



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323815-25

<b>Development</b>	Construction of a large-scale residential development [LRD] of 125 residential units and a childcare facility. <a href="http://www.killucanroadlrd.info">www.killucanroadlrd.info</a>
<b>Location</b>	Killucan Road, Kinnegad, Co. Westmeath
<b>Planning Authority</b>	Westmeath County Council
<b>Planning Authority Reg. Ref.</b>	2560240
<b>Applicant</b>	Lynx Developments Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with conditions
<b>Type of Appeal</b>	First Party vs Conditions Third Party vs Decision
<b>Appellants</b>	1. Lynx Developments Limited 2. Agnieszka Kotulska
<b>Observers</b>	None
<b>Date of Site Inspection</b>	18 <sup>th</sup> December 2025
<b>Inspector</b>	Jim Egan

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## **1.0 Site Location and Description**

- 1.1. The appeal relates to a brownfield, backland / infill site, with a stated area of 3.87 hectares, located east of the Killucan Road (L1015) on the northwestern edge of Kinnegad town in County Westmeath.
- 1.2. The site, which has an irregular shape, is abutted to the north by agricultural land (outside the settlement boundary), to the east by GAA grounds, to the south by rear and side boundaries of houses in the Manorfield housing estate, and to the west by the rear of properties fronting the Killucan Road, including the grounds of a childcare facility and the relatively large rear gardens of 4 no. dwellings.
- 1.3. The site, which is relatively level, was previously subject to ground works, including roads and services infrastructure, associated with an unfinished housing estate granted by An Bord Pleanála in 2005. The site is now overgrown with scrub and other vegetation.
- 1.4. Access to the site is via a strip of land extending to Killucan Road (L1015) to the west. The strip of land is bordered to the north by a childcare facility and to the south by a residential property. The Killucan Road connects with the R148 / Old Dublin Road / Mullingar Road to the south, which becomes Main Street through Kinnegad town centre. There is a continuous footpath on Killucan Road and R148, linking the appeal site to the town centre.

## **2.0 Proposed Development**

- 2.1. The development will consist of the construction of a large-scale residential development (LRD) of 125 no. residential units (103 no. houses and 22 no. apartments) and a childcare facility as follows:
  - (a) The residential provision will comprise: 11 no. two-storey 2 bed terrace units (98 sq. m. gross floor area each), 56 no. two-storey 3 bed terrace units (112.1 sq. m. gross floor area each) and 26 no. two-storey 4 bed terrace units (135.1 sq. m. gross floor area each), 10 no. two-storey 4 bed detached and semi-detached units (ranging in size from 122.1 sq. m. to 137.4 sq. m. gross floor area each) and 22 no. apartment units consisting of 2 no. 2 bed units (ranging

in size from 75 sq. m. to 80.2 sq. m. gross floor area each) in each of 11 no. two-storey detached blocks;

- (b) The single storey childcare facility will comprise 303 sq. metres gross floor area;
- (c) Access is at an existing priority junction at the L1015 Killucan Road and access for pedestrians and cyclists only (and emergency vehicular access) is at Manorfield to the southeast;
- (d) The proposed site layout provides a total of 215 no. car parking spaces as follows: 165 no. allocated spaces for 125 no. residential units, 30 no. visitor spaces, 4 no. EV charging spaces and 2 no. disabled spaces and 14 no. spaces including 1 no. disabled space at the childcare facility;
- (e) Secure bicycle parking including visitor bicycle parking is provided at each residential unit and 8 no. bicycle parking spaces are provided at the childcare facility; and
- (f) The development will also comprise the removal of the roads and services infrastructure constructed pursuant to permission Reg. Ref. 04/5310 [ABP Ref. No. PL.25M.211056], and the construction of the network of internal roads, cycle ways and footpaths, public open spaces (c. 0.54 ha. in total), landscaping, boundary treatment works, solar PV panels on the childcare facility and each residential unit, site services, and all ancillary and associated works.

2.2. Further information, submitted on the 29<sup>th</sup> August 2025, relates to issues regarding road and traffic safety, water/wastewater connection feasibility and design / internal residential amenity. The overall layout and number of dwelling units was unchanged.

2.3. The following tables present a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme, which are extrapolated from the application form, and plans and particulars (Architectural Design Statement, Schedule of Accommodation, Housing Quality Assessment). There were no relevant amendments at further information stage.

**Table 1: Key Statistics**

<b>Site Area</b>	c. 3.87ha
<b>Net Site Area</b>	c. 3.59ha
<b>Floor Areas (gross floor spaces)</b>	Total Floor Area: c. 14,134.50sq.m Residential: c. 13,831.5sq.m Childcare facility: c. 303sq.m
<b>Residential component</b>	Total: 125 residential units 103 houses (c. 82%) 22 apartments (c. 18%)
<b>Net Density</b>	c. 34.8dph
<b>Building Height</b>	Two-storey
<b>Open Space</b>	Public: c. 5,416.49sqm (15.07%) Private: Rear gardens to houses and apartments.
<b>Part V provision</b>	Total: 13 units (10%) <ul style="list-style-type: none"> <li>• 3 no. 2 bed / 4 person houses.</li> <li>• 10 no. 2 bed / 4 person apartments.</li> </ul>
<b>Car Parking</b>	Total: 215 car spaces <ul style="list-style-type: none"> <li>• Resident: 165</li> <li>• Visitor: 30</li> <li>• Visitor Accessible: 2</li> <li>• EV charging: 4</li> <li>• Crèche: 13</li> <li>• Crèche Accessible:1</li> </ul>
<b>Bicycle Parking</b>	Rear gardens provided for each dwelling, including the apartments. Bicycle parking provided at the Crèche.

**Table 2: Summary of Residential Unit Mix**

<b>Houses (103 units, c. 82% of the scheme)</b>					
<b>Unit Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>Total</b>	-	11	56	36	<b>103</b>
<b>% of Total</b>	-	<b>c. 11%</b>	<b>c. 54%</b>	<b>c. 35%</b>	<b>100%</b>
<b>Apartments (22 units, c. 18% of the scheme)</b>					
<b>Unit Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>Total</b>	-	22	-	-	<b>22</b>
<b>% of Total</b>	-	<b>100%</b>	-	-	<b>100%</b>
<b>Overall Unit Mix</b>					
<b>Unit Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>Total</b>	-	33	56	36	<b>125</b>
<b>% of Total</b>	-	<b>c. 26%</b>	<b>c. 45%</b>	<b>c. 29%</b>	<b>100%</b>

- 2.4. The application includes a range of architectural, engineering, and landscaping drawings, and is accompanied by a range of reports and supporting documentation. A full list of reports is contained in a 'Schedule of Enclosures' listed at the end of the applicant's Cover Letter, with revised reports listed in the applicant's Cover Letter submitted at further information stage.

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

- 3.1. An initial pre-application consultation under Section 247 of the Planning and Development Act 2000, as amended (2000 Act) is indicated to have taken place on 13<sup>th</sup> December 2023 between the applicant and the planning authority.
- 3.2. The Planning Authority and the Applicant convened a meeting under Section 32C of the Planning and Development Act, 2000 (as amended), for a proposed Large-scale Residential Development (in respect of a development comprising 126 no. residential units and a childcare facility) on 23<sup>rd</sup> October 2024. The record of that meeting is attached to the current file.
- 3.3. Further to that meeting, the Planning Authority issued an opinion, dated 19<sup>th</sup> November 2024, under Section 32D of the Act stating that the documents that had been submitted constituted a reasonable basis on which to make an application for permission for the proposed LRD subject to specific further consideration and amendment.
- 3.4. The detailed assessment contained within the Opinion highlights areas for the applicant to consider or address when making a future planning application. These can be summarised as follows:

#### Planning and Strategic Issues

- Provide a phasing plan for the development which demonstrates how the residential development and childcare facilities with associated works (including public open space provision) be provided in a timely and orderly manner.

#### Social Infrastructure Provision

- Demonstrate that the proposed childcare facility is in accordance with the Childcare Facilities Guidelines for Planning Authorities (2001).

- Provide a Social and Community Infrastructure Audit.
- Provide a School Capacity Assessment

#### Part V

- Full details on proposed Part V compliance including costings and methodology to accompany application, when submitted. The proposal to provide 10% of overall units for Part V. Part V units to be pepper potted throughout the site.

#### Transport / Traffic and Road Safety

##### *Roads and Traffic*

- Stopping distance at the entrance onto the local primary road L1015 shall be confirmed in accordance with DMURS.
- Provision of pedestrian/cyclist/emergency access connection between the subject site into Manorfield development to the south.
- Provision of a table-top access at junction onto Killucan Road.
- Provide clear details in relation to the direction of travel on the 3m road to the west of the proposed creche.
- Submit a Stage 1 and 2 Road Safety Audit in accordance with the provisions of TII document GE-STY-01024 Road Safety Audit (as amended) on the final design for the proposed road layout for the development.
- Submit a Traffic and Transport Impact Assessment, for the new proposed junction at the Killucan Road (L1015) and for the junction of the Killucan Road with the R148.
- Submit a DMURS compliant statement.
- Submit DMURS Quality Audit.
- Submit a Mobility Management Plan.
- Submit a swept path analysis for the entire site for waste collection and emergency vehicles. Ensure no cross over occurs at the entrance onto the Killucan Road. Ensure the swept path analysis includes for a fire tender on the road outside houses numbers 83-85.

- Provide clear details in relation to the direction of travel on the 3m road to the front of houses numbered 83-85.
- The approach slopes of ramps, such as the table-top ramp at the junction onto the Killucan Road should be coloured red, as per DMURS Advice Note 6.
- Submit a feasibility study/design for a roundabout at the junction of the Killucan road (L1015) and the R148.
- The applicant may be required to provide a financial contribution for the provision of a roundabout at the junction of the Killucan Road L1015 and the R148 and improved footpath infrastructure towards Kinnegad.

### *Parking*

- Provide a breakdown of proposed car parking provision with car parking for each residential unit and visitor parking clearly demarcated on plans. Spaces, of appropriate dimensions, to be provided at 1 space per residential unit and 1 visitor parking space per 3 no. residential units as per Westmeath County Development Plan 2021-2027 (WCDP) save for where a justification has been provided for up to a maximum of 2 no. spaces per unit as set out under the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities. (It is noted that House type “D” which is a large 4-bedroom dwelling is served by only 1 car-parking space situated within the curtilage of the dwelling. The provision of 2 car parking space may be more appropriate in this instance).
- Ensure EV charging proposals are in accordance with Section 16.4.1 Car Parking Standards of the WCDP, i.e. 100% of car parking is to be ducted/EV enabled and a minimum of 10% of the car parking provisions is to have facilities for the charging of EV cars.
- Bicycle Parking: Cognisance of policy objective CPO 16.37 and Table 16.3 of the WCDP. To be appropriately sited within the scheme (i.e. adjacent to proposed terraced units and creche facility).

### Service Infrastructure

- Provide for drainage connection to the storm water network serving Killucan Road area.

- Surface water run-off to be so attenuated within the site such that the discharge from the site shall not exceed a rate equivalent to 5l/s/ha.
- With regards water and wastewater, a letter of feasibility from Uisce Eireann to accompany any application.
- Submit a public lighting plan and report designed by a suitably qualified lighting designer, taking cognisance of the Midland Counties Public Lighting Specifications.

### Design and Layout

- Notwithstanding advice issued previously, reconsider the location / layout of open space in the context of achieving increased rear garden depths.
- Public Open Space of 15% is required as per the WCDP, with flexibility provided subject to providing a design of high quality together with submission of associated justification.
- Daylight and sunlight analysis required.
- High quality and durable pallet of external material finishes to be submitted.
- Obscure glazing to bathroom windows.
- Apartments to be designed to accord with the 2023 Apartment Guidelines. Defensible space to be provided where dwellings interface directly with the public domain.
- Provide for future delivery of pedestrian/cycle connectivity point with adjacent lands, notably at southeastern corner of site.
- Provide details of all boundary treatments.
- Have regard to Appendix C of the 'Sustainable Residential Development and Compact Settlement Guidelines' in terms of supporting documentation required to be submitted, e.g. Landscape Report and Plans, Urban Design Statement, Housing Quality Assessment etc.
- The presented Tree Condition Survey, Tree Report and Tree Survey and Landscaping Plans, should form part of the suite of documents submitted for any future application.

## EIA and AA

- An EIAR Screening Report and Appropriate Assessment Screening Report with Natura Impact Statement, if required, to be submitted.

## Other Matters

A future planning application is to include the following:

- All of the survey reports noted in the Ecological Impact Assessment e.g. Bat Survey Report etc.
- Draft Construction and Environmental Management Plan (CEMP).
- Resource Waste Management Plan.
- Operational Waste Management Plan
- Noise Report
- Building Lifecycle Report for proposed apartments
- Surface water drainage drawings to identify the location of petrol/oil interceptor(s)

- 3.5. The Opinion also stated that, in the event that the applicant proceeds to submit a planning application, the LRD application should include the same suite of named documents submitted as part of the LRD meeting, all of which have been submitted with the application.
- 3.6. The application includes a Statement of Response from the applicant on the LRD Opinion which includes specific responses to the points of information requested by the planning authority.
- 3.7. Copies of the minutes of the pre-planning meetings and the planning authority's LRD Opinion are included in the case documentation.

## 4.0 Planning Authority Decision

### 4.1. Summary of Decision

- 4.1.1. Westmeath County Council issued a Notification of Decision to Grant Permission on 25<sup>th</sup> September 2025 subject to 24 no. conditions, none of which significantly altered the proposed development.
- 4.1.2. Of relevance to the first party appeal are Conditions 2(a), which relates to revised window treatment to a particular apartment unit type, Conditions 7(a) and 7(b), which relate to phasing and the delivery of the childcare facility, and also Condition 13(c), which relates to design of road junctions.

#### Condition 2

*Prior to the commencement of development, revised drawings shall be submitted for the written agreement of the Planning Authority, outlining the following amendments:*

- a) The omission/relocation/ or revised window treatment of the two windows on the side elevation of Apartment Type E units (as shown on side elevation drawing 0033-08), where these windows directly overlook the adjacent driveway and may impact the residential amenities of neighbouring units 50/51, 101/102, and 65/66. The revised design shall ensure that no undue overlooking or loss of privacy occurs to adjoining properties.*
- b) A revised site layout plan showing the omission of the four car parking spaces located adjacent to Units 81 and 84. These spaces shall be relocated to a parallel arrangement along the south-eastern edge of Open Space Area D, within the 600mm landscaped border adjoining the homezone.*

*The development shall be constructed in accordance with the agreed plans and particulars.*

**Reason:** *In the interests of residential amenities.*

Condition 7

- a) *All works shall be carried out in accordance with the Phasing Plan submitted, save for the creche, no elements of this permission shall be constructed independently, and any alteration to the agreed phasing plan which shall be submitted for the written agreement of the planning authority.*
- b) *The creche hereby permitted shall be in operation upon completion of phase 1 of the development, unless otherwise agreed with the Planning Authority in writing.*
- c) *All infrastructural works required on foot of each phase shall be completed before works on the subsequent phase commences, unless otherwise agreed in writing with the Planning Authority.*

**Reason:** *To avoid any misunderstanding as to the proper construction of this permission, to accommodate needs of future occupiers, to ensure appropriate completion of the development and in the interests of residences amenities.*

Condition 13

...

- c) *All works shall be in compliance with current TII publication DN-GEO-03060 'Geometric Design of Junctions'.*
- d) *All works to roads and footpaths shall be carried out in accordance with the standards set out in the 'Design Manual for Urban Roads and Streets' (Department of Transport, Tourism and Sport and Department of Environment, Community and Local Government 2019) and the National Roads Authority 'Design Manual for Roads & Bridges'*

...

**Reason:** *In the interests of road safety, traffic management and the proper planning and development of the area*

- 4.1.3. Of relevance to the third-party appeal is Condition 6, which requires that the connectivity linkage from the development site into Manorfield Estate shall be used or pedestrian and cyclist access only, with revised details to this effect to be submitted for the written agreement of the Planning Authority.

## 4.2. Planning Authority Reports

### 4.2.1. Planning Reports

The initial planners report dated 7<sup>th</sup> July 2025 included the following main points:

- The application site is zoned 'Proposed Residential' in the Westmeath County Development Plan 2021-2027. This 'Proposed Residential' zoning provides principally for residential development.
- It is considered that the proposed development complies with the zoning objectives and associated policies of the Core Strategy contained within the Westmeath County Development Plan 2021-2027 and the vision for Kinnegad as contained within the Kinnegad Settlement Plan 2021-2027. Therefore, the proposed development including the creche facility as proposed is acceptable in principle on these lands as per the zoning matrix, subject to compliance with development management criteria and environmental considerations.
- It is considered that the proposed development, which will provide a net density of 35 units per hectare, whilst this is slightly above the mid-range value, is consistent with the Westmeath County Development Plan 2021-2027 and Sustainable Residential Development and Compact Settlement Guidelines (2024) and is in accordance with the proper planning and sustainable development of the area.
- The proposal includes a total of 125 residential units, the scheme is arranged around 5 no. public open space areas. It is considered that the proposed layout promotes integration with surrounding neighbourhoods through pedestrian links and planned future connections.
- Having regard to the Quality Housing for Sustainable Communities 2007 and the Sustainable Urban Housing Design Standards for New Apartment Guidelines for Planning Authorities 2023, it is considered that the proposed dwellings and apartments generally meet the required criteria in terms of internal accommodation size and open space provision.

