



An
Coimisiún
Pleanála

Inspector's Report PL-500675-WH-26

Development	Construction of 11 houses.
Location	Magheranerla, Athlone , Co Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	2560390
Applicant(s)	Rose Galvin
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Evelyn Neylon
Observer(s)	None
Date of Site Inspection	27/04/2026
Inspector	David Freeland

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1.0 Site Location and Description

The appeal site (c. 0.33 ha) is located within the urban area to the south-west of Athlone Town and comprises a backland/infill situated within an established suburban residential area. The site is accessed via an existing cul-de-sac serving Crystal Village housing estate which connects to the L-80444 local road (also referred to as the Valley Court Road), itself linking to the R446 regional road (with bus services available along the R446 within walking distance). There is also an existing right of way to the north providing access to the site from Bunnally Road and the R446.

The site lies within proximity to Athlone Town Centre (c. 2.2km to the west) and is approximately 470 metres from the Technological University of the Shannon (TUS) Athlone campus to the east, is within c. 600 metres of the IDA Business and Technology Park and is within c. 1.2 km of Athlone Business Park to the north.

The immediate context is characterised by a suburban residential environment predominantly consisting of semi-detached dwellings (which includes the Valleycourt estate, Esker Glen and Crystal Village).

The Crystal Village estate, an established and mature residential development to the south of the subject site consists of twenty two-storey semi-detached dwellings. The railway line is located to the immediate south of the estate with rural lands beyond. To the north of the site are larger detached and semi-detached dwellings set on more generous plots along the Bunnally Road. One of these properties, located to the immediate north-east, has an existing backland dwelling which is positioned adjacent to the boundary with the subject site (1-5 Pinewood). Esker Glenn apartments, a three-storey development are located to the east

The subject site itself comprises an undeveloped, largely greenfield parcel of land situated between the rear boundaries of properties to the north on Bunnally Road and the Crystal Village estate to the south (no.'s 13-16). The lands are irregular in shape and appear to be a residual or infill site. The site is currently overgrown, with areas of scrub and vegetation. Boundaries are defined by a mix of hedgerows, planting, and sections of wall and fencing.

The application site also includes a small portion of land located between the southern boundary of the site and the spur of the access road within Crystal Village which lies outside the applicant's ownership and is understood to be in the ownership of Westmeath County Council.

2.0 Proposed Development

The proposed development comprises the of 11no. dwellings consisting of the following:

- A two-storey terrace comprising 3no. 2-bedroom dwellings;
- Four pairs of 8no. 3-bedroom semi-detached two-storey dwellings; and
- Boundary treatments, road services and all ancillary site development works and connection to all public services.

Key Development Statistics are set out as follows:

	Proposed Development
Site Area (Red line boundary)	0.33ha
No. of Dwellings	11no. 2-storey dwellings
Unit Mix	8no. 3-bedroom (5 persons) Semi-detached Dwellings 3no. 2-bedroom (3 persons) Terrace Dwellings
Density	33 units per hectare
Public Open Space	552 sq.m (16.7% of site)
Car Parking	22no. car parking spaces

3.0 Planning Authority Decision

3.1. Decision

Following receipt of Further Information, Westmeath County Council decided to grant planning permission for the development subject to 20no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are two planning reports on file which are summarised as follows:

3.2.3. The first planning report dated 25/09/2025 is summarised as follows:

- **Zoning & Principle of Development:** The Planning Report indicates that the site is zoned 'Established Residential' under the Athlone Town Development Plan 2014-2020, as amended with associated zoning policy: O-LZ1 – '*To provide for residential development, associated services and to protect and improve residential amenity*'. The report stated the Planning Authority (PA) considers that the proposed development complies with the zoning objectives and associated policies of the Core Strategy contained within the ATDP and Westmeath County Development Plan 2021-2027. Therefore, the proposed development is acceptable in principle.
- **Density and Unit Mix:** The PA referred to the location of the site to the periphery of Athlone Town and its two-storey dwelling context of which it is situated. Having regard to the Compact Settlement Guidelines, RSES and NPF, the PA noted Athlone's designation as a Regional Growth Centre Key Town and classified site location as 'Suburban/Urban Extension' which is defined as 'Suburban areas are the low density car-orientated residential areas constructed at the edge of the town' and have a density range of 35 dph to 50 dph (net). The PA noted that the proposed density of 33 was below the recommended range but the infill nature of the site and surrounding context and considered the density to be acceptable.
- **Design and Layout and Visual Impact:** The PA noted the infill nature of the site, the access from the roadway within the adjoining Crystal village estate. The PA noted the proposed semi-detached and terraced house type, the proposed materials/finishes and height and considered they reflected the character of the area and are acceptable.

In terms of visual impact, the PA considered that the proposed design and height within a generally flat infill site is reflective and respectful of the pattern of development in the area and will assimilate effectively.

- **Site Layout Clarification:** The PA noted a small triangular section of land between the spur of the roadway to Crystal Village (L-80444) and to the south boundary of the subject site is under the ownership of Westmeath County Council (with letter of consent from WCC confirming).

The PA noted a number of issues to be addressed which included: ambiguity between the redline and blueline boundary to the south of the site; the layout appears to cut the cul-de-sac road outside of no. 12 Crystal Village, a more detailed site layout is required to demonstrate access to no. 12; provide clarity relating to side access to no. 11 of the proposed scheme; clarify details of the existing right of way from subject site to Bunnavally;

- **Residential Amenity:** Having regard to the separation distances and placement of windows, the PA did not consider that the proposed development would result in overlooking of neighbouring properties and is in compliance with SPPR 1 of the Compact Settlement Guidelines.
- **Housing Quality Assessment:** The PA considered the proposed dwellings meet relevant internal standards and private/public open space provision per Athlone Town Development Plan and the Compact Settlement Guidelines. It was noted that the proposed dwellings do not include refuse storage or designated cycle parking within each dwelling. Further Information was requested in this regard.
- **Landscaping and Boundary Treatment:** The PA noted the proposed public open space which included a children's playspace. The PA considered that a 2.1m blockwork capped wall should be provided to all boundaries of the site. Further Information was requested.
- **Road and Traffic Safety:**

Car Parking: The PA note proposed 2no. spaces per each dwelling although note that no visitor car parking has been proposed per Table 12.11 of the ATDP. The PA note SPPR 3 of the Compact Settlement Guidelines requiring a rationale and justification for the proposed number of car parking spaces having regard to the proximity of the site to the urban centre and sustainable transport options.

Further Information Required: the PA and District Engineer indicated that the proposed development required further details relating to a public light plan, provisions of a raised pedestrian crossing to entrance of the site, provide swept path analysis for service and emergency vehicles, submit a Stage 1 Road Safety Audit, DMURS Quality Audit and include provision of EV Charging Points.

- **Site services:**

Water Supply and Wastewater: Having regard to water supply and wastewater, the PA noted the applicant had not submitted a Confirmation of Feasibility from Uisce Eireann and requested Further Information.

Surface Water Drainage: The PA noted that the District Engineer raised no issues with the proposed development.

Flooding: The site is not located within a flood zone.

Construction Environmental Management Plan (CEMP): PA requested CEMP submitted as FI.

