



An  
Bord  
Pleanála

## Inspector's Report ABP-321750-25

<b>Development</b>	Construction of a single dwelling house, domestic garage with septic tank and percolation area and all associated site works.		
<b>Location</b>	Lissoy, The Pigeons, Athlone, Co. Westmeath		
<b>Planning Authority Ref.</b>	Westmeath County Council		
<b>Applicant(s)</b>	Aoife Irwin & Luke Maleady.		
<b>Type of Application</b>	Planning	<b>PA Decision</b>	Grant Permission. Permission.
<b>Type of Appeal</b>	Third Party.	<b>Appellant(s)</b>	Transport Infrastructure Ireland.
<b>Observer(s)</b>	No Observations.		
<b>Date of Site Inspection</b>	7 <sup>th</sup> of April 2025	<b>Inspector</b>	Elaine Sullivan

## **1.0 Site Location and Description.**

The subject site has a stated area of 0.5 hectares and is in the townland of Lissoy, approximately 5 km to the north of Glasson village in County Westmeath. The site forms part of a wider landholding and is accessed from the N55 via an existing entrance which serves a house and associated farm. The farmhouse is set back from the road by approximately 125 metres and there are some stone ruins and outbuildings clustered around the farmhouse. A historic plaque on the stone building states that there has been a settlement on the site since the early 1700's.

The entrance to the site is set back from the main road carriageway by approximately 2 metres and is bounded by a low-rise wall. The road is generally straight at this location and there is good visibility in both directions from the entrance. On the opposite side of the road there are four houses all with their own access onto the N55 with one of the entrances slightly offset from the existing entrance to the site. This pattern of dispersed development is in place along the N55 in both directions.

## **2.0 Proposed Development**

Planning permission is sought for the construction of a single storey, detached house of approximately 181 sq. m. with a domestic garage of 35 sq. m. on a greenfield site within a larger farm landholding. Works would also include an onsite wastewater treatment system comprising a septic tank and percolation area. No works are proposed to the existing access to the site.

## **3.0 PA's Decision**

The report of the Planning Officer (PO) dated the 19<sup>th</sup> of December 2024 informed the decision of the Planning Authority (PA). The report noted that the site is in an Area Under Strong Urban Influence and the Rural Settlement Strategy contained in Section 9.4 of the County Development Plan applies.

The PO was satisfied that the applicants met the local housing need criteria as both applicants were raised in the area and one of the applicants resided in the farmhouse on the site which is the family home. There was no objection to the siting

and design of the house and the PO determined that the proposal would have minimal impacts on the residential amenity of existing houses.

Reference was made to the planning history for the site which included two decisions to refuse permission for a detached house on the site due to concerns about increased traffic on the N55.

The PO was satisfied that the proposal would not result in the intensification of an existing access as the applicant is currently living in the family home on the land and would continue to use the existing access. They were also satisfied that the development was in accordance with the provisions of Policy CPO 9.14 which seeks to promote the clustering of houses on the same landholding and to promote shared access and to limit hedgerow removal, and with Policy CPO 10.46, which seeks to protect national roads from inappropriate access to preserve the carrying capacity.

The following planning conditions were attached to the decision to grant permission.

- **Condition No. 2** – relates to the occupancy of the development and states that the dwelling shall be occupied by members of the applicant's immediate family or their heirs and shall remain so occupied for a period of 7 years.
- **Condition No. 4** – relates to landscaping and states that any removal of hedgerows or trees shall take place outside of the breeding season (1<sup>st</sup> of March to 31<sup>st</sup> August) and any hedgerows to be removed shall be replaced with a native hedgerow of equal length.
- **Condition No. 5** – requires adequate sightlines to be provided at the access point.

### Technical Reports

- **District Engineer** – No objections subject to conditions.
- **Westmeath National Roads Office (WNRO)** – The proposed access to the development is inside the footprint of the preferred route corridor of the N55 Athlone to Ballymahon scheme. The site will not be impacted and there are no observations to make on the site itself.

