



An
Coimisiún
Pleanála

Inspector's Report ABP-322605-25

Development	Retention for change of use from a former house to a community facility and permission for associated site works.
Location	Water Street, Castlepollard, Co. Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	2560044
Applicant(s)	Water Street Association
Type of Application	Permission and Retention Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party against Conditions
Appellant(s)	Water Street Association
Observer(s)	None
Date of Site Inspection	19 th August 2025
Inspector	Aoife McCarthy

1.0 Site Location and Description

- 1.1. The site has a stated area of 0.207 hectares and is located at Water Street (L5752), Castlepollard, Co. Westmeath.
- 1.2. The site is located a distance of 0.7km from Castlepollard town centre, at the northern end of the town.
- 1.3. The site is bound by existing residential properties fronting to Water Street (L5752) to the north and south and lands in agricultural use to west.
- 1.4. The site and immediate environs are primarily residential in character with a plastics manufacturing plant located on the opposite side of the road. The site is within close proximity to the rural hinterland.
- 1.5. The subject site comprises a former bungalow with a separate ancillary garage. The former dwelling is in use as a community /studio space with the former garage in the form of a single space meeting room with toilets, with open space including raised vegetable garden to the rear of the garage.

2.0 Proposed Development

- 2.1. The proposed development consists of:

Permission for development and retention of the change of use from a former single dwelling house, domestic garage and garden area to a community facility.

Permission is sought to extend the existing pedestrian footpath link to the property to the established pedestrian network, provide for 6 no. car parking spaces, 1 no. community car EV charging point, 10 no. covered and secure cycle parking spaces and any other associated boundary, landscaping and associated above and below ground works.

- 2.2. The application is accompanied by a Planning Statement, dated February 2025, which sets out that the Applicant is a community, environmental and cultural association established in 2022, with a stated “ethos to build community, grow the circular economy and support biodiversity.”
- 2.3. The applicant was exempt from paying planning fees, on the grounds that they do not operate a commercial function.

2.4. **Planning Authority Decision**

2.5. **Decision**

2.5.1. The Planning Authority issued a Notification of a Decision to Grant Permission on 2nd May 2025, subject to 6 no. conditions.

2.5.2. **Condition 2** states the following:

Duration of Permission

This permission shall be of limited duration for a period of 5 years only, from the date of the final grant of planning permission. On expiry of that period, the use shall cease unless its continued use has been authorised by a further planning permission.

Reason: In the interest of proper planning and sustainable development.

2.5.3. **Condition 3** states the following:

Footpath Extension

Within three (3) months of the date of this permission the applicant shall submit for the written agreement of the planning authority full construction details for the provision of a footpath extension along the western side of the L-5752 to link the development into the existing footpath network and within three (3) months of the date of agreement the footpath shall be constructed by the applicants at their own expense, unless an alternative arrangement is submitted to and agreed in writing with the Planning Authority.

Reason: In the interests of orderly development, traffic safety and to ensure the proposal integrates appropriately with its setting.

2.5.4. **Condition 6** states the following:

Development Contributions

The developer shall pay the sum of €2,545.40 (Two Thousand, Five Hundred and Forty Five Euro and Forty Cent), to the Planning Authority as a contribution, in accordance with Westmeath County Council's Section 48 Development Contribution Scheme adopted in January 2022, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority, and that is provided or that it is intended will be provided by, or on behalf of, the Council.

The contribution payable will be based on the contribution rate applicable at the time of payment and is subject to annual revision with reference to the Wholesale Price Index (Building and Construction), and interest for late payment, in accordance with the terms of the Council's Development Contribution Scheme.

Class of Infrastructure	m² of floor area	Class 5 Rate per m²	Base Value	Retention rate 1.25 times	Amount of Contribution
Class 5 Other Buildings	176 sqm	€11.57	€2,036.32	€509.08	€2,542.40
Total Levies Applicable					€2,542.40

Reason: It is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Westmeath County Council in respect of the provision/improvement of public services/infrastructure benefitting development in the area of the Planning Authority.