- **Part V:** The PA note the applicant Part V (10%) proposals which will be conditioned in the event of a grant of permission.
- **Appropriate Assessment Screening:** PA concluded that there is no potential for significant effects on Natura 2000 network arising from the proposed works either alone or in combination with other plans and/or projects by way of loss, fragmentation, disruption, disturbance to habitats, species or habitats of species that are of conservation interest.
- **Environmental Impact Assessment Screening:** The application does not meet the thresholds of 500 houses or 10 hectares and therefore a mandatory EIAr is not required. The need for environmental impact assessment can therefore, be excluded at preliminary examination and a screening determination is not required.

3.2.4. Other Technical Reports:

- District Engineer: Report dated 16/09/2025 – Request FI.
- Fire Officer: No objection subject to conditions.

3.2.5. Further Information was requested on 26/09/2025 relating to (i) Design & Layout (ii) Car Parking (iii) Roads & Traffic Safety (iv) Services and (v) Submissions.

3.2.6. Further Information was received on 26/11/2025. The Planning Authority did not deem the Further Information as Significant under Article 35 of the Planning and Development Regulations 2001, as amended.

3.2.7. The second planning report on file is dated 19/12/2025 is summarised as follows:

- **Design and Layout:** The PA were generally satisfied with the applicant's response although considered that further details relating to bin and bicycle storage and boundary wall treatment will need to be agreed by way of condition in the event of a grant of permission.
- **Car Parking:** The PA's noted the applicant's response which indicates that the 22no. spaces is in excess of the requirements under the Athlone Town Development Plan which equates to 15no. spaces and that the SPPR 3 applies a maximum standards and caps car parking spaces at 2 per dwelling.
- **Road Safety & Traffic:** The PA did not accept the applicant's assertion that they had inadequate time to prepare a Road Safety Audit (RSA) with limited availability of independent road Safety Auditors as well as the disproportionate cost of a RSA relative to scale of development. Notwithstanding the PA noted submission of a Quality Audit and other submitted detail which of which the District Engineer indicated no concerns subject to conditions. The PA further noted that the applicant had submitted a specific site layout plan to address concerns relating to access to no. 12 Crystal Village and the applicant's response to third party submissions in this regard. The PA referred to S. 34(13) of the Planning and Development Act 2000, as amended.
- **Services:** The PA noted the submission of a letter of feasibility from Uisce Eireann which indicates that a water connection was feasible without any infrastructural upgrade. However, a wastewater connection was considered feasible subject to upgrades. The PA considered it appropriate to address by way of condition.

- **Submissions:** The PA noted the applicant's response to the third party submissions.

The Planning Authority recommended that permission is Granted

3.2.8. Other Technical Reports:

- District Engineer: Report dated 10/12/2025 – No further concerns subject to conditions.
- Fire Officer: No further report.

3.3. Prescribed Bodies

Uisce Eireann: No report received (Lette of Feasibility submitted at FI Stages).

Irish rail: No report received.

Commission for Railway Regulation: No report received.

Transport Infrastructure Ireland (TII): Report dated 29/08/2025 – No objection. The Report made the following comments:

In the case of this planning application, Transport Infrastructure Ireland requests that the planning authority has regard to the provisions of official policy for development proposals as follows: proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII Publications and proposals impacting the existing light rail network, to TII's "Code of engineering practice for works on, near, or adjacent the Luas light rail system

3.4. Third Party Observations

Ten third party observations were received by Westmeath County Council following submission to the Planning Authority. A summary of the observations are as follows:

- Proposed Layout and Density of Development: It is submitted that the density exceeds that of the adjoining Crystal Village and is more appropriate closer to the town centre with greater levels of social infrastructure and presents as overdevelopment particularly relating to the three units within the south-eastern corner.

- Impact on the Setting of Crystal Village and its associated open space: It is contended that the proposed development will result in the loss of amenity space within Crystal Village and that the proposed scheme has little or no amenity area resulting in likely encroachment of the open space within Crystal Village. Based on the parent permission for Crystal Village, it is suggested that all green areas were the sole recreational use of residents of Crystal Village. The use of the space by residents over the past is highlighted.
- Impact on Residential Amenities: It is contended that the proposed development would negatively impact the quality of life and residential amenities of the area by way of reductions in privacy and result in overlooking particularly those located adjacent to the site including no. 13 Crystal Village and the properties to the north on Black's Lane. It is suggested that the proposed development will cause noise pollution during and post construction to dwellings in Crystal Village.
- Procedural: The site notices were not erected on site until 10 days after submission of the application.
- Legal Access: It is contended that the legal access to the site is from Black's Lane to the north and there is no legal access from Crystal Village. In this regard, the submissions refer to previous refusal of permissions which related to legal access through Crystal Village. It is further submitted that the applicant has no legal entitlement over the existing open green area within Crystal Villa where the access is proposed to the subject site.
- Enforcement: the submissions refer to current enforcement action within the subject site relating to damage to the boundaries between the subject site and Crystal Village.
- Inaccuracies with Submitted Documentation: it is submitted that the submitted plans do not accurately delineate the open space within Crystal Village, notably the area to the west of no. 13 Crystal Village is far smaller in reality as indicated on submitted plans. It is further noted that the blue line boundary inaccurately extends beyond the actual boundary into Crystal Village.

- Car Parking and Safety of Access: It is submitted that access through Crystal Village will change it from a cul-de-sac to through road with subsequent additional congestion to Crystal Village and danger to residents and in particular children playing. It is suggested that the development will restrict access to dwellings, namely, no. 12 Crystal Village. Further, it is argued that the proposed development will exasperate existing pressure on the junction with the Old Dublin Road.
- Open Space Provision: It is contended that the proposed development will not have an adequate area of open space per legal requirements.
- Biodiversity: The submissions state that natural boundaries have been removed in recent times with subsequent disturbance to birds and wildlife.
- Site Services: The submissions state that there is inadequate capacity within the public sewage system to facilitate the proposed development and it is suggested that the development will be constructed over the main sewer line which crosses the site.
- Depreciation of Value: It is contended that the proposed development would depreciate the value of property on Crystal Village.

4.0 Planning History

P.A. Ref. 22/528: Retention Permission Refused for (a) site entrance and associated site works as constructed (b) planning permission to upgrade existing entrance and construct new piers, gates and associated site works. The Reason for Refusal was as follows:

It is Council policy as set out within the Athlone Town Development Plan, 'to determine the layout of new development before or at the same time as the road layout with connections to social infrastructure identified' (P-RLD2). In the absence of an overall proposal for the subject residential zoned lands in which the vehicular access, the subject of this application will serve, it is considered that to permit the development proposed would be contrary to this policy, would be premature and result in haphazard and non-integrated development, which would impair planned development and pre-empt the

comprehensive development of these lands should such development be later considered to be desirable or permissible. Accordingly, the development if permitted and in the absence of sufficient documentation to the contrary would be contrary to the provisions of the Athlone Town Development Plan, would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

P.A. Ref. 21/388: Application Withdrawn for Construction of a total of six 3-storey dwellings, which will include the use of the attic floor level and composed of four detached and two semi-detached units and to include new access road with all associated site development works and services, connected to existing adjoining public services.

P.A. Ref. 143016: Application Withdrawn for construction of a family home, domestic garage and all ancillary site works.

ABP Ref. PL.34.215088 / P.A. Ref. 043231: Permission Refused by ABP for third level accommodation comprising 10 No. 2 1/2 storey houses containing 4 bedroom, 2 No. 2 1/2 storey houses containing 5 bedrooms and 4 No. 2 1/2 storey houses containing 3 bedrooms. To construct 1 No. 3 storey apartment block containing 3 No. 2 bedroom apartments and 1 No. 3 storey apartment block containing 3 No. 3 bedroom apartments. To renovate an existing single storey building containing 3 No. 1 bedroom apartments into a 1 1/2 storey building containing 1 No 2 bedroom apartment and 2 No. 1 bedroom apartments and student communal space.