The planner's report recommended that 4 no. items of further information be sought. These items are summarised below:

## 1. Roads and Traffic Safety

- DMURS compliance statement
- Swept path analysis
- Stage 2 road safety audit
- Revised footpath layout to allow larger usable open space area B
- Revised site layout plan to account for the above.

## 2. Water / Wastewater Infrastructure

- With reference to a submission received from Uisce Eiréann, applicant is to engage further with Uisce Eiréann and submit an updated copy of the confirmation of feasibility for the proposed development.

## 3. Design

- Provision of front boundaries between each unit.
- Address concern that windows on side elevation of some apartment type E units interface directly with driveways of adjacent houses, causing loss of privacy.
- Address concern with the design of unit 47 with regards the interface of windows with an adjoining property.
- Address concern with first-floor side elevation window of unit 103 with regards access to daylight and relationship with adjoining units.
- Provide details on material finishes for bin / bicycle storage facilities.
- Provide clarity on the material finishes for the childcare facility.

## 4. Submissions and Observations

- Applicant was invited to respond to issues raised.

Further information was received on the 29<sup>th</sup> August 2025 and was subsequently deemed not be significant.

The planners report, dated 25<sup>th</sup> September 2025, made the following main points with regards the submitted further information:

### *Roads and Traffic Safety*

- It is considered that a Stage 2 road safety audit can be conditioned.
- Vehicular parking arrangement for units 81, 82, 83 and 84 is not acceptable. Revisions can be required by condition.

### *Design*

- Applicant seeks to retain the windows to the side elevation of apartment unit type E, where that elevation interfaces with a neighbouring driveway, citing the benefit of these windows from a passive surveillance perspective, but has submitted a revised drawing to demonstrate compliance if the planning authority's concern remains. Planner's report recommends that the windows are omitted by condition.

The planner's report also notes that the further information submitted sought to address issues raised in a submission received from the Chief Fire Officer, including minor internal alterations to the childcare facility, with updated plans of same submitted. The planner's report notes a submission received from the Chief Fire Officer with respect to the further information, however notes that compliance with fire safety is a matter to be reviewed under the building regulations, a separate code, outside the remit of planning.

The planner's report concluded that the development is consistent with national, regional, and local policy, and that, as such, the proposal is in accordance with the proper planning and sustainable development of the area, and that permission should be granted subject to conditions.

#### *4.2.2. Other Technical Reports*

*District Engineer:* Report dated 24<sup>th</sup> June 2025 recommending that further information be sought with regards swept path analysis, Stage 2 road safety audit and a DMURS compliance statement. This was reflected in the further information request issued by the planning authority. A further report dated 23<sup>rd</sup> September 2025 acknowledged the further information received and recommended a condition requiring a suite of standard condition along with a condition which requires revised parking arrangements for units 81, 82, 83 and 84, by reason of the relatively long driveway which is deemed to require excessive reversing to the public road.

Fire Officer: Report received on 19<sup>th</sup> May 2025 recommended that the applicant be requested to indicate how the proposed design of the creche building and apartment block F meet fire safety related regulations. Whilst this was not reflected in the further information request, a copy of the submission was forwarded to the applicant for consideration. A further report received on 3<sup>rd</sup> September 2025 advised that issues regarding fire safety have not been addressed, and thus recommends a refusal.

Environment Section: Report dated 25<sup>th</sup> June 2025 made the following main points:

- The conclusion of the submitted AA screening report was reasonable.
- The ecological survey carried out as part of the submitted Ecological Impact Assessment Report (EiAR) is considered to be a reasonable assessment of the site and that all recommended mitigation measures identified in the EiAR and other submitted reports are to be included with the CEMP.
- Noise levels for construction stage to be required by condition.
- Updated Outline Construction Environmental Management Plan (CEMP), Outline Resource Waste Management Plan (RWMP) to be submitted for agreement.
- Specific dust limits for the construction phase to be conditioned.
- No objection to public lighting proposal.
- Drainage and SuDS proposals appear reasonable.
- No evidence of flood risk affecting the site.

Active Travel: Report received on 11<sup>th</sup> June 2025 raised no objection, advising that the active travel department have no plans for infrastructure in the vicinity of the site and that the active travel department provided advice to the developer through the development stage of the application and that this has been taken on board.

#### **4.3. Prescribed Bodies**

##### Uisce Eireann

A submission dated 22<sup>nd</sup> May 2025 noted that a Confirmation of Feasibility letter previously issued by Uisce Eireann for the development site was dated September

2023. Given that more in excess of 12 months had passed, it was recommended that an updated Confirmation of Feasibility letter be sought. A further submission dated 12<sup>th</sup> September 2025 acknowledged the updated Confirmation of Feasibility letter issued on 7<sup>th</sup> August 2025.

Environmental Health Officer

A submission dated 19<sup>th</sup> June 2025 offered comments with respect to drainage, potable water, protection of surface and ground water, drainage / servicing of refuse storage areas.

Westmeath Community Childcare Committee

A submission dated June 2025 advised of the following:

- All services in Kinnegad are currently full, with waiting lists.
- The proposed Childcare Service should be built as Phase 1 of the housing development to meet the growing needs of the families of the Kinnegad Region.
- The proposed facility should be increased in size to cater for the proposed growth in population of the Kinnegad area. The proposed facility should use the Universal Design Guidelines for Early Learning and Care Setting to incorporate accessible child friendly design that meets the Pre School Regulations and the requirements for outdoor play.
- The outdoor spaces should be accessible to all children from their rooms

#### **4.4. Third Party Observations**

- 4.4.1. 23 no. observations were made on the application, including an observation from Robert Troy TD and Cllr. Denis Leonard, an elected member of Westmeath County Council.
- 4.4.2. 20 no. of the observations received are from residents of the Manorfield housing estate which adjoins the appeal site to the south, with the fundamental objection relating to the proposed pedestrian / cycle link between the development and Manorfield and generally reflect the content of the third-party appeal. Grounds of appeal are discussed in greater detail under Section 6.0 below.

- 4.4.3. Robert Troy TD supports the application and requests that the childcare facility is delivered as part of phase 1 of the project.
- 4.4.4. Cllr. Denis Leonard welcomes the delivery of housing for Kinnegad but shares the concerns of the residents of Manorfield with respect to the proposed pedestrian / cycle connection between the estates.
- 4.4.5. An observation was also received from the resident of a dwelling located on the west side of Killucan Road, directly opposite the proposed entrance to the development. The observation raised concerns with regards traffic at construction and operational stages and also the capacity of water services.

## 5.0 Planning History

### 5.1. Appeal Site

**PI. Ref. 04/5310 / ABP Ref. PL25M.211056** - refers to a 2005 grant of permission to construct 118 no. dwellings. Ground works were commenced including roads and services, however the development was not completed further.

Condition 2 required various amendments to be agreed in writing with the planning authority including (e) *Measures to prohibit vehicular access to and from the existing development to the south-east. This access point shall be for pedestrian and bicycle use only.*

### 5.2. Wider Area

**P.A. Ref. 2560234** – refers to a 2025 grant of permission for an LRD application of 127 no. dwellings (reduced from 129 no. at further information stage) and a childcare facility on a c. 4 ha site to the north of Kinnegad town centre, c. 550m southeast of the appeal site. The development would be accessed off the L-5014 (Boreen Bradach Road) which connects to Main Street to the south. There were no appeals lodged with An Coimisiún Pleanála and a final grant of permission was issued by the local authority on the 7<sup>th</sup> November 2025.

**P.A. Ref. 22325 / ABP-316334-23** – refers to a 2024 grant of permission for a retirement village and residential care home on a site to the west of Killucan Road on

the western edge of Kinnegad town, c. 80m due west of the appeal site, with access off the R148 / Mullingar Road.

## 6.0 Policy Context

### 6.1. Revised National Planning Framework, 2025

The National Planning Framework (NPF) is the Government's high level strategic plan for shaping the future growth and development of Ireland to 2040. The Revised NPF takes account of changes that have occurred since the publication of the first NPF in 2018.

The Revised NPF includes an amended Targeted Pattern of Growth between 2022 and 2040 for the regional assembly areas. National Policy Objective 3 targets approximately 470,000 additional people between 2022 and 2040 in the Eastern and Midland Region.

Relevant national policy objectives are as follows:

#### **National Policy Objective 3**

- Eastern and Midland Region: 470,000 additional people between 2022 and 2040 (c. 690,000 additional people over 2016-2040) i.e. a population of almost 3 million;
- Northern and Western Region: 150,000 additional people between 2022 and 2040 (c. 210,000 additional people over 2016-2040) i.e. a population of just over 1 million;
- Southern Region: 330,000 additional people over 2022 levels (c. 450,000 additional people over 2016- 2040) i.e. a population of just over 2 million.

**National Policy Objective 7** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

**National Policy Objective 9** Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.

**National Policy Objective 12** Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

**National Policy Objective 13** Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.

**National Policy Objective 37** Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

## 6.2. National Guidance

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 guidelines are as follows:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Quality Housing for Sustainable Communities 2007
- Sustainable Urban Housing: Design Standards for New Apartments, 2023<sup>1</sup>
- Childcare Facilities, Guidelines for Planning Authorities, 2001
- Design Manual for Urban Roads and Streets

## 6.3. Delivering Homes, Building Communities 2025-2030

An Action Plan that aims to build on recent progress to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030. The Action Plan is built around

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<sup>1</sup> *Design Standards for Apartments - Guidelines for Planning Authorities (2025)* were published by the Department of Housing, Local Government and Heritage on 8th July 2025. Circular NSP 04/2025, issued on 10<sup>th</sup> July 2025, outlines transitional arrangements including that the revocation of the 2023 Apartment Guidelines does not apply to appeals or planning applications that were subject to consideration within the planning system on or before the 8<sup>th</sup> July 2025. As such, pursuant to Circular NSP 04/2025, the 2023 Apartment Guidelines are the relevant apartment guidelines for this appeal for the reason that the application was lodged with the planning authority prior to 8<sup>th</sup> July 2025.

two pillars 'Activating Supply' and 'Supporting People', with four key priorities under each pillar.

#### **6.4. Climate Action Plan**

The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead to meeting Ireland's national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

#### **6.5. National Biodiversity Action Plan (NBAP) 2023-2030**

Ireland's 4th NBAP sets the biodiversity agenda for the period 2023 – 2030. The NBAP has a list of Objectives which promotes biodiversity as follows:

Objective 1 Adopt a whole of government, whole of society approach to biodiversity

Objective 2 Meet urgent conservation and restoration needs

Objective 3 Secure nature's contribution to people

Objective 4 Enhance the evidence base for action on biodiversity

Objective 5 Strengthen Ireland's contribution to international biodiversity initiatives

#### **6.6. Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019**

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located within the 'Core Region' which includes the peri-urban 'hinterlands' in the commuter catchment around Dublin. Of relevance is:

**RPO 4.83:** Support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans.

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

The Westmeath County Development Plan 2021-2027 is the relevant plan for the appeal site.

I note that proposed Variation No. 1 of the CDP is currently at material alteration stage. The proposed variation comprises two distinct parts, referred to within the proposed variation documentation as Amendment 1 and Amendment 2, the former seeking to incorporate the Mullingar Settlement Area Plan 2025-2031 and the latter seeking to ensure that the CDP is fully aligned with the Specific Planning Policy Requirements (SPPRs) set out in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024.

Chapter 8 of the CDP Volume 1 contains a 'Settlement Plan' for Kinnegad, with reference to a zoning map, flood risk map and local objectives map contained in CDP Volume 2.

Other relevant chapters in the CDP are Chapter 2 (Core Strategy), Chapter 3 (Housing Strategy), Chapter 4 (Sustainable Communities), Chapter 7 (Urban Centres and Placemaking), Chapter 10 (Transport, Infrastructure and Energy) and Chapter 16 (Development Management Standards).

### **Chapter 8 – Settlement Plans**

Chapter 8 of the CDP contains a Settlement Plan for Kinnegad, which includes a suite of policy objectives for the town. The Settlement Plan should be read alongside Map 08 (Zoning Map), Map 09 (Flood Risk Map) and Map 10 (Objectives Map) for the town as contained in Volume 2 of the CDP. In turn, the Zoning Map should be read alongside Chapter 15 (Land Use Zoning Objectives) of the CDP, which includes a zoning matrix and description of zoning objectives.

Under the Zoning Map for Kinnegad, the majority of the appeal site is zoned '*Proposed Residential*', and as per CPO 15.2 (Chapter 15), the policy objective for which is to '*Provide for high quality residential development and associated services in line with the provision of the necessary social and physical infrastructure*'. Under the Zoning Matrix at Section 15.1, 'Residential Multiple' and 'Childcare Facilities' are uses that are '*Permitted in Principle*' on land zoned 'Proposed Residential'.

At the southeast corner of the site, the application red line boundary extends into the public realm of Manorfield housing estate to facilitate the proposed pedestrian / cycle connection. The redline takes in part of the roadway and footpath and also a narrow section of grassed land located between the appeal site boundary and the end of the roadway. The piece of grassed land is zoned 'Open Space'.

At this juncture I would make the Commission aware that part of the proposed development would appear to extend outside the settlement boundary of the town as identified on the Zoning Map, and, as such, into land that is located in the rural area and thus not zoned. This issue is discussed further under Section 8.1 of my report.

The Settlement Plan includes the following policy objectives relevant to the proposed development:

**Policy Objective CPO 8.96** Provide for new residential development in accordance with the requirements of the Housing and Core Strategy.

**Policy Objective CPO 8.103** Support the development of a network of green routes to connect adjacent residential estates with St. Etchens School complex and Kinnegad GAA.

**Policy Objective CPO 8.105** Support the development of a looped walking/cycling routes within the locality, including the enhancement of "An Boreen Brádach", walking/cycle route and encourage increased connectivity to Kinnegad Town Centre.

## **Chapter 2 – Core Strategy**

Under Chapter 2, Kinnegad is identified as a level 3 settlement, Self-Sustaining Growth Town, in the settlement hierarchy for the County, the description for which, as per the RSES, is '*Self-Sustaining Growth Towns with a moderate level of jobs and services – includes sub-county market towns and commuter towns with good transport*

*links and capacity for continued commensurate growth to become more self-sustaining’.*

For Kinnegad town, the Core Strategy (Table 2.9) allocates a target population growth rate of 20% above the 2016 Census figure, which equates to an additional 549 no. persons during the six-year CDP plan period 2021 to 2027. Based on the population growth target, the Core Strategy refers to the quantum of land zoned for housing, including 11.26ha zoned ‘Proposed Residential’, and with a potential housing yield of between 241 and 362 new dwellings.

**Policy Objective CPO 2.7** Promote consolidation in Self-Sustaining Growth Towns coupled with targeted investment where required to improve local employment, services and sustainable transport options and to become more self-sustaining settlements, in line with settlement specific policy contained within Chapter 8 of the plan.

### **Chapter 3 – Housing**

**Policy Objective CPO 3.2** Ensure that settlements grow in a manner that is self-sustaining with sufficient social and economic infrastructure, and to a scale which aligns with the Settlement Hierarchy prescribed in the Core Strategy.

**Policy Objective CPO 3.5** Ensure that a suitable variety and mix of dwelling types and sizes is provided in developments to meet different needs, having regard to demographic and social changes.

**Policy Objective CPO 3.8** Apply graded densities in towns and villages having regard to their role in Settlement Hierarchy and that are commensurate to the existing built environment.

### **Chapter 4 – Sustainable Communities**

**Policy Objective CPO 4.1** Support sustainable transport infrastructure, by developing mixed use schemes, higher densities close to public transport hubs, safe walking routes in developments, promoting alternative modes of transport and reduce the need to travel.

**Policy Objective CPO 4.24** Encourage and support the provision of childcare facilities, with consideration given to proper siting and design, in appropriate locations including residential areas, town and local centres, areas of employment and close to

public transport throughout the County and in accordance with the needs identified by Westmeath County Childcare Committee (WCC). All planning applications for childcare facilities shall be assessed in consultation with Westmeath County Childcare Committee.

### **Chapter 7 – Urban Centres and Placemaking**

**Policy Objective CPO 7.3** Encourage transition towards sustainable and low carbon transport modes through the promotion of alternative modes of transport and ‘walkable communities’ whereby a range of facilities and services will be accessible within short walking or cycling distance.

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

**Policy Objective CPO 10.11** Promote walking and cycling as efficient, healthy and environmentally friendly modes of transport by securing the development of a network of direct, comfortable, convenient and safe cycle routes and footpaths, particularly in urban areas and in the vicinity of schools.

### **Chapter 16 – Development Management Standards**

**Policy Objective CPO 16.11** Planning proposals for housing schemes are required to present a considered design approach to tailor the scale, design, layout and density of housing in responding to the individual character of the respective town or village.

**Policy Objective CPO 16.12** New housing layouts should provide for a suitable mix and typology of residential units that demonstrates compliance with the following criteria:

#### **Physical Criteria**

- Optimise traffic safety and ensure ease of movement, orientation and navigation, with a fully integrated and connected road network. Avoidance of a roads dominant scheme and use of cul-de-sacs.
- Provision of quality pedestrian and cycle linkages and infrastructure to facilitate sustainable modes of transport.
- Promotion of a high standard of design and layout that provides legibility, character and local distinctiveness.
- Ensure that buildings and streets are designed to enable easy access by all regardless of mobility.