2.6. Planning Authority Reports

2.6.1. Planning Report (10th April 2025)

- The planning report is the basis of the planning authority decision.
- The report includes detailed site description and description of development.
- The report refers to valid planning precedent on the subject site (P.A. Reg. Ref.:24/6011).
- The report includes relevant local planning policy context.
- The report notes that a change of use has occurred at this site without the benefit of planning permission. The former dwelling is currently used as offices and studio space and what originally was a garage is currently being used as a community hall.
- The PA note that community hall/cultural use is permitted in principle "Established Residential" zoning objective of the Development Plan.
- Any offices to be ancillary to the main use as a community centre; and lesser scale than previously proposed.

- As there is no intensification of uses it is considered the component seeking retention is acceptable.
- The report notes the inclusion of 56m section of footpath on the western side of the local road to provide a continuous pedestrian link between the community centre and Castlepollard village.
- FI requested with respect to i) current and proposed opening hours, including cinema and cultural nights, max. attendees at all events; ii) largest vehicle to visit site and if buses would visit the site; iii) community centre uses, revised site layout plan taking account of community garden.

2.6.2. **Planning Report (2nd May 2025)**

- The response as issued by the Applicant are considered acceptable by the PA:
 - i) No changes to itemised hours and numbers of visitors; no evening uses;
 - ii) the largest vehicle would be a transit van; buses will not enter the site;
 - iii) labelling of rooms would restrict the uses within the community room (within the former residence).
- Having regard to the use of the site as a community facility, on lands zoned residential and in close proximity to other residential properties, the PA considers it prudent that a temporary permission is granted for a period of 5 years, after which a further permission would be required.
- Development contributions are levied in accordance with the Westmeath County Council Development Contribution Scheme 2022. The proposed development will be levied according to Class 5, at 1.25 times the rate taking account of the retention component of the application.

2.6.3. **Other Technical Reports**

Mullingar-Kinnegad Municipal Engineers Report: No objection subject to conditions.

2.7. **Prescribed Bodies**

2.7.1. **HSE Environmental Health Officer (EHO):** No objection subject to condition.

2.8. **Third Party Observations**

- 2.8.1. A single third party submission supporting the application was received from The Castlepollard Town Team.

3.0 Planning History

3.1. Subject Site

P.A. Reg. Ref.: 24/60011: Permission refused for: (a) permission for refurbishment and extension to retained former house and garage for the social, recreational, environmental, enterprise and educational use by inhabitants of Castlepollard and visiting communities, with gardens, water features, greenhouses, roads, paths, car and bicycle parking, hard and soft landscaping, planting, lighting, site entrance boundaries and all associated ancillary utilities, facilities and site works. (b) Retention permission for Change of Use of retained lands and structures on site N91 NP40 from Use as a House to Class 9: Use as a social centre/ community centre.

- 3.1.1. The application was refused on two grounds summarised as follows:
1. The proposal constitutes overdevelopment of the site, seriously injuring the amenities of neighbouring properties, resulting in haphazard development and erosion of the residential character of the area. The proposal would mitigate against the preservation of the established residential environment, when appropriately zoned lands for community/educational/institutional uses are available within Castlepollard, and is contrary to policy objective CPO 15.1 of the Development Plan.
 2. The development would constitute undesirable haphazard development by virtue of nature and uses, the intensification of related traffic movements, inadequate parking and lack of connectivity to the town centre for safe pedestrian movement. The additional traffic movements would interfere with the safety and free flow of traffic on the local secondary public road, endangering public safety by reason of traffic hazard; contrary to policy objective CPO 10.52 of the Development Plan which seeks to safeguard the carrying capacity and safety of the County's local road network, and policy objective CPO 9.17 which seeks to ensure that the traffic movements generated by the development will not give rise to a traffic hazard.

3.1.2. **Environs of Site**

3.1.3. None of relevance in the environs of the site.

4.0 **Policy Context**

4.1. **Westmeath County Development Plan 2021-2027**

4.1.1. The subject site is subject to Established Residential zoning objective as illustrated on the Castlepollard Zoning Map, which seeks to “support high quality residential consolidation and sustainable intensification at appropriate locations in a manner that does not impact negatively on the amenities or character of an area”.