The reason for refusal was as follows:

Having regard to the configuration of the site and the pattern of development in the area, it is considered that the proposed development, by reason of its layout and design, including its height, proximity to boundaries, and poor disposition of open space, would result in an overbearing effect on surrounding property which would be visually intrusive, would seriously injure the amenities of the area and of property in the vicinity and would result in a substandard form of residential development for future occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that

the proposed three-storey development, in close proximity to the site boundaries, would be visually intrusive and overbearing in relation to surrounding properties and that the layout of the public open space was not acceptable.

P.A. Ref. 03/814281: Permission Refused for the demolition of existing dwelling house and shed, construction of five apartment blocks for the purpose of providing third level student accommodation and comprising the following: Block 1: Five apartments and communal space including an office, study room and miscellaneous rooms, Block 2: Six apartments Block 3: Six apartments Block 4: Four apartments Block 5: Six apartments, A total of 27 apartments and communal space, all associated site development works including realignment of the existing road line and junction layout and provision of new access roads and all other ancillary works.

P.A. Ref. 03811179: Permission Refused for demolition of an existing dwelling house and shed: Construction of five apartment blocks for the purpose of providing third level student accommodation and comprising the following: BLOCK 1: five apartments and communal space including an office, study room and miscellaneous rooms. BLOCK 2: Six apartments, BLOCK 3: Six apartments, BLOCK 4: four apartments, BLOCK 5: Six apartments, a total of 27 apartments and communal space. All associated site development works including realignment of the existing road line and junction layout and provision of new access roads and all ancillary works.

P.A. Ref. 01/810953: Permission Refused for new entrance to lands.

P.A. Ref. 94/810617: Permission Granted for a housing development of 20 houses.

Enforcement

Ref. ENF 21066: Relates to The erection of a panel fence exceeding 1.2m height at the southern boundary of the lands with Crystal Village.

5.0 Policy Context

5.1. National Policy

Project Ireland 2040 – National Planning Framework First Revision (April 2025)

The National Planning Framework (NPF) promotes a strategy of compact growth, with a focus on the consolidation of development within the existing built-up footprint of settlements. Relevant National Planning Objectives include:

- NPO 7 seeks to deliver 40% of all new homes nationally within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth while NPO 9 seeks to deliver 30% of all new homes within settlements other than the five cities and their suburbs, within their existing built-up footprints.
- National Planning Objectives NPO 20, 22, 43 and 45 provide for a presumption in favour of development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth. Planning standards, including building height and car parking, are to be based on performance criteria to achieve well-designed high-quality outcomes. The objectives prioritise the provision of new homes at locations that can support sustainable development at an appropriate scale, and seek to increase residential density through infill development, re-use of existing buildings, regeneration, increased building height and more compact forms of development.
- Under the NPF, Athlone is recognised as a Regional Centre. NPO 5 and 15 recognise the key regional role of Athlone in the Midlands.

5.2. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031

The Eastern and Midland Regional Spatial and Economic Strategy (RSES) 2019–2031 applies. The RSES target significant growth in the Regional Growth Centres (including population growth) with a vision for Athlone to act as a lead town for the midland growing to 30,000 by 2031.

Section 4.5 – Regional Growth Centres notes the key to the success of Athlone is the availability of zoned and serviced lands within the existing built up area to facilitate significant population growth. Relevant Regional Policy Objectives include:

- RPO 4.4 indicates that a Joint Urban Area Plan (UAP) for the Regional Growth Centres of Athlone shall be jointly prepared by Westmeath County Council and Roscommon County Council.
- RPO 4.8 supports the supports the delivers of serviced lands to facilitate population growth and achieve sustainable compact growth targets of 30% of all new homes be built within the existing built up area.

5.3. Development Plan

Westmeath County Development Plan 2021–2027 (WCDP 2021 – 2027)

The statutory development plan for the area is the Westmeath County Development Plan 2021–2027. Relevant sections and policies objectives within the Development Plan include:

Core Strategy (Chapter 2)

- Table 2.4 – Athlone is designated as the Regional Growth Centre withing the Settlement Hierarchy.
- CPO 2.2 – Support the continued growth of Athlone as a key regional economic driver.
- CPO 2.3 – Policy to prepare Joint Urban Area Plan for Athlone with Roscommon County Council.
- CPO 2.17 supports the delivery of serviced lands to facilitate population growth and achieve compact growth.

Housing (Chapter 3)

- Section 3.7 – Residential densities to reflect the role of Athlone as a Regional Growth Centre.
- Section 3.8 – Requirement to have regard to national guidelines on residential design and layout.
- CPO 3.5 – To ensure a suitable mix of dwelling types and sizes.
- CPO 3.7 – Apply higher dentitions to Athlone (Regional Growth Centre) subject to good design and development management standards being met.
- CPO 3.15 – To support quality residential development having regard to national standards and SPPRs.

Urban Centres and Placemaking (Chapter 7)

- Section 7.6.1- Compact Urban Centres - Backland Development: Development of backland sites should be plan-led and not jeopardise the comprehensive redevelopment of adjoining lands.
- CPO 7.26 – Support regeneration and development of underutilised lands.

Car and Bicycle Parking (Chapter 10)

- CPO 10.65 – Facilitate reduced car parking provision in appropriate locations to encourage modal shift.
- CPO 10.70 – Ensure provision of appropriate bicycle parking facilities.

Water Services and Environmental Protection (Chapter 10)

- CPO 10.82 – Ensure connection to public water services where available.
- CPO 10.83, 10.85, 10.89 – Protect water quality and ensure compliance with the Water Framework Directive.
- CPO 10.94 – Ensure development only permitted where sufficient capacity for collection, treatment and disposal.

Development Management Standards (Chapter 16)

Chapter 16 sets out development management standards relating to urban and residential development, roads, transportation and parking. Relevant policies include:

Design Layout & Housing Mix (Section 16.3)

- CPO 16.10 – provision of range of dwellings sizes and typologies
- CPO 16.11 – respond to the individual character of the town or village
- CPO 16.12 – specific physical, social and environmental criteria
- CPO 16.13 – integration with existing and established neighbourhoods
- CPO 16.14 – separation distances
- CPO 16.15 – daylight and sunlight requirements
- CPO 16.16 – dual aspect residential schemes
- CPO 16.18 – Boundary Treatment
- CPO 16.20 – Private Open Space

- CPO 16.21 – Public Open Space Provisions and Recreational Amenities
- CPO 16.22 – Refuse Storage
- CPO 16.23 – Water and Wastewater Services

Residential Density

- CPO 16.24 – Increase density within Athlone subject that lands are within walking distance of town centre, adequately serviced by social infrastructure and public transport
- CPO 16.25 – Full permeability for walking/cycling
- CPO 16.36 – Car Parking Requirements for residential development including disabled parking and EV charging points and Table 16.2 – Car Parking Standards
- CPO 16.37 – Cycle storage requirements and Table 16.3 – Cycle Storage Standards

Transportation and Car/Bicycle Parking

- CPO 16.35 Requirements relating to traffic management, road safety audits, Traffic and Transport Assessment and Mobility Management Plans

Athlone Town Development Plan 2014–2020 (Expired)

The Athlone Town Development Plan 2014–2020 has expired and the subject site is currently unzoned.