## 4.0 Planning History.

**24/60299** – Planning permission refused by the PA in October 2024 for the construction of a single dwelling house, domestic garage with septic tank and percolation area and all associated site works for the following reason,

- 1. The proposed development would result in the intensification of use of an access onto the N55 national road where speed limits of greater than 60kmph apply and is therefore contrary to policy CPO 10.48 and section 10.5.1 of the Westmeath County Development Plan 2021- 2027, would harm the capacity and safety of the national road and is contrary to the proper planning and sustainable development of the area.*

**23/99** - Planning permission refused by the PA in August 2023 for the construction of a single dwelling house, domestic garage with septic tank and percolation area and all associated site works for the following reasons,

- 1. The proposed development would result in the intensification of use of an access onto the N55 national road where speed limits of greater than 60kmph apply and is therefore contrary to policy CPO 10.48 and section 10.5.1 of the Westmeath County Development Plan 2021- 2027, would harm the capacity and safety of the national road and is contrary to the proper planning and sustainable development of the area.*
- 2. The proposed development is considered unacceptable in terms of design, form, proportions and external materials and is contrary to the design principles indicated in policy objective CPO 16.32 of the Westmeath County Development Plan 2021- 2027 and the Westmeath Rural Design Guidelines...*

## 5.0 National/Regional/Local Planning Policy

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

I note to the Board that the grounds of appeal directly reference Development Plan objectives, 9.17, 10.3, 10.45, 10.46, 10.48 and 16.33. The text of these objectives is set out in full below and are denoted by an Asterix\*.

The subject site is on unzoned land which is designated as a 'Rural Area Under Strong Urban Influence'.

**Chapter 9 – Rural Westmeath** - sets out the rural settlement strategy for the county.

### **Section 9.4 – Rural Settlement Strategy**

#### Rural Housing Need Policy Objectives -

Policy objective **CPO 9.1** relates to Areas Under Strong Urban Influence and sets out the criteria to demonstrate 'Local Housing Need' for rural areas and states the following,

#### **Local Housing Need**

Permit residential development in areas defined 'Rural Areas Under Strong Urban Influence and Stronger Rural Areas' subject to the following circumstances:

1. Persons who are actively engaged in agriculture, horticulture, forestry, bloodstock and peat industry Development Plan Policy/Objectives members of farm families seeking to build on the family farm,
2. Landowners for this purpose being defined as persons who own the land 5 years prior to the date of planning application,
3. Persons employed locally whose employment would provide a service to the local community,
4. Persons who have personal, family or economic ties within the area, including returning emigrants,
5. Persons who wish to return to farming and who buy or inherit a substantial farm holding which is kept intact as an established farm unit, will be considered by the Council to be farmers and will be open to consideration for a rural house, as farmers.
6. Where there is already a house on the holding, refurbishment or replacement of this house is the preferred option.

The local area for the purpose of this policy is defined as the area generally within a 10km radius of the applicant's family home.

In line with Circular Letter PL 2/2017, review rural housing policy in line with Development Plan or other relevant Guidelines issued by the Minister in this area having regard to NPO 19.

**Section 9.5.1 – Rural Housing Siting and Design** – the Development Plan recommends clustering houses in rural areas to utilise a shared entrance.

## **Section 9.6 – Development within the hinterland of Settlements**

### Policy Objectives –

**CPO 9.14** - Promote the clustering of houses particularly on the same landholding or for the same family and promote shared accesses to minimise hedgerow removal.

**\*CPO 9.17** - Ensure that the road network is adequate to cater for the development and that the traffic movements generated by the development will not give rise to a traffic hazard.

## **Chapter 10 – Transport Infrastructure and Energy**

**(Note** - The N55 is a National Secondary Road).

### Transport and Infrastructure Policy Objectives – National Roads

**\*CPO 10.3** - Support the implementation of the following national and regional transport policies as they apply to Westmeath: - The National Planning Framework - The RSES for the Eastern and Midland Region - Smarter Travel, A Sustainable Transport Future 2009 – 2020 - Design Manual for Urban Roads and Streets (DMURS) - Spatial Planning and National Roads - Guidelines for Planning Authorities 2012 - National Cycling Policy Framework and National Cycle Manual - Strategy for the Future Development of National and Regional Greenways, 2018. - Local Link Rural Transport Programme Strategic Plan 2018 - 2022. The Council also supports the implementation of sustainable transport solutions

**\*CPO 10.45** - Maintain and protect the safety, capacity and efficiency of National roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, DECLG, (2012) and the Trans-European Networks (TEN-T) Regulations.

**\*CPO 10.46** - Protect national roads from inappropriate access in order to protect the substantial investment in the national road network, to preserve the carrying capacity and safety of the National Road Network and to prevent the premature obsolescence of the network.