4.1.2. ‘Community Hall and Cultural Use are Permitted in Principle under the zoning objective. Office Use is Not Permitted under the zoning objective.

4.2. **Residential Policy Objectives**

4.2.1. The Plan includes the following relevant objectives:

CPO 15.1 Support high quality residential consolidation and sustainable intensification at appropriate locations in a manner that does not impact negatively on the amenities or character of an area.

4.3. **Sustainable Communities and Communities Policy Objectives**

4.3.1. The Plan includes the following relevant objectives:

CPO 4.2 Support and promote the development of socially inclusive, sustainable communities in the County and seek to ensure that all citizens enjoy optimal health and well-being along with associated mental health supports and youth services.

CPO 4.3 Encourage inclusive and active sustainable communities based around a strong network of community facilities.

CPO 4.17 Maintain and, where possible, improve the provision of community facilities in the County to ensure that facilities are adequate to meet the needs of the communities they serve, are physically integrated with residential and employment areas and are provided concurrently with new residential development.

CPO 4.18 Consider development proposals for new social and community infrastructure/service related development at;

a. Locations within the settlement boundaries which are within walking distance of local services whereby social inclusion is promoted. An alternative location may be considered 10 where it is clearly demonstrated that there are no suitable sites available within the settlement and strong justification is given to the development of such a particular site.

CPO 7.9 Support the planned provision of easily accessible social, community, cultural and recreational facilities and ensure that all communities have access to a range of facilities that meet the needs of the communities they serve.

CPO 8.2 Support the expansion of a range of services and facilities available to residents and the wider rural hinterland Castlepollard – Sustainable Communities Policy Objectives

CPO 9.7 Support the roll out of sustainable transport options within the boundaries of rural nodes including segregated walking and cycle paths and provisions for rural public transport.

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.

CPO 10.52 Safeguard the carrying capacity and safety of the County's regional and local road network.

4.4. Westmeath County Council Development Contribution Scheme, February 2022

- 4.4.1. The Scheme notes that Section 48 (1) of the Act, provides that when granting a planning permission a planning authority is required to include conditions requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority, and that is provided, or that it is intended will be provided, by or on behalf of a local authority.
- 4.4.2. The level of contribution is set out in Section 6, on the basis of residential and a range of non-residential classes (Tables 1 and 2 refer.)
- 4.4.3. Class 5 refers to 'Other Buildings' and has a rate of €11.57 per m².
- 4.4.4. Note 6 of Table 2, states that,

“all retention permissions will be charged a multiple of 1.25 times the appropriate rates for any development in excess of the exemptions of this Scheme.”

- 4.4.5. Section 7 of the Scheme includes a list of Exemptions and Reductions, and states the following with respect to volunteer organisations:

“Development by or on behalf of a voluntary organisation which is designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination and is not to be used mainly for profit or gain.”

- 4.4.6. Section 7.1.3 of the Scheme relates to reductions applicable to development permitted by way of a temporary permission or cumulative temporary permissions shall be liable to pay development contributions as follows:

- i. Up to 3 years: 33% of normal rate
- ii. Up to 5 years: 50% of normal rate
- iii. Up to 10 years: 66% of normal rate
- iv. Full rates where permission or combination of permissions exceed 10 years (less any previous payments under reductions set out at i-iii above).

- 4.4.7. Note 1 to Section 7 (Exemptions and Reductions) states the following:

“Exemptions and reductions shall not apply to permissions for retention of development under any category of development in this Development Contribution Scheme. All retention permissions will be charged a multiple of 1.25 times the appropriate rates for any development in excess of the exemptions of this Scheme.”

- 4.4.8. Section 7.7 relating to Change of Use/Modification states the following:

“Where permission is granted for change of use development/modification to a permitted development, then allowance will be made for any contribution that has been previously paid and the contribution will be based on the difference between contributions previously paid and the contribution associated with the change of use as set out in the relevant class of development under Section 6.”

4.5. **OPR Practice Note PN03 Planning Conditions, 2022**

- 4.5.1. Para. 3.8 states the following with respect to ‘Conditions Requiring Development on Lands Outside the Control of the Applicant’:

“Conditions requiring development to be carried out on lands outside the control of the applicant prior to the commencement of development, or prior to the occupation of the development, cannot be complied with by the developer and so are not enforceable. Such conditions should not be imposed. In certain circumstances, a development proposal may rely on certain works outside the site to render it acceptable.”