### Social Criteria

- Design for life and adaptability meeting the needs of all (including children, older persons and mobility impaired).
- Design for social cohesion and interaction based on active and social streets.
- Protect levels of privacy and amenity for existing and new residents.
- Delivery of active frontages including corner sites providing dual frontage and avoidance of blank facades, fencing and garden walls fronting on to streets and green areas/open space.
- Support play policies to address the play and recreation needs of children and young people and ensure the integration of play provision and child-friendly neighbourhoods.
- One childcare facility providing for a minimum of 20 childcare places per approximately 75 dwellings proposed should be provided, unless otherwise recommended by the County Childcare Committee.

### Environmental Criteria

- Innovative energy efficient housing to accommodate new typologies and provide adaptable and/or whole life-cycle homes to create inclusive and socially balanced residential communities.
- Reflect and contribute to the local character and identity of place by avoiding repetitive volume builds.
- Delivery of high quality accessible open space, public realm and landscaping.
- Incorporation of measures to ensure sustainable design such as rainwater harvesting, green roofs and walls etc.

**Policy Objective CPO 16.13** Where new developments are proposed adjacent to existing and established neighbourhoods, the design, layout and housing mix should be designed in such a way to enable positive integration, both physically and socially towards building strong integrated communities and social cohesion.

**Policy Objective CPO 16.25** New development proposals should be fully permeable for walking and cycling and the retrospective implementation of walking and cycling facilities should be undertaken where practicable in existing neighbourhoods, in order to give a competitive advantage to these modes for local trip making. Where possible, new residential developments should provide for filtered permeability, i.e. provide for

walking, cycling, public transport and private vehicle access while restricting or discouraging private car through trips.

## **6.8. Natural Heritage Designations**

The site is not located within or adjacent to any designated sites. The closest European Sites are as follows:

- Mount Hevey Bog SAC (Site Code: 002342), c. 1.8m north/northeast of the site.
- River Boyne and River Blackwater SAC (Site Code: 002299), c. 4.6km north or c. 10.1km east of the site.
- River Boyne and River Blackwater SPA (Site Code: 004232), c. 4.6km north or c. 10.1km east of the site.

The Molerick Bog NHA (Site Code: 001582) is located c. 6.3km east of the site. The Mount Hevey Bog pNHA (Site Code: 001584) and the Royal Canal pNHA (Site Code: 002103) are located c. 1.8km and c. 3.2km north/northeast of the site, respectively.

## **7.0 The Appeals**

### **7.1. Third Party Appeal**

- 7.1.1. A third-party appeal was received from Agnieszka Kotulska, 99 Manorfield, Kinnegad, Co. Westmeath. The appeal document submitted states that the third-party appeal is being made on behalf of the Manorfield Residents Association. The grounds of appeal relate solely to the proposed pedestrian / cycle connection that would link the proposed development to the Manorfield housing estate.

The main points of the appeal can be summarised as follows:

#### General Points

- Residents of Manorfield welcome much-needed new housing in Kinnegad.
- Objection relates only to the proposed pedestrian/cycle connection between the proposed development and Manorfield.
- Planning application pertaining to the Manorfield housing estate did not indicate a future pedestrian/cycle connection through to adjoining lands.

- The internal estate road of Manorfield, to which the proposed pedestrian/cycle link would connect, was supposed to have a footpath on both sides but only constructed on the southwestern side, fronting the houses. As such, the existing footpath will act as the primary pedestrian and cycle route between the new development and Kinnegad town centre.

#### Privacy and Layout of Manorfield Estate

- Manorfield already provides access to the GAA grounds.
- The proposed pedestrian link will have a detrimental effect on the residents of Manorfield, particularly those of the cul-de-sac area in the northwest.
- The proposal will bring more footfall through Manorfield via an existing cul-de-sac road, thereby altering the character of the estate and impacting negatively on the privacy of residents including by reason of open style front boundaries of houses within Manorfield.

#### Health and Safety

- The proposed link will encourage the use of e-scooters and electric bikes, creating a hazard for pedestrians and increase risk of injury.
- The length of the newly proposed footpath will allow e-scooters and e-bikes to reach high speeds, causing a hazard for pedestrians.

#### Anti-Social Behaviour

- Creating a pedestrian / cycle link between two estates invites anti-social behaviour.
- A pedestrian link between two estates in Kinnegad was subsequently closed off due to anti-social behaviour.

#### Devaluation of Property

- Altering the nature of the Manorfield estate and its character (by introducing a pedestrian/cycle connection) will most likely decrease the value of the properties, particularly those within the cul-de-sac to the northwest.

## 7.2. First Party Appeal

7.2.1. The Applicant has also lodged a first-party appeal against a number of conditions on Westmeath County Council's decision, namely Condition 2(a), which relates to revised window treatment to a particular apartment unit type, Conditions 7(a) and 7(b), which relate to phasing and the delivery of the childcare facility, and also Condition 13(c), which relates to design of road junctions.

The grounds of appeal are set out below.

### Condition 2(a)

- The applicant requests that Condition 2(a) is omitted or amended.
- This condition requires a modification to the side elevation of Apartment Type E units where the windows on the side elevation directly overlook an adjacent driveway. The affected units are identified on dwg. no. 22004-CA-ZZ-DR-A-0010-P01), a copy of which is enclosed with the appeal.
- The ground and first floor windows overlooking the public domain and contribute to the 'security by design' approach to passive surveillance in the site layout.
- For example, the windows between the northern elevation of units 65/66 and the southern elevation of units 76/77 look along the street, public open space D and the front gardens and driveways of units 67-75, thereby providing surveillance within this central part of the development.
- The driveways and front gardens are visible from the public road and are therefore overlooked from the public domain. A side garden being visible from two windows on a side elevation will not cause injury or loss of residential amenity.
- By reason of layout and context, the only pair of type E apartment types that present the concern of overlooking from side elevation windows are units 45/46, 50/51, 65/66 and 76/77.
- The applicant sought to address the same issue at further information stage and submitted revised plans and elevations of unit type E showing the omission of the relevant side elevation windows and inclusion of roof lights instead.

- As part of the first party appeal, the applicant has submitted further revised plans and elevations for unit Type E (drawing 22004.CA-ZZ-DR-A--0033 Rev. P02 refers). These revisions would relate to unit groups 45/46, 50/51, 65/66 and 76/77. The revisions are, for all intents and purposes, the same revisions submitted to the planning authority at further information stage, namely the omission of the side elevation windows where they interface with the front driveway / front garden of an adjoining property and the introduction of rooflights. An additional revision is shown in the form of the introduction of a conventional window on the rear elevation at first floor level instead of a high-level window.
- The Commission is requested consider the design of apartment type E as originally submitted to the planning authority and thus removed Condition 2(a) however if residential amenity is a concern with regards the location of windows on the side elevation interfacing with third party property, then the Commission is requested to amend Condition 2(a) to require a fenestration design as per the amended plans submitted with the first party appeal (drawing 22004.CA-ZZ-DR-A--0033 Rev. P02).

#### Condition 7(a) and 7(b)

- The applicant requests that Conditions 7(a) and 7(b) are omitted.
- The conditions relate to phasing and require that the creche is in operation upon completion of Phase 1 unless otherwise agreed in writing with the planning authority.
- The applicant had intended delivering the crèche as part of Phase 4, as per phasing plan submitted with the application.
- The applicant is house builder with no experience with operating a crèche.
- It is difficult to predict the demand for a crèche or likelihood of securing an operator. As such, the requirement to have a crèche operational upon completion of Phase 1 is unreasonable and places uncertainty around the progression to Phase 2 of the project.

#### Condition 13(c)

- Condition 13(c) should be read in conjunction with Condition 13(d).

- Condition 13(c) and (d) refer to two sets of standards, which are fundamentally different design frameworks not intended to be applied together to the same type of street environment.
- Condition 13(c) requires that all works are to comply with Transport Infrastructure Ireland (TII) Standards (for National Roads), specifically DN-GEO-03060 'Geometric Design of Junctions', whilst Condition 13(d) requires compliance with DMURS (streets in 50/60kmh) and applies internally.
- DN-GEO-03060 forms part of the TII Design Manual for Roads and Bridges (DMRB) suite, applicable to national and regional routes. DN-GEO-03060 would only apply to the proposed junction with the Killucan Road if the junction was located outside the urban area and only applies in urban areas in 'exceptional' circumstances.
- The site layout is designed in accordance with DMURS principles. TII DMRB does not apply because there are no external junctions connecting to a national or regional road. As such, Condition 13(c) should be omitted.

### **7.3. Applicant's Response to Third Party Appeal**

The Commission received a response to the third-party appeal on 17<sup>th</sup> November 2025 on behalf of the applicant. The relevant points of the response can be summarised as follows:

- With reference to the planner's reports, the planning authority supports the provision of the proposed pedestrian / cycle link.
- The LRD opinion expressively requires the provision of the pedestrian / cycle link.
- The provision of the pedestrian / cycle link is supported by NPOs 12, 13 and 14 of the National Planning Framework and by a suite of policy objectives under the County Development Plan, particularly CPO 16.25. There is clear policy support for pedestrian / cycle links between adjoining residential estates, integrating and strengthening communities
- With reference to the initial planner's reports, the planning authority considers that the inclusion of an emergency access element to the pedestrian / cycle link

is unnecessary, hence the requirement of Condition 6. The applicant is supportive of this condition.

- Appellant's concerns with regarding e-scooters and e-bikes using footpaths is unfounded. Such vehicles will use the roadway.
- Concerns regarding anti-social behaviour is unfounded. No planning rationale provided to justify the omission of the pedestrian / cycle link.

#### **7.4. Planning Authority Response**

A response was not received within the statutory timeframe.

#### **7.5. Observations**

None received.

#### **7.6. Further Responses**

None.

### **8.0 Assessment**

Having examined the application details and all other documentation on file, including appeal submissions, the reports of the local authority, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal are as follows:

- Principle of Development
- Quantum of Development
- Layout and Design
- Planning Conditions
- Other Matters

In respect of the proposed development, I have carried out a screening determination for Appropriate Assessment (AA), Water Framework Directive Impact Assessment and Environmental Impact Assessment (EIA), which are presented in Sections 9.0, 10.0 and 11.0, respectively.

## 8.1. Principle of Development

### Zoning – New Issue

- 8.1.1. Under the current County Development Plan the majority of the appeal site is zoned 'Proposed Residential', and as per CPO 15.2 (Chapter 15), the policy objective for which is to *'Provide for high quality residential development and associated services in line with the provision of the necessary social and physical infrastructure'*. Under the Zoning Matrix at Section 15.1, 'Residential Multiple' and 'Childcare Facilities' are uses that are 'Permitted in Principle' on land zoned 'Proposed Residential'.
- 8.1.2. As outlined under Section 6.7 of this report, at the southeast corner of the site, to account for the proposed pedestrian / cycle connection, the application red line extends over a narrow sliver of 'open space' zoned land and then marginally along the internal roadway of Manorfield housing estate. As per CPO 15.11 of the CDP, the policy objective for the Open Space zoning is to *Provide for, protect and enhance the provision, attractiveness, accessibility and amenity of public open space*. In my view, the provision of a pedestrian / cycle link, a form of green infrastructure, between residential areas is consistent with the objective of the open space zone.
- 8.1.3. However, there appears to be an anomaly with regards the zoning of part of the site along its northern boundary. As outlined under Section 6.7 of my report, it would appear that part of the proposed development is located outside the 'settlement boundary' of the town as identified on the Zoning Map, and, as such, part of the site is located in the rural area and thus not zoned.
- 8.1.4. The part of the site in question is contained in the northwest corner where the 'Proposed Residential' zoning line becomes irregular for a section along the northern edge. Whilst not obvious on the ground, the zoning alignment would appear to have been informed by the footprint of an adjoining farmyard, which would appear to have comprised further buildings within the appeal site boundary, and which have since been demolished. As such, it would appear that the 'Proposed Residential' zoning was aligned around the perimeter of the farmyard as it previously existed, hence the irregular nature of the zoning line along the northern boundary.
- 8.1.5. The application red line along the northern boundary, as shown on the submitted site layout plan, does not take account of the irregular zoning line and, as such, and as

stated above, part of the development is contained on land outside the settlement boundary of the town, and thus not zoned.

8.1.6. This zoning issue does not appear to have been identified during the pre-planning / LRD Opinion nor application stages with the planning authority. The planner's report, dated 7<sup>th</sup> July 2025, outlined that the application site is zoned 'Proposed Residential' in the Westmeath County Development Plan 2021-2027, and in this context also outlines that the northern boundary of the site aligns with the settlement boundary of Kinnegad. Furthermore, the applicant's submitted *Statement of Consistency with Local Planning Policy* states that 'The northern site boundary aligns with the town development boundary in the Kinnegad Settlement Plan.'

8.1.7. I have reviewed the site plan and cross-referenced same with the zoning map, and whilst a clear comparison is difficult to establish, I consider that the zoning anomaly concerns 10 no. units along the northwestern edge of the site, namely unit 7 through to unit 16. Of note is that the zoning anomaly affects only houses and does not affect internal roadways or open space.

8.1.8. The zoning anomaly and location of part of the development on land that is not zoned for residential use presents a potential legislative / procedural issue for an LRD application. Section 32A of the Planning and Development Act 2000 (as amended) reads as follows:

*2) A planning authority shall refuse to consider an application for permission—*

*(a) for large-scale residential development,*

*(b) on land—*

*(i) that is not located in a strategic development zone, and*

*(ii) the zoning of which facilitates its use for the purposes proposed in the application,*

*unless it is satisfied that the applicant holds an LRD opinion, or written confirmation referred to in section 247(7), in relation to the proposed LRD provided not more than 6 months before the date of the application.*

*3) Where a planning authority refuses to consider an application for permission under subsection (2), it shall return the application to the*

*applicant, together with any fee received from the applicant in respect of the application, and shall give reasons for its decision to the applicant.*

- 8.1.9. In the context of the above, it is considered that this part of the proposed development is not consistent with the legislative preconditions for an LRD application, insofar as it is not on land the zoning of which facilitates its use for the purposes proposed in the application. In this context, the Commission is precluded from granting permission for this element of the proposed development.
- 8.1.10. On the basis of the above, I recommend that the part of the proposed development comprising house units 7 through to 16 be refused permission. There is no indication that the planning authority raised the zoning discrepancy with the applicant during the various pre-planning meetings including the formal Section 32C LRD meeting. As such, the Commission may wish to seek the views of relevant parties on this matter.

#### Core Strategy

- 8.1.11. Under Chapter 2 of the CDP, Kinnegad is identified as a Tier 3 settlement (Self-Sustaining Growth Town) in the settlement hierarchy for the County, the description for which, as per the RSES, is *'Self-Sustaining Growth Towns with a moderate level of jobs and services – includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining'*. Policy Objective CPO 8.96 of the Kinnegad Settlement Plan seeks to provide for new residential development in accordance with the requirements of the Housing and Core Strategy.
- 8.1.12. Section 2.8.1 of the CDP relates to the Core Strategy and outlines that the CDP population growth allocation is based on 'proportional intervention', which envisages growth rates to 2031 which are proportional to each tier of the settlement hierarchy. This high level allocation across the settlement hierarchy is outlined in CDP Table 2.6 and, of particular relevance to Kinnegad, shows that 'Self-Sustaining Growth Towns' are allocated a target population growth rate to 2027 of 20% above the 2016 Census figure, with further growth to the year 2031.
- 8.1.13. Table 2.6 shows that the population of Kinnegad was 2,745 at Census 2016. The 20% population growth rate for Self-Sustaining Growth Towns equates to an additional 549 no. persons in the period 2016 to 2027. Based on the population growth target, Core Strategy Table 2.9 refers to the quantum of land zoned for housing, including

11.26ha zoned 'Proposed Residential', and with a potential housing yield of between 241 and 362 new dwellings.

8.1.14. Once complete, and notwithstanding my recommendation to omit 10 houses along the northern boundary (and a further 22 no. apartments – see Section 8.3 below), the proposal will accommodate c. 346 no. persons (based on an average household size of c. 2.77 persons for County Westmeath at Census 2022). The planning authority recently granted permission for a Large-Scale Residential Development (LRD) of 127 no. dwellings (reduced from 129 no. at further information stage) and a childcare facility (P.A. Ref. 2560234 refers) on a c. 4 ha site to the north of the town centre, c. 550m southeast of the appeal site. That permission has the potential to generate an additional population of c. 351 persons. Also of note are 24 no. new units east of The Hawthorns and 24 no. new Part 8 units at Bun Daire, granted post 2016 Census, and either already constructed or currently under construction, equating to an additional population of c. 132 persons.

8.1.15. Together, these various schemes, including the development on the appeal site, have the potential to generate additional population of c. 830 persons in the period since 2016, equating to a population of c. 3,575 persons or a c. 30% growth rate since 2016. Whilst the Core Strategy envisaged a 20% growth for the town in the period 2016 to 2027, I note that the current CDP runs for a 6 year period from May 2021 to May 2027 and a planning application has a life of 5 years, therefore from a practical viewpoint, the delivery of the majority of houses within the current scheme, if approved, and those houses within the other, recently approved, LRD in the town, is post 2027 and most likely running beyond 2030. In this regard, I note that under CDP Core Strategy Table 2.6, the local authority envisages a population of c. 3,506 persons for Kinnegad by 2031. I would also note that the CSO boundary for the town used for the 2016 Census was such that c. 48 houses that existed within the urban footprint at that time were not included in the population figure for the settlement. If the CSO boundary was more reflective of the footprint of the town at the time, this would have had the effect of not just increasing the population at Census 2016 but also a higher target growth figure to 2027 by reason of applying 20% to a higher base population. And, on a side note, while the 2022 Census figure might suggest that the town's population grew by c. 11.6% since 2016, approximately half this growth can be attributed to those existing houses on account of the amended CSO boundary.