**\*CPO 10.48** - Prevent, except in exceptional circumstances, the creation of additional access points from new developments or the generation of increased

traffic from existing accesses to national roads, to which speed limits greater than 60 km/h apply.

## **Chapter 16 - Development Management Standards Policy Objectives – Rural Housing**

### **Policy Objectives**

**CPO 16.31 & 16.32** – relates to site selection and design of rural houses and recommends the use of simple forms in locations that visually integrate with the surroundings. Clustering with existing rural buildings is generally preferable to stand-alone locations.

**\*CPO 16.33** – This objective relates to Development Management Standards for Rural Housing and sets out the requirements for Site Selection, Materials and Detailing, Boundary Treatment, Access and Sight Lines, Landscaping and Surface and Wastewater Treatment. It recommends the use of natural boundaries and the retention of hedgerows. The sharing of vehicular entrances is encouraged and sight lines of 230 metres on National Roads should be provided.

**CPO 16.34** – relates to domestic garage / shed / stores and requires that the design, form and materials should be consistent with the main building and that the garage/shed should be subservient in size.

### **National and Regional Policy**

The following national policy documents and specific objectives are referenced in the grounds of appeal:

- **Regional Spatial and Economic Strategy 2019-2031 (RSES)**

**RPO 8.1** – The integration of transport and land use planning in the Region shall be consistent with the guiding principles expressed in the transport strategy of the RSES.

**RPO 8.2** - The capacity and safety of the Region's strategic land transport networks will be managed and enhanced, including through the management of travel demand in order to ensure their optimal use.

- **Project Ireland 2040 - National Planning Framework (NPF)**

The objectives of the NPF are supporting in the *National Investment Framework for Transport in Ireland* document.

**National Strategic Outcome 2** – Enhanced Regional Accessibility, i.e. to enhance accessibility between key urban centres of population and their regions.

- **National Development Plan**

**Chapter 7** – Enhanced Regional Accessibility – sets out a sectoral priority of maintaining Ireland's existing road network to a safe and robust standard for users.

- **Department of the Environment Community and Local Government (DoECLG) Spatial Planning and National Roads Guidelines for Planning Authorities (2012)**

**Section 2.5** - Required Development Plan Policy on Access to National Roads -

Lands adjoining National Roads to which speed limits greater than 60 kmh apply:

The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

## **5.1 Natural Heritage Designations**

No designations apply to the subject site.

## **6.0 The Appeal**

### **6.1 Third Party Appeal.**

The grounds of appeal include the following,

- The development is contrary to policy included in the Department of Housing, Local Government and Heritage (DoECLG) *Spatial Planning and National Roads Guidelines for Planning Authorities* on access to national roads outside the 50/60km/h speed zones of towns and villages.

- The development is contrary to National Strategic Outcome 2 (NSO) of the National Planning Framework (NPF) and to Regional Policy Objective 8.2 (RPO) of the Eastern Midland Regional Assembly Regional Spatial and Economic Strategy 20192031 (RSES).
- The development is contrary to the Westmeath County Development Plan (CDP) objectives CPO 10.3, 10.45, 10.46, 10.48, 9.17 and 16.33, (listed in full above).
- There is no provision in the CDP that allows for 'exceptional circumstances' to accommodate the development and no agreement has been made between TII and the PA regarding the provision of 'exceptional circumstances'.
- The subject proposal is at variance to recent decisions made by the PA for the development of a single house at the same site under Reg. Ref. **24/60299** and **23/99** which refused permission for the construction of a single house on the site.
- The development would endanger public safety by reason of a traffic hazard and would create an unwelcome precedent for similar proposals on the national road network.
- The presence of the existing entrance is acknowledged; however, the additional house would result in an intensification of use through trips generated from the house through residents, visitors and servicing. The appellant is of the opinion that the option of creating an entrance onto a non-national road should have been explored as an alternative.

## **6.2 P.A. Response**

No response on file.

## **6.3 Applicants Response**

Response received on the 24<sup>th</sup> of February 2025 and includes the following:

- The proposed dwelling would not increase traffic entering the N55 and there is no evidence that road safety would be compromised.
- The development proposal would use an existing entrance which serves the applicants family home and farm buildings. There is no alternative entrance and there is no other choice of entrance.