Notwithstanding this, it provides context for the established planning approach in the area. Under the expired plan, the subject site was zoned ‘Established Residential’.

The associated policy was O-LZ1 - To provide for residential development, associated services and to protect and improve residential amenity. The Development Plan contained a number of relevant policies relating to sequential development and prioritisation of infill and backland sites (P-CS7), promotion of redevelopment of underutilised lands (P-CS11), Support for infill and backland residential development subject to development management criteria (P-SR1 and P-SR2) and the requirement for high standards of residential layout and design (P-RLD1).

Athlone Joint Urban Area Plan 2024-2030

Westmeath County Council and Roscommon County Council commenced preparation of the Athlone Joint Urban Area Plan 2024-2030 on the 7th December 2023. The consultation phase for the Stage 1- Pre-draft Strategic Issues Paper expired on 1st February 2024.

5.4. **Relevant Guidelines**

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

The Sustainable Residential Development and Compact Settlements Guidelines (2024) provide further guidance on infill and backland development, compact growth, and appropriate densities having regard to location, accessibility and existing context.

Having regard to density, Section 3.3.2 – Regional Growth Centres is relevant in the assessment of the proposed development. Under this section, Table 3.4 sets out the density ranges for (i) Centre and Urban neighbourhood and (ii) Suburban/Urban Extension areas of Regional Growth Centres. Table 3.8 is also relevant to establish the level of accessibility of the subject sites location.

The Guidelines include a number of Strategic Planning Policy Requirements (SPPR) relevant to the proposed development which includes:

- SPPR 1 – Separation Distances
- SPPR 2 – Minimum Private Open Space Standards for Houses
- SPPR 3 – Car Parking
- SPPR 4 – Cycle Parking and Storage

The following national policy documents are also of relevance:

- Quality Housing for Sustainable Communities (2007)
- Housing for All – A New Housing Plan for Ireland (2021)
- Design Manual for Urban Roads and Streets (DMURS) (2019)

Natural Heritage Designations

The appeal site is not located within or adjacent to any designated European site (SAC or SPA) or Natural Heritage Area (NHA or pNHA).

The closest natural heritage designations to the subject site include Carrickynaghtan Bog NHA (Site Code: 001623) – 3.03km to the south-west, River Shannon Callows

pNHA (Site Code: 000216) – 1.1km to the south-west, Crosswood Bog pNHA (Site Code: 000678) – 2.03km to the east and Lough Ree pNHA (Site Code: 000440) – 2.9km to the north-west.

The closest European site to the subject site includes Middle Shannon Callows SPA (Site Code: 004096) – 1.1km to the west, River Shannon Callows SAC (Site Code: 000216) - 1.1km to the west, Crosswood Bog SAC (Site Code: 002337) – 2.04km to the east and Carn Park Bog SAC (Site Code: 002336) – 4.7km to the east

5.5. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). The proposed development is of a CLASS specified in Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended) but is sub-threshold being a Class 10(b)(i) 'Construction of more than 500 dwelling units'. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

5.6. Water Framework Directive

An assessment of the proposed development has been carried out in accordance with Article 4 of the Water Framework Directive and relevant EPA guidance, including best practice in sustainable drainage design.

The development incorporates surface water management measures, including Sustainable Drainage Systems (SuDS), designed to replicate greenfield runoff rates and provide treatment of surface water prior to discharge. The proposed development does not involve any significant

These measures ensure that there will be no increase in pollutant loading, no alteration of the receiving waterbody's hydrological regime, and no risk of deterioration in water quality or ecological status. Any residual risks identified during the assessment are capable of being addressed through standard mitigation

measures and best practice construction management, including the implementation of an appropriate Construction Environmental Management Plan (CEMP).

The proposed development will not impact on the achievement of environmental objectives for any water body and is therefore considered compliant with the requirements of Article 4.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal (property owner of no. 13 Crystal Village adjoining site to south-east) has been submitted which is summarised as follows:

Density of Development

- It is submitted that the density of the proposed development far exceeds that of Crystal Village.
- It is suggested that the development and in particular the three houses proposed in the eastern corner have been shoehorned to this side resulting in House 11 being very close to the south boundary of the site with a narrow side access.

Impact upon the Residential Amenities of the Area

- The conditions attached to the grant of permission do not address the concerns of the appellant and those of the neighbouring properties in the vicinity.
- The proposed development will have an adverse impact upon the residential amenity of properties in the area, and in particular, no. 13 Crystal Village (the appellant's property).
- It is submitted that the site layout plan is incorrect and has included part of the appellant's garden as public open space.
- The applicant has not undertaken any consultation regarding the impact on the boundaries to no. 13 Crystal Village.

- The appellant contends that the proposed path running the length of their rear northern boundary would result in their property being surrounded by pathway/roadway thereby impacting upon their privacy.

Depreciation of Value of the Property

- The appellant contends that the development would impact upon the value of their property. They refer to the previous refusal of permission for retention of an entrance from Crystal Village which was refused for reasons including depreciation of the value of property in the vicinity.

Legal Entitlement and Right of Way

- It is indicated that the access to the subject site is from the right of way to the north (Black's Lane) of the site and the owner does not have any legal entitlement to the open green area.

Enforcement:

- The appellant highlights that the site is currently the subject of enforcement with WCC due to damage to boundaries between the site and Crystal village in contravention of the original granted permission of the estate.

Impacts upon Existing Public Open Space

- The appellant refers to the condition 24 attached to the parent permission (Reg. Ref. 94/617) which states "*public open space, shall, in accordance with the scheme, be made available for the continuous use and enjoyment of the residents of the estate and shall not be sold*". In this regard, the appellant submits that the space in which the proposed entrance will be has been maintained by residents for 30 years and is a communal area which is constantly used as an outdoor sitting and meeting area.
- The appellant submits that the submitted site layout plan is incorrect regarding the public open space to the west of no. 13 Crystal Village and indicate that the open space on the site layout stated as 239sq.m is actually just 65sq.m when omitting the area of property under the ownership of the appellant.

Car Parking and Proposed Access

- It is submitted that the car parking within Crystal Village is already congested.

- It is stated that access to the main Dublin Road from Crystal Village as well as Valleycourt, Esker Glenn is extremely difficult.
- It is submitted that the development will change Crystal Village from a cul-de-sac to a through road thereby impacting the whole fabric of the existing community and quality of life and the ability of children to play freely and for residents to engage.

6.2. **Planning Authority Response**

No response received.

6.3. **Observations**

None

7.0 **Assessment**

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

- Zoning and Principle of Development
- Density
- Impact on the Character and Visual Amenities of the Area
- Design and Layout
- Impact upon the Residential Amenities of the Area
- Road and Traffic Safety
- Site Services
- Other Matters

7.2. **Zoning and Principle of Development**

- 7.2.1. The Planning Authority has stated that the site was zoned 'Established Residential' under the Athlone Town Development Plan 2014–2020 (ATDP). However, I note that this plan has expired and was not incorporated into the Westmeath County Development Plan 2021–2027. As such, the subject lands are currently unzoned.
- 7.2.2. In the absence of an operative land use zoning, the acceptability of development falls to be determined having regard to the statutory Development Plan, together with national and regional planning policy, and the specific characteristics and location of the site.
- 7.2.3. Notwithstanding its expired status, I accept that the previous zoning provides some limited context regarding the historical planning approach to the lands. However, I attach limited weight to the ATDP in this regard.
- 7.2.4. Athlone is identified as a Regional Growth Centre under the National Planning Framework and the Eastern and Midlands Regional Spatial and Economic Strategy, with a clear policy emphasis on compact growth and the consolidation of development within the existing built-up footprint of settlements. The Westmeath County Development Plan similarly supports the continued growth of Athlone and promotes residential development on appropriately located infill and backland sites.
- 7.2.5. The subject site is located within the CSO-defined settlement boundary of Athlone and comprises a backland site within an established residential area. It is situated in proximity to the town centre, employment centres and existing services.
- 7.2.6. Having regard to the location of the site within the built-up footprint of Athlone, its infill/backland nature, and the policy support for compact growth at national, regional and local level, I consider that the site is appropriate for residential development in principle. This conclusion is subject to compliance with relevant development management standards and a detailed assessment of the proposed development, including matters relating to density, layout, access, residential amenity and site services, which are considered in the sections below.