- 8.1.16. National Policy Objective 7 of the Revised NPF seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth. CDP Policy Objective CPO 2.7 promotes consolidation in Self-Sustaining Growth Towns while Policy Objective CPO 8.97 encourages the appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up area. The appeal site is fully serviced, located contiguous to an existing housing estate and connected to the town centre and local services and amenities via road and footpath. The proposal includes a pedestrian / cycle link through to Manorfield, allowing permeability and more convenient walking / cycling to local services and amenities.
- 8.1.17. On the basis of the above, I consider the proposal is acceptable in principle, consistent with the CDP Core Strategy and Objective CPO 8.96. Furthermore, the appeal site constitutes a brownfield, backland/ infill site within the footprint of the town, on which a similar residential development was previously approved and commenced, albeit unfinished, supporting Revised NPF National Policy Objective 7 and National Policy Objective 9 and CDP Policy Objective CPO 2.7 with respect to sequential and compact growth.

## **8.2. Quantum of Development**

### Density

- 8.2.1. The CDP does not define a density range for the self-sustaining growth towns, rather Policy Objective CPO 3.8 seeks to apply graded densities in towns and villages having regard to their role in Settlement Hierarchy and that are commensurate to the existing built environment.
- 8.2.2. At Census 2022, Kinnegad had a population of 3,064 persons. Table 3.6 of the Sustainable Residential Development and Compact Settlements Guidelines 2024 sets out that residential densities in the range 25 to 40 dwellings per hectare shall generally be applied for sites at the edge of small / medium sized towns (1,500 - 5,000 population).
- 8.2.3. The proposed scheme comprises 125 no. dwellings on a site with an overall net developable area of 3.59ha, equating to a density of 34.8 dwellings per hectare, which

falls within the applicable density range set out in the Compact Settlement Guidelines, 2024.

- 8.2.4. The potential refusal of 10 no. houses on the basis of the zoning anomaly (as recommended under Section 8.1 above) and a further recommendation to refuse permission for the 22 no. apartments (as recommended under section 8.3 of my report) reduces the overall number of dwellings in the scheme to 115 no., with a negligible effect on the density achieved by reason of the associated reduced site area.
- 8.2.5. On the basis of the foregoing, I consider the quantum of development proposed is consistent with CDP Policy Objective CPO 3.8 and the Sustainable Residential Development and Compact Settlements Guidelines, 2024.

#### Unit Mix

- 8.2.6. The Compact Settlements Guidelines 2024 does not provide a unit mix standard rather directs planning authorities to rely on the provisions of its County Development Plan and associated Housing Need and Demand Assessment. SPPR 1 of *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, July 2023* relates to unit mix, stating that housing developments may include up to 50% one-bedroom or studio type units and there shall be no minimum requirement for apartments with three or more bedrooms. SPPR 1 also states that a CDP may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA).
- 8.2.7. The CDP does not specify a unit mix standard, however CDP Policy Objective CPO 3.5 seeks to ensure that a suitable variety and mix of dwelling types and sizes is provided in developments to meet different needs, having regard to demographic and social changes.
- 8.2.8. Appendix 1 of the CDP contains a Housing Need Demand Assessment (HNDA) and Housing Strategy. With regards household size, the HNDA analysis finds the following:
- 1 and 2 person households will form the largest overall cohort over the CDP period, amounting to a combined total of 55.1% of all households by 2027.

- The number of households comprising of 4 people or more will continue to decline between 2021-2027.
- Households with four or more people will amount to approximately 27% of total households by 2027.

8.2.9. The HNDA does not recommend a policy intervention in respect of housing mix. The proposed development comprises 125 no. dwelling units, with a mix of 33 no. 2-bed units, 56 no. 3-bed units and 36 no. 4-bed units. This equates to 26% 2-bed, 45% 3-bed and 29% 4-bed units. I am satisfied that the proposal provides a reasonable mix of unit types, consistent with CDP Policy Objective CPO 3.5. The planning authority considered that the mix proposed has a varied range of unit types and sizes to support a wide and inclusive socio-economic community.

#### Conclusion

8.2.10. On the basis of the foregoing, I consider the quantum of development proposed is consistent with CDP Policy Objective CPO 3.8 which seeks to apply graded densities in towns and villages having regard to their role in Settlement Hierarchy and also consistent with the Sustainable Residential Development and Compact Settlements Guidelines, 2024 with respect to edge of town locations. I am satisfied that the proposal represents a suitable form of development at an appropriate residential density, contributing to an increased provision of new homes of the required standard and a greater mix and variety of residential typologies available for Kinnegad.

### **8.3. Layout and Design**

8.3.1. It is evident from the suite of documentation submitted with the application that extensive design work has been undertaken through the pre-planning process by the parties to agree an appropriate architectural approach to developing the site and to secure a high-quality design solution for the proposal.

8.3.2. The planning authority found the design and layout proposed to be acceptable and no conditions are attached amending same, albeit requiring relatively minor amendments by way of Condition 2 and clarifying that the proposed link between the development and Manorfield is to be for pedestrians and cyclists only, thus omitting the measures to allow emergency access.

### Proposed Pedestrian / Cycle Link

- 8.3.3. The principal ground of the third-party appeal relates to the abovementioned proposal to connect the development with the Manorfield housing estate by way of a new pedestrian / cycle link. The proposed link comprising footpath and cycleway extending off the internal roadway of the proposed development would connect with the internal road /footpath network of Manorfield housing estate.
- 8.3.4. The appellant contends that the link and associated pedestrian / cyclist movements will alter the character of the estate and will cause a loss of residential amenity to residents of Manorfield by reason of the intensification of movements on the footpath and open nature of boundaries to houses within the Manorfield estate. The appellant also contends that e-scooters and e-bikes using the proposed link would cause a hazard to pedestrians, with reference to the long footpath created as a result of the link, and that the link would facilitate anti-social behaviour resulting in safety and security concerns for residents of Manorfield.
- 8.3.5. In a response to the appeal, the applicant refers to the national and local policy support for permeability and connectivity within residential areas, outlines the planning authority's expressive requirement for the pedestrian / cycle connection at this specific location and considers that any concern regarding traffic safety and anti-social behaviour is unfounded.
- 8.3.6. Submitted documentation, including the LRD Opinion issued, shows that the planning authority strongly advocated for the provision of a pedestrian / cycle link between the development and Manorfield. I note also that a similar pedestrian only link was to be provided at the same location as part of the unfinished housing development previously approved on the appeal site.
- 8.3.7. There is significant national and local policy support for providing pedestrian / cycle permeability within settlements. National Policy Objective 37 seeks to ensure the integration of safe and convenient alternatives to the car into the design of communities. The theme of modal shift in favour of walking and cycling is contained across most chapters in the CDP, in particular Policy Objective CPO 7.3 which encourages transition towards sustainable and low carbon transport modes through the promotion of alternative modes of transport and 'walkable communities' whereby a range of facilities and services will be accessible within short walking or cycling

distance, whilst Policy Objective CPO 10.11 promotes walking and cycling as efficient, healthy and environmentally friendly modes of transport by securing the development of a network of direct, comfortable, convenient and safe cycle routes and footpaths, particularly in urban areas and in the vicinity of schools. Specific to Kinnegad is Policy Objective CPO 8.103 which supports the development of a network of green routes to connect adjacent residential estates with St. Etchen's School complex and Kinnegad GAA.

- 8.3.8. In my view, the proposed link will benefit the wider community allowing pedestrian / cycle connectivity and convenient access to the GAA grounds and other community facilities including the existing crèche on Killucan Road for neighbourhoods both east and west of the site, consistent with Policy Objectives CPO 7.3 and CPO 8.103 of the County Development Plan.
- 8.3.9. The application, as lodged, indicated that the gates to be used for the pedestrian / cycle link could be opened for emergency vehicles to travel between the two estates. With reference to the initial planner's reports, the planning authority considers that the inclusion of an emergency access element to the pedestrian / cycle link is unnecessary, hence the requirement of Condition 6. The applicant is supportive of this condition.
- 8.3.10. I note the appellant's concern in respect of anti-social behaviour. By reason of the layout and orientation of existing dwellings within Manorfield and those proposed on the appeal site within the vicinity of the link, I consider that the link will be suitably overlooked to allow for a sufficient degree of passive surveillance. It is also my view that the use of the subject link will generate active surveillance in the area.
- 8.3.11. A public lighting plan was submitted with the planning application, which shows 1 no. 6m high streetlight adjacent to an area of public open space within the appeal site and close to the boundary with the proposed connection point between the two estates. During a site inspection, I observed existing light columns along the adjacent Manorfield estate road, including one directly adjacent to the location of the proposed pedestrian / cycle link. In my view additional public lighting, such as low bollard style lighting, in the vicinity of the link is necessary for the purposes of security and ease of use. Furthermore, the submitted drawings, including landscape plans, do not provide full details on the material finishes to the surface of the pedestrian / cycle link. Part of

the link is located on local authority land within the public realm of Manorfield. I note that a letter from the local authority was included with the application, giving consent to include the land in the application.

- 8.3.12. If the Commission is minded to grant permission, I recommend that Condition 6 on the planning authority's decision is retained but amended to require details to be agreed with regards materials/finishes, lighting, landscaping and boundary treatments.
- 8.3.13. Further to the planning authority's assessment, I consider that the design process for the scheme has had regard to the policy context established at national level for compact growth, to the character of the receiving area and the proximity of surrounding buildings, incorporated sufficient setbacks from site boundaries, achieved adequate separation distances to adjacent residential properties and avoided any adverse impact on same, adequate boundary treatments including to the interface with the GAA grounds, and suitable connectivity with the surrounding built environment, all consistent with Policy Objectives CPO 10.11, CPO 16.11, CPO 16.12 and CPO 16.13 of the County Development Plan.

#### House and Apartment Standards

- 8.3.14. A submitted Housing Quality Assessment shows that the proposed houses are consistent with the standards set out in the Design Manual for Quality Housing, Department of Housing, Local Government and Heritage, 2023.
- 8.3.15. With respect to the apartment units, the submitted Housing Quality Assessment identifies that each apartment reaches or exceeds the minimum standards for overall unit size and room sizes as set out in the Apartment Guidelines, 2022.
- 8.3.16. CDP policy objective CPO 16.19 states that proposals for new apartment schemes should be designed in line with design criteria as set out in the 2018 Ministerial Guidelines - Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (or any subsequent update).
- 8.3.17. Noting the publication of the 2025 apartment guidelines, however pursuant to Circular NSP 04/2025, the 2023 Apartment Guidelines are the relevant apartment guidelines for this appeal for the reason that the application was lodged with the planning authority prior to 8<sup>th</sup> July 2025.

8.3.18. There are 22 no. apartments in total, all two-bed / four-person units. These comprise Type E1 (ground floor) x 10 no., Type E2 (first floor) x 10 no., Type F1 (ground floor) x 1 no., Type F2 (first floor) x 1 no. The following is brief review of the proposal against the 2023 guidelines:

*SPPR 3 – Unit Size*

8.3.19. The guidelines require that a two-bedroom / four-person unit shall have a minimum floor area of 73 sq.m. In this case, each apartment equals or exceeds 73sq.m, thereby consistent with SPPR 3.

*SPPR 4 – Aspect*

8.3.20. The relevant standard is that for suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. In this case, each apartment is spread across either ground floor or first floor with windows on all elevations, thereby consistent with SPPR 4.

*SPPR 5 – Floor to Ceiling Height*

8.3.21. The standard is that ground level apartment floor to ceiling heights shall be a minimum of 2.7m. All ground floor apartment units have a floor to ceiling height of c. 2.75m, thereby consistent with SPPR 5.

*Private Amenity Space – **New Issue***

8.3.22. Appendix 1 to the Guidelines sets out a minimum requirement for private amenity space, which for a two-bedroom / four-person apartment is 7sq.m. Section 3.35 of the Guidelines state that it is a policy requirement that private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels, and that balconies should adjoin and have a functional relationship with the main living areas of the apartment.

8.3.23. In this case, all 11 no. apartment blocks (10 x type E blocks and 1 x type F block) are laid out generally in the same format, comprising a ground floor level two-bedroom apartment and a first floor level two-bedroom apartment. Each apartment, both ground and first floor, is provided with private amenity space in the form of a ground level garden at the rear of each respective building. The submitted Housing Quality Assessment shows that as a result the provision of private open space serving each apartment is well in excess of the required 7sq.m.

- 8.3.24. The plans show that for the ground level apartments, the rear garden would be accessed directly off the living area, which is acceptable and consistent with the apartment guidelines. However, for the first-floor level apartments, the private amenity space would be accessed via the main access stairs to the apartment, thus, in my view, failing to have a functional relationship with the main living areas of the first floor level apartments, a design feature which, in my view, would provide a poor standard of outdoor amenity to the future residents of the first-floor level apartments, contrary to the 2023 Apartment Guidelines and, by association, contrary to CDP policy objective CPO 16.19. The planning authority acknowledged the minimum provision but did comment on the form of amenity space proposed.
- 8.3.25. The issue, in my view, is exacerbated by the use of high-level windows on the rear elevation at both ground and first floor levels, a design measure which would appear to seek to address potential overlooking.
- 8.3.26. Furthermore, the private amenity space for the first-floor level apartment interfaces directly with the rear elevation of the ground level apartment below, hence the use of a high-level window, a configuration which, in my view, presents management / maintenance related issues.
- 8.3.27. On the basis of the foregoing, I recommend that permission is refused for the 22 no. apartments. This is a new issue in respect of which the Commission may wish to seek the views of the relevant parties.
- 8.3.28. I am also conscious that the refusal of the 22 no. two-bed apartments will have implications on the density and mix of units achieved, however such issues would likely to be re-evaluated in the event that a future application is made for revised unit types to replace those apartment buildings.

#### **8.4. Planning Conditions**

- 8.4.1. The Applicant lodged a first-party appeal against a number of conditions on Westmeath County Council's decision, namely Condition 2(a), which relates to revised window treatment to a particular apartment unit type, Conditions 7(a) and 7(b), which relate to phasing and the delivery of the childcare facility, and also Condition 13(c), which relates to design of road junctions. These are discussed in turn below:

### **Condition 2(a)**

8.4.2. The applicant requests that Condition 2(a) is omitted or amended. The condition reads as follows:

*Prior to the commencement of development, revised drawings shall be submitted for the written agreement of the Planning Authority, outlining the following amendments:*

*a) The omission/relocation/ or revised window treatment of the two windows on the side elevation of Apartment Type E units (as shown on side elevation drawing 0033-08), where these windows directly overlook the adjacent driveway and may impact the residential amenities of neighbouring units 50/51, 101/102, and 65/66. The revised design shall ensure that no undue overlooking or loss of privacy occurs to adjoining properties.*

8.4.3. As outlined in the previous section, I am recommending that all 22 no. apartments are refused permission. However, in the event that the Commission is minded to grant permission for the apartments then the following is an assessment of the applicant's appeal with regards Condition 2(a).

8.4.4. The proposal includes 10 no. type E apartment blocks, with each block comprising 1 no. two-bed apartment (Type E1) at ground floor and 1 no. two-bed apartment (type E2) at first floor. Each block is identified by the unit numbers of the two apartments, for example unit 33/34 refers to the block with Unit 33 on the ground floor and unit 34 on the first floor. The blocks are all designed the same way albeit positioned differently within their own respective location within the site.

8.4.5. The fenestration detail to the long side elevation comprises a living room at ground and first floor, serving unit E1 and E2, respectively. Apart from blocks 33/34 and 107/108, the E1/E2 blocks are positioned at corner locations interfacing with two internal roads. The concern of the planning authority relates to blocks 45/46, 50/51, 65/66 and 76/77 in which case each block is positioned forward of the adjacent building line, therefore the aforementioned living room windows are interfaced with the front driveway serving an adjoining dwelling. The planning authority was concerned that there would be a loss of amenity to adjacent properties by reason of the positioning and functioning of the side elevation living room windows.

- 8.4.6. The planning authority sought to have the issue addressed by way of further information. In response to the request for further information, the applicant argued that the windows overlooked front driveways rather than rear gardens and that as such no loss of amenity would occur and also argued that the side elevation windows provided passive surveillance to the public realm. Notwithstanding, the applicant offered revised drawings for the planning authority's consideration showing the side elevation windows omitted and the introduction of rooflights, giving the planning authority the option of either allowing the side elevation windows to be retained or conditioning them out with reference to the amended plans submitted. The planning authority sought to omit them by condition (condition 2(a) refers).
- 8.4.7. In the first party appeal, the applicant stands over the arguments made to the planning authority but has also submitted further revised plans and elevations for unit Type E (drawing 22004.CA-ZZ-DR-A--0033 Rev. P02 refers). These revisions would relate specifically to unit groups 45/46, 50/51, 65/66 and 76/77. The revisions are, for all intents and purposes, the same revisions submitted to the planning authority at further information stage, namely the omission of the side elevation windows where they interface with the front driveway / front garden of an adjoining property and the introduction of rooflights. An additional revision is shown in the form of the introduction of a normal sized window on the rear elevation at first floor level instead of a high-level window.
- 8.4.8. The applicant requests the Commission to consider the design of apartment type E as originally submitted to the planning authority and thus to omit Condition 2(a) however if residential amenity remains a concern of the Commission with regards the location of windows on the side elevation interfacing with third party property, then the Commission is requested to amend Condition 2(a) to require a fenestration design as per the amended plans submitted with the first party appeal (drawing no. 22004.CA-ZZ-DR-A--0033 Rev. P02).
- 8.4.9. I have examined the drawings pertaining to apartment units E1/E2 as originally submitted (drawing no. 22004.CA-ZZ-DR-A—0033) with reference specifically to the context of blocks 45/46, 50/51, 65/66 and 76/77. I note that the subject windows are located at the end of the elevation, close to the corner with the front elevation to the street. In my view, the positioning of the windows on the side elevation in such a way has the effect of gravitating views from the living rooms towards the street rather than

the adjoining driveway / garden. Furthermore, the subject windows are of secondary function noting the other windows on the main front elevation serving the living area. I also note that in each case (blocks 45/46, 50/51, 65/66 and 76/77), access to the rear garden for the ground floor unit is via the driveway along the same elevation as the windows that are subject to Condition 2(a), which provides some degree of defensible space to the occupants of the apartments for maintenance, etc.