- The applicant currently helps on the farm and will eventually inherit it. There will be no additional movements, the existing activity on the site will continue and the existing number of vehicles accessing it will remain the same.
- Both applicants satisfy the local needs criteria for rural housing and if they were forced to move away from the family home, additional trips would be generated through visits and helping on the farm. The proposed use would not intensify the use of the entrance and would not conflict with policy CPO 10.45, 10.46 and 10.48 of the Development Plan.
- The applicant notes that the N55 is subject to an upgrade scheme by Westmeath County Council which will bypass the villages of Ballykeeran, Glasson and Tang. This scheme will reduce traffic through the villages and will increase safety for road users. This will also address the concerns of the appellant with regard to objectives CPO 9.17, 10.45, 10.46, 10.48 and 16.33. The proposed development will not compromise the proposed N55 road scheme.
- Existing sightlines will be maintained at all times from the existing access point.
- To allay the concerns of the appellant, the applicant notes that an occupancy condition has been attached to the grant of permission which ensures that there is no intensification of the use of the access caused by future persons not engaged in farming activity.

## **7.0 EIA Screening (preliminary examination) –**

See completed Forms 1 and 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **8.0 AA Screening**

Having regard to the modest nature and scale of development for a detached house on a greenfield site, the separation distance of approximately 4km from the closest European Sites, (Lough Ree SPA and SAC), and the absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **9.0 Assessment**

I consider the main issues for consideration in the appeal relate to the,

- Principle of development, and,
- Vehicular access.

### **9.1 - Principle of development**

The subject site is on unzoned land outside of a settlement boundary. As such, the Rural Settlement Strategy (Section 9.4) of the Westmeath County Development Plan, applies. The report of the PO states that both applicants are from the local area and that one of the applicants is the son of the landowner and currently lives in the family home. The applicant's response to the appeal also states that he currently helps out on the farm and will eventually inherit it. On this basis, I am satisfied that the applicants meet the criteria for Local Housing Need which is set out in Rural Housing Need Policy Objective CPO 9.1 of the Development Plan.

The single storey house would be of contemporary design with a fragmented built form and simple architectural treatments. The house would be positioned opposite, and facing onto, the existing farmhouse on the site with the old stone buildings and farm buildings in between creating a cluster effect. It would be set back from the public road by approximately 120m and would be bounded by a post and wire fence with a native tree and hedge screening. I am satisfied that the siting and design of the house would be in accordance with the requirements of CPO 16.31 of the Development Plan and, that by virtue of its location at some remove from existing

development, that it would not have an impact on existing residential development. Furthermore, I consider the development to be in accordance with objectives CPO 16.31 & 16.32 of the Development Plan which seek to cluster rural development and to share entrances to reduce visual impact and to reduce the number of new entrances.

A Site Characterisation Form was submitted with the application and states that the site is suitable for the proposed wastewater system. I have reviewed the contents of the Form, and I am satisfied that the conditions of the site are in accordance with the requirements of the *EPA Code of Practice for Domestic Waste Water Treatment Systems (2021)*. Trial holes were dug to a depth of 2.1m with no water ingress recorded and bedrock not encountered. Subsoils consisted of clay and silt and subsurface percolation tests carried out yielded an average percolation value of 15.72 minutes per 25mm. This result is in accordance with the Table 6.4 of the EPA Code of Practice and indicates that the site is suitable for a septic tank and percolation area. The separation distances set out in Table 6.2 of the EPA CoP can also be achieved.

### **Vehicular Access**

The main issue in the grounds of appeal relates to the existing vehicular access to the site and its potential impact on the N55 national secondary road. The appellant contends that the development is not in accordance with national policy as it would result in an intensification of an existing entrance on a national road which could result in a safety risk to road users. The provisions of the DoECLG *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* are referenced in this regard. Section 2.5 of the Guidelines states that the policy of the local authorities should be to avoid the creation of new access points or the generation of increased traffic from existing access points on national roads where the speed limit is greater than 60kmh. Previous planning history (**Ref. 23/99** and **24/60299**) for the site is also referenced, where permission for a similar development was refused for reasons which included the intensification of an entrance onto the N55 which would not be in accordance with Development Plan policy objective CPO 10.48 and Section 10.5.1 of the Development Plan.

