



An  
Bord  
Pleanála

## Inspector's Report

### ABP-322070-25

#### Development

A single storey drive-thru restaurant including the ancillary sale of hot food for consumption off the premises with an associated corral area, elevational signage, car parking including accessible parking spaces, grill bays, EV charging spaces, bicycle parking, a height restrictor, customer order points with associated canopies, totem signage, free-standing signage, banner frames and digital menu boards, ESB substation and kiosk, landscaping including outdoor furniture/seating area with parasols, boundary treatments, lighting, reconfiguration of part of the existing car park to facilitate the development including new pedestrian crossings, and all associated site and engineering works necessary to facilitate the development.

#### Location

Lakepoint Retail and Business Park,  
Delvin Road, Petitswood, Mullingar,  
Co. Westmeath

<b>Planning Authority</b>	Westmeath County Council
<b>Planning Authority Reg. Ref.</b>	2460191
<b>Applicant(s)</b>	McDonald's Restaurants of Ireland Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Ray Leonard
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> May 2025
<b>Inspector</b>	Emma Nevin

## **1.0 Site Location and Description**

- 1.1. The appeal site has a stated area of 0.355 ha. and is located to the northeast corner of the Lakepoint Retail and Business Park. The appeal site is currently in use as a car park and consists of some planting to the roadside boundary. The immediate surrounding area comprises the Lakepoint Retail and Business Park, associated car parking with a greenfield area to the north of the site. The east of the site is bounded by Devlin Road with the N4 National Road further east.
- 1.2. There is a recorded monument (WM019-059) Ringford-rath located to the north of the site, and an earthwork recorded monument located to the east of the site (WM019- 060), however these are outside the application site boundary.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of:
  - A single storey drive-thru restaurant including the ancillary sale of hot food for consumption off the premises with an associated corral area,
  - Elevational signage,
  - Car parking including accessible parking spaces, grill bays, EV charging spaces,
  - Bicycle parking,
  - A height restrictor,
  - Customer order points with associated canopies,
  - Totem signage and free-standing signage, banner frames and digital menu boards,
  - ESB substation and kiosk,
  - Landscaping including outdoor furniture/seating area with parasols, boundary treatments, lighting,
  - Reconfiguration of part of the existing car park to facilitate the development including new pedestrian crossings, and all associated site and engineering works necessary to facilitate the development.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority granted permission on 13<sup>th</sup> February 2025, subject to 18 conditions, which included the following:

- Condition 2 related infrastructural works at the junction of Brawney Road and the Ballymahon Rd/ N55 roundabout and along the extent of the subject site of Brawney Road.
- Condition 3 related to opening hours.
- Condition 4 relates to roads requirements.
- Conditions 7 and 8 relate to the submission of a CEMP and RWMP.
- Conditions 9 and 10 relate to advertisement and signage details.
- Condition 11 and 12 relate to waste and surface water requirements.
- Condition 17 relates to noise.
- Condition 18 related to Development Contributions.

### 3.2. Planning Authority Reports

3.2.1. Planning Report dated 10<sup>th</sup> February 2025 have been provided.

3.2.2. This planning application was assessed under the Westmeath County Development Plan, 2021 – 2027.

3.2.3. The planners report concluded that having regard to “*the plans and particulars submitted with the application and my inspection of the site I recommend that planning permission be granted*”, and “*Having regard to the provisions of the Mullingar Local Area Plan 2014-2020 and the Westmeath County Development Plan 2021-2027, it is considered that the proposed development, subject to the conditions in Schedule Two, would be in accordance with the proper planning and sustainable development of the area*”, subject to the conditions in schedule two, would be in accordance with the proper planning and development of the area, subject to 18 no. conditions, noted in Section 3.1.1 above.

#### 3.2.4. Other Technical Reports

- District Engineer: No objection, subject to conditions.
- Environment: No objection, subject to conditions.
- Chief Fire Officer: Fire Safety Certificate required.

#### 3.3. Prescribed Bodies

- HSE Environmental Health: Comments provided.
- Transport Infrastructure Ireland: Comments provided.
- Uisce Éireann: No report received.
- The Heritage Council: No report received.
- DAU: No report received.
- An Taisce: No report received.
- Gas Networks: No report received.

