



An
Coimisiún
Pleanála

Inspector's Report ACP-323034-25

Development	Four one-bedroom units to be used in conjunction with residential care complex previously approved under 16/297.
Location	Mill House, Killeenmore, Killeigh, Co. Offaly, R35 V9D5
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	24178
Applicant(s)	Lightsky Ireland Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Niall and Jenna Stack
Observer(s)	None
Date of Site Inspection	14 th October 2025
Inspector	Elaine Power

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Killeenmore, c. 5km south of Tullamore, Co. Offaly. The surrounding area is rural in character with a limited number of residential dwellings and associated agricultural buildings.
- 1.2. The appeal site has a stated area of c. 0.429 ha and was a former Corn Mill complex constructed in the early to mid-1800's. It forms part of a larger landholding within the applicant ownership with an area of c. 10.8 ha. The site is generally bound to the north, south and west by agricultural lands, within the applicant's ownership and by a public road (L6003) to the east. There are 3 no. residential dwellings located a minimum of c. 50m south of the appeal site and 3 no. residential dwellings located a minimum c. 130m east of the appeal site.
- 1.3. The appeal site currently accommodates a residential care complex, Mill House, which provides care for people with intellectual disabilities and autism. The existing facility was granted permission under ABP PL.19.248715, Reg. Ref 16/297 and comprises 5 no. 1-bed units, communal living rooms, education and training areas, offices and storage. There is also a vacant garage within the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 4 no. 1-bed apartments to be used in conjunction with the existing residential care complex for people with disabilities previously approved under ABP PL.19.248715, Reg. Ref 16/297.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 11 no. conditions. Condition no. 2 is considered relevant:

2(a) The proposed facility hereby granted by this permission shall be occupied and used by persons with autism and intellectual disabilities only and associated staff. The facility shall not be occupied by persons with mental health disabilities.

(b) The 4 number one bedroom units shall be used in conjunction with the existing residential care complex and shall not be sold let or otherwise transferred or conveyed save as part of the existing residential care complex.

Reason: To regulate the use of the development in the interest of proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planners Report dated 14th February noted the existing residential care complex for people with disabilities on the site and raised some concerns regarding the proposed development. The report recommended that 11 no. items of further information be sought. These are summarised below.

- (1) Clarify the location of the watercourse at the sites western boundary and demonstrate how the development complies with the standards set out in Policy DM-25 of the Development Plan with regard to Riparian Zones.
- (2) Clarify that the existing complex is occupied and used solely by persons with autism and intellectual disabilities and associated staff and not by persons with mental health illnesses.
- (3) Submit revised details of soft and hard landscaping proposals having regard to the list of native trees and shrubs provided in Table 4.16 of the Development.
- (4) Demonstrate clear sightlines at the proposed entrance.
- (5) Clarify how the proposed development complies with car parking standards set out in the Development Plan.
- (6) Clearly identify pedestrian routes between the car parking area and the proposed development.
- (7) Identify vehicular access to the proposed development from the car parking area.
- (8) Submit a lighting plan.
- (9) Provide details of the as built and proposed drainage system within the site.

- (10) Submitted details of the water main supply design and confirmation from the Killeigh / Cloneygowan / Killurin Group Water Scheme.

The Planners Report dated 9th May 2025 considered that Item no. 2 of the further information requested had not been fully addressed as 'Statement of Purpose' the referred to by the applicant had not been submitted with the response. This document was requested by way of clarification of further information.

The Planners Report dated 17th June 2025 considered all items of further information had been adequately addressed and recommended that permission be granted subject to conditions. Of particular relevance was condition no. 2 which is outlined above and limits the occupancy of the proposed residential units to persons with autism or intellectual disabilities.

3.2.2. ***Other Technical Reports***

Chief Fire Officer: Report dated 8th January 2025 stated that there is no objection.

Environment and Water Services: Report dated 4th February 2025 raised some concerns and recommended that 2 no. items of further information be sought regarding (1) water supply and (2) surface water drainage. These items were sought as part of the further information request.

The report dated 8th May 2025 stated that there is no objection subject to standard conditions.