In response, the applicant argues that the provision of a dwelling house on the site would not result in additional turning movements in and out of the site as the applicant already engages on farming activity on the land and living elsewhere would require additional trips to and from the farm. There is an existing site access and there is no other option to gain access to the land from a different non-national road as suggested by the appellant. Furthermore, the clustering of rural housing, within the family landholding, is in accordance with Development Plan policy as set out in policy objectives CPO 16.31 & 16.32. The applicant also notes that the proposed upgrade to the N55 will reduce traffic on the road by bypassing local villages.

I have reviewed the documentation and visited the site, and I am satisfied that the proposed development for a single house on a family farm would not lead to an intensity of traffic or car movements that would significantly impact on the safety, function or capacity of the existing national secondary road. I accept the argument put forward by the appellant that the provision of a house would generate additional movements in terms of visitors and servicing. However, I do not accept that the level of movements would intensify the use of the existing access to such an extent that it would have an impact on the functioning or safety on the N55 over and above that which already exists.

I note that the applicant states in the application that they live on the site and that they are actively engaged in farming the land. On this basis, I do not consider that significant additional movements would be generated by the provision of a separate house within the site for a family member who already resides on the land. I note the argument put forward by the applicant that additional movements to and from the site would be generated if the applicants are living elsewhere, which is a reasonable assertion.

Development Plan policy objectives CPO 10.45 and 10.46 seek to protect the safety and capacity of the national roads network. CPO 10.48 seeks to prevent the creation of new access points or the intensification of existing access points onto national roads where the speed limit is above 60kph, except in exceptional circumstances. I agree with the appellant that the provision of a single house is not an exceptional circumstance. However, as noted above, I do not agree that the level of traffic that would be generated from the new house would result in any significant intensification of use that would impact on the safety and/or capacity of the N55 at this location.

The appellant notes that the sightlines on the application are indicated as 120m in each direction and that the District Engineers state that they are 150m. Both of which fall short of the Development Plan requirement of 230m on national roads, (CPO 16.33). The ground of appeal also references the *N55 Ballymahon Option Selection Report*, published by Westmeath County Council in 2023 which states that the section of the N55 within the study area has not been engineered and is substandard.

Upgrade works to the N55 are planned but have no clear timeline for delivery. Whilst the existing entrance may not achieve the 230m sightlines in each direction, I note that it is an existing entrance, which is currently in use, and which has clear and unobstructed sightlines of 120m in both directions. Furthermore, a plaque I observed on the site visit indicates that there has been a settlement on the site since the early 1700's.

In consideration of the foregoing, I am satisfied that the provision of a single house on a family farm where one of the applicants is engaged in farming and helps with the family home, would not result in an intensification of an existing entrance that would result in an impact that would be significantly affect the carrying capacity or safety of the N55 national secondary road at this location.

## **10.0 Recommendation**

I recommend that permission for the development be granted.

## **11.0 Reasons & Considerations**

Having regard to the location of the subject site within a wider landholding in a rural area, it is considered that the proposed development would be in accordance with the policies and objectives of the Westmeath County Development Plan 2021-2027 where they relate to the Rural Settlement Strategy, Rural Housing Siting and Design and Development within the Hinterland of Settlements as set out in policy objectives CPO 9.1, CPO 9.14 and CPO 16.31 and would not seriously impact on the residential amenity or rural character of the adjoining area. It is also considered that the proposed development would not seriously affect the traffic safety of the area, lead to a traffic hazard or impact on the carrying capacity of the N55 National

Secondary Road by virtue of its use of an existing entrance and the low level of traffic to be generated from the addition of a single house on the site and that the development would be in accordance with policy objectives CPO 9.17, 10.45 and 10.46. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by the planning authority on the 6<sup>th</sup> day of November 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

#### **Reason: In the interest of clarity.**

2. The dwelling when completed shall be first occupied as the place of residence of the applicant, members of the applicant's immediate family or their heirs and shall remain so occupied for a period of seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant.
  - (ii) Before development commences, the applicant shall enter into an Agreement with the Planning Authority, pursuant to Section 47 of the 2000 Planning and Development Act providing for the terms of this occupancy requirement.
  - (iii) Within two months of the occupation of the dwelling, the applicant shall submit to the Planning Authority, a written statement of the confirmation of the first occupation of the dwelling in accordance with paragraph (i) and the date of such occupation.
  - (iv) This condition shall not affect the sale of the dwelling by a mortgage in possession or by any person deriving title from such a sale.