#### 3.4. Third Party Observations

3.4.1. One third party submissions were received, the main issues raised within which can be summarised as follows:

- Noise.
- Traffic.
- Site location which will significantly affect the community.

### 4.0 Planning History

4.1. The following planning history on site is of relevance to the instant appeal.

- 11/5099: Permission granted by Westmeath County Council on 9<sup>th</sup> September 2011 for a single storey restaurant/coffee kiosk having a total floor area of 185sqm and including a mini totem signage, service yard, outdoor seating area, amended landscaping and car parking layout and all ancillary site works

on lands area 1,217sqm and supplementary car parking provided on lands area 746sqm within the existing Lakepoint Retail Park.

- 00/1217: Permission granted by Westmeath County Council on 14<sup>th</sup> December 2000 for erection of 3 internally illuminated signs, two signs mounted on the glazed tower each 10.27sqm and one sign mounted above the entrance 14sqm at Atlantic Homecare within the existing Lakepoint Retail Park.
- 97/1169: Permission granted by Westmeath County Council on 31<sup>st</sup> July 1998 for information technology, industry and business services park, retail, commercial and residential development inc. assoc. site development infrastructure within the existing Lakepoint Retail Park.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1. The Westmeath County Development Plan 2021-2027 is the relevant Development Plan.

5.1.2. Relevant Development Plan Policies and Objectives:

- CPO 2.5 – Support the continued growth and sustainable development of Mullingar to act as a growth driver in the region and to fulfil its role as a Key Town in accordance with the principles and policies of the RSES.
- CPO 16.7 – Evaluate signage proposals in relation to the surroundings and architectural features of the building or structure on which signs are to be displayed, the number of signs in the area and the potential for the creation of undesirable visual clutter.
- CPO 16.40 – Fast Food/Take-away outlet.

In assessing planning applications for fast food outlets, the following considerations will be taken into account:

- Proposal should generally be confined to core retail areas or areas of mixed commercial development.

- Proximity to schools.
- The envisaged cumulative effect of the proposed development on the existing mix of land uses and activities within an area/proximity of site. (The Council considers it inappropriate to provide for an excessive concentration of takeaways within a given area in order to maintain an appropriate mix of uses and protect night-time amenities in particular areas).
- Proposed Hours of Operation.
- Location of vents and other external services and their potential impact on adjoining amenities in terms of noise/odour/visual impact.
- Potential impacts on the character and amenities of an area (such uses are generally incongruous with mid-terrace locations or other locations where neighbouring properties or upper floors unconnected with the business are in residential use).
- The scale of the development proposed in keeping with the scale of the building and the pattern of development in the area.
- Westmeath County Retail Strategy Policy RP1: Key Town – Mullingar It is the Policy of the Council to promote and encourage major enhancement and expansion of retail floorspace and town centre functions in Mullingar to reflect its role as a major town centre and further develop its competitiveness and importance as a key centre in the County and Eastern and Midland Region.
- Policy GR7 – To prohibit mainstream and discount convenience retail developments in retail parks.
- Policy GR8 – To prohibit mainstream comparison retail development or retailers in retail parks.

## 5.2. Mullingar Local Area Plan 2014 – 2020

- 5.2.1. The site is zoned 'Commercial' within the Mullingar Town Local Area Plan 2014 – 2020 with a stated objective *"To provide for commercial development which does not need to be located in the town centre or retails warehousing zone"*.

#### 5.2.2. Relevant LAP Policies and Objectives:

- Policy O-LZ4 – To provide for commercial development which does not need to be located in the town centre or retail warehousing zone. ‘This zoning provides for expansion of existing commercial uses and for new uses such as offices, hotel, showrooms. Such uses shall be consistent with the Retail Strategy and shall not detract from the retail function of the town centre. It does not encompass residential use’.
- Supporting Paragraph 9.16.7 Takeaways ‘Due to the amenity considerations, take-away establishments should generally be confined to core retail areas or areas of mixed commercial development. In order to maintain an appropriate mix of uses and protect night-time amenities in particular areas, it is the objective of the Council to prevent an excessive concentration of takeaways and to ensure that the intensity of any proposed takeaway is in keeping with both the scale of the building and the pattern of development in the area. The provision of such facilities will be strictly controlled.’

5.2.3. I note that the Mullingar Local Area Plan 2014 – 2020, has expired, however the local authority is currently in the Pre-Draft Stage of the Mullingar Local Area Plan 2024 – 2030.