Area Engineer: Report dated 12th February 2025 raised some concerns and recommended that 5 no. items of further information be sought with regard to (1) sightlines, (2) lighting, (3) pedestrian routes, (4) vehicular access to the proposed development from the car park area and (5) demonstrate that car parking is in accordance with Development Plan standards. These items were sought as part of the further information request.

The report dated 8th May 2025 stated that there is no objection subject to standard conditions.

Enforcement Notice UD19/003: The report dated 8th January 2025 notes that a warning letter was issued regarding an alleged non-compliance with conditions 1 and 2 of a previously approved planning permission. The Enforcement file was closed on the 4th July 2019.

3.3. Prescribed Bodies

National Environmental Health Service, HSE: Report received by the Planning Authority on the 27th January 2025 states that the report refers only to Environmental Health and raised no objection in principle to the proposed development.

3.4. Third Party Observations

The Planning Authority received 25 no. observations. The concerns are similar to those outlined in the appeal below.

4.0 Relevant Planning History

ABP PL.19.248715, Reg. Ref 16/297: Permission was granted in 2018 for a first floor extension to the rear of an existing dwelling, alterations to existing holiday apartment and a single storey extension to existing garage, the change of use of buildings 01 - 04 to a residential care complex for people with intellectual disabilities and autism comprising 9 no. 1-bed units, communal living rooms, education and training areas and offices. This application included the proposed 4 no. 1-bed apartments. However, they were not constructed within the duration of permission.

Condition no. 2 of the grant of permission limited the occupancy of the facility to persons with autism and intellectual disabilities only and associated staff. The facility shall not be occupied by persons with mental health illnesses

ABP. 19. RL3577, Reg. Ref. DEC17/5. Whether the use of the building A, B, C and D to a use for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at Millhouse, Killeenmore, Tullamore, Co. Offlay, under the provisions of Class 14(f) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 is or is not development or is or is not exempted development:

The Board Order considered that

- a) The change of use of the buildings A, B, C and D from former uses and permitted uses to a use as a resident for persons with an intellectual or physical disability or mental illness and persons providing care for such persons at

involves a material change of use within the meaning of Sections 2 and 3 of the PDA and therefore, constitutes development under Section 3 of the PDA.

- b) The development relating to buildings A, B, C and D do not fall within the scope of Article 6(1) of the PDR in that the development is not of a class specified in Column 1 of Part 1 of Schedule 2, Class 14(f).
- c) Having regard to condition no. 3 of Reg. Ref. 95/140 the development relating to Building C does not fall within the scope of Article 9(1)(a)(i) of the PDR .
- d) No requirement for EIA or AA.

The planners report notes the earlier planning history for the site which is listed below.

Reg. Ref 94/77: Permission granted for a private office, boiler house and oil storage tank in an existing building.

Reg. Ref.97/79: Permission granted for an extension to existing dwelling house and new entrance lobby. The notification of decision for this application is on file.

Reg. Ref. 95/7: Permission granted for the conversion of existing block into 3 no. holiday units.

Reg. Ref. 95/140: Permission granted for a garage and carpark. The notification of decision for this application is on file.

5.0 Policy Context

5.1. Offaly County Development Plan 2021 - 2027

The appeal site is located in the open countryside on unzoned lands.

The following Policy is considered relevant.

Housing Policy HP- 02: It is Council policy to seek to ensure that groups with special housing needs, such as older people (in accordance with the Age Friendly Strategy for Offaly 2018-2021 and any subsequent editions), single person households, persons with physical and / or learning disabilities, the homeless, the travelling community, asylum seekers and refugees, and those in emergency accommodation are accompanied in a way suitable to their specific needs.

The following Development Management Standards are considered relevant.

DMS-81 Residential Care Homes, Retirement Homes, Nursing Homes, Retirement Villages and Sheltered Accommodation.