7.3. **Density**

- 7.3.1. The proposed development provides for 11 no. dwellings on a site area of c. 0.33 hectares, equating to a density of c. 33 units per hectare. The appellant has suggested that the proposed density is too high compared to the existing density

within the adjoining Crystal Village. Having regard to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), the Planning Authority indicated that the proposed density was below the applicable density range although noted the backland nature of the site and deemed it acceptable in this instance.

- 7.3.2. Having regard to the Compact Settlements Guidelines, residential density is to be assessed having regard to the settlement type, the applicable area within the settlement, and the level of accessibility of the site.
- 7.3.3. Athlone is identified as a Regional Growth Centre within the national and regional planning hierarchy. The subject site is located within an established residential area c. 2km from Athlone Town Centre and comprises a backland/infill site. Having regard to the site location and character of the receiving environment, I consider the site to fall within a suburban/urban extension area for the purposes of Table 3.4 of the Guidelines.
- 7.3.4. In terms of accessibility, the site is located within the built-up footprint of Athlone and within reasonable proximity to the town centre, employment areas and services. However, it is not located within a highly accessible central or public transport node. I therefore consider the site to exhibit an intermediate level of accessibility having regard to the criteria set out in Table 3.8 of the Guidelines.
- 7.3.5. Table 3.4 of the Guidelines indicates that residential densities in suburban or urban extension areas of Regional Growth Centres are generally in the range of c. 35–50 units per hectare, subject to refinement. The proposed density of c. 33 units per hectare is therefore marginally below the lower end of this indicative range. However, Section 3.3.6 includes provisions for exceptions to the densities set out within the Guidelines relating to very small infill sites that are not of sufficient scale to define their own character and density, and therefore, the need to respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter.
- 7.3.6. In this regard, I note that the subject site comprises a relatively constrained backland parcel located between established residential properties. The layout is required to respond to the surrounding pattern of development and to protect the amenities of

adjoining dwellings. The proposed development provides for a residential development comprising a mix of semi-detached and terraced dwellings while maintaining appropriate separation distances, private open space and overall residential amenity.

- 7.3.7. Having regard to the suburban character of the area, the intermediate level of accessibility and the physical constraints of the site, I consider that the proposed density represents an appropriate and balanced response. While marginally below the indicative range set out in the Guidelines, I am satisfied that this deviation is justified in this instance and that the proposal accords with the principles of compact growth and the proper planning and sustainable development of the area.

7.4. Impact on the Character and Visual Amenities of the Area

- 7.4.1. The subject site comprises a backland parcel which is enclosed by existing development including semi-detached dwellings to the south within Crystal Village, a three-storey apartment development at Esker Glen to the east, and a mix of detached and semi-detached dwellings on larger plots to the north on Bunnavally Road. The site is generally flat in nature and the proposed site layout plan indicate that grounds levels will have marginal differences across the subject site and the adjoining Crystal Village estate.
- 7.4.2. The proposal provides for the development of a backland site accessed via Crystal Village with a simple cul-de-sac layout which responds to the narrow and relatively constrained configuration of the site.
- 7.4.3. The proposed development comprises 11 no. two-storey dwellings consisting of 8no. semi-detached dwellings to the west and centre of the site which will be oriented around an area of public open space while and a terrace of 3no. dwellings will be positioned within the eastern side of the site. The houses will have gable roof profiles with ridge height of 8.5m – 8.7m. In terms of design, the proposed dwellings are of a standard suburban form with pitched roofs and contemporary finishes. I consider that The scale, height and form of the proposed dwellings are consistent with the surrounding residential context and would not appear incongruous.
- 7.4.4. The site does not form part of the primary public streetscape and I consider that the proposed development will not be readily discernible from the wider public realm including the main access road to Valley Court to the east or the R446 to the north. I

consider that views of the site are largely confined to the immediate residential context from the rear of properties on Bunnavally Road and Crystal Village.

7.4.5. Having regard to the backland nature of the site, its limited visibility from the wider public realm, and the scale, layout and design of the proposed development, I am satisfied that the proposal would not adversely impact on the character or visual amenities of the area.

7.4.6. **Design and Layout**

7.4.7. Having regard to the configuration of the site and its relationship with adjoining lands, I consider that access from the south via the public road within Crystal Village represents the appropriate solution. The existing right of way off Bunnavally Road to the north is narrow in character and would not be suitable to serve a residential development of this scale. The proposed access connects to the Valley Court access road, which provides a junction onto the R446 to the north. The access point is positioned centrally along the southern boundary, with an east-west spine road and a spur to the western side of the site adjacent to the proposed public open space, facilitating adequate circulation and vehicle manoeuvring.

7.4.8. The western element of the scheme is, in my view, the most successfully resolved part of the layout. House Nos. 1–4, arranged as two pairs of semi-detached dwellings address the proposed public open space directly and provide passive surveillance of the children's play area. This arrangement is consistent with the requirements of CPO 16.12 of the Westmeath County Development Plan and contributes positively to the quality of the public realm within the development. I also note that the positioning of the public open space adjoining the northern boundary could, in principle, facilitate a future connection to the existing right of way off Bunnavally Road.

7.4.9. The central block of semi-detached dwellings (House Nos. 5–8) is situated with the public open space to the west and the internal access road to the north and east. These units present their primary frontage to the south toward the site entrance. Having regard to the positioning of these dwellings, I consider that a dual-frontage design approach would have been more appropriate in this location. Such an approach would have delivered active frontages to both the internal road and the adjacent public open space, avoided blank facades addressing those routes, and

enhanced passive surveillance, consistent with CPO 16.12 and CPO 16.16 of the Development Plan. Notwithstanding, I do not consider this to warrant a reason for refusal in itself nor do I consider it appropriate to address by way of condition considering potential implications to the floor plans of the proposed dwellings.