#### 5.3. National Planning Framework – First Revision (April 2025)

5.3.1. The NPF as revised, provides an overarching policy and planning framework for the social, economic and culture development of the country. NPO 20 is noted which states *“In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth”*.

5.3.2. The following are of relevance:

*“NPO 14: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and*



support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.

*NPO 26: Continue to support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.*

*NPO 38: Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved regeneration and greater accessibility in the delivery of sustainable communities and the provision of associated services”.*

#### **5.4. Eastern and Midlands Regional Spatial and Economic Strategy**

- 5.4.1. The Eastern and Midlands Regional Spatial and Economic Strategy (RSES) recognises the major contribution that rural areas make towards regional and national development in economic, social and environmental terms. The RSES aims to strengthen the fabric of rural Ireland, supporting rural towns and communities as well as the open countryside, improving connectivity, and supporting job creation, particularly in a more diverse range of sectors.
- 5.4.2. The RSES supports the consolidation of the town and village network, to ensure that development proceeds sustainably and at an appropriate scale, level, and pace in line with the Core Strategies of County Development Plans.
- 5.4.3. Mullingar is seen as a key town in the Settlement Hierarchy of the RSES, “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”.
- 5.4.4. Mullingar “is located on the Dublin to Sligo rail line and M4 motorway, provides an essential role in supporting population and job growth and in this regard acts as a crucial centre for the surrounding hinterland”.
- 5.4.5. The following are of relevance:

“RPO 4.64: Support Mullingar’s role as a tourism hub having regard to its accessibility to key tourist destinations in the Region including proximity to natural amenities and recreational opportunities including the Galway to Dublin Greenway.

RPO 4.65: Promote the plan led development and regeneration of publicly owned land banks in the town for employment, education, community, cultural and recreational opportunities and to support the economic development and regeneration of the town centre.

RPO 4.66: Support the development and expansion of the Midlands Regional Hospital including any necessary supporting infrastructure.

RPO 4.67: Support Mullingar’s role as an important employment hub by promoting economic development and clustering of related enterprises”.

## **5.5. Ministerial Guidelines**

### **5.5.1. Section 28 Guidance**

- Retail Planning Guidelines (DoECLG April 2012).

## **5.6. Natural Heritage Designations**

### **5.6.1. The subject site is not located within or adjacent to any European Site. The closest European Sites, part of the Natura 2000 Network, are:**

- Wooddown Bog SAC (Site Code 002205) located c. 2.3km, from the appeal site.
- Lough Owel SAC (Site code 000688) located c.4.4km from the appeal site.

## **5.7. EIA Screening**

### **5.7.1. I refer the Board to the completed Form 1 and Form 2 in Appendix 1.**

### **5.7.2. 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.**

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. One appeal has been received from Ray Leonard. The grounds of the appeal are summarised as follows: -

- The Local Area Plan relating to the site was adopted in 2014 and predates more updated national policies including the Town Centre First Policy.
- The site is zoned for commercial purposes, 'takeaway/fast food' is only open for consideration and the development is very much a take-away enterprise which is emphasised by the extensive drive thru operation purposed.
- The previous planning permission was granted in 2011 and never built – with no mention of a takeaway and did not contain a drive thru. It was designed primarily to service the worked on the commercial estate and was significantly smaller than what is proposed.
- No specified opening hours – Condition No. 3 of the Grant of permission is this regard.
- The development is premature pending the adoption of the Mullingar Local Area Plan 2024 – 2030.
- A restaurant more specifically servicing the needs of the commercial estate and providing synergy with the area would be acceptable.
- The development proposed is a car orientated on the edge of town near the N4/N52 interchange and will deflect traffic from using the town centre for eating/shopping purposes.
- The development will primarily function as a single trip facility aimed at car based customers which will negative impact on the commercial viability and vitality of the town centre.
- CPO 2.5 is a core policy objective to support the continued growth and sustainable development of Mullingar to act as a 'growth driver' and to fulfil its role as a 'key town' in accordance with the principles of the RSES.

- The development will act against the town centre first approach which is central to any continued and sustainable development of Mullingar.