8.4.10. On the basis of the foregoing, I consider that the original design of Units E1/2, in the context of the side elevation windows, is acceptable and, in my view, would not cause an adverse loss of amenity to adjacent dwellings. Again, whilst my recommendation is that the apartments be refused, if the Commission is minded to grant permission for the apartments, then I recommend that Condition 2(a) is omitted.

#### **Condition 7(a) and 7(b)**

8.4.11. The applicant requests that Condition 7(a) and 7(b) are omitted. The condition reads as follows:

##### **Condition 7**

- a) *All works shall be carried out in accordance with the Phasing Plan submitted, save for the creche, no elements of this permission shall be constructed independently, and any alteration to the agreed phasing plan which shall be submitted for the written agreement of the planning authority.*
- b) *The creche hereby permitted shall be in operation upon completion of phase 1 of the development, unless otherwise agreed with the Planning Authority in writing.*
- c) *All infrastructural works required on foot of each phase shall be completed before works on the subsequent phase commences, unless otherwise agreed in writing with the Planning Authority.*

**Reason:** *To avoid any misunderstanding as to the proper construction of this permission, to accommodate needs of future occupiers, to ensure appropriate completion of the development and in the interests of residences amenities.*

8.4.12. In the first party appeal, the applicant outlines that the intention was to deliver the crèche as part of Phase 4, as per the phasing plan submitted with the application. The applicant further outlines that it is difficult to predict the demand for a crèche or

likelihood of securing an operator and that, as such, the requirement to have a crèche operational upon completion of Phase 1 is unreasonable and places uncertainty around the progression to subsequent phases of the project.

- 8.4.13. CDP policy objective CPO 4.24 seeks to encourage and support the provision of childcare facilities, with consideration given to proper siting and design, in appropriate locations including residential areas, town and local centres, areas of employment and close to public transport throughout the County and in accordance with the needs identified by Westmeath County Childcare Committee (WCC) and that all planning applications for childcare facilities shall be assessed in consultation with Westmeath County Childcare Committee.
- 8.4.14. The planner's report notes that the proposed creche meets and exceeds the standards set out in the 2001 childcare guidelines and also refers to the submission from the county childcare committee in the context of CDP policy objective CPO 4.24.
- 8.4.15. The submission received by the planning authority from the county childcare committee outlined that all childcare services in Kinnegad are currently full, with waiting lists, and that the proposed childcare facility should be built as Phase 1 of the housing development to meet the growing needs of the families of the Kinnegad region. The planner's report considers that the proposed creche facility should be constructed as part of Phase 1 of the proposed development having regard to the comments from Westmeath County Childcare Committee and the demand for facilities in the town.
- 8.4.16. The submission received from the county childcare committee recommends that the childcare facility should be built as part of Phase 1 of the proposed development, whereas Condition 7(b) requires the childcare facility to be operational upon completion of Phase 1.
- 8.4.17. The submitted phasing plan shows that the development would be completed in four phases. Phase 1 (29 no. dwellings), Phase 2 (33 no. dwellings), Phase 3 (33 no. dwellings) and Phase 4 would comprise 30 no. dwellings and the childcare facility. With regards construction access and potential conflict at operational stage of early phases, I note that the outline CEMP submitted with the application states that construction access for Phase 1 will be via the proposed access point for the development on Killucan Road but that following completion of Phase 1, all

construction traffic for subsequent phases will access the site from the northwest corner via, what appears to be, a farm laneway, thus avoiding conflict between construction and operational traffic.

- 8.4.18. I concur with the applicant that to require the childcare facility to be operational on completion of Phase 1 is unreasonable, noting that Phase 1 under the submitted phasing plan comprises 29 no. dwellings. On the other hand, the applicant had intended building the childcare facility as part of the final phase, a scenario under which all houses in the scheme would be completed and potentially occupied in the absence of an operational childcare facility. The submission received from the county childcare committee recommends that the childcare facility should be built, as opposed to operational, as part of Phase 1, which, in my view, is a reasonable approach, allowing the developer to continue with subsequent phases, whilst also making the childcare facility available for use.
- 8.4.19. However, I also note that the submission received from the county childcare committee recommends that the childcare facility be provided in Phase 1 to meet the growing needs of the families of the Kinnegad Region. In my view, meeting the wider childcare needs of the town is outside the remit of the developer of the appeal site. Notwithstanding, I note that the childcare facility is sized to cater for up to 56 no. children, whereas the application of the minimum standard set out in the 2001 Guidelines (20 childcare places per approximately 75 dwellings) would require c. 33 childcare spaces, and potentially less if the 10 no. dwellings and 22 no. apartments are refused as per my recommendations under Sections 8.1 and 8.3 above. As such, the proposed childcare facility will meet a local childcare demand beyond the proposed development itself, which, in my view, is a positive outcome.
- 8.4.20. The recommended refusal of 32 no. units would bring the total number of permitted units to 93 no., and, by association, may inform a revised phasing plan and the allowance for which should, in my view, be built into any condition. Also, in the event that the apartments are omitted, a further application could potentially be made for an alternative unit type in place of those apartments.
- 8.4.21. With the above in mind, I consider it reasonable to require the agreement of a new phasing plan for the site and in the context of the 2001 Guidelines, taking account of the submission received from the county childcare committee and to ensure the timely

delivery of childcare to meet the demands generated by the proposed development, I consider it reasonable that the construction of the childcare facility to an operational standard be required prior to the occupation of any more than 74 no. residential units.

8.4.22. On the basis of the foregoing, if the Commission is minded to grant permission, I recommend that Condition 7 be amended as follows:

- a) *The development shall be carried out on a phased basis, in accordance with a revised phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.*
- b) *Not more than 74 no. of residential units shall be made available for occupation before completion, to operational standard, of the childcare facility, or within such other timeframe as may be agreed with the Planning Authority (or in default of agreement with An Bord Pleanála).*
- c) *All infrastructural works required on foot of each phase shall be completed before works on the subsequent phase commences, unless otherwise agreed in writing with the Planning Authority.*

#### **Condition 13(c)**

8.4.23. The applicant requests that Condition 13(c) is omitted, with reference made to Condition 13(d). Both parts of the condition read as follows:

#### **Condition 13**

...

- c) *All works shall be in compliance with current TII publication DN-GEO-03060 'Geometric Design of Junctions'.*
- d) *All works to roads and footpaths shall be carried out in accordance with the standards set out in the 'Design Manual for Urban Roads and Streets' (Department of Transport, Tourism and Sport and Department of Environment, Community and Local Government 2019) and the National Roads Authority 'Design Manual for Roads & Bridges'*

...

**Reason:** *In the interests of road safety, traffic management and the proper planning and development of the area*

- 8.4.24. The applicant points out that Condition 13(c) and 13(d) refer to two sets of standards, contending that these standards are fundamentally different design frameworks not intended to be applied together to the same type of street environment. The applicant argues that DN-GEO-03060 would only apply to the proposed junction with the Killucan Road if the junction was located outside the urban area and only applies in urban areas in 'exceptional' circumstances. The applicant notes that the site layout is designed in accordance with DMURS principles. On this basis, the applicant contends that Condition 13(c) should be omitted.
- 8.4.25. TII's design publication DN-GEO-03060 entitled '*Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated and compact grade separated junctions)*' was published in May 2023. The 'scope' of the publication is set out under Section 1.2, stating that '*This standard sets out the design requirements and methodology which shall be followed when developing junction and access layouts for Motorways and all-purpose national roads, including dual carriageways, divided roads and single carriageways, taking into consideration traffic operation, physical elements, economic and safety factors and the requirements of Active Travel Users (ATUs). This standard also provides guidance on junction and access layouts on regional and local roads which form part of a national road scheme.*
- 8.4.26. My emphasis is underlined. It is clear, in my view, that DN-GEO-03060 is intended for national roads and only applies to local roads in a scenario where a junction on a local road is proposed as part of a wider national road scheme. Whereas under Section 1.3 of the Design Manual for Urban Roads and Streets (May 2019) it is stated that *The principles, approaches and standards set out in this Manual apply to the design of all urban roads and streets (that is streets and roads with a speed limit of 60 km/h or less In this case, the proposed development comprises the provision of a new access.*
- 8.4.27. It appears to be the case that the applicant is concerned that the wording of Condition 13(c) could be construed to mean that DN-GEO-03060 applies to the whole development, both the junction to the Killucan Road and the internal road network, rather it does not apply to any element of the scheme.
- 8.4.28. The proposed development includes a new internal road network and the provision of a new junction on the Killucan Road. The access point to Killucan Road is located within the urban environs and within a 60km per hour speed limit. Also of note is that

the Killucan Road intersects with the R148 regional road within a 50km per hour speed limit to the south and continues into the open countryside to the north, thus there is no connection, within 90m or otherwise, with a national road. The relevant standard in this case for both the new junction on Killucan Road and all internal roads is the Design Manual for Urban Roads and Streets (May 2019).

- 8.4.29. Notwithstanding the above, I note that the submitted traffic report / Traffic and Transport Assessment and submitted drawings referenced under same (drawing no. 03182-PL01B. and drawing no. 03182-VP01B) show that the visibility splays achieved in both directions are compliant with both the DMURS and DN-GEO-03060 standard. I also note that Condition 13(a) requires that a tabletop, which is a form of traffic calming measure, be provided as part of the design of the junction with Killucan Road, with details to be agreed prior to commencement, whilst the condition also requires a Stage 2 (pre-commencement) and Stage 3 (post-completion) Road Safety Audits to be submitted and agreed recommendations of same implemented. As such, I consider that the design of the proposed junction with Killucan Road has been duly considered by the planning authority with finer design detail and approval of same covered by Condition 13(a).
- 8.4.30. On the basis of the foregoing, if the Commission is minded to grant permission, I recommend that Condition 13(c) is omitted.

## **8.5. Other Matters**

### Property Values

- 8.5.1. I note the concerns raised in the grounds of the third-party appeal in respect of the devaluation of properties at Manorfield as a result of the proposed pedestrian / cycle link. However, having regard to the assessment and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

### Bats

- 8.5.2. The submitted EclA refers to a walk-over survey, including a bat survey, carried out on the 31<sup>st</sup> July 2024.

- 8.5.3. The EclA outlined that the bat survey found no Potential Roost Feature within existing trees on the site and despite optimal survey conditions and seasonal timing, overall bat activity recorded during the activity survey was low, recording the common pipistrelle, soprano pipistrelle and Leisler's bat. However, adopting a precautionary approach, the EclA concluded that the potential for any mature trees that might be removed to facilitate the development to contain suitable roosting habitat for small numbers of bats cannot be discounted and recommended as a mitigation measure that a further survey is carried out prior to commencement of development / removal of trees.
- 8.5.4. I consider that with respect to bats, the EclA submitted by the applicant is robust and provides a reasonable basis for an objective evaluation of the potential impacts of the proposed development on bat activity on the site. In my view, the mitigation measure requiring further pre-construction survey of trees is reasonable considering the time lag between the initial survey work (July 2024) and commencement of development, if permission for same is granted.

## **9.0 Appropriate Assessment**

Refer to Appendix 1. Having regard to nature, scale and location of the proposed development and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **10.0 Water Framework Directive**

Refer to Appendix 2. I conclude that on the basis of objective information, that the proposed development, subject to mitigation measures set out in the submitted EIA screening report and submitted NIS, 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.

## 11.0 EIA Screening

Refer to Form 1 in Appendix 3 (EIA Pre-Screening). Class 10 of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising the construction of more than 500 dwellings, or for 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. Schedule 7A information has been submitted.

Refer to Form 3 in Appendix 3 (Environmental Impact Assessment Screening Determination). Having regard to the nature, scale and location of the project, I have concluded that the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

## 12.0 Recommendation

Following from the above assessment, I recommend that a SPLIT DECISION is issued. I recommend that permission be refused for 10 no. houses (unit numbers 7 to 16, inclusive) and all 22 no. apartments; and I recommend that permission be granted for the remainder of the development subject to conditions.

## 13.0 Recommended Draft Order

**Planning and Development Act 2000, as amended**

**Planning Authority:** Westmeath County Council

**Planning Authority Register Reference:** 2560240

**Appeal** by Lynx Developments Limited (1<sup>st</sup> party) against 3 no. conditions and by Agnieszka Kotulska (3<sup>rd</sup> party) against the decision made on the 25<sup>th</sup> September 2025 by Westmeath County Council to grant permission subject to 24 no. conditions to Lynx Developments Limited in accordance with plans and particulars lodged with

Westmeath County Council on 15<sup>th</sup> May 2025 and amended by further information received by the same named Council on 29<sup>th</sup> August 2025.

### **Proposed Development**

The development will consist of the construction of a large-scale residential development (LRD) of 125 no. residential units (103 no. houses and 22 no. apartments) and a childcare facility as follows:

- (a) The residential provision will comprise: 11 no. two-storey 2 bed terrace units (98 sq. m. gross floor area each), 56 no. two-storey 3 bed terrace units (112.1 sq. m. gross floor area each) and 26 no. two-storey 4 bed terrace units (135.1 sq. m. gross floor area each), 10 no. two-storey 4 bed detached and semi-detached units (ranging in size from 122.1 sq. m. to 137.4 sq. m. gross floor area each) and 22 no. apartment units consisting of 2 no. 2 bed units (ranging in size from 75 sq. m. to 80.2 sq. m. gross floor area each) in each of 11 no. two-storey detached blocks;
- (b) The single storey childcare facility will comprise 303 sq. metres gross floor area;
- (c) Access is at an existing priority junction at the L1015 Killucan Road and access for pedestrians and cyclists only (and emergency vehicular access) is at Manorfield to the southeast;
- (d) The proposed site layout provides a total of 215 no. car parking spaces as follows: 165 no. allocated spaces for 125 no. residential units, 30 no. visitor spaces, 4 no. EV charging spaces and 2 no. disabled spaces and 14 no. spaces including 1 no. disabled space at the childcare facility;
- (e) Secure bicycle parking including visitor bicycle parking is provided at each residential unit and 8 no. bicycle parking spaces are provided at the childcare facility; and
- (f) The development will also comprise the removal of the roads and services infrastructure constructed pursuant to permission Reg. Ref. 04/5310 [ABP Ref. No. PL.25M.211056], and the construction of the network of internal roads, cycle ways and footpaths, public open spaces (c. 0.54 ha. in total), landscaping, boundary treatment works, solar PV panels on the childcare facility and each residential unit, site services, and all ancillary and associated works.

## **Decision**

REFUSE permission for 10 no. houses (units 7 to 16, inclusive) and all (22 no.) apartments, based on the reasons and considerations marked (1) under.

GRANT permission for the remainder of the development, as proposed in accordance with the said plans and particulars based on the reasons and considerations marked (2) under, and subject to the conditions set out below.

## **Reasons and Considerations (1)**

1. Having regard to the specific legislative preconditions which apply to Large Scale Residential Development (LRD) as set out in Section 32A(1) and (2)(b)(ii) of the Planning and Development Act 2000, as amended, to the nature of the appeal, which is an LRD appeal against a decision of the planning authority that relates to an application for permission to which section 32A(1) and 2(b)(ii) applies, (Section 2 of the 2000 Act refers), and having regard to the Kinnegad Zoning Map, as contained in Volume 2 of the Westmeath County Development Plan 2021-2027, which indicates that part of the application site, specifically the part of the site which contains proposed house units 7 to 16 (inclusive), is located outside the settlement boundary for the town, thus located within an area that is not zoned. In this context, it is considered that this part of the proposed development is not consistent with the legislative preconditions for an LRD application, insofar as it is not on land the zoning of which facilitates its use for the purposes proposed in the application. In this context, the Commission is precluded from granting permission for this element of the proposed development.
2. Having regard to the configuration of the proposed apartment buildings, it is considered that, by reason of its location at ground floor level, the proposed private amenity space to serve the first-floor level apartments would fail to have a functional relationship with the main living areas of the first floor level apartments and therefore would provide a poor standard of amenity to future occupants. This element of the proposed development would thereby constitute a substandard form of development, contrary to the *Sustainable Urban*

*Housing: Design Standards for New Apartments, Guidelines for Planning Authorities* (July 2023) and, by association, contrary to Policy Objective CPO 16.19 of the Westmeath County Development Plan 2021-2027, and therefore contrary to the proper planning and sustainable development of the area.