**Reason: To ensure that the proposed house is used to meet the applicants' stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.**

3. (i) The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details submitted on the 6<sup>th</sup> day of November 2024. Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

(ii) Any required hedgerow and tree removal to facilitate the proposed development or hedgerow maintenance should not take place during the breeding season between 01 March and 31 August. Developed road sightlines shall take account of the extent of summer hedgerow vegetation.

(iii) All proposed hedgerows shall be of indigenous mixed species including at least 5 of the following: blackthorn (*Prunus spinosa*), whitethorn (*Crataegus monogyna*), ash (*Fraxinus excelsior*), crab apple (*Malus sylvestris*), downy birch (*Betula pubescens*), guelder rose (*Viburnum opulus*), hazel (*Corylus avellana*), holly (*Ilex aquifolium*), pendunculate oak (*Quercus robur*), rowan (*Sorbus aucuparia*), spindle (*Euonymus europaeus*), whitebeam (*Sorbus aria*), wild cherry (*Prunus avium*), elm (*Ulmus glabra*). Please note that beech, field maple, Laurel and Leylandii are not native/indigenous species.

**Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.**

4. (i) Prior to the first occupation of the dwelling, existing sightlines as per site layout plan shall be maintained at all times from the existing access point. These sightlines shall remain unobstructed and nothing shall be planted, sown, constructed or erected forward of the sightlines. Any pole or column materially affecting visibility must also be moved;
- (ii) The existing road drainage shall not be impaired;

(iii) The applicant shall provide a concrete, tarmacadam or alternative paved surface apron, minimum 100mm thickness, between the metalled edge of the existing road and the proposed entrance gate/culvert.

(iv) Surface water from the site shall not be allowed to run onto the public road. A linear drainage channel or road gullies shall be placed at the entrance connected back to an additional dedicated soakaway to prevent surface water run-off from the development onto the public road.

**Reason: In the interests of road and traffic safety.**

5. The applicant shall ensure sightline are achieved at the proposed entrance off the public road. Sightlines are to be measured to the nearside road edge with all structures and vegetation set back outside the sightline triangle.

**Reason: In the interest of traffic safety.**

6. (i) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 6<sup>th</sup> day of November 2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) ” – Environmental Protection Agency, 2021.

(ii) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )” – Environmental Protection Agency, 2021.

(iii) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason: In the interest of public health and to prevent water pollution**

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, and between the hours of 0800 to 1400 on a Saturday and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. No dust, mud or debris from the site shall be carried onto or deposited on the public road/footpath. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.

**Reason: To protect the amenities of the area and in the interests of road safety.**

9. During construction the developer shall provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road or footpath.

**Reason: In the interests of traffic safety.**

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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

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Elaine Sullivan

Senior Planning Inspector

17<sup>th</sup> of April 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b>	ABP-321750-25		
<b>Case Reference</b>			
<b>Proposed Development</b>	Single storey rural house.		
<b>Summary</b>			
<b>Development Address</b>	Lissoy, The Pigeons, Athlone, Co. Westmeath.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Class 10b(i) Construction of more than 500 dwelling units	Proceed to Q3.
<b>No</b>	Tick or leave blank		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			

<b>Yes</b>	X	Class 10b(i) Construction of more than 500 dwelling units. The proposal consists of 1 no. dwelling on a site size of 0.03ha	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?			
<b>No</b>	X	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>	
<b>Yes</b>		<b>Screening Determination required</b>	

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-321750-25</b>
<b>Proposed Development Summary</b>	Single storey rural house.
<b>Development Address</b>	Lissoy, The Pigeons, Athlone, Co. Westmeath
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development proposal consists of 1 no. rural house on a greenfield site.</p> <p>The development will consist of typical construction and related activities and site works.</p> <p>Wastewater will be treated onsite using a septic tank and percolation area.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas,</p>	<p>The subject site is not located within any designated site. The nearest sites are:</p> <p>Lough Ree SPA and SAC – mc. 4km from the subject site.</p> <p>My Appropriate Assessment screening concludes that the proposed development would not likely have a significant effect on any European site. The subject site</p>

landscapes, sites of historic, cultural or archaeological significance).	is located outside any flood risk area for coastal and fluvial flooding.	
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The site size measures 0.5ha. The size of the development is not exceptional in the context of the existing environment.  Due to the nature and location of the site, there is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)