The location of residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation is favoured in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to the availability of services, except where a demonstrated need to locate in the open countryside because of the nature of the care required can be clearly established. Applications for residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation consider and demonstrate the following:

- The potential impact on residential amenities of adjoining properties.
- Adequate provision of open space.
- Provision of adequate parking facilities.
- High standard of design and external finishes.
- The size and scale of the proposal must be appropriate to the area.
- A location within close proximity of high quality public transport links and the site should be well served by good footpath links.
- Compliance with Standards no. 2-7 of 'National Standards for Residential Care Settings for Older People in Ireland' (2016, Health Information and Quality Authority).

5.2. Natural Heritage Designations

The site is not located within or adjoining a European Site. The nearest sites to the proposed development are outlined below.

- Hawkswood Bog NHA (002355) 3.4km southwest
- Chareville Wood SAC (000571) c. 5.3km north
- The Barrow and Nore River SAC (002162) c. 10km south

5.3. EIA Screening

- 5.3.1. The proposed development has been subject to preliminary examination for environmental impact assessment, please refer to Appendix 1: Form 1 and Appendix 2: Form 2 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.

6.0 The Appeal

6.1. Grounds of Appeal

The third party appeal from Niall and Jenna Stack includes a copy of the submission and appeal submitted in relation a previous application and appeal on the site (ABP PL.19.248715, Reg. Ref 16/297) and provides a detailed background on the planning history of the site. The grounds of the appeal are summarised below.

Principle of Development

- The proposed development is located on unzoned lands.
- The previous development permitted has set an undesirable precedent for development on unzoned lands.
- The proposed development should be located in an urban area in close proximity to services and amenities for residents. In this regard, the proposed development materially contravenes the Offaly County Development Plan.
- The wording of the previous conditions is vague and unworkable.

Security and Safety

- The existing facility is in breach of condition no. 1 and 2 of the existing permission.
- Residents of the existing facility have left the premises and trespassed onto third party lands and assaulted and harassed local residents. This has negatively impacted on existing residential amenity.

- Undue noise from the facility due to screaming from residents.
- There is no public footpath or lighting, and the area is remote from community facilities. The open unsecure model of care results in residents on unsafe roads during the day and night, which results in a traffic hazard.
- Should permission be granted a condition requiring security fencing or some way of preventing a flight risk should be attached.

Physical Infrastructure

- The site is not served by public water mains or sewer.
- The applicant has not demonstrated that the wastewater treatment uses is in accordance with EPA guidelines.

Transportation

- Insufficient details have been submitted to assess if the additional traffic generated by the proposed development, including visitors, staff, medical practitioners, service providers and transferring of patients can be accommodated on the surrounding road network.

6.2. Applicant's Response

The applicant's response to the appeal comprises of a copy of the Statement of Purpose for the existing residential care complex 'Mill House' which is currently operating on the site. It is noted that this is the same document that was submitted in response to the clarification of further information and provides details of the services provider, the aim, objectives, ethos, vision and values of the care complex. Details of the existing services, facilities, organisational structure, admission criteria and complaint procedures at site are also provided.

6.3. Planning Authority Response

The response from the Planning Authority notes the details third party appeal and requests that An Coimisiún Pleanála uphold the decision to grant permission.

6.4. **Observations**

None

6.5. **Further Responses**

A further response was received by Niall and Jenna Stack on the 3rd September 2025 to the applicant's response to the appeal. The submission is summarised below.

7.0 **Assessment**

7.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority and inspected the site, and having regard to relevant local / regional / national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Introduction
- Principle of Development
- Design Approach
- Residential Amenity
- Water Services
- Transportation

7.2. **Introduction**

7.2.1. The appeal site currently accommodates a residential care complex, Mill House, which provides care for people with intellectual disabilities and autism. Permission was granted under ABP PL.19.248715, Reg. Ref 16/297 for 9 no. 1-bed units, communal living rooms, education and training areas and offices provided, which incorporated the proposed 4 no. 1-bed units. The proposed development (4 no. 1-bed units) formed part of the previously approved development on the site and was described as a single storey extension to existing garage.

7.2.2. The information submitted in response to the further information request notes that the applicant decided to first complete 5 no. apartments to enable them to evaluate the

progress, and HIQA regulations, prior to constructing the proposed 4 no. apartments. The process took longer than expected and the planning permission has expired. It is also stated that there is a huge demand for the proposed development.

