning Authority.</li> <li>c) Details, including samples, of the materials, colours and textures of all the external finishes to the proposed buildings.</li> <li>d) The specifications and finishes of the landscaping elements, paving, ducting, lighting, in addition to the general positioning of benches/bicycle racks, and all other public realm finishes.</li> <li>e) Public lighting throughout the development.</li> </ul>

	<p><b>Reason:</b> In the interests of visual and residential amenities and good urban design.</p>
5.	<p>a) Tree protection shall be carried out in accordance with details submitted in the Tree Protection Plan and Arboricultural Impact Assessment, in accordance with the requirements of BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction.</p> <p>b) The approved landscaping scheme shall be undertaken in the first planting season following the occupation or substantial completion of the development or each phase of the development as agreed, whichever is the sooner. The planting shall thereafter be maintained and any plants that die, become diseased or are removed within 3 years shall be replaced within the following planting season by plants of a similar size and species, unless the Planning Authority gives its written consent to any variation.</p> <p>c) The designated public open space areas, when developed in accordance with the agreed details, shall be made available for continuous use and enjoyment of the public.</p> <p><b>Reason:</b> To ensure the provision of amenity afforded by appropriate landscaping design, and site treatment, and to ensure the sustainability of the approved landscape design through its successful establishment and long-term maintenance.</p>
6.	<p>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 1st of March and 31st of August.</p> <p>b) All environmental, construction and ecological mitigation measures identified in the submitted CEMP, and Environmental Impact Assessment (EIA) Report shall be implemented in full by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.</p> <p>c) The developer shall retain the services of a recognised and suitably qualified ecologist to oversee the construction of the subject development and advice on the specified measures as set out in the application. The</p>

	<p>developer shall confirm the name of the ecologist prior to commencement of subject development for the written agreement of the Planning Authority.</p> <p>d) The developer should provide bat boxes as required ensuring that bat roosting nests are provided along tree lines around the subject site so as to prevent loss or reduction of existing habitats for commuting bats.</p> <p><b>Reason:</b> In the interests of clarity and nature conservation and to avoid any potential harmful effects to the Natura Network and to ensure environmental sustainability of the subject site</p>
7.	<p>The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:</p> <p>a) The roads and traffic arrangements serving the site (including sightlines, footpath connections and 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.</p> <p>(i) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths, corner radii and pedestrian crossings.</p> <p>(ii) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works</p> <p>(iii) A Mobility Management Plan shall be prepared and submitted to the planning authority for approval prior to the commencement of development.</p> <p>(iv) 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.</p>

	<p>b) Within six months of substantial completion of the development a Stage 3 Quality Audit (including Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), of the constructed development shall be submitted to the planning authority for approval.</p> <p>c) All car parking spaces shall be provided with electric vehicle charging points. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>d) Clearly designated spaces for car share use shall be provided.</p> <p>e) A detailed Construction Traffic Management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site</p> <p>In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interests of pedestrian, cyclist, and traffic safety.</p>
8.	<p>f) Prior to the commencement of development, the final design of the segregated cycle track / cycleway / footway / footpath/ pedestrian crossings (incorporating red surfacing to cycleway, vertical separation and associated signage and lining in accordance with the Cycle Design Manual) and any other associated works along the outer perimeter of the subject site along the R394 (Mullingar C-Link) and the L1000 (Ashe Road) and running north south through the development shall be submitted to and agreed in writing by the Planning Authority shall be submitted to and agreed in writing by the Planning Authority. The final design shall provide for a consistent configuration and layout of segregated cycleways and footpaths, with a continuous link from the R394 to the L100, that provides for the minimisation of conflict at all junctions including at the L1000 and the central green area.</p>

	<p>g) The applicant /developer shall enter into an agreement with Westmeath County Council, pursuant to Section 47 of the Planning and Development Act 2000 (as amended), in relation to all agreed design works required on the R394 and the L1000 and these works shall thereafter be carried out at the full expense of the applicant, unless otherwise agreed in writing with the Planning Authority.</p> <p>h) Prior to first occupation of any residential unit within the development, the Active Travel infrastructure on the R394 and L1000 shall be fully completed, unless otherwise agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the Interest of orderly development and to secure the provision of appropriate Active Travel Infrastructure</p>
9.	<p>Prior to commencement of development, revised plans and details shall be submitted to and approved in writing by the Planning Authority. The submission shall demonstrate the following:</p> <p>a) Breakdown of the type of car parking provision throughout the scheme, including in-curtilage parking, out of curtilage parking, parking for each unit type, disabled parking, and visitor parking spaces. Revised plans and details shall clearly demonstrate the location and number of each type of car parking space as detailed above. The submission shall comply with minimum car parking standards as outlined in the Westmeath County Development Plan 2021-2027.</p> <p>b) Breakdown of the type of cycle parking provision throughout the scheme, including in-curtilage parking, visitor parking, and specific cycle parking provision for each unit type. Revised plans and details shall clearly demonstrate the location and number of each type of cycle parking space as detailed above. The submission shall comply with minimum cycle parking standards as outlined in the Westmeath County Development Plan 2021-2027.</p> <p><b>Reason:</b> To ensure accordance with Development Management Standards and the proper planning and development of the area.</p>

10.	<p>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.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
11.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit 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).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas</p>
12.	<p>The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health</p>
13.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p><b>Reason:</b> In the interests of public health and surface water management</p>

14.	<p>Site development and building works shall be carried out only between the hours of 0700 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenity of property in the vicinity.</p>
15.	<p>Prior to commencement of development the developer shall submit and obtain the written agreement of the planning authority, a plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
16.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details of the Invasive Species Management Plan for this site shall be incorporated within this plan. 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.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
17.	<p>Prior to commencement of development, the developer 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</p>

	<p>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.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended</p>
18.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
19.	<p>A minimum of 10% of all car parking spaces serving the apartments and duplex units should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p><b>Reason:</b> To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
20.	<p>The management and maintenance of the proposed development following its completion 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.</p>

	<p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
21.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. 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.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
22.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <ul style="list-style-type: none"> <li>a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</li> <li>b) All ground reduction should be subject to a programme of archaeological monitoring, under licence, by a suitably qualified archaeologist</li> <li>c) where archaeological material is shown to be present, avoidance, preservation in situ, or preservation by record (excavation) may be required. Works may be halted pending receipt of advice from the National Monuments Service, Department of Housing, Local Government and Heritage who will advise the applicant / developer with regard to these matters</li> <li>d) on completion of monitoring of ground reduction and any archaeological excavations arising, the archaeologist shall submit a written report to the</li> </ul>

	<p>planning authority and to the Department of Housing, Local Government and Heritage for consideration.</p> <p>e) In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site</p>
23.	<p>Prior to the commencement of 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 housing unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential 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.</p> <p><b>Reason:</b> To restrict new housing 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.</p>
24.	<p>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.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

25.	<p>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.</p> <p><b>Reason:</b> 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.</p>
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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.

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**Mary Crowley**

**Senior Planning Inspector**

**22<sup>nd</sup> April 2024**