“For example, in order to ensure safe access to a development the provision of a footpath and pedestrian crossing on neighbouring lands may be necessary. In the event these works are already permitted, commenced and/or will be undertaken within a reasonable timeframe, it may be necessary and justified to tie the development proposal to those works.”

“These conditions should only be used where there is a real prospect of the action being performed within a reasonable timeframe.”

4.6. Development Management Guidelines for Planning Authorities, 2007

- 4.6.1. The Guidelines note that a grant of a temporary permission will rarely be justified where an applicant wishes to carry out development of a permanent nature and which conforms with the provisions of a development plan (Section 7.5 refers).
- 4.6.2. The guidelines also advise that limiting the duration of a permission should never be used in order to address material considerations of development proposal, such as impacts to residential amenity.

4.7. Natural Heritage Designations

- 4.7.1. There are no European sites within the subject site.
- 4.7.2. The closest European site to the subject site is the Lough Lene SAC (Site Code: 002121), located c.3.1km to the south-east of the site.
- 4.7.3. The closest proposed Natural Heritage Area is the Lough Glore pNHA (Site Code: 000686), located 2.0km to the north-east of the site.

4.8. EIA Screening

- 4.9. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed

development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

4.10. Water Framework Directive

- 4.10.1. The closest waterbody is River Glore pNHA (Code: Glore (Westmeath)_020), located 1.28km to the north-east of the site.
- 4.10.2. The proposed development comprises Retention Permission for change of use from a former house to a community facility and permission for associated site works including 53m long footpath and on site parking.
- 4.10.3. No water deterioration concerns were raised in the planning appeal.
- 4.10.4. 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 and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological 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.
- 4.10.5. The reason for this conclusion is as follows:
 - the small scale and nature of the development.
 - distance from nearest water bodies and lack of hydrological connections.
- 4.10.6. 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.

5.0 The Appeal

5.1. Grounds of Appeal

5.1.1. The grounds of the first party appeal are as follows:

Condition 2: Duration of Permission

- The temporary permission would have a prejudicial impact on the abilities of the applicant to deliver organisation objectives on anything other than on a short-term basis; consequentially impacting on the availability of funding of programmes to engage and develop the local community.
- If the purpose was to allay potential concerns regarding impacts upon neighbouring residential amenity, then an 'hours of use' condition, would have been appropriate.
- The residential community are tolerant of the Mergon plant located across the road from the subject site.
- The community facility use would present an acceptable and appropriate level of activity throughout the week.
- The timeline limit would have the effect of a refusal of permission.
- Condition 3 – Footpath Extension
- The applicant applied for permission to demonstrate the ability of the applicant to provide a pedestrian link from the existing public footpath as it currently falls short of the Settlement Limits associated with development and the land use zoning objective within the Castlepollard Settlement Plan 2011-2027.
- The proposal was subject to a Notice of Motion by Councillor Alfie Devine. As part of the proposal the Executive was to consider the works as part of the roads / active travel budget estimate for 2025.
- The applicant's role has been to establish via planning permission, the principle and route of the footpath, saving the local authority needing to proceed through the S.179 process.
- The applicant states that they may have been naïve to consider that once the permission was in place and the work as presented as part of the Municipal Districts programme of works for 2025, that the footpath would then be delivered and constructed by the local authority.

- The applicant, as a community group, is not in a position deliver the project, noting the requirement to (i) a deliver detailed design and (ii) the footpath works within 2 no. 3 month periods.
- The applicant is not in a position to finance these works, estimated at €20,600.00.
- The “alternative arrangement” as referenced in the condition is unclear.
- The applicant requested that the condition is either removed or amended. If the latter, clearly placing the onus of design, delivery and cost of the delivery of the footpath on the planning authority.
- Alternatively, the applicant suggests the inclusion of an operational condition to protect amenities, aligned to the weekly activities as previously submitted by the applicant.
- The delivery of a public footpath for a period of five years by a community group is unreasonable.
- **Condition 6 – Development Contributions**
- The applicant is a voluntary organisation and requests this condition be removed.
- The financial contribution unfairly and unnecessarily penalises the social and community facilities of the town in line with development plan policy objectives.