- 7.2.3. The applicants Statement of Purpose states that there are 5 no. 1-bed apartments within the complex, with a maximum capacity of 5 no. adults. In this regard, 4 no. apartments are provided in the 2-storey 'Inis Mor' Building and 1 no. apartment is provided at first floor level in the Main House (Achill Building). The ground floor of the Main House provides a communal kitchen and 3 no. communal living rooms. The complex also includes an office building (Sherkin Building) and a laundry room / store (Rathlin Building). There is also an existing vacant garage on the appeal site.
- 7.2.4. The applicants Statement of Purpose states also that the facility provides 24-hour care to adults with disabilities. Residents can also utilise the nearby Day Centre facilities in the renovated barn, which comprises 2 no. classrooms, teaching kitchen area, this structure is outside of the red line boundary of the proposed development. The information submitted states that on site there is a daily ratio of 3 no. staff to 5 no. residents between the hours of 9am – 9pm.
- 7.2.5. The facility is registered with the Health Information and Quality Authority (HIQA). HIQA's website (www.hiqa.ie) which I assessed on the 13th October 2025 provides 2 no. reports relating to the subject site which indicate that at the time of the reports in January 2023 and March 2024 there were 3 no. residents at the facility and that it was compliant or substantially compliant (low risk) with the Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children And Adults) With Disabilities) Regulations 2013, Health Act 2007 (Registration of Designated Centres for Persons (Children and Adults with Disabilities) Regulations 2013 and the National Standards for Residential Services for Children and Adults with Disabilities.

7.3. ***Principle of Development***

- 7.3.1. The third parties note that the proposed development is located on unzoned land. It is acknowledged that the site is unzoned. However, Objective LUZO-12 of the Development Plan generally supports reasonable extensions and improvements to premises that accommodate established / non-conforming uses, where it is considered by the Planning Authority that the proposed development would not be injurious to the

amenities of the area and would be consistent with the proper planning and sustainable development of the area.

- 7.3.2. Given the previous grant of permission on the site for the proposed development, the existing residential care facility in operation on the site, the previously permitted residential use and self-catering holiday accommodation on the site and to the sites historical use as a Corn Mill, I am satisfied that the proposed development is acceptable in principle and in accordance with the provisions of Objective LUZO-12.
- 7.3.3. The third parties also consider that the proposed development should be located in an urban area in close proximity to services and amenities for residents and that locating the proposed development at the subject site materially contravenes the Offaly County Development Plan.
- 7.3.4. Policy DMS-81 of the development plan states that the location of inter alia residential care homes is favoured in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to the availability of services, except where a demonstrated need to locate in the open countryside because of the nature of the care required can be clearly established. It also sets out criteria for assessing applications including impact on existing residential amenities, open space provision, car parking, design, size and scale and proximity to public transport.
- 7.3.5. The applicant Statement of Purpose states that the aim of the development is to provide individuals with the opportunity to develop their independent living skills in a surrounding that is supportive of their needs and wellbeing. The response to the request for further information also states that the location is suitable for the needs of residents with autism and intellectual disabilities as they need quiet and tranquil environment and is within the HIQA regulations.
- 7.3.6. Given the existing use on the site, the relatively limited sized of the proposed development and the stated needs of the current and future residents, the provision of open space, the high quality design of the scheme and the provision of car parking, it is my opinion that the appeal site is a suitable location for the proposed development.
- 7.3.7. In addition, given the minimum 50m separation distance to the nearest residential property I am also satisfied that the proposed development would not impact on residential amenity, in terms of overlooking, overbearing or overshadowing impact.

The specific concerns raised by the third party regarding safety and security and noise and nuisance are addressed separately below. I am also satisfied that the proposed development would not impact on the capacity of the local road network. The specific concerns raised by the third party in this regard are also addressed.

7.3.8. I am also satisfied that the proposed development is in accordance with the provisions of Policy HP-02 of the Development Plan states to seek to ensure that groups with special housing needs, including persons with physical and / or learning disabilities, are accommodated in a way suitable to their specific needs.