## 6.2. Applicant Response

6.2.1. A response was received from the applicant's agent in respect to the third party observation as follows:

- The appeal is considered vexatious in nature and should be dismissed.
- The appeal has been made to delay the development.
- Westmeath County Council have begun the preparation of the 2025-2031 Local Area Plan. In the absence of any further Local Area Plan, any future development within Mullingar is safeguarded by the policies and objectives of the County Development Plan.
- The proposed development is compliant with all relevant planning policies and objectives and permission should be granted.
- With restaurant/café being a use 'permitted' and takeaway/fast food as 'open for consideration', it is submitted that the proposed drive-thru restaurant is considered acceptable and compliant with the zoning objective.
- The drive-thru as proposed is of a standard design and specification of all McDonalds drive-thru restaurants.
- The Council concluded that the proposal in the context of the 'commercial' zoning of the site, having particular regard to the fact that there are no other restaurants/fast food units located in the retail park.
- In respect to the planning history, permission was granted for a single storey restaurant/café located on substantially the same grounds as the subject site.
- The previous application has set a precedent for food and beverage service being located within the car park of the retail and business park.
- The applicant will provide a food and beverage service to those visiting and working in the area.

- The applicant has calculated the number of car parking spaces being lost to serve the site and assessed it against the quantum of parking proposed while analysing the total number of car parking spaces required for the retail park under the current Development Plan provisions.
- There is an over provision of 84 no. car parking spaces serving the retail park following the construction of this proposal. As such the site cannot be considered too large of a scale or suggested to take up too much space within the existing car park.
- The applicant is willing to accept an appropriate condition relating to trading hours, however, the applicant wishes to operate for 24 hours and states that this can be supported by the fact that there are no residential areas in which amenities can be injured and the sites' location immediately adjacent to the N4 National Road.
- The proposal will provide a complementary and synergistic use to the existing uses of the Lakepoint Retail and Business Park and will enhance the experience of the area.
- The proposal will provide employment opportunities.
- Given the precedent set and strategic location permission should be granted.

### **6.3. Planning Authority Response**

6.3.1. No response received from Westmeath County Council.

### **6.4. Observations**

6.4.1. None received.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including the third party appeal (the subject matter of this appeal), the applicants' response, the site inspection and having regard to the relevant policies, objectives, and guidance, I am satisfied that the main issues to be considered are those raised

in the grounds of appeal, and no other substantive issues arise. The main issues in determining this appeal are as follows:

- I. Principle of Development
- II. Planning History
- III. Scale of Development and Use
- IV. Commercial Viability and Town Centre First
- V. Water Framework Directive,
- VI. Appropriate Assessment, and
- VII. Other Matters.

7.2. This assessment represents my de novo consideration of all planning issues material to the proposed development.

**7.3. Principle of Development**

- 7.3.1. Concerns are raised in the appeal in respect to the Local Area Plan and the zoning of the site and the proposed take away enterprise, and that the development is premature pending the adoption of the Mullingar Local Area Plan 2024 – 2030.
- 7.3.2. The appeal site is located within the boundary of the Mullingar Local Area Plan 2014 - 2020. The Mullingar Local Area Plan 2014 – 2020, has expired, however, the local authority is currently in the Pre-Draft Stage of the Mullingar Local Area Plan 2024 – 2030.
- 7.3.3. To this end I reference Core Strategy Policy Objective CPO 2.6 of the Westmeath County Development Plan 2021 - 2027 to “Prepare a Local Area Plan (LAP) for Mullingar to align with the RSES and this Core Strategy”.
- 7.3.4. The appeal site has a land use zoning objective ‘Commercial’ within the Mullingar Town Development Plan, 2014-2020, with an objective “*To provide for commercial development which does not need to be located in the town centre or retails warehousing zone*”.
- 7.3.5. I note that Restaurant/Café use is ‘Permitted in Principle’, and a Take-away/Fast Food is ‘Open for Consideration’ on lands zoned for commercial use.

7.3.6. As the subject lands were zoned under the LAP, their current status is unzoned. However, I note that the per-draft stage has commenced on the Mullingar Local Area Plan 2024 – 2030, this alone does not preclude the consideration of the development in accordance with the current zoning objective for the land and the Development Plan. For instance, Section 7.4.7 Retail Development in Business Park and Employment Area of the Westmeath Development Plan states *“Increasingly, single use large employment areas, be they business parks or industrial parks and estates, have generally been superseded by more mixed-use sustainable development models that combine working, living, leisure, shopping and local services provision. In addition to being a more sustainable development strategy for major strategic greenfield and brownfield locations, the introduction of local shopping and services provision is an important ingredient in the attraction and competitiveness of such areas”*.