- 7.4.10. The terrace of three dwellings (House Nos. 9–11) to the eastern end of the site reflects the constrained nature of this part of the site. The proximity of these units to the northern and southern boundaries results in relatively narrow side access to the rear. The side passage to House No. 11 measures 2.1m, reducing to 1.1m at the rear. Notwithstanding this constraint, I consider these widths to be sufficient to accommodate movement of wheeled bins and bicycles to rear garden storage, and I note that the applicant has indicated storage provision within the rear gardens.
- 7.4.11. Having regard to the constrained nature of the site, I note that the rear gardens to a number of the proposed dwellings are shallow in depth. While the proposed quantum meets the minimum standards required under SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines (2024), I consider that quantum alone does not provide a sufficient measure of amenity quality. The dwellings to the east and west of the site, while having shallow garden depths, benefit from a relatively open outlook to the rear and will receive meaningful levels of sunlight. I have greater concerns regarding the amenity of the rear gardens to House Nos. 5–8. The combination of a northerly aspect and constrained garden depths is likely to give rise to significant overshadowing, materially reducing the amenity value of these private open spaces.
- 7.4.12. In particular, the rear garden to House No. 8, at between 3.0 metres and 4.4 metres in depth with a northerly aspect, would, in my view, offer a low standard of private amenity. It may be appropriate to consider the omission of House Nos. 7 and 8 by way of condition in the event of a grant of permission which would allow the applicant to revisit the design of this part of the scheme under a separate application. I note that this represents a new issue arising in the context of the appeal.
- 7.4.13. Subject to the resolution of the concerns identified above in respect of House Nos. 7 and 8, and having regard to the physical constraints of the backland site, I am satisfied that the design and layout of the proposed development is, in general

terms, acceptable and consistent with the relevant policies of the Westmeath County Development Plan 2021–2027.

7.5. Impact upon the Residential Amenities of the Area

7.5.1. The appellant and third-party submissions to the Planning Authority raised concerns in relation to the potential impact of the proposed development on the residential amenities of adjoining properties, including overlooking, loss of privacy, and noise and pollution.

7.5.2. I have had regard to relevant policies and developments management standards set out within Chapter 16 of the WCDP 2021-2027 relating to the protection of privacy and amenity for existing and new residents, separation distances and daylight and sunlight considerations in the assessment set out below. I further note the requirements under SPPR 1 of the Compact Settlement Guidelines 2024 relating to Separation Distances which requires a minimum of 16 metres between opposing windows serving habitable rooms at the rear or side of dwellings above ground floor level.

7.5.3. Separation Distances and Overlooking

7.5.4. The proposed development generally provides appropriate separation distances between opposing dwellings and avoids direct overlooking through the placement and orientation of windows. There are no directly opposing rear-to-rear relationships that would give rise to unacceptable loss of privacy.

7.5.5. In certain instances, particularly along the southern boundary with Crystal Village, oblique views may arise, however, these are limited in nature and do not result in excessive overlooking. The layout avoids direct first-floor overlooking through the omission of side-facing windows in sensitive locations.

7.5.6. Along the northern boundary, side-facing first-floor window are proposed to House no. 1 and 9. However, these serves non-habitable rooms and can be satisfactorily addressed by condition requiring obscure glazing as specified under Condition 3 of the Planning Authority's Grant of Permission.

7.5.7. Having regard to the overall layout, orientation and window placement, I am satisfied that the proposed development would not give rise to unacceptable overlooking or loss of privacy and that appropriate separation distances are achieved.

7.5.8. *Privacy Concerns Relating to No. 13 Crystal Village*

7.5.9. The appellant contends that the proposed development will have undue impacts on their privacy, as their property, No. 13 Crystal Village, will be entirely surrounded by the public realm. I note that the side and front boundaries to No. 13 are outside the application site and are not within the ownership or control of the applicant. As such, the subject application cannot include proposals relating to these boundaries.

7.5.10. The submitted boundary plan indicates that it is proposed to construct a 2.1m high wall along part of the rear boundary to No. 13, with the remainder to retain the existing hedgerow, supplemented with native shrub planting. I consider the provision of a blockwork wall to be appropriate to protect the privacy of the appellant's property. It may be appropriate to extend the blockwork wall along the full length of the rear boundary to No. 13.

7.5.11. The boundary plan proposes blockwork walls along the full east, west and south boundaries, save where the site adjoins the public realm within Crystal Village. It is also proposed to retain an existing 2.1m high concrete wall to the north boundary. Subject to final agreement with the Planning Authority, I consider that the proposed boundary treatment is sufficient to protect the privacy and amenity of adjoining residential properties. I note that the Planning Authority included a condition requiring the provision of a blockwork wall to the side boundaries of proposed dwellings Nos. 5 and 8.

7.5.12. *Daylight, Sunlight, Overshadowing and Overbearing Impacts*

7.5.13. As suggested elsewhere within the report, I consider the scale and height of development to be consistent with the surrounding residential context. Having regard to the proposed separation distances, the scale and height of the proposed dwellings and orientation of the proposed development, I do not consider that the proposal would result in significant loss of daylight or sunlight to adjoining properties. In this regard, I note that House No. 9 will be located within close proximity to a single storey backland dwelling to the north-west. However, having regard to the existing outlook and daylight/sunlight access to the east, the absences of windows to the south, I do not consider the proposed development will adversely impact this dwelling by way of significant overshadowing. I further consider that the separation distances and setbacks from boundaries with neighboring residential dwellings is

sufficient to ensure that the development would not give rise to an overbearing appearance.

7.5.14. *Construction Impacts*

7.5.15. The proposed development comprises residential use within an established residential area. Following the request for FI, the applicant submitted a CEMP report which includes mitigation measures relating to, hours of operation, construction traffic and access, dust, air quality control, noise & vibration, waste and pollution management and protection of existing services, vegetation and open space. The report also includes measures for communication with residents. The District Engineer and Planning Authority raised no objection in this regard. A condition was attached to the Grant of Permission requiring an updated CEMP be agreed with the Planning Authority prior to commencement of development. Further conditions were attached relating to provision of a Construction and Demolition Resource Waste Management Plan, noise and dust mitigation and hours of construction. I consider the submitted documentation and details to be addressed/complied with by way of condition are sufficient to protect the residential amenities of the area,

7.5.16. While some increase in activity is inevitable as a result of the proposed development, I do not consider that the development would give rise to noise or disturbance levels beyond those normally associated with residential development in such a context. In this regard, I note the Planning Authority included a noise condition relating to the operational residential units.

7.5.17. Having regard to the layout, separation distances, orientation and design of the proposed development, I am satisfied that it would not give rise to significant adverse impacts on the residential amenities of adjoining properties.

7.6. **Development Standards**

7.6.1. *Internal Standards*

7.6.2. The Planning Authority considered that the proposed dwellings meet the relevant internal standards and associated open space requirements. Having reviewed the submitted plans, including internal floor areas and room dimensions, I am satisfied that the proposed dwellings comply with the standards set out in Quality Housing for

Sustainable Communities (2007) and provide an acceptable standard of residential accommodation.

7.6.3. Private Open Space and Boundary Treatment

7.6.4. The proposed development comprises 8 no. three-bedroom dwellings and 3 no. two-bedroom dwellings. Under SPPR 2 of the Sustainable Residential Development and Compact Settlements Guidelines (2024), a minimum of 30 sq.m private open space is required for 2-bedroom dwellings and 40 sq.m for 3-bedroom dwellings. Having regard to the submitted plans, I am satisfied that the proposed private open space provision complies with the minimum required quantum under SPPR 2. However, as indicated under section 7.4.6 above, I have concerns that the private open space to House no. 8 in particular, will be of low amenity value having regard to it constrained and shallow depth.

7.6.5. In terms of boundary treatment, I note the Planning Authority's recommendation for a 2.1m boundary wall. I consider it appropriate that a robust boundary treatment be provided where private open spaces adjoin the public realm or existing residential properties in order to protect residential amenity and privacy. Between proposed dwellings, I am satisfied that concrete post and timber panel fencing is acceptable. I further note the Planning Authority's comments regarding cycle and bin storage. I consider that these matters can be satisfactorily addressed by condition.

7.6.6. Public Open Space

7.6.7. The proposed development provides c. 552 sq.m of public open space, equating to approximately 16.7% of the site area.