5.2. Planning Authority Response

5.2.1. The planning authority have responded in respect of Condition 6 only, noting the following:

- Section 7 of the Westmeath County Council Development Contribution Scheme 2022 relating to Exemptions refers to voluntary organisations.
- No development contributions have been paid with respect to development on site.

- Note 1: states that exemptions and reductions shall not apply to permissions for retention of development under any category of development in this Development Contribution Scheme.
- The Development Contribution has been correctly applied in this instance.
- The PA request that the Board uphold the decision to include a condition in accordance with the adopted Westmeath Development Contribution Scheme 2022.

5.3. Observations

5.3.1. None received.

5.4. First Party Response

5.4.1. A first party response to the response of the Planning Authority has been received and is summarised as follows:

- The local authority has responded with respect to Condition 6 only; and as such, the Council is in general agreement with respect to the removal and /or amendment of Conditions 2 and 3.
- With respect to Condition 2, the local authority has no significant concerns with the Applicant's contention that the condition is overly restrictive, recommending it's removal; or amendment referring to a 'permanent' permission.
- With respect to Condition 3, the appellant queries whether that the local authority have recognised that voluntary organisation should not be distracted with the financing and delivery of a local footpath connection, for a temporary use; and that this should be delivered in partnership with the County Council. In the absence of a response to this item, the first party consider that Condition 3 can be omitted.
- With respect to Condition 6, the appellant argues that no new floorspace has been sought in the subject application.
- The applicant's concern at appeal stage was on the basis that a financial contribution was being charged inappropriately against a voluntary organisation (normally exempt), for a community and social service benefit, in

support of town-first policy objective; and whereby the contribution did not represent a return on investment in the context of a temporary permission.

- The applicant is a voluntary organisation operating a balanced funding model for delivery of services and reliant on funding partners such as LEADER and EU Transition Funding.
- If it is considered appropriate for the local authority to “double charge” the pre-existing floorspace (subject to development levies or pre-dating same at the time the house was constructed), then the applicant would consider their voluntary status.
- The applicant maintains their position that where the retention refers to a previously constructed and established floor area for a habitable house measuring between 90-200 sqm, a credit of €3,000 applies in accordance with the Scheme, cancelling any charge.
- The appellant does not consider that the intention of the local authority has been to apply punitive charges to a voluntary organisation; and suggest that the exemptions apply in this instance, specifically where no new constructed floor area has occurred.
- The applicant could be willing to accept a permanent contribution charge associated with a permanent permission as might be associated with a refund of the Appeal Fee, noting that the Commission has the power to award costs or expenses of appeal, as provided under s.145 of the Planning and Development Act, 2000 (as amended), which states the following:

(1) Where an appeal or referral is made to the Board —

(a) the Board, if it so thinks proper and irrespective of the result of the appeal or referral, may direct the planning authority to pay—

- (i) to the appellant or person making the referral, such sum as the Board, in its absolute discretion, specifies as compensation for the expense occasioned to him or her in relation to the appeal or referral, and

- ii) to the Board, such sum as the Board, in its absolute discretion, specifies as compensation to the Board towards the expense incurred by the Board in relation to the appeal or referral.

6.0 Assessment

6.1. Introduction

- 6.1.1. This is a first party appeal against conditions No.s 2, 3 and 6 as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission.
- 6.1.2. Condition 2 relates to the duration of the permission; Condition 3 relates to the completion of footpath works within the public domain; and Condition 6 relates to the application of Development Contributions under s.48 of the Planning and Development Act, 2000 as amended.
- 6.1.3. The applicant considers that the application could be determined in accordance with Section 139 of the Planning and Development Act 2000, as amended.
- 6.1.4. Notwithstanding, I consider that the duration of permission requires, in my opinion, a broader assessment of planning matters, principally with respect to residential amenity. Similarly, works as referenced within Condition 3 requires, in my view, an assessment of a wider planning remit, primarily relating to accessibility and transport. As such, I consider that an assessment of the application as if it had been made in the first instance, is warranted in this case. I consider the substantive issues in this appeal as follows:
- Principle of Development
 - Residential Amenity
 - Traffic and Access
 - Site Services
 - Financial Contributions
- 6.1.5. The proposed development relates the retention of the change of a former single dwelling house, domestic garage and garden area to a community facility. Permission is sought to extend an existing pedestrian footpath link to the property to the established pedestrian network, 6 no. car parking spaces, 1 no. community car

EV charging point, 10 no. covered and secure cycle parking spaces and any other associated boundary, landscaping works.