7.3.7. I also note CPO 16.40 Fast Food/Take Away Outlet, which states that certain criteria should be considered in assessing such planning applications including, proposals should be generally confined to core retail areas or areas of mixed commercial development, which is considered appropriate at this location within a retail and business park.

Conclusion:

7.3.8. Having regard to the most recent zoning objective pertaining to these lands, I do not consider that the zoning status of the lands to be an impediment to their development and that the principle of the proposed development to be acceptable on these lands. Furthermore, the applicant had engaged in pre-application consultations with the planning authority and has designed the site layout in accordance with the recommendations arising and the LAP and Development Plan provisions.

#### **7.4. Planning History**

7.4.1. The relevant planning history has been referenced in the planners’ report and also noted in Section 4 of this report.

7.4.2. The appellant references planning reference 11/5099, for a sit-down restaurant/coffee kiosk with no mention of take away facilities, which was stated to serve the workers on the commercial estate. The appellant also notes that this was never built.

- 7.4.3. The status i.e. the implementation or otherwise, of the previous planning application on site is not of concern of the Board under the assessment of this appeal.
- 7.4.4. The applicant in response to the appeal states that the previous application for a restaurant use has set a precedent for a food and beverage service at this site and that the current proposal will provide a similar offering to that previously permitted.
- 7.4.5. While this is acknowledged, and the development would be consistent with the locality, all appeal cases should be assessed and determined on their own merits having regard to the sensitivity of the receiving environment and the specifics of the proposed development.
- 7.4.6. **Scale of Development and Use**
- 7.4.7. Concerns have been expressed in relation to the scale of the development in comparison to the previous planning application on site.
- 7.4.8. The proposed restaurant will be single storey in nature and have a footprint of approximately 480 sq. m. and follows a standard design and layout of a typical McDonald's restaurant. Having regard to the location of the proposal within a retail and business park and having regard to the scale and extent of the existing commercial units in the park, I am satisfied that the scale of the proposal to be acceptable for this site.
- 7.4.9. In respect to the hours of operation the appellant notes the condition attached by the local authority and expresses concern that the hours of operation could be altered and that the public have no input in the matter.
- 7.4.10. The applicant in their response acknowledges the condition of the Planning Authority, however it is their desire for a 24 hour operating time given the location of the site.
- 7.4.11. I also note CPO 16.40 Fast Food/Take Away Outlet, which states that certain criteria should be considered in assessing such planning applications including hours of operation. The LAP offers no such guidance in respect of take-aways.
- 7.4.12. Having regard to the location of the site, I consider that the issue of impact on residential amenity does not arise in the context of the appeal site. The site is bounded by the N4, connecting to the N52 National Road, the M4 Motorway and by other commercial premises within the retail park. There is no potential for impact on



residential amenity on this basis. I furthermore do not consider that the 24-hour operation of the facility would impact on the amenity of existing commercial uses within the retail park.

- 7.4.13. I conclude that restrictions on opening hours are not required in the interests of the proper planning and sustainable development of the area.

#### **7.5. Commercial Viability and Principle of Town Centre First**

- 7.5.1. Concerns are raised within the appeal in relation to the negative impact on the commercial viability and validity of the town centre and goes against the principle of town centre first.
- 7.5.2. I refer to the guidance set out within the Retail Planning Guidelines (DoECLG April 2012) which advise that a 'health check' of town centre vitality and viability should look for diversity of uses as an indicator of a healthy town centre. Uses cited in the guidelines in this context include offices, shopping, commercial, leisure, cultural and entertainment, pubs, cafes, restaurant, hotels, educational uses, and housing.
- 7.5.3. I have had regard to the policies and objectives of the Mullingar LAP, now expired and the County Development Plan, which support the primacy of town centres. I do not consider, however, that the development represents a scale or format of development, which would have a detrimental impact on the vitality and viability of Mullingar town centre. Nor do I consider that Mullingar town centre displays signs of an unhealthy retail core. I note that the appeal site is located within an established Retail Park on a commercially zoned site. I furthermore note that the principle of a drive thru restaurant at this location was accepted by Mullingar County Council.
- 7.5.4. Objective CPO 16.40 Fast Food/Take Away Outlet of the Development Plan, states that caution will be expressed in respect to the potential to provide for an excessive concentration of takeaways in a given area. The appeal site is located within the Lakepoint Retail Park, containing a number of retail premises including an IMC Cinema, Brentwood Coffee Elvery's Sport, Harry Corry Interior, Carpet Right, DID Electrical, Woodies DIY, Maxi Zoo Mullingar and FBD Insurance. There are no other restaurants/fast-food units, within the retail park. As such, the proposed development will not result in an overconcentration of Drive Thru Restaurants in the Retail Park.