7.6.8. Policy and Objective 5.1 of the Compact Settlement Guidelines indicates that development plans should generally require public open space provision in the range of 10–15% of the net site area, while Policy CPO 16.21 of the Westmeath County Development Plan provides for approximately 15% of site area in residential schemes. The proposed provision is broadly consistent with these requirements.

7.6.9. Having regard to Policy CPO 16.12 and CPO 16.16, I consider that the proposed dwellings will generally address the public open space providing passive surveillance although there is potential for House 8 to be dual frontage to heighten its relationship with the open space.

- 7.6.10. Third-party submissions and the appeal raise concerns that the proposed development would encroach upon existing open space within Crystal Village and that the scheme does not provide adequate amenity space. Having regard to the submitted plans, I am satisfied that the proposed development is not dependent on open space within adjoining lands.
- 7.6.11. Concerns have also been raised regarding the loss of an existing area of informal amenity space at the entrance to the site. I note that this relates to a small area of land required to facilitate the proposed access. The applicant has submitted evidence of consent from Westmeath County Council in respect of this land.
- 7.6.12. While the proposal would result in the loss of a small area of informal open space, I consider that the development would provide a defined and usable area of public open space which represents an overall improvement in terms of amenity provision and quantum for existing residents of Crystal Village.
- 7.6.13. Having regard to the scale of the development, the configuration of the site and the policy context set out above, I am satisfied that the proposed public open space provision is acceptable.

7.7. Road and Traffic Safety

- 7.7.1. The grounds of appeal and third-party submissions raised concerns that the proposed development would alter the cul-de-sac nature of Crystal Village to a through road, increase traffic volumes, give rise to pedestrian and cyclist safety concerns (including for children), and exacerbate pressure at the junction with the Old Dublin Road. Concerns are also raised regarding potential impacts on existing amenity space and access to No. 12 Crystal Village.
- 7.7.2. *Car Parking Provision*
- 7.7.3. The proposed development provides 22 no. car parking spaces to serve 11 no. dwellings, comprising 18 resident spaces and 4 visitor spaces.
- 7.7.4. Having regard to Table 3.8 of the Sustainable Residential Development and Compact Settlements Guidelines (2024), I consider the site to be located within an intermediate or peripheral location. SPPR 3 provides that a maximum of 2 no. spaces per dwelling may be permitted where justified.

- 7.7.5. Following the request for FI, the applicant provided a rationale for the proposed level of provision noting the family-sized nature of the dwellings and the likely reliance on private vehicles in this location. The proposed quantum equates to 2 spaces per dwelling and is within the permissible maximum.
- 7.7.6. I am satisfied that the proposed level of car parking is appropriate having regard to the location of the site and the nature of the development. I further consider the provision of 2 spaces per dwelling will ensure that the development does not result in additional on-street car parking within Crystal Village. I do not consider the standards of the expired Athlone Town Development Plan to be determinative in this regard.
- 7.7.7. *Electric Vehicle Charging*
- 7.7.8. As part of the FI submission, the applicant indicated that each dwelling will be provided with in-curtilage EV charging infrastructure. I note that the Planning Authority imposed a condition requiring a minimum proportion of EV-enabled spaces. Having regard to the proposed provision, I am satisfied that the development complies with Policy CPO 16.36 and is acceptable in this regard.
- 7.7.9. *Access, Internal Layout and Traffic Impact*
- 7.7.10. The proposed development is accessed via Crystal Village which has a carriageway width of approximately 6.0m and connects to the Valley Court access road (c. 7.2m) off the Old Dublin Road (R446), located approximately 280m from the site.
- 7.7.11. Following a request for further information, the applicant submitted revised proposals including a raised pedestrian crossing within the site. The submitted design details indicate compliance with DMURS principles in terms of traffic calming, pedestrian priority and street design.
- 7.7.12. While a Road Safety Audit was requested by the Planning Authority, it was not submitted. However, I note that Development Plan Policy CPO 16.35 relates to developments generating significant vehicular movements requiring a Traffic and Transport Assessment and Road Safety Audit. Having regard to the scale of the proposed development (11 no. dwellings), I do not consider that a Traffic and Transport Assessment, or associated Road Safety Audit, is warranted in this instance.

7.7.13. The applicant has submitted a DMURS Quality Audit, which identifies the internal road as a local access street serving low traffic volumes. The audit confirms that the layout incorporates appropriate traffic calming measures, including a raised table, and that the design is consistent with low vehicle speeds. Continuous footpaths and pedestrian priority measures are provided. While no dedicated cycle infrastructure is proposed, the shared surface arrangement is considered appropriate given the anticipated low traffic volumes and speeds.

7.7.14. I note that the District Engineer raised no objection following receipt of the additional information and audit documentation. On this basis, I am satisfied that the proposed internal layout and access arrangements are acceptable.

7.7.15. Emergency and Service Access

7.7.16. The applicant has submitted swept path analysis drawings which demonstrate that service and emergency vehicles can adequately access and manoeuvre within the site. I am satisfied that the proposed development provides for appropriate access in this regard.

7.7.17. Access to no.12 Crystal Village

7.7.18. Following third party concerns, the Planning Authority requested a site layout plan to clearly demonstrate that the proposed development would not inhibit vehicular access to no. 12 Crystal Village. The applicant submitted a specific site layout plan relating to no. 12 and based on a review of landdirect, they suggested that lands under the ownership of no. 12 only extend to the front boundary edge with the public footpath. The applicant contended that the proposed scheme will not change or affect this area of roadway and public footpath. I note that the submitted FI plans clarify that the existing access and open space to the side will not be impinged upon by the proposed development.

7.7.19. Having regard to the scale of the proposed development, the level of car parking provision, the design of the internal road network and the submitted audit information, I am satisfied that the proposed development would not give rise to adverse impacts on road safety or traffic in the area and that the access arrangements are acceptable.

7.8. Site Services

7.8.1. *Uisce Eireann Connections*

7.8.2. Third party observations submitted to the Planning Authority contend that there is inadequate capacity within the public sewage system to facilitate the proposed development and suggested that the development will be constructed over the main sewer line which crosses the site.

7.8.3. The submitted plans and documentation indicate that it is intended to connect to the existing public water supply and wastewater infrastructure. The applicant submitted a letter of feasibility From Uisce Eireann at further information stage which confirms that it is feasible to connect to water connection without requiring any upgrades. The letter also indicated that a connection to wastewater is feasible subject to upgrades consisting of the upsizing of 125m of the existing 150mm ID wastewater network to 225mm ID to facilitate your proposed development. Uisce Eireann indicated that theses works are not part of the current capital investment programme and the application would be required to fund these works.

7.8.4. The WCC District Engineer indicated no further objections and the Grant of Permission requiring the applicant sign a connection agreement with Uisce Eireann prior to commencement of development.

7.9. In addition to the required upgrades to existing wastewater infrastructure to facilitate the proposed development, I note that the Uisce Eireann Wastewater Treatment Capacity Register (Published April 2026) confirms that the Athlone WWTP has existing spare capacity (PE) to serve a population of 12,030.

7.9.1. Based on the information as submitted, I am satisfied that the proposed development will be serviced by adequate wastewater infrastructure and that the proposed development would not be prejudicial to public health.

7.9.2. *Surface Water and Flooding*

7.9.3. The subject site is not located within a Flood Zone. The Surface Water Layout Plan includes provision of a 150sq.m infiltration attenuation for discharge of surface water which will be positioned below the public open space. In this regard, the District Engineer had no objection to the proposed surface water management at initial application and FI stages subject to condition that surface water be separately

collected and shall discharge to public surface water drain/network and shall not discharge to the foul network.