7.3.9. Overall, I am satisfied that the proposed development is in accordance with the provisions of the Development Plan and would not result in a material contravention.

7.4. *Design Approach*

7.4.1. The appeal site has a stated area of c. 0.429 ha and was a former Corn Mill complex constructed in the early to mid-1800's. It forms part of a larger landholding within the applicant's ownership with an area of c. 10.8 ha. There are 6 no. existing buildings on site. It would appear that 4 no. are historical buildings which were previously associated with the Corn Mill and have been altered and modified over the years. There are no protected structures on the site. The 4 no. historic buildings comprise 2 no. residential buildings, an office building and a laundry and storage building. There is also a wooden clad lean-to storage structure. There is an additional vacant garage building which the planning history for the site indicates was approved in 1995 (Reg. Ref. 95/140). All buildings within the appeal site are generally located at the sites eastern boundary with the L6003. There is a car park located on the southern portion of the site. There is extensive lard and soft landscaping throughout the site. To the west of the appeal site there is a converted barn. The information provided indicates this structure provides Day Centre facilities for the existing facility. However, it is outside of the red line boundary of the appeal site.

7.4.2. The proposed 4 no. units are laid out in a staggered terrace at the appeal sites northern boundary, to the north of an existing 2-storey residential building and to the west of the vacant garage. The units are single storey with a stated height of c. 5.3m. Each unit has total floor area of 40.2sqm and accommodates an open space kitchen / living / dining / bedroom space with a separate en-suite. Each unit has its own door with a

patio area to the rear (north). I have no objection to the proposed design and layout of the units.

- 7.4.3. The elevational drawings submitted indicate that the dwellings would have a roughcast render finish with different coloured front doors. Condition on. 3(a) of the Planning Authority's grant of permission required that the external walls and roof finishes of the proposed development be visually consistent with the existing buildings on site.
- 7.4.4. The existing historic buildings on site have a stone finish. However, the elements of the historic buildings on site that have been altered, amended or extended comprises a variety of finishes, including unpainted render and roughcast render, it is also noted that dormer windows have been added to the first-floor level of one of the residential buildings. Therefore, while the predominate external material is stone, there are a variety of external materials within the site.
- 7.4.5. In my opinion the proposed rough cast render would provide an appropriate contrast to the existing history buildings on site and given the relatively limited size and scale of the units they would not detract from the historic context of the existing buildings on site. In addition, the proposed residential units are located to the west of the vacant garage structure and having regard to existing trees and vegetation to be retained at the sites northern boundary, they would not be highly visible from the public road. However, to ensure a high-quality finish it is recommended that a condition be attached that the final details including the colour of the external materials be agreed with the Planning Authority.

7.5. *Residential Amenity*

Safety and Security

- 7.5.1. The third party raised serious concerns regarding the impact that the existing facilities is having on the residential amenities of the surrounding residential properties with specific regard to safety and security.
- 7.5.2. Condition no. 2 of the previous grant of permission under PL 19.248715 limited the occupancy of the residential facility to persons with autism and intellectual disabilities only and associated staff and stated that the facility shall not be occupied by persons with mental health illnesses. Concerns are raised by the third party that the applicant is not complying with this condition. The information on file indicates that the Planning

Authority undertook enforcement proceedings in this regard and that the file was closed in July 2019.