#### **7.6. Water Framework Directive**

- 7.6.1. The subject site is located not proximate to any waterbodies and is located to the eastern site of Mullingar town centre adjacent to the N4 National Road.
- 7.6.2. The proposed development comprises a single storey drive-thru restaurant including the ancillary sale of hot food for consumption off the premises with all associated site works.
- 7.6.3. No water deterioration concerns were raised in the planning appeal.
- 7.6.4. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status, and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 7.6.5. The reason for this conclusion is as follows [insert as relevant]:
- Nature of works e.g. small scale and nature of the development.
  - Lack of hydrological connections.

Conclusion:

- 7.6.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

**7.7. Appropriate Assessment**

- 7.7.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 7.7.2. The subject site is not located within or adjacent to any European Site. The closest European Sites, part of the Natura 2000 Network, are:
- (Wooddown Bog SAC) at a distance of c. 2.3km, and
  - Lough Owel SAC/SPA at a distance of c.4.4km, from the appeal site.

- 7.7.3. The proposed development is located to the eastern site of Mullingar town centre, on the Delvin Road adjoining the N4, in a strategic location and comprises a single storey drive-thru restaurant including the ancillary sale of hot food for consumption off the premises with all associated site works.
- 7.7.4. Having considered the nature, scale, and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.
- 7.7.5. The reason for this conclusion is as follows:
- Scale and nature of the development
  - The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.
- 7.7.6. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is, therefore, not required.

## **7.8. Other Matters**

### **7.8.1. Conditions:**

As noted in Section 3.1.1 above, the local authority recommended a grant of permission subject to 18 no. conditions. Several conditions have specific requirements and given the nature and scale of the development, in particular Condition No. 9 and Condition No. 10 which relate to advertising. Specifically Condition 10 pertains to the overall height of the totem sign to be agreed with the planning authority, I concur with this condition in order to protect the visual amenities of the area. Several conditions pertain to construction management, which can be agreed with the local authority prior to the commencement of development on site. Therefore, I concur with the local authority and recommend the inclusion of similar conditions in this instance.

### **7.8.2. Parking:**

While not specifically raised in the appeal, I acknowledge that some car parking in the existing retail park will be lost to facilitate the proposed development, however,

following site inspection, I am satisfied that ample parking is available with the retail park to serve any foreseeable demand, and therefore the development will not detract from the parking provision of the retail park.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission be granted for the development subject to conditions as set out below, for the following reasons and considerations.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the provisions of the Westmeath County Development Plan 2021-2027, the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would be appropriate in terms of the proposed use, scale, height and design, would not adversely impact on amenity or commercial viability of the existing retail and business park or Mullingar town itself, nor impact on the character or visual amenity of the area and would be acceptable in terms of traffic and pedestrian safety. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 received by the planning authority on the 9<sup>th</sup> day of December 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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>Prior to the commencement of development, the developer shall liaise with Mullingar County Council to ascertain their requirements relating to traffic management improvement works including pedestrian crossing facilities to the adjoining road network to facilitate the development, roadside trees and landscaping.</p> <p>A Stage 2 and Stage 3 Road Safety Audit shall be submitted to the planning authority for written agreement.</p> <p>Prior to first occupation of the development details of the Mobility Management Plan Coordinator shall be forwarded to the Planning Authority.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of orderly development and to ensure traffic safety</p>
3.	<p>No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>

4.	<p>The totem signage shall be reduced in height to facilitate its integration within the Lakepoint Retail Park and to ensure that the proposal shall not endanger public safety by reason of traffic hazard due to its nature, height, scale and potential distraction of drivers on the N4. Revised details shall demonstrate compliance with the foregoing and be submitted to and agreed in writing with the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and traffic safety.</p>
5.	<p>The 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 details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interests of sustainable drainage.</p>
6.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works and the applicant shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: To protect the amenities of the area.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
8.	<p>The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be</p>