7.10. Other Matters - Legal Entitlement and Right of way

- 7.10.1. The third-party submission and appeal suggest the applicant does not have legal entitlement to access the subject lands from Crystal Village and refers to the right of way from Black's Lane to the north.
- 7.10.2. The applicant submitted a letter of consent from WCC to facilitate the making of the planning application relating to a portion of lands under their control which is located between the south boundary of the subject site and the road spur to the cul-de-sac in Crystal Drive of which WCC state is under their ownership. This portion of lands will facilitate the access off Crystal Village to the subject site. As indicated above, I am satisfied that the proposed development would not give rise to adverse impacts on road safety or traffic in the area and that the access arrangements are acceptable.
- 7.10.3. I consider that the applicant has complied with procedural aspects under the Planning and Development Regulations, 2001, as amended relating to provision of a letter of consent from relevant landowner. I also consider that the applicant has demonstrated that access may be facilitated from Crystal Village in terms of road standards and I do not consider the proposed car parking and access to warrant a reason for refusal. However, section 34(13) of the Planning Act should be noted which states, a person is not be entitled solely by reason of a permission to carry out any development.
- 7.10.4. I further consider that the submitted documentation and drawings indicate that the proposed development will not result in the extinguishment of the right of way located to the north of the site. In this regard, I note that the proposed public open space will be located adjoining the existing right of way.
- 7.10.5. The grounds of appeal also refer to current enforcement relating to damage to boundaries of the site with Crystal Village. Enforcement is not under the remit of the Commission and is a matter for the planning authority to address.

8.0 AA Screening

I have considered the proposal for the construction of 11no. dwellings and all associated siteworks in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is a backland/infill site located within an established residential estate, c. 2.2km to the south-east of Athlone Town Centre.

The closest Natura 2000 site to the subject site includes Middle Shannon Callows SPA (Site Code: 004096) – 1.1km to the west, River Shannon Callows SAC (Site Code: 000216) - 1.1km to the west and Crosswood Bog SAC (Site Code: 002337) – 2.04km to the east. Other Natura 2000 sites in the wider area include: Carn Bog SAC, Mongan Bog SAC, Mongon Bog SPA, Fin Lough SAC, Lough Ree SPA, Lough Ree SAC, Lough Funshinagh SAC, Ballynamona Bog and Corkip Lough SAC, and Castlesampson Esker SAC.

Apart from the underlying groundwater, there are no water features within the zone of influence of the development that would provide a hydrological connection to any Natura 2000 sites. The appeal site is not suitable as an ex-situ habitat.

The proposed development comprises the construction of 11 dwellings and associated siteworks. Surface water and wastewater associated with the proposed development will be discharged to the Uisce Eireann networks. No concerns about impacts on Natura 2000 sites were raised in this case. The planning authority determined that there is no direct hydrological link to a Natura 2000 site and that the development, individually or in combination with other plans and projects, would not have a significant effect on any European Sites.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Relatively small scale and nature of the proposed development.
- The distance between the appeal site and the nearest European site and the lack of connections;
- The screening determination by the planning authority.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that permission be granted for the proposed construction of 11 No. dwellings based on the below reasons and considerations and subject to the conditions hereunder.

10.0 Reasons and Considerations

Having regard to the provisions of the Westmeath County Development Plan 2021–2027, the location of the site within the built-up footprint of Athlone, a designated Regional Growth Centre, and the strong policy support for compact residential development at infill and backland sites, it is considered that the proposed development is acceptable in principle at this location. The scale, design and layout are consistent with the character of the surrounding area and would not seriously injure the residential or visual amenities of neighbouring properties. The proposed access arrangements are acceptable and would not give rise to a traffic hazard. The development is adequately serviced. The proposed development would not depreciate the value of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

10.1. Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26th November 2025 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to

commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Design Details:

(a) Details of the materials, colours and textures of all the external finishes to the proposed dwellings and buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The development shall thereafter be carried out and maintained in accordance with the agreed details.

(b) All first-floor windows serving stairwells and WC facilities within this development shall be fitted with obscure glazing and maintained as such, unless otherwise agreed in writing with the Planning Authority.

(c) Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority details of the material finishes of the proposed bin storage and bicycle enclosures.

Reason: In the interests of visual and residential amenity.

3. Landscaping and Boundary Treatment:

(a) Prior to commencement of development, a revised site boundary treatment plan shall be submitted to and agreed in writing with the Planning Authority. This plan shall provide details of all proposed boundary treatments throughout the development and to the curtilages of all proposed units, including heights, materials and finishes, and shall include a colour-coded map delineating all boundary types.

The plan shall specifically provide for:

- i. A 1.8 metre high concrete block wall, rendered and capped, along the side boundaries adjoining Dwelling Units Nos. 5 and 8;
- ii. A 1.0 metre high concrete block wall, rendered and capped, surmounted by a 0.8 metre high decorative railing, along the southern boundary from the front building line of Unit 4 to the public footpath.

(b) The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The approved landscaping scheme shall be implemented in the first planting season following occupation or substantial completion of the development. All planting shall be

adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development or until the development is taken in charge by the local authority (whichever is the sooner) shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority.

(c) Any necessary site clearance works shall be carried out outside the bird nesting season, which extends from 1st March to 31st August, unless otherwise agreed in writing by the Planning Authority following consultation with a suitably qualified ecologist.

(d) Prior to commencement of development, all trees and hedgerows to be retained shall be protected by fencing in accordance with BS 5837:2012 – Trees in Relation to Design, Demolition and Construction. Such fencing shall be maintained for the duration of the construction works, and no materials, machinery, spoil or goods shall be stored within the protected areas.

(e) The designated public open space areas, when developed in accordance with the agreed details, shall be made available for the continuous use and enjoyment of the public.

Reason: To ensure the provision of amenity afforded by appropriate landscaping design and site treatment, and to ensure the sustainability of the approved landscape design through its successful establishment and long-term maintenance.

4. Roads:

(a) Prior to commencement of development the developer shall submit to the Planning Authority for written approval: (i) A revised site layout drawing to indicate a reconfiguration of the proposed ramp so that the ramp is 90 degrees to the proposed footpath; (ii) A revised site layout drawing to indicate a pedestrian zebra crossing with a minimum width of 2m.

(b) All dished crossings, tactile paving, street furniture, lamp standards etc shall be in accordance with the Traffic Management Guidelines and DMURS.

(c) All road markings and signage shall comply with the Department of Transport 2010 Traffic Signs Manual (TSM) as amended.

- (d) Footpaths shall be extended across all individual domestic entrances to each dwelling by way of a dished footpath to maintain pedestrian priority.
- (e) Wheel wash facility shall be provided on site before commencement of any development on site.
- (f) The Developer shall apply to the Council for a road opening license.
- (g) No construction shall take place over existing underground services.
- (h) The applicant shall indemnify Westmeath County Council from any damage that may arise to existing services where connections are being made.
- (i) Any damage to existing roads or footpaths as a result of the development shall be repaired by the developer at their own expense.

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

5. EV Charging:

All dwellings 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. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of meeting national climate objectives under the Climate Action Plan 2025 (CAP25) and the Climate Action and Low Carbon Development (Amendment) Act 2021.

6. Refuse Storage:

Unless otherwise agreed in writing with the Planning