## **Reasons and Considerations (2)**

In coming to its decision, the Commission had regard to, and as relevant, been consistent with, the following:

- a) Policies and objectives set out in the Revised National Planning Framework, 2025 and the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031.
- b) Policies and objectives set out in the Westmeath County Development Plan 2021-2027, including the location of the site on lands zoned 'Proposed Residential' and the permitted uses therein.
- c) Housing for All, A New Housing Plan for Ireland, 2021.
- d) Climate Action Plan 2025, and 2024.
- e) National Biodiversity Plan 2023-2030.
- f) Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- g) Sustainable Urban Housing: Design Standards for New Apartments, 2023
- h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- i) Design Manual for Urban Roads and Streets, 2013, updated 2019.
- j) Childcare Facilities, Guidelines for Planning Authorities, 2001.
- k) Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023.
- l) Development Management, Guidelines for Planning Authorities, 2007.
- m) The nature, scale, and design of the proposed development.
- n) The availability in the area of a range of social and community infrastructure.

- o) The pattern of existing and permitted development in the area.
- p) The planning history within the area.
- q) The reports of the planning authority.
- r) The submissions received by the planning authority from observers and prescribed bodies.
- s) The grounds of first and third party appeals.
- t) The response by the applicant to the third party grounds of appeal.
- u) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to Appropriate Assessment, Environmental Impact Assessment and Water Framework Directive Impact Assessment.

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

The Commission completed an Appropriate Assessment screening exercise (Stage 1) in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites, and the absence of any direct hydrological connections, submissions and observations on file, the information and reports submitted as part of the application and appeal, and the Planning Inspector's report. In completing the screening exercise, the Commission adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that an Appropriate Assessment (Stage 2) and the preparation of a Natura Impact Statement would not, therefore, be required.

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

The Commission completed an Environmental Impact Assessment Screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in

Schedule 7A to the Planning and Development Regulations, 2001 (as amended), identifies and describes adequately the effects of the proposed development on the environment.

Having regard to:

- a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended, and the nature and scale of previously constructed roads and services to be removed in the context of Class 14: Works of Demolition.
- b) The location of the site on zoned lands (Zoning Objective 'Proposed Residential') and other relevant policies and objectives in the Westmeath County Development Plan 2021-2027, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- c) The brownfield nature of the site and its location adjoining the built-up area of Kinnegad town, which is served by public services and infrastructure.
- d) The pattern of existing and permitted development in the area.
- e) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- f) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage, and Local Government (2003).
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- h) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- i) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including

those identified in the outline Construction Environmental Management Plan, Ecological Impact Assessment and Tree Report / Arboricultural Assessment.

j) Consideration of Cumulative Effects.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

**Conclusion on Proper Planning and Sustainable Development:**

The Commission considers that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale and density of development at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience, and would not have any significant adverse effects on biodiversity. The Commission considered that the proposed development is compliant with the Westmeath County Development Plan 2021-2027 and would therefore be in accordance with the proper planning and sustainable development of the area.

**Conditions:**

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 15<sup>th</sup> May 2025 as amended by the further plans and particulars submitted on the 29<sup>th</sup> August 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
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2.	<p>The proposed development shall be amended as follows:</p> <p>a) A revised site layout plan showing the omission of the four car parking spaces located adjacent to Units 81 and 84. These spaces shall be relocated to a parallel arrangement along the south-eastern edge of Open Space Area D, within the 600mm landscaped border adjoining the homezone.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of clarity and orderly development.</p>
3.	<p>(a) The connectivity link from the development site into Manorfield Estate shall be used for pedestrian and cyclist access only.</p> <p>(b) Revised details for complying with Condition 3(a) together with details on surface materials / finishes, public lighting, landscaping and boundary treatment shall be submitted for the written agreement of the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of residential amenity and orderly development.</p>
4.	<p>a) Mitigation measures and recommendations outlined in the plans and particulars, including the Ecological Impact Assessment and Tree Report, submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>b) A suitably qualified and experience Ecological Clerk of Works shall be appointed by the developer to oversee the implementation of the ecological mitigation measures as outlined in the above reports. The Ecological Clerk of Works shall 'sign-off' on the delivery of any mitigation measures and provide a report on their completion to Planning Section documenting their implementation, any failure of implementation and any necessary remediation measures.</p>

	<p><b>Reason:</b> In the interest of protecting the environment, public health, and clarity.</p>
5.	<p>a) All materials to be used in the external surfaces of the development hereby permitted shall match the plans and particulars submitted. Any alternative materials to those specified above and illustrated on plans submitted shall be agreed in writing with the planning authority prior to commencement of the development. The development shall thereafter be carried out and maintained in accordance with the agreed details.</p> <p>b) All first-floor windows serving stairwells, walk-in wardrobes and WC facilities within this development shall be obscurely glazed and thereafter maintained as such, unless otherwise agreed in writing with the Planning Authority.</p> <p>c) A 1.8m high block and capped wall shall be provided along the rear garden boundaries of each dwelling.</p> <p>d) Front boundaries shall be per boundary treatment plan submitted on 29th August 2025.</p> <p><b>Reason:</b> In the interests of orderly development, visual and residential amenity.</p>
6.	<p>A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p><b>Reason:</b> To ensure accordance with Development Management Standards and the proper planning and development of the area.</p>

7.	<p>a) The development shall be carried out on a phased basis, in accordance with a revised phasing plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.</p> <p>b) Not more than 74 no. of residential units shall be made available for occupation before completion, to operational standard, of the childcare facility, or within such other timeframe as may be agreed with the Planning Authority (or in default of agreement with An Coimisiún Pleanála).</p> <p>c) All infrastructural works required on foot of each phase shall be completed before works on the subsequent phase commences, unless otherwise agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.</p>
8.	<p>Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
9.	<p>The approved landscaping scheme shall be undertaken in the first planting season following the occupation or substantial completion of the development or each phase of the development as agreed, whichever is the sooner. The planting shall thereafter be maintained and any plants that die, become diseased or are removed within 5 years shall be replaced</p>

	<p>within the following planting season by plants of a similar size and species, unless the Planning Authority gives its written consent to any variation.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
10.	<p>a) Prior to commencement of development the developer shall submit to the Planning Authority for written approval of the planning authority:</p> <ul style="list-style-type: none"> <li>• A Stage 2 Quality Audit and Road Safety Audit and when agreed the recommendations shall be implemented in full.</li> <li>• Prior to the occupation of any units, the associated roads shall be completed, and the developer shall submit a Stage 3 post construction Road Safety Audit for that phase in accordance with the provisions of TII document GE-STY-01024 Road Safety Audit (December 2017 Revision) and when agreed the development shall be carried out in accordance with the agreed details.</li> <li>• A tabletop shall be provided, at the developer's expense, at the junction of the L-1015 and the development hereby permitted when agreed the development shall be carried out in accordance with the agreed details.</li> <li>• Specification for all road marking and surface water materials including materials within the public areas.</li> <li>• The CBR of the sub grade shall be tested and the depth of the capping layer required (if any) shall be demined from the CBR results.</li> <li>• A drawing showing the number and location of manholes on ducts provided underneath the new footpaths.</li> </ul> <p>b) The developer shall apply to Westmeath County Council for a road opening license and comply with conditions imposed relating to any works on the public roads/footpaths.</p> <p>c) All works to roads and footpaths shall be carried out in accordance with the standards set out in the 'Design Manual for Urban Roads and Streets' (Department of Transport, Tourism and Sport and Department</p>

	<p>of Environment, Community and Local Government 2019) and the National Roads Authority 'Design Manual for Roads &amp; Bridges'.</p> <p>d) Driveways shall have a minimum width of 3m and a maximum gradient of 10%.</p> <p>e) All public lighting for this development shall be designed by a competent lighting design engineer and shall fully comply with the requirements as stated within the current version of the Midland Counties Public Lighting Specification.</p> <p>f) Wheel wash facility shall be provided on site prior to commencement of any development on site. All vehicles leaving site must use this facility. No muck, material, or debris shall be dragged onto public road.</p> <p><b>Reason:</b> In the interests of road safety, traffic management and the proper planning and development of the area</p>
11.	<p>The construction of the development shall be managed in accordance with a final Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, traffic management measures, consultation measures with local residents, schools and businesses in relation to traffic disruption during construction works, noise management measures and off-site disposal of construction/demolition waste, including disposal of asbestos.</p> <p><b>Reason:</b> In the interests of public safety, residential amenity and environmental protection.</p>
12.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a final 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</p>

	<p>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.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
13.	<p>Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection networks.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water and wastewater facilities.</p>
14.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interests of public health and waste management</p>
15.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0700 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
16.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking in Charge Standards. In the absence of specific local standards,</p>

	<p>the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p><b>Reason:</b> To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
17.	<p>All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
18.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of this development.</p>
19.	<p>(a) Prior to the commencement of development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less</p>

	<p>than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
20.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.</p>

	<p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
21.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
22.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.</p>

	<b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Jim Egan  
Planning Inspector

7<sup>th</sup> January 2026

## Appendix 1 - AA Screening

<b>Screening for Appropriate Assessment Test for likely significant effects</b>	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Construction of a large-scale residential development (LRD) of 125 residential units and a childcare facility.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The proposed development relates to a brownfield site on the edge of a settlement and comprises the removal of roadways and other services constructed as part of a previously permitted unfinished housing estate, removal of existing vegetation including trees, and the construction of 123 no. two-storey houses and 22 no. apartments (contained in 11 no. two-storey blocks). The proposal also includes a childcare facility (c. 303sq.m) along with all internal roads, footpaths, car parking, landscaping, boundary treatment and a pedestrian / cyclist link through to an adjoining residential development, Manorfield.</p> <p>The proposed development would use the public water and wastewater services of Uisce Eireann, upon which its effects would be marginal.</p> <p>There are no watercourses or other ecological features of note on or adjacent to the site that would connect it directly to European Sites in the wider area.</p> <p>Stormwater would be attenuated on-site and then discharged to the public storm sewer at the southeast corner of the site. The submitted Engineer's Report notes that the public stormwater sewer discharges to the Kinnegad River to the southeast of the town. The Kinnegad River joins the Kilwarden / Clonard River, which, in turn, discharges into the River Boyne c. 7.3km due east of Kinnegad. As such, there is an indirect hydrological connection between the site and River Boyne and River Blackwater SAC and SPA. Note that the SAC and SPA designations only applies to the River Boyne from the point where it passes under the Royal Canal, continuing until it discharges to the Irish Sea to the east of Drogheda.</p>
<b>Screening report</b>	<p>An Appropriate Assessment Screening Report prepared by Gannon + Associates was submitted with the application. The report provides a description of the proposed development, identifies European Sites within a 15km radius and provides an assessment of the potential impacts arising from the development including in-combination effects.</p> <p>The report identified the following:</p>

- There are no waterbodies within or adjacent to the proposed development site.
- The closest watercourse to the proposed development site, as mapped by the EPA, is the Correllstown Stream, situated approximately 1.1km to the north-east at its closest point.
- The intervening area between the proposed development and this watercourse comprises a GAA ground and a series of agricultural fields and associated hedgerows and ditches. There is no potential for any surface waters to directly enter any watercourse.
- During operation both foul and surface waters will connect to the existing network at the Manorfield residential development immediately south of the proposed development site.
- There is no direct hydrological connectivity between the proposed development site and any European sites.

#### Mount Hevey Bog SAC

- The SAC is situated upstream, and within a different surface water catchment area to the proposed development and there is no hydrological connectivity to the SAC.
- There is no source-pathway-receptor connectivity between the proposed development and the SAC.

#### Wooddown Bog SAC

- The SAC is situated upstream, and within a different surface water catchment area to the proposed development and there is no hydrological connectivity to the SAC.
- There is no source-pathway-receptor connectivity between the proposed development and the SAC.

#### River Boyne and Blackwater SAC

- The SAC is located approximately 4.4km east of the proposed development site at its closest point.
- This is significantly beyond any zone of sensitivity for noise or dust-related effects on habitats or species within the SAC (i.e. 50m, as outlined in IAQM (2014) and 150m for otter as outlined in NRA (2009)), and there is no potential for such effects as a result of the proposed development during either construction or operation.
- There are no watercourses within the proposed development site and surrounding area. The closest watercourse, the Correllstown Stream, is over 1km distant and separated by a series of agricultural fields and associated ditches. There is no potential for any potential pollutants to directly enter the SAC during construction phase. During operational phase, surface and foul waters will be directed to the existing public networks. There is no hydrological connectivity to the SAC.
- The site does not contain any watercourses and therefore no suitable habitat for otter. The closest otter records from

	<p>the NBDC database are from the vicinity of the Kilwarden River, approximately 3km south-west of the proposed development site (NBDC, 2024). There is no connectivity between the proposed development and the other population of the SAC.</p> <ul style="list-style-type: none"> <li>• There is no source-pathway-receptor connectivity between the proposed development and the SAC.</li> </ul> <p><u>River Boyne and Blackwater SPA</u></p> <ul style="list-style-type: none"> <li>• The SPA is located approximately 4.4km east of the proposed development site at its closest point. This is significantly beyond any zone of sensitivity for noise or dust-related effects on habitats or SCI species within the SPA (e.g. IAQM (2014)), and there is no potential for such effects as a result of the proposed development during either construction or operation.</li> <li>• There are no watercourses within the proposed development site and surrounding area. The closest watercourse, the Correllstown Stream, is over 1km distant and separated by a series of agricultural fields and associated ditches. There is no potential for any potential pollutants to directly enter the SPA during construction phase. During operational phase, surface and foul waters will be directed to the existing public networks. There is no hydrological connectivity to the SPA.</li> <li>• The SPA is designated for breeding kingfisher. This species nests in burrows on clear tall vertical banks of slow-flowing streams and rivers (Cummins et al., 2010). The proposed development comprises scrub and recolonising bare ground with no watercourses. There is no potential for ex-situ effects on SCI species of the SPA as a result of the proposed development.</li> <li>• There is no source-pathway-receptor connectivity between the proposed development and the SPA.</li> </ul> <p>The AA screening report concluded that, on the basis of objective information, the possibility may be excluded that the proposed development will have a significant effect on any European site, and thus Appropriate Assessment is not required.</p> <p>The planning authority concurred with this conclusion.</p>			
<b>Natura Impact Statement</b>	No			
<b>Relevant submissions</b>	No			
<b>Step 2: Identification of relevant European sites using the Source-pathway-receptor model</b>				
<b>European Site (code)</b>	<b>Qualifying interests Link to conservation objectives (NPWS, 23<sup>rd</sup> July 2025)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections</b>	<b>Consider further in screening Y/N</b>
Mount Hevey Bog SAC (Site Code: 002342)	Active raised bog, degraded raised bog and depressions on peat substrates.	c. 1.7km to the north	No direct or indirect hydrological connection	N

	<a href="#">Conservation Objectives</a> NPWS, 2016			
River Boyne and Blackwater SAC (Site Code: 002299)	Fens, alluvial forests. River Lamprey, Salmon and Otter.  <a href="#">Conservation Objectives</a> NPWS, 2021	c. 4.4km to the east	No direct Connection  Indirect hydrological connection by way of surface water drain.	Y
River Boyne and Blackwater SPA (Site Code: 004232)	Kingfisher  <a href="#">Conservation Objectives</a> NPWS, 2024	c. 4.4km to the east	No direct Connection  Indirect hydrological connection by way of surface water drain.	Y

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

**AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
River Boyne and Blackwater SAC (Site Code: 002299)  Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355]	<u>Direct:</u> No risk of habitat loss, fragmentation or any other direct impact.  <u>Indirect:</u> Risk of untreated surface water run-off from construction stage reaching sensitive receptors via storm sewer.  Risk of untreated surface water runoff from operational stage reaching sensitive receptors via storm sewer.  Risk of untreated foul water from operational stage reaching sensitive receptors via storm sewer.	A decline in water quality would undermine the conservation objectives set for qualifying interests.  The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.  Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	

	<p>A final grant of permission was issued on 7<sup>th</sup> November 2025 for a Large-Scale Residential Development (LRD) of 127 no. dwellings and a childcare facility on a c. 4 ha site to the north of the town centre, c. 550m southeast of the appeal site (P.A. Ref. 2560234 refers). That project would be connected to the foul mains and the stormwater drainage strategy for that development is broadly similar to that of the appeal site, comprising on-site attenuation, SuDS features and the use of a Class 1 Bypass Interceptor. The planning authority concluded that the construction and operation of the proposed development would not impact on the conservation objectives of qualifying interests of European sites.</p>	
	<b>Impacts</b>	<b>Effects</b>
<p>River Boyne and Blackwater SPA (Site Code: 004232)</p> <p>Kingfisher (<i>Alcedo atthis</i>) [A229]</p>	<p><u>Direct:</u> No risk of habitat loss, fragmentation or any other direct impact.</p> <p><u>Indirect:</u> Risk of untreated surface water run-off from construction stage reaching sensitive receptors via storm sewer.</p> <p>Risk of untreated surface water runoff from operational stage reaching sensitive receptors via storm sewer.</p> <p>Risk of untreated foul water from operational stage reaching sensitive receptors via storm sewer.</p>	<p>A decline in water quality would undermine the conservation objectives set for qualifying interests.</p> <p>The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the special conservation interest (SCI) species listed.</p> <p>The site, in the context of its habitat type and distance from a water course, has not been identified as an ex-situ site for the Kingfisher.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b></p> <p>As above with regards the LRD granted under P.A. Ref. 2560234.</p>	
<p><b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b></p>		
<p>I conclude that the proposed development, alone, would not result in likely significant effects on River Boyne and Blackwater SAC (Site Code: 002299), River Boyne and Blackwater SPA (Site Code: 004232) or any other European site. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.</p>		

No mitigation measures are required to come to these conclusions. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of the River Boyne and Blackwater SAC (Site Code: 002299), River Boyne and Blackwater SPA (Site Code: 004232) or any other European site from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from the River Boyne and Blackwater SAC (Site Code: 002299), River Boyne and Blackwater SPA (Site Code: 004232) or any other European site (dilution factor).