- 7.5.3. In response to the request for further information the applicant clarified that the existing facility provides full time residential care for adults with intellectual disabilities and autism and does not provide care for persons with mental health illness. The proposed development would increase the capacity of the existing residential care facility from 5 no. to 9 no.
- 7.5.4. While the concern of the third party regarding non-compliance with the occupation of the facility as set out in Condition no. 2 of PL 19.248716 is noted, enforcement falls under the jurisdiction of the Planning Authority and, therefore, is outside of the remit of this appeal and does not form part of my assessment. Any concerns regarding non-compliance with this condition is an issue for Offaly County Council.
- 7.5.5. Condition no. 2(a) of the Planning Authority's grant of permission stated that the proposed facility hereby granted by this permission shall be occupied and used by persons with autism and intellectual disabilities only and associated staff. The facility shall not be occupied by persons with mental health disabilities. To address the third party concerns regarding the occupation of the facility by persons with a mental health illness it is recommended that if permission is being contemplated that a similar occupation condition be attached to any grant of permission.
- 7.5.6. The third party raised serious concerns regarding trespassing and assault by residents of the facility. While these concerns are noted, they are outside of the remit of the planning process and should be reported to the relevant authorities.
- 7.5.7. The third party also raised concerns regarding the safety of residents as the open nature of the site results in residents accessing the public road, which has no footpath or public lighting.
- 7.5.8. The information submitted indicates that staff are on site 24 hours a day. In response to the request for further information the applicant states that there is a daily ratio of 3 no. staff to 5 no. residents between the hours of 9am – 9pm. If a resident wishes to leave the facility at any time they are entitled to do so. However, every resident would be followed by a staff member and that there is a procedure to follow in these instances. It is also noted that when residents access services and facilities off site all residents are transported by 3 no. Mill House vehicles. Two residents are

independent in the community. However, a staff member would drop and collect them from their location, and three residents require a staff member to accompany them in the community.

- 7.5.9. The third party requested that if permission is being contemplated that a security fence be provided around the facility. During my site visit on the 14th October 2025, it was noted that access within the residential complex was unrestricted, and individuals can freely access the existing communal areas and areas of open space. However, access to the car park area from the residential accommodation is via a locked gate which requires a key code access. An additional access at the site's eastern boundary with the public road was also secured with a padlock. Given the nature of the facility this is considered a reasonable security measure, and I do not agree with the third party that a security fence is required.

Noise and Nuisance

- 7.5.10. The third party raised concerns regarding undue noise and nuisance from the residents within the existing facility. The proposed development would increase the capacity of the capacity of the existing facility to 9 no. persons. Given the residential nature of the facility, the relatively limited number of residents and staff and the minimum 50m separation distance to the nearest residential property I am satisfied that any noise generated would not give rise to levels of noise or nuisance that would be inappropriate in a residential context.

7.6. Water Services

- 7.6.1. The third party notes that the site is not served by public water mains or sewer and that the applicant has not demonstrated that the wastewater treatment uses is in accordance with EPA guidelines.
- 7.6.2. In response to the further information request the applicant clarified that the proposed development would connect to the Killeigh / Cloneygowan / Killurin Group Water Scheme (GWS). A letter confirming capacity within the GWS to accommodate the proposed development was also submitted. I have no concerns in this regard.
- 7.6.3. With regard to wastewater the applicants Engineering Services Report notes that the site is served by an existing Puraflo package wastewater treatment system (wwts) with a percolation areas located in the field to the west of the appeal site. The system was

approved under Reg. Ref. 95/140 and caters for a PE of 33 no. persons. The proposed development would accommodate 9 no. residents with c. 2 no. staff. Given the information provided I am satisfied that the the proposed development can be accommodated within the existing wwts.

7.7. *Transportation*

- 7.7.1. The third parties raised concerns that insufficient details have been submitted to assess if the additional traffic generated by the proposed development can be accommodated on the surrounding road network.
- 7.7.2. The appeal site is located in the rural townland of Killeenmore, c. 2.5km northeast of village of Killeigh and c. 5km ssoutheastof Tullamore. Access to the site is from the L6003, which is a narrow rural road with no footpath or public lighting. There is no public transport in the vicinity of the appeal site.
- 7.7.3. The Statement of Purpose notes that the current staff level at Mill House is c. 10 no. persons. The information submitted states that on site there is a daily ratio of 3 no. staff to 5 no. residents between the hours of 9am – 9pm. It is also noted that residents can avail of local services and activities in the wider area. Visitors are also welcomed. Having regard to the nature and scale of the proposed development, I am satisfied that any additional vehicular trips generated by the proposed development would have a negligible impact on the capacity of the surrounding road network.