- 6.1.6. As noted above, the site is subject to Established Residential zoning objective under the Development Plan. Community Hall and Cultural Use are Permitted in Principle uses under the zoning objective.
- 6.1.7. Further to a site visit, I note that the former dwelling in use as an office and studio spaces with a community use within the associated single storey garage.
- 6.1.8. The Planning Statement accompanying the application, includes a sequential analysis of lands to support the application. The Statement identifies that the majority of lands subject to 'Community, Education and Institutional' uses within the Castlepollard, are already occupied or are not suitable for the subject land use. The report also notes an under provision of Community/Educational uses within the northern part of the town.
- 6.1.9. The Statement highlights that there are 4 no. substantial sites zoned as Proposed Residential use, to the north of the town, supporting the viability of the continued use at the subject site.
- 6.1.10. I note that the application does not constitute an intensification of use and would be served by upgraded on site car and bicycle parking facilities, new pedestrian access and connection to the established footpath network, as discussed below.
- 6.1.11. Having regard to the above, I consider the principle of the proposed development to be acceptable, subject to assessment with respect to residential amenity, traffic and access and services, as discussed below.

6.2. Residential Amenity

- 6.2.1. The proposal relates to retention of a change of use from a residential dwelling and garage to community use. There is no increase in floor area of these uses as part of the application. The proposal includes works to formalise and enhance car and bicycle parking provision; including a dedicated pedestrian access from Water Street on site as discussed below.
- 6.2.2. The site boundaries include a mixture of mature planting and fencing on the western and southern boundaries, with mature planting on the northern boundary.

- 6.2.3. The closest properties to the north and south of the subject site are located at the eastern ends of these sites.
- 6.2.4. Having regard to the established boundaries, and separation distances between the site and these adjoining properties, I am satisfied that the proposed development would not result in significant adverse impacts with respect to residential and visual amenities of the adjoining properties and wider area.

- **Tenure of Permission**

- 6.2.5. The planning authority have sought to limit the duration of the permission, due to the location of the community facility on lands zoned for residential use and in close proximity to other residential properties, and as consider it “prudent” that temporary permission is granted, which, in my opinion, is a reasonable approach to take in this instance.
- 6.2.6. Notwithstanding, the applicant wishes to carry out the works on a permanent basis. The applicant has noted that a temporary permission would have a prejudicial impact on their ability to undertake specific community functions on a longer than short term basis; with consequential impacts to pursuing funding programmes.
- 6.2.7. In this context, having regard to the stated preference of the applicant to undertake the works on a permanent basis and associated potential impacts to the operation of the organisation; I do not consider it appropriate to limit the duration of permission, in the case.

- **Hours of Operation**

- 6.2.8. The applicant suggests, in order to protect residential amenities of the neighbouring dwellings, the inclusion of an operational condition aligned to weekly activities. On balance, I consider this to be a reasonable suggestion, providing certainty for the established residential community with respect to the operational use on site.

6.3. Traffic and Access

- 6.3.1. As noted above, the application includes a pedestrian access from Water Street, 6 no. parking spaces; 10 no. sheltered cycle spaces, formalising car and bicycle parking on site; a 56m length of footpath on the western side of the L5752 to complete a continuous pedestrian link to the Castlepollard.