## **Screening Determination**

### **Finding of no likely significant effects**

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 River Boyne and Blackwater SAC (Site Code: 002299), River Boyne and Blackwater SPA (Site Code: 004232) or any other European site, 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:

- nature and scale of the proposed development on a serviced site.
- the nature of the receiving environment which comprises a built-up urban area.
- the distances to the nearest European sites and the hydrological pathway considerations.
- the information submitted as part of the applicant's Appropriate Assessment Screening Report
- no significant ex-situ impacts on wintering water birds

## Appendix 2 – WFD Stage 1: Screening

### WATER FRAMEWORK DIRECTIVE IMPACT ASSESSMENT STAGE 1: SCREENING

#### Step 1: Nature of the Project, the Site and Locality

<b>An Coimisiún Pleanála ref. no.</b>	ACP-323815-25	<b>Townland, address</b>	Killucan Road, Kinnegad, Co Westmeath
<b>Description of project</b>		Construction of a large-scale residential development (LRD) of 125 residential units (103 no. houses and 22 no. apartments) and a childcare facility.	
<b>Brief site description, relevant to WFD Screening,</b>		<ul style="list-style-type: none"> <li>• Brownfield site within an urban area.</li> <li>• There are no watercourses located on or adjacent to the site.</li> <li>• The closest waterbody is the Correllstown Stream (KINNEGAD_030) located c. 1.1km northeast of the site.</li> <li>• This stream discharges to the Kinnegad River c. 1.5km east of the site, which, in turn, joins the Kilwarden / Clonard River (KINNEGAD_030), which, in turn, discharges into the River Boyne (BOYNE_040) c. 7.3km due east of the town.</li> <li>• The proposed development site is located within the Boyne Catchment, and the Boyne_SC_030 sub-catchment.</li> <li>• The site is located in the Athboy ground waterbody, in an area of high groundwater vulnerability.</li> <li>• GSI Mapping shows that the soil at this location is underlain by deep well drained soil.</li> </ul>	
<b>Proposed surface water details</b>		Surface water runoff will be attenuated on site. SuDS measures are proposed including the use of permeable paving on private driveways, water butts, petrol interceptor and the installation of 4 no. attenuation systems / tanks beneath areas of public open space. Attenuated stormwater will discharge, at pre-development rates, to an existing storm water sewer at the south-east corner of the site. The submitted Engineer's Report notes that the public storm water sewer discharges to the Kinnegad River, which flows through the southern environs of the town in a southwest to northeast direction. As noted above, the Kinnegad River joins the Kilwarden / Clonard River, which, in turn, discharges into the River Boyne c. 7.3km due east of Kinnegad.	

<p><b>Proposed water supply source &amp; available capacity</b></p>	<p>The proposed development would be connected to the public water mains.</p> <p>In a response to a further information request, the applicant submitted a copy of an Uisce Éireann 'Confirmation of Feasibility' dated 7<sup>th</sup> August 2025, advising that a water connection is feasible without infrastructure upgrade by Uisce Éireann.</p> <p>Uisce Éireann's latest Capacity Register (published August 2025) indicates 'Potential Capacity Available - LoS improvement required' in respect of water supply for Kinnegad, which is connected to the Mullingar regional water supply.</p>
<p><b>Proposed wastewater treatment system &amp; available capacity, other issues</b></p>	<p>The proposed development would be connected to the public sewer mains.</p> <p>In a response to a further information request, the applicant submitted a copy of an Uisce Éireann 'Confirmation of Feasibility' dated 7<sup>th</sup> August 2025, advising that a wastewater connection is feasible without infrastructure upgrade by Uisce Éireann.</p> <p>Uisce Éireann's latest Capacity Register (published August 2025) indicates 'available capacity' in respect of wastewater treatment for Kinnegad.</p>
<p><b>Others?</b></p>	<p>N/A</p>

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Correllstown Stream	c. 1.1km	KINNEGAD_030 IE_EA_07K010200	The River Waterbody WFD Status 2019-2024 awarded the KINNEGAD_030 a status of 'Moderate'	At Risk	Agriculture	Groundwater
Kinnegad River	c. 1.5km	KINNEGAD_030 IE_EA_07K010200	The River Waterbody WFD Status 2019-2024 awarded the KINNEGAD_030 a status of 'Moderate'	At Risk	Agriculture	
Kilwarden / Clonard River	c. 2.5km	BOYNE_040 IE_EA_07B040600	The River Waterbody WFD Status 2019-2024 awarded the BOYNE_040 a status of 'Poor'	At Risk	Hydromorphology Mines and Quarries Peat	Groundwater Surface water run-off to existing stormwater mains
River Boyne	c. 8.5km	BOYNE_040 IE_EA_07B040600	The River Waterbody WFD Status 2019-2024 awarded the BOYNE_040 a status of 'Poor'	At Risk	Hydromorphology Mines and Quarries Peat	Groundwater
Athboy ground waterbody, in an area of high groundwater vulnerability.	N/A	Athboy ground waterbody IE_EA_G_001	The Ground Waterbody WFD Status 2019-2024 awarded the Athboy groundwater body a status of 'Good'	Not at Risk	-	Groundwater

**Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

**CONSTRUCTION PHASE**

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Construction related contaminants entering ground water and stormwater infrastructure.	KINNEGAD_030 Athboy ground waterbody BOYNE_040	Existing	Water quality degradation	CEMP	No	N/A

**OPERATIONAL PHASE**

2.	Untreated operational stage surface or foul water entering stormwater infrastructure.	KINNEGAD_030 Athboy ground waterbody BOYNE_040	Existing	Water quality degradation	Connection to foul mains. Connection to surface water mains and provision of SuDS measures.	No	N/A
3.	Untreated operational stage surface water or foul entering groundwater.	Athboy ground waterbody	Existing	Water quality degradation	Connection to foul mains. Connection to surface water mains and provision of SuDS measures.	No	N/A

## Appendix 3 – EIA Form 1

### EIA Pre-Screening

<b>Case Reference</b>	ACP-323815-25
<b>Proposed Development Summary</b>	Construction of a large-scale residential development (LRD) of 125 residential units and a childcare facility. The proposal also includes removal of roadway surfaces and services constructed as part of a previously approved, but unfinished, housing development.
<b>Development Address</b>	Killucan Road, Kinnegad, Co Westmeath
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b>  (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory.                  No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.	

<p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>10(b)(i): Construction of more than 500 dwelling units</p> <p>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.</p> <p>14: Works of Demolition</p> <p><b>Schedule 7A information has been submitted</b></p>

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

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

## Appendix 3 – EIA Form 3

### Environmental Impact Assessment Screening Determination Form

A. CASE DETAILS		
<b>Case Reference</b>	ACP-323815-25	
<b>Development Summary</b>	Construction of a large-scale residential development (LRD) of 125 residential units (103 no. houses and 22 no. apartments) and a childcare facility. The proposal also includes removal of roadway surfaces and services constructed as part of a previously approved, but unfinished, housing development.	
	<b>Yes/ No/ N/A</b>	<b>Comment (if relevant)</b>
<b>1.</b> Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report has been submitted with the application which considers the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC). The AA concluded that on the basis of objective information, the possibility may be excluded that the proposed development will have a significant effect on any European sites, and thus progression to Stage 2 Appropriate Assessment is not required. The planning authority concurred with this conclusion.
<b>2.</b> Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	N/A
<b>3.</b> Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA.	Yes	Other assessments carried out and submitted with the application include: <ul style="list-style-type: none"> <li>• An Environmental Impact Assessment Screening Report (EIASR) which considers the EIA Directive (2011/92/EU, as amended by 2014/52/EU) and Water Framework Directive (2000/60/EC)</li> <li>• An Ecological Impact Assessment (EclA) which considers the Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC),</li> </ul> <p>SEA was undertaken by the planning authority in respect of the Westmeath County Development Plan 2021-2027.</p>

<b>B. EXAMINATION</b>	<b>Response: Yes/ No/ Uncertain</b>	<b>Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</b> (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	<b>Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	No	<p>The project comprises the construction of a mid-scaled, mid-density residential scheme (and creche) on zoned lands.</p> <p>The project does not differ significantly from the surrounding area in terms of character as an edge of town location with conventional layout, surface parking, landscaped open spaces and boundary treatments, or in terms of scale (use of conventional houses and apartment blocks) with conventional building height of two-storeys for both houses and apartment blocks.</p>	No
<b>1.2</b> Will construction, operation, decommissioning, or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	<p>The development includes the removal of roads and services infrastructure constructed under a previously permitted but unfinished housing estate, with works to be managed through the implementation of the submitted outline Construction Environmental Management Plan (CEMP) and Outline Resource &amp; Waste Management Plan, final versions of which would be required to be agreed with the planning authority prior to commencement of development. The works in this regard are contained within the site boundaries. I do not anticipate significant effects on the area arising from the demolition / removal of previously constructed roads and services.</p> <p>The project will cause further physical changes to the appearance of the site during the site development works.</p> <p>The use of the land will change from brownfield to residential use, a more efficient use of serviced land.</p> <p>There are no watercourses located on or adjacent to the site. The closest waterbody is the Correllstown Stream (as referred to in the submitted</p>	No

		<p>Ecological Impact Assessment) located c. 1.1km northeast of the site. This stream discharges to the Kinnegad River c. 1.5km east of the site, which, in turn, joins the Kilwarden / Clonard River, which, in turn, discharges into the River Boyne c. 7.3km due east of the town.</p> <p>The proposal would be serviced by public water supply and wastewater drainage systems.</p> <p>Drainage infrastructure installed under a previously unfinished housing estate will be removed and new infrastructure constructed. Surface water runoff will be attenuated on site. SuDS measures are proposed including the use of permeable paving on private driveways, water butts, petrol interceptor and the installation of 4 no. attenuation systems / tanks beneath areas of public open space. Attenuated stormwater will discharge, at pre-development rates, to an existing storm water sewer at the south-east corner of the site. The submitted Engineer's Report notes that the public storm water sewer discharges to the Kinnegad River, which flows through the southern environs of the town in a southwest to northeast direction. As noted above, the Kinnegad River joins the Kilwarden / Clonard River, which, in turn, discharges into the River Boyne c. 7.3km due east of Kinnegad.</p> <p>The operational phase of project (i.e. occupation of the residential units and childcare facility) will not cause physical changes to the locality by itself.</p> <p>Accordingly, I do not consider that the physical changes arising from the project are likely to result in significant effects on the environment in terms of topography, land use, and hydrology/ hydrogeology.</p>	
<p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/ minerals, or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>The project uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the outline/ final CEMP. There is no significant use of natural resources anticipated.</p> <p>The project uses land, which is a finite resource, however it is used more efficiently and sustainably than at present (brownfield). Otherwise, the operational phase of the project will not use natural resources in short supply.</p>	<p>No</p>

		<p>The project connects to the public water and wastewater infrastructure. with sufficient capacity to cater for demands arising from the project, with reference to the Confirmation of Feasibility issued by Uisce Eireann on 7<sup>th</sup> August 2025 (submitted at further information stage) and the most recent Uisce Eireann capacity register (August 2025).</p> <p>Stormwater drainage strategy comprises on-site attenuation, SuDS features and the use of a petrol interceptor.</p> <p>A submitted Energy Statement Report identifies that all dwellings will have a BER rating of A3.</p> <p>Accordingly, I do not consider the use of natural resources in the project likely to result in a significant effect on the environment of the area.</p>	
<p><b>1.4</b> Will the project involve the use, storage, transport, handling, or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction phase activities will require the use of potentially harmful materials, such as fuels and create waste for disposal. The use of such substances will be typical of construction sites.</p> <p>Noise and dust emissions during the construction phase are likely. These works will be managed through implementation of a CEMP, an outline version of which was submitted with the application and a final version of which can be required by condition.</p> <p>The operational phase of the project does not involve the use, storage, or production of any harmful substance. Conventional waste produced from residential and small-scale commercial activity (childcare facility) will be managed through the implementation of an Operational Waste Management Plan (OWMP) an outline version of which was submitted with the application and a final version of which can be required by condition.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of human health or biodiversity.</p>	<p>No</p>

<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous/ toxic/ noxious substances?</p>	<p>Yes</p>	<p>Conventional waste will be produced from construction activity and will be managed through the implementation of the outline/ final CEMP, as outlined above.</p> <p>The operational phase of the project (i.e., the occupation of the residential units and childcare facility) will not produce or release any pollutant or hazardous material. Conventional operational waste will be managed through the implementation of an outline/ final Operational Waste Management Plan, as outlined above.</p> <p>Accordingly, I do not consider the production of waste or generation of pollutants in the project likely to result in a significant effect on the environment of the area.</p>	<p>No</p>
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>The project involves site preparation (vegetation, top and subsoils removal), removal of works constructed as part of a previously permitted but unfinished housing estate, excavations (foundations for site services, building), reprofiling and construction (roads, footpaths, building), and landscaping works (open spaces). These construction phase activities are associated with contamination risks to land and/ or water sources.</p> <p>I direct the Commission to the response to Q:2.1 below in respect of the risk of contamination of protected water bodies/ ecological designations.</p> <p>I direct the Commission to the response to Q:2.5 below in respect of the risk of contamination of water resources including surface waters, groundwaters, coastal waters, and of flood risk.</p> <p>Accordingly, as risks of contamination to ground or water bodies are not predicted and/ or can be mitigated against, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p>	<p>No</p>
<p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy, or electromagnetic radiation?</p>	<p>Yes</p>	<p>Noise, vibration, and light impacts are likely during the site development works. These works are short term in duration, and impacts arising will be temporary, localised, and be managed through implementation of the outline/ final CEMP. The local authority's Environment Section recommended specific noise and dust related controls for the construction phase.</p>	<p>No</p>

		<p>The operational phase of the project will also likely result in noise and light impacts associated with the increased intensity of the residential and commercial use (e.g., traffic generation, use of communal and private open spaces).</p> <p>However, these are anticipated to be typical of such mid-scaled, mid-density residential schemes, as proposed. Lighting impacts will be mitigated by the provision of a public lighting plan as submitted with the application,</p> <p>I direct the Commission to the response to Q:2.8 below in respect of the project's effect on sensitive land uses.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of air quality (noise, vibration, light pollution).</p>	
<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>	Yes	<p>The potential for water contamination and air pollution (noise and dust emissions) during the construction phase is likely.</p> <p>Construction works will be managed through implementation of the outline/ final CEMP. Site development works are short term in duration, and impacts arising will be temporary, localised, addressed by the mitigation measures.</p> <p>The operational phase of the project will not likely cause risks to human health through water contamination or air pollution due to the nature and design of the scheme, connection to public water systems, incorporation of SuDS features in the surface water management system, and scale of residential and commercial activities, and use arising.</p> <p>Accordingly, in terms of risks to human health, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p>	No
<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>	No	<p>There is no risk of major accidents given nature of the project and location of the site.</p>	No

<p><b>1.10</b> Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>The project increases localised temporary employment activity at the site during development works (i.e. site enabling and construction phases). The site development works are short term in duration and impacts arising will be temporary, localised, addressed by the mitigation measures in the outline/ final CEMP.</p> <p>The operational phase of the project (i.e. the occupation of the residential units) will result in a potential increase of up to c. 346 persons (based on average household size of c. 2.77 for County Westmeath at Census 2022) or a c. 11% increase in the population of Kinnegad town (population of 3,064 at Census 2022). A slight impact in scale of effect. The childcare facility will cater for c. 56 children and associated staff members.</p> <p>The receiving area is an established edge of town neighbourhood location, which is in proximity to services, amenities, and has the capacity to accommodate the likely impacts associated with the anticipated population increase.</p> <p>The applicant submitted a Social Community and Cultural Audit along with a School Demand Assessment.</p> <p>The School Demand Assessment report identifies one primary school in Kinnegad, being St. Etchen's National School, and notes that number of children enrolled was 443 in 2023/2024 and was to be 411 in 2024/2025 (current data confirms that 411 is accurate). The report further notes that the enrolment at St. Etchen's National School decreased by 124 pupils between 2019/2020 and 2024/2025, suggesting a capacity of at least that figure. The report anticipates that 45 no. primary school places will be generated by the project, which is based on the Department of Education and Skills standards of 12% of the population generated.</p> <p>The report identifies that there is no secondary school in Kinnegad and refers to the CDP map-based Community Policy Objective CP 8.102 which supports the delivery of a secondary school in the town. The report also identifies existing post-primary schools in Killucan, Rochfortbridge and Mullingar. The report finds that the additional estimated demand for post primary places as a result of the project is 32 no. places, which is based on the Department of Education and Skills standards of 8.5% of the population generated, or equivalent to 3.7% of the total enrolment in the</p>	<p>No</p>
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		<p>2024/2025 school year in the County, which, the report concludes, is likely to be capable of being accommodated at existing and planned secondary schools.</p> <p>Based on the foregoing, I do not consider this aspect of the project likely to result in a significant effect on the social environment of the area.</p>	
<p><b>1.11</b> Is the project part of a wider large-scale change that could result in cumulative effects on the environment?</p>	Yes	<p>The site is zoned 'Proposed Residential' under the current CDP.</p> <p>The site is contained between the established urban footprint to the west, south and east and agricultural land to the north, outside the settlement boundary.</p> <p>I direct the Commission to the response to Q: 3.1 below in respect of considerations of cumulative effects of the project.</p> <p>I do not anticipate cumulative significant negative effects on the area arising from the project.</p>	No
<p><b>2. Location of proposed development</b></p>			
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>a) European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>b) NHA/ pNHA</li> <li>c) Designated Nature Reserve</li> <li>d) Designated refuge for flora or fauna</li> <li>e) Place, site or feature of ecological interest, the preservation/ conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	Yes	<p>The project is not located in, on, or adjoining any European Site, any designated or proposed NHA, or any other listed area of ecological interest or protection.</p> <p>The submitted AA screening assessment identifies that the closest European site to the proposed development is Mount Hevey Bog SAC situated approximately 1.7km to the north and that the River Boyne and Blackwater SAC &amp; SPA are situated approximately 4.4km to the east. All other European sites are greater than 12km distant from the proposed development site.</p> <p>The Molerick Bog NHA (Site Code 001582) is located c. 6.5km to the east and the Mount Hevey Bog pNHA c. 1.7km to the north. The qualifying interest for the Molerick Bog NHA is the 'Peatlands' with the Site Synopsis outlining that the NHA is a site of conservation significance comprising a raised bog, a rare habitat in the E.U. and one that is becoming increasingly scarce and under threat in Ireland. There is no hydrological connection</p>	No