8.0 Water Framework Directive

- 8.1.1. The subject site is located rural townland of Killeenmore. There are no watercourses within the appeal site. There is a drainage ditch and soakaway area within the appeal site, which form part of the surface water management. The nearest waterbody is the Killeenmore_010 (IE_SH_25Q440920), located c. 330m west of the appeal site, which has a moderate status and is under review. The groundwater body underlying the site is Geashill (IE_SH_G_103) which has a good water body status and is not at risk.
- 8.1.2. The proposed development comprises the construction of 4 no. 1-bed apartments to be used in conjunction with the existing residential care complex for people with disabilities previously approved under ABP PL.19.248715, Reg. Ref 16/297.

- 8.1.3. No water deterioration concerns were raised in the planning appeal.
- 8.1.4. 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.
- 8.1.5. The reason for this conclusion is as follows
- The small scale and nature of the development
 - Location-distance from nearest water bodies
 - Lack of hydrological connections
- 8.1.6. 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.

9.0 AA Screening

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000, as amended and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:
- The small scale and nature of the scheme,
 - The urban location of the site,
 - The separation distance from nearest European site, and

- The lack of a direct or indirect pathway to any designated site.

10.0 Recommendation

It is recommended that permission be granted subject to conditions.

11.0 Reasons and Considerations

Having regard to the existing residential care facility currently operating within the appeal site, to the planning history of the site and to the provision of Housing Policy HP- 02 of the Offaly County Development Plan 2021-2027 to ensure that groups with special housing needs are accommodated in a way suitable to their specific needs it is considered that the proposed development would not represent a significant intensification of the permitted use of the site and subject to compliance the conditions set out below it is considered that the proposed development would not seriously injure the residential or visual amenities of the area or of any adjacent property and would not represent a hazard to health or constitute a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16th day of April 2025, as amended by the clarification of further plans and particulars received by the planning authority on the 26th day of May 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 facility hereby granted by this permission shall be occupied and used by persons with autism and intellectual disabilities only and associated staff. The facility shall not be occupied by persons with mental health illnesses.

Reason: In the interest of proper planning and in order to clarify the nature and use of the development.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development

4. Prior to commencement of development the applicant shall agree in writing with the Planning Authority proposals to provide functioning electric vehicle (EV) charging stations / points within the car parking area.

Reason: In the interests of residential amenity and of sustainable transportation.

5. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

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

Reason: To safeguard the amenity of property in the vicinity.

7. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development

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

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

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

Elaine Power

Senior Planning Inspector

16th October 2025

Form 1 - EIA Pre-Screening

Case Reference	323034-25
Proposed Development Summary	The construction of 4 no. 1-bed apartments to be used in conjunction with the existing residential care complex for people with disabilities previously approved under ABP PL.19.248715, Reg. Ref 16/297.
Development Address	Mill House, Killeenmore, Killeigh, Co. Offaly
	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)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☐ 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. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	10 (b)(i): Construction of more than 500 dwelling units 10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP323034-25
Proposed Development Summary	The construction of 4 no. 1-bed apartments to be used in conjunction with the existing residential care complex for people with disabilities previously approved under ABP PL.19.248715, Reg. Ref 16/297.
Development Address	Mill House, Killeenmore, Killeigh, Co. Offaly
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).	The proposed development comprises the construction of 4 no. 1-bed apartments to be used in conjunction with the existing residential care complex for people with disabilities previously approved under ABP PL.19.248715, Reg. Ref 16/297, which comprises 5 no. 1-bed apartments, an office building, a laundry room / store, an existing vacant garage and a car parking area. The nature and scale of the proposed development is minor not regarded as being significantly at odds with the surrounding pattern of development. No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Given the nature and scale of the proposed development it would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.
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)	The appeal site is located in the rural townland of Killeenmore. The site currently accommodates an existing residential care facility, which was previously in use as a residential dwelling and 3 no. self-catering units and was historically used as a Corn Mill. There are no

e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	protected structures on the site, and the site is not listed as being of historic, cultural or archaeological importance. There are no protected landscapes in the wider area. It does not host any species of conservation interest. This site is not located on, in or adjacent to any ecologically sensitive site and does not have the potential to impact any such sites. Having regard to the location of the site and the nature and scale of the development there is no potential to significantly affect environmental sensitivities in the area, including protected structures or any building of architectural merit.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	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.
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)