	<p>submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of public health and to protect the amenities of the area.</p>
9.	<p>Details of the proposed lighting design shall be agreed in writing with the planning authority prior to the commencement of development. The luminaries shall be mounted so as to minimise the potential of obtrusive light, glare and light pollution into neighbouring lands or other sensitive receptors.</p> <p>Reason: In the interests of environmental protection.</p>
10.	<p>(i) All landscaping works shall be completed, within the first planting season following commencement of development, in accordance with the Landscape Masterplan (Drawing No. 01), Boundary Plan (Drawing No. 02, Planting Plan (Drawing No. 03) and Hardscape Plan (Drawing No. 04) submitted to the Planning Authority on 09-12-2024. Any trees of hedging which die, are removed or become seriously damaged or diseased, within a period of 5 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.</p> <p>(ii) Tree Protection Prior to commencement of any on site construction activity, the instalment of tree protective measures as per approved Tree Protection Plan (Drawing No. 240627-P-12) shall be carried out,</p> <p>Reason: In the interests of biodiversity and the visual and amenity of the area.</p>
11.	<p>(i) The applicant shall install and maintain a grease trap, through which all wastewater from the kitchen / food preparation area passes. The grease trap shall conform to Irish Standard EN1825-1 Grease Separators – Part 1 (Principles of design, performance</p>

	<p>and testing, marking and quality control) and I.S. EN 1825-2 Grease Interceptors – Part II ( Selection of nominal size, installation, operation and maintenance) published by the National Standards Authority of Ireland.</p> <p>(ii) (ii) No Emissions, including odours from the operations carried out at this site shall result in an impairment of, or an interference with amenities of the environment beyond the installation boundary. In this regard the extraction system (or equal &amp; approved) proposed in the submission dated received 30.01.2024 shall be provided and maintained. Annual service records of the extraction system shall be retained and made available to Planning Authority on request.</p> <p>(iii) All waste oils generated at the site shall be disposed in accordance with the Waste Management Act 1996 as amended. Under no circumstances shall waste oils be discharged to the Public Sewer.</p> <p>Reason: In the interests of environmental protection and orderly development.</p>
12.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>
13.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
14.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these</p>



	<p>facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
15.	<p>A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to intended hours of work, construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p> <p>Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.</p>
16.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
17.	<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</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</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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Emma Nevin  
Planning Inspector

29<sup>th</sup> May 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>Case Reference</b>	ABP-322070-25
<b>Proposed Development Summary</b>	A single storey drive-thru restaurant including the ancillary sale of hot food for consumption off the premises and all associated site works.
<b>Development Address</b>	Lands at Lakepoint Retail and Business Park, Delvin Road, Petitswood, Mullingar, County Westmeath
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in <b>Part 1</b> .  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	N/A
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	N/A

<b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	N/A
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Restaurant for the sale of food

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input type="checkbox"/>	
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_ Date: 29/05/2025

## Appendix 1 - Form 2

### Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP- 322070-25
<b>Proposed Development Summary</b>	A single storey drive-thru restaurant including the ancillary sale of hot food for consumption off the premises and all associated site works.
<b>Development Address</b>	Lands at Lakepoint Retail and Business Park, Delvin Road, Petitswood, Mullingar, County Westmeath
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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>The development involves the construction of A single storey drive-thru restaurant including the ancillary sale of hot food for consumption off the premises and all associated site works on land located in an urban area.</p> <p>During the construction phase, the proposed development would generate waste during excavation and construction.</p> <p>However, given the moderate size of the proposed development, I do not consider that the level of waste generated would be significant in the local, regional or national context.</p>
<b>Location of development</b>  (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, landscapes, sites of historic, cultural or archaeological significance).	<p>The site is located within an existing retail park on the edge of Mullingar town. The site is not located in or immediately adjacent to any European site.</p>
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent,	<p>Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.</p>

nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b> <i>[Delete if not relevant]</i>
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	N/A
There is a real likelihood of significant effects on the environment.	N/A

Inspector: \_\_\_\_\_ Date: 29/05/2025