- 6.3.2. The application includes a Traffic and Transport Statement, dated December 2024. The report was prepared, taking account of second reason of refusal with respect to the previous application on the subject site (P.A. Reg. Ref.:24/60011 refers).
- 6.3.3. A travel survey was undertaken, which I note identifies moderate levels of traffic demand to and from the subject site. There are no changes to the vehicular access serving the site. The report outlines that the required visibility splays, in accordance with Design Manual for Urban Roads and Street (DMURS). An auto-track assessment was undertaken in order to ensure that all parking spaces are accessible. The report concludes that the Community Centre would be adequately accommodated with the implementation of traffic and transportation improvements which form part of the subject application.
- 6.3.4. I concur with this recommendation. Moreover, I consider the completion of the connection to Castlepollard as essential to serve the community use at an accessible location, providing a safe pedestrian connection, and supporting policy objective CPO 9.7 of the Development Plan.
- 6.3.5. The applicant sets out that the purpose of including the footpath upgrade as part of the application was to establish the route of the footpath works, saving the local authority the need to proceed through the s.179 process (s.179 of the Planning and Development Act, 2000, as amended).
- 6.3.6. The report includes reference to Councillor Alfie Devine, supporting a proposal of the Applicant to extend the public footpath to the subject site, with a noted Executive response to consider the works as part of the 2025 road/active travel budget estimate.
- 6.3.7. In this context, it is difficult to ascertain whether the local authority have a timeline in this context. I note that the planning authority did not include a response with respect to this Condition as part of their appeal response.
- 6.3.8. In conclusion, therefore I am satisfied that, subject to the inclusion of the full scope of works, including the footpath connection by the local authority, that subject to condition, the proposed development is acceptable with respect to traffic and access.

6.3.9. In order to address the delivery of the footpath connection, I recommend that the inclusion of a condition requiring the footpath be delivered within 3 years of the grant of permission.

6.3.10. It is considered that this condition should not specify who is responsible for the completion of works; thereby giving the local authority sufficient time to programme the works. It also provides sufficient time for applicant to fund raise, in the event that the responsibility for the delivery of these works lies with the applicant.

6.4. Site Services

- **Water Supply and Wastewater Connection**

6.4.1. The proposed development would be served by an existing water supply and on-site treatment system.

6.4.2. The District Engineer has not raised any objection, subject to condition relating to surface water management on site, with which I concur.

6.4.3. Having regard to the nature of the proposed works, I am satisfied that, the proposed development would not give rise to adverse impacts with respect to public health.

6.5. Development Contributions

6.5.1. The appellant argues inter alia, that it is inappropriate to impose a contribution associated with a volunteer organisation, for development in support of “town first” policy and of a temporary nature.

6.5.2. I refer the Commission to Section 7 of the Westmeath County Council DC Scheme which includes a list of Exemptions and Reductions; referring to volunteer organisations as follows:

“Development by or on behalf of a voluntary organisation which is designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination and is not to be used mainly for profit or gain.”

6.5.3. As noted above, developments permitted by way of a temporary permission or cumulative temporary permissions shall be liable to pay at a discounted rate. The applicable rate for a permission between 4 and 5 years is noted as 50% of normal rate.

6.5.4. Note 1 to Section 7 states the following:

“Exemptions and reductions shall not apply to permissions for retention of development under any category of development in this Development Contribution Scheme. All retention permissions will be charged a multiple of 1.25 times the appropriate rates for any development in excess of the exemptions of this Scheme.”

6.5.5. The response from the planning authority sets out that a levy has not been paid to date on the subject site.

6.5.6. From a review of the file, I note that the fee has been calculated on the basis of a change of use from residential to community use within the existing buildings on a floor space basis (Class 5 ‘Other buildings’). An additional 0.25 of the levy has been applied, as the application relates to retention of a change of use; and no further discounts have been applied.

6.5.7. I am therefore satisfied that the levy has been accurately calculated in accordance with the Westmeath County Development Contribution Scheme 2022. In the event that the Commission decide to grant permission, I recommend the inclusion of a Condition requiring the payment of a levy as charged by the local authority in the first instance, of €2,545.40, Condition 6 attached refers.

7.0 AA Screening

7.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive).

7.2. The application relates to retention of a change of use from a former house to community facility and permission for associated works. I have considered the proposed ancillary site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

7.2.1. The closest European site to the subject site is the Lough Lene SAC (Site Code: 002121), located c.3.1km to the south-east of the site.