		<p>between the appeal site and the Molerick Bog NHA or Mount Hevey Bog pNHA.</p> <p>An Appropriate Assessment Screening Report has been submitted with the application which considers the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC). The AA concluded that on the basis of objective information, the possibility may be excluded that the proposed development will have a significant effect on any European sites, and thus progression to Stage 2 Appropriate Assessment is not required. The planning authority concurred with this conclusion.</p> <p>See Appendix 1. I consider it reasonable to conclude that on the basis of documentation submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to significantly affect the integrity of any European Site.</p> <p>See Appendix 2 with regards the Water Framework Directive. I conclude that on the basis of objective information, 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.</p>	
<p><b>2.2</b> Could any protected, important, or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>Yes</p>	<p>The site can be classified as brownfield on the basis of development carried out as part of a previously permitted but unfinished housing development.</p> <p>The submitted EclA confirms the site as not subject to any wildlife or conservation designation.</p> <p>With reference to a walk-over survey, including a bat survey, carried out on the 31<sup>st</sup> July 2024, the submitted EclA makes the following observations:</p> <ul style="list-style-type: none"> <li>The majority of the site comprises emerging vegetation established since the site has been left idle. The scrub (WL1) is formed of self-seeded shrubs and small trees throughout the site, mostly birch, willows, laurels, sycamore and butterfly bush. Much</li> </ul>	<p>No</p>

		<p>of the site is bare gravel/hardcore with areas recolonised by emerging vegetation (ED3). Species recorded here are typical of this habitat, including rosebay willowherb, ragwort, yarrow and self-heal. Vegetation has become more established in some areas, adjacent to the boundaries and on the soil mounds present on site and comprises unmanaged grassland habitat (GS2).</p> <ul style="list-style-type: none"> <li>• The northern hedgerow comprises a field boundary hedgerow in conjunction with a band of self-seeded scrub on the side of the proposed development site boundary. The species composition here comprises elder, hawthorn, blackthorn and dogrose. There is a dry ditch within the field boundary hedgerow. No water was present in the ditch during the site visit and vegetation within the ditch indicates that this ditch does not regularly hold water. There are two ash trees present in this hedgerow at the eastern end.</li> <li>• The eastern hedgerow comprises a number of ash trees, hawthorn and elder bushes, but has large gaps and does not extend along the entire eastern boundary. There is no ditch associated with this hedgerow, and this hedgerow is overall of low quality</li> <li>• There are no hedgerows present along the southern or western boundaries of the proposed development site. There are a line of cypress trees forming the southern end of the western boundary, at the rear of existing properties.</li> <li>• No protected habitats, plant species of conservation importance, or any terrestrial mammals or evidence of mammals of conservation importance were noted on site.</li> <li>• Various bird species were recorded including the little egret, a red-listed bird of conservation concern and/or Annex I species from the NBDC database for the surrounding area. The EclA outlined that the proposed development site, comprising scrub, artificial habitats and no watercourses or wetlands, does not offer suitable habitat for this species.</li> <li>• A bat survey found no Potential Roost Feature within existing trees on the site and despite optimal survey conditions and seasonal timing, overall bat activity recorded during the activity survey was low, recording the common pipistrelle, soprano pipistrelle and Leisler's bat. However, adopting a precautionary approach, the EclA concluded that the potential for any mature</li> </ul>	
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		<p>trees that might be removed to facilitate the development to contain suitable roosting habitat for small numbers of bats cannot be discounted and recommended further survey prior to commencement of development / removal of trees.</p> <ul style="list-style-type: none"> <li>• No evidence of any protected mammal species recorded within the site.</li> <li>• The only species for which there are records from the National Biodiversity Data Centre (NBDC) for the 2km grid square encompassing the proposed development site is the non-native grey squirrel.</li> <li>• There are badger road kill records from the M4 slip-roads south of Kinnegad. There are no badger sett records from the Badger Setts of Ireland database within the surrounding area of the proposed development site.</li> <li>• The closest otter records from the NBDC database are from the vicinity of the Kilwarden River, approximately 3km south-west of the proposed development site (NBDC, 2024).</li> <li>• The site does not contain any watercourses and therefore no suitable habitat for otter. The site, comprising a former development site, does not offer habitat of significant value for mammal species.</li> </ul> <p>The EclA concludes that provided the recommended mitigation measures proposed are carried out in full, there will not be any significant negative impact to any valued habitats, designated sites or individual or group of species as a result of the subject development, and that no impact greater than 'Long-Term Not Significant' effects are predicted on key ecological receptors (KERs) as a result of the proposed development.</p> <p>Key mitigation includes the timing of vegetation removal, provision of new native hedgerow along the northern and eastern boundaries and a further bat survey prior to removal of select trees.</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of biodiversity (protected habitats, flora, fauna).</p>	
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<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>There are no landscape designations or protected scenic views at the subject site.</p> <p>There are no protected structures within, adjoining or in the vicinity of the site, and the site is not included within an architectural conservation area.</p> <p>There are no recorded monuments on or with the vicinity of the site.</p> <p>Accordingly, having regard to the documentation submitted with the application, I do not consider the project likely to result in a significant effect on the environment in terms of architectural, archaeological or cultural heritage.</p>	<p>No</p>
<p><b>2.4</b> Are there any areas on/ around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/ coastal, fisheries, minerals?</p>	<p>No</p>	<p>There are no such resources on or close to the site.</p>	<p>No</p>
<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>Yes</p>	<p>There are no watercourses located on or adjacent to the site. The closest waterbody is the Correllstown Stream (as referred to in the submitted Ecological Impact Assessment) located c. 1.1km northeast of the site. This stream discharges to the Kinnegad River c. 1.5km east of the site, which, in turn, joins the Kilwarden / Clonard River, which, in turn, discharges into the River Boyne c. 7.3km due east of the town.</p> <p>I direct the Commission to the response to Q:1.2 above in respect of the construction and operation phase impacts of the project on the water resources at the site/ in the vicinity (i.e., surface water/ groundwater impacts).</p> <p>By reason of surface water discharge, following attenuation, to the storm mains, there is an indirect hydrological connection between the site and River Boyne and River Blackwater SAC and SPA. Note that the SAC and SPA designations only applies to the River Boyne from the point where it passes under the Royal Canal, continuing until it discharges to the Irish Sea to the east of Drogheda.</p> <p>I direct the Commission to the response to Q:2.1 above in respect of the impact of the project on the watercourses and European sites.</p>	<p>No</p>

		<p>Mitigation measures are identified in the outline CEMP during the construction phase of the project to safeguard the quality of the surface water runoff, prevent pollution events to groundwater, and mitigate against excessive siltation.</p> <p>The operational phase impacts are addressed primarily through design, with a comprehensive surface water management system including SuDS features, on-site attenuation, and discharge to the public surface water network.</p> <p>The Flood Risk Map for Kinnegad, as contained in Volume 2 of the CDP, indicates that the site is not located in Flood Zone A or B.</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of water resources and flood risk.</p>	
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence identified of these risks.	No
<b>2.7</b> Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion, or which cause environmental problems, which could be affected by the project?	No	<p>There are no key national transport routes impacted by the proposal. The M4 and M6 motorways are accessed southwest and southeast of the town. Vehicular access to the project will be via a new entrance off Killucan Road (L1015) within the 60kmph speed limit. The Killucan Road connects with the R148 / Old Dublin Road / Mullingar Road to the south, which becomes Main Street through Kinnegad town centre. There is a continuous footpath on Killucan Road and R148, linking the appeal site to the town centre. The proposal also includes a pedestrian / cycle connection through to the Manorfield housing estate to the southeast of the site, providing a further footpath connection to the town centre and GAA grounds to the east.</p> <p>The residential element of the project will comprise 201 no. spaces of which 165 no. are for resident parking, 30 no. for visitors, 2 no. disabled spaces and 4 no. with EV charging points. The childcare facility will have 15 no. car spaces which includes 1 no. disabled space. 8 no. covered bicycle parking spaces are provided for the childcare facility.</p> <p>During the site development works, the project will result in an increase in traffic activity (HGVs, workers) as construction equipment, materials, and</p>	No

		<p>waste are delivered to/ removed from the site. Site development works are short term in duration and impacts arising will be temporary, localised, and managed under the outline/ final CEMP.</p> <p>A submitted Traffic and Transport Assessment (TTA) included traffic analysis of the R148 / L1015 Killucan Road Priority Junction, the Manorfield / L1015 Killucan Road Priority Junction and the proposed new junction between the development site access and the L1015 Killucan Road, with the proposed development in place to determine if the junctions will operate within capacity when the development is constructed and fully occupied in 2027, five years after opening in 2032 and fifteen years after opening in 2042.</p> <p>The analysis shows that the proposed development at the forecast year of opening does have the potential to exceed the 10% threshold in both the morning or the evening peak hours, therefore further detailed capacity modelling is warranted so that the impact of the proposed development on the capacity and operation of the receiving road network can be more thoroughly assessed and evaluated.</p> <p>The further assessment / modelling found the following:</p> <ul style="list-style-type: none"> <li>• that proposed development is forecast not to have a significant impact on the capacity and operation of the R148 / L1015 Killucan Road Priority Junction in the year of opening 2027 nor a significant impact on the capacity and operation of the junction in the future years.</li> <li>• that traffic arising from the proposed development will have a negligible impact upon the operation of the Manorfield / L1015 Killucan Road Priority Junction.</li> <li>• that the proposed development access will operate with capacity with significant reserve capacity.</li> </ul> <p>The submitted TTA refers to a request from Westmeath County Council to consider the traffic implications of a future upgrade of the R148 / L1015 Killucan Road junction to operate as traffic signals or a roundabout. The TTA concludes that the results of the feasibility study show that there is sufficient space within the public road and verges in which to locate a</p>	
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		<p>sizeable roundabout junction and that the capacity assessments confirm that a roundabout would operate satisfactorily subject to future traffic flows either with or without the proposed development.</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on the local environment in terms of transportation.</p>	
<p><b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	No	<p>The site is abutted to the north by agricultural land (outside the settlement boundary and thus not zoned under the current CDP), to the east by GAA grounds, to the south by rear / side boundaries of houses in the Manorfield housing estate, and to the west by the rear of properties fronting the Killucan Road, including the grounds of a childcare facility and the rear gardens of 4 no. dwellings.</p> <p>Site development works will be implemented in accordance with the outline/ final CEMP which includes mitigation measures to protect the amenity of adjacent properties and residents.</p> <p>Once operational, the design, siting, and scale of the proposed buildings and the separation distances to the closest dwellings are such that negative impacts arising from overlooking, overshadowing, overbearance are not reasonably anticipated.</p> <p>The operational phase of the project will cause an increase in activity at the site (traffic generation, use of communal and private open spaces and use of pedestrian / cycle link through Manorfield) which are considered to be typical of such mid-scaled, mid-density residential schemes as proposed, sited in established urban neighbourhood locations such as the receiving area and are well within acceptable parameters for same.</p> <p>The project will be under the control of an established management company and/ or elements taken in charge by the local authority, and no negative impacts on residential amenity are anticipated.</p>	No
<p><b>3. Any other factors that should be considered which could lead to environmental impacts</b></p>			
<p><b>3.1 Cumulative Effects:</b> Could this project together with existing and/ or approved development result in</p>	Yes	<p>Existing and/ or approved planning permissions in the wider area have been noted in the application documentation and associated assessments. One project of note was identified in the AA screening</p>	No

<p>cumulative effects during the construction/ operation phase?</p>		<p>report, being a retirement village on land west of Killucan Road, accessed off the R148, approved by An Bord Pleanála in July 2024. Development has not yet commenced.</p> <p>I have further reviewed the local authority's planning portal and note a decision on the 3<sup>rd</sup> October 2025 to grant permission under P.A. Ref. 2560234 for a Large-Scale Residential Development (LRD) of 127 no. dwellings (reduced from 129 no. at further information) and a childcare facility on a c. 4 ha site to the north of the town centre, c. 550m southeast of the appeal site. There were no appeals lodged with An Coimisiún Pleanála and a final grant of permission was issued by the local authority on the 7<sup>th</sup> November 2025.</p> <p>That permitted development would be accessed off the L-5014 (Boreen Bradach Road), which connects with Main Street to the south, thus no direct interaction with the appeal site development from a localised roads and traffic perspective.</p> <p>The additional population generated by both LRDs has potential consequences for the capacity of social infrastructure, particularly in terms of the capacity of primary and secondary schools. The applications were lodged with Westmeath County Council within a couple of days of each other, therefore the cumulative effect, from a social infrastructure perspective, was not addressed in either application.</p> <p>Both applications provide data on social infrastructure including primary and post-primary capacity in the town and wider area.</p> <p>As outlined under Section 1.10 of this form, the School Demand Assessment report accompanying the application to which current appeal relates identifies one primary school in Kinnegad, being St. Etchen's National School, and notes that number of children enrolled was 443 in 2023/2024 and was to be 411 in 2024/2025 (current data confirms that 411 is accurate). The report further notes that the enrolment at St. Etchen's National School decreased by 124 pupils between 2019/2020 and 2024/2025, suggesting a capacity of at least that figure. The report anticipates that 45 no. primary school places will be generated by the project, which is based on the Department of Education and Skills standards of 12% of the population generated. Using a similar</p>	
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		<p>methodology, the recently permitted LRD in Kinnegad (P.A. Ref. 2560234 – 127 no. units at an average household size of 2.77 persons) would generate a demand for c. 42 primary school places. This equates to a total of c. 87 no. additional primary school places generated by the two developments.</p> <p>In terms of post-primary schools, the report submitted with the application pertaining to the appeal site identifies that there is no secondary school in Kinnegad and refers to the CDP map-based Community Policy Objective CP 8.102 which supports the delivery of a secondary school in the town. The report also identifies existing post-primary schools in the wider area including in Killucan, Rochfortbridge and Mullingar. The report finds that the additional estimated demand for post primary places as a result of the project is 32 no. places, which is based on the Department of Education and Skills standards of 8.5% of the population generated, or equivalent to 3.7% of the total enrolment in the 2024/2025 school year in the County, which, the report concludes, is likely to be capable of being accommodated at existing and planned secondary schools.</p> <p>Using a similar methodology, the recently permitted LRD in Kinnegad (P.A. Ref. 2560234 – 127 no. units) would generate a demand for c. 30 post-primary school places. This equates to a total of c. 62 no. additional post-primary school places generated by the two developments.</p> <p>I note CDP objective CP 8.102 which supports delivery of further educational capacity for the town, both primary and secondary schools.</p> <p>I also refer to a Statistical Bulletin published by the Department of Education and Youth in August 2025 which outlines that total enrolments in primary schools in 2024/25 stood at 552,116, a decrease of 3,968 on 2023/24. The bulletin provides a rate of change in enrolment for each county, showing that Westmeath recorded an increase of 3.5% enrolment between 2023/24 and 2024/25, compared to Roscommon at the upper end at +12.5% and Clare at the lower end at -4%. The bulletin also stated that enrolments are projected to continue to fall over the coming sixteen years. The bulletin noted that enrolment at post-primary schools continue to rise and, according to the published post-primary projections, are expected to reach their peak in 2025/26.</p>	
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<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	There are no transboundary effects are arising.	No
<b>3.3</b> Are there any other relevant considerations?	No	No	No
<b>C.CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	X	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>		<del>EIAR Required</del>	
<b>D. MAIN REASONS AND CONSIDERATIONS</b>			
<p>Regard has been had to:</p> <p>a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended, and the nature and scale of previously constructed roads and services to be removed in the context of Class 14: Works of Demolition.</p>			

- b) The location of the site on zoned lands (Zoning Objective 'Proposed Residential') and other relevant policies and objectives in the Westmeath County Development Plan 2021-2027, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
- c) The brownfield nature of the site and its location adjoining the built-up area of Kinnegad town, which is served by public services and infrastructure.
- d) The pattern of existing and permitted development in the area.
- e) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
- f) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage, and Local Government (2003).
- g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
- h) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- i) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the outline Construction Environmental Management Plan, Ecological Impact Assessment and Tree Report / Arboricultural Assessment.
- j) Consideration of Cumulative Effects.

In so doing, the Commission concluded that by reason of the nature, scale and location of the project, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

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

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

**Assistant Director of Planning:** \_\_\_\_\_

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