7.3. No nature conservation concerns were raised in the planning appeal.

7.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

7.5. The reason for this conclusion is as follows:

- The small scale and nature of the subject proposal.
- The distance from nearest European site.

7.6. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

7.7. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Recommendation

8.1. I recommend that full planning permission is granted, subject to condition, for the reasons and considerations as set out in Section 9.0.

8.2. Notwithstanding, in the event that the Commission is satisfied that the appeal should be determined in accordance with Section 139 of the Planning and Development Act 2000, as amended, I recommend that the Planning Authority be directed to:

- a) Omit Condition no. 2;
- b) Attach amended Condition no. 3;
- c) Attach Condition 6;

for the for the reasons and considerations set out hereunder.

Reasons and Considerations

Condition 2

Having regard to the non-intensification of use on site and scope of works forming part of the application, it is considered unnecessary to limit the duration of permission in this regard.

Condition 3

Having regard to the extent of footpath works within the public domain, and the requirement to provide a footpath connection to the subject site, and as set out in CPO 9.7 of the Development Plan.

Condition 6

In order to comply with the Westmeath County Development Contribution Scheme 2022, prepared pursuant to s.48 of the Planning and Development Act 2000 (as amended).

Whilst the applicant constitutes a volunteer organisation under which exemptions normally apply; such exemptions do not apply to permission for retention of development under any category.

9.0 Reasons and Considerations

Having regard to the nature and scale of the development and development proposed to be retained, the provisions of the Westmeath County Development Plan 2021-2027, it is considered that subject to compliance with the conditions below, the proposed development would not adversely impact on the residential and visual amenities of neighbouring dwellings, would not give rise to traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 14th February 2025 and 16th April 2025, 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 proposed footpath on the western side of the L-5752 linking the site into the existing footpath network, shall be undertaken within a period of 3 years.

Reason: In the interests of clarity.

3. The community facility shall not operate outside the period of 1000 to 1800 hours Tuesday to Friday, 1000-1500 hours Saturday and shall not operate on Sundays or Mondays.

Reason: In the interest of residential amenity.

4. (a) Within six (6) months of the date of this permission a minimum of 2.4m x 49m sightlines shall be achieved and maintained at all times from the proposed access point onto the public road. These shall remain unobstructed, and nothing shall be planted, sown, constructed or erected forward of these sightlines.

(b) Car parking dimensions shall comply with the current Department of Transport Traffic Signs Manual.

Reason: In the interests of traffic safety and to ensure the proposal integrates appropriately with its setting.

5. All uncontaminated surface water, including roof water, shall be collected from the development and shall not be allowed to flow onto the public road or adjoining properties. Surface water shall be discharged into on site soakaways which shall be designed, constructed and maintained to BRE Digest 365 standards.

Reason: In the interests of public health and orderly development.

6. The developer shall pay to the planning authority a financial contribution of €2,545.00 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.

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.

Aoife McCarthy
Planning Inspector

2nd September 2025

Form 1 - EIA Pre-Screening

Case Reference	322605-25
Proposed Development Summary	Retention for change of use from a former house to a community facility and permission for associated site works
Development Address	Water Street, Castlepollard, Co. Westmeath
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	Urban development

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)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	322605-25
Proposed Development Summary	Retention for change of use from a former house to a community facility and permission for associated site works
Development Address	Water Street, Castlepollard, Co. Westmeath
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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>This application relates to retention for change of use and permission for associated site work including 56m length of footpath on the public domain.</p> <p>The operational development will be served by existing water supply and wastewater systems.</p> <p>The operational phase will be served by an existing vehicular access off a county road.</p> <p>The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
Location of development (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 700m from the centre of Castlepollard town centre.</p> <p>The development is removed from sensitive natural habitats, designated sites, protected views, protected structures as designated within the Development Plan.</p> <p>The subject site is not located within or adjacent to any Natura 2000 sites.</p> <p>The closest European is Lough Lene SAC (Site Code: 002121), located c.3.1 km to the south-east of the site.</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and	<p>Having regard to the scale and nature of works, distance of the site from sensitive habitats, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>

complexity, duration, cumulative effects and opportunities for mitigation).	
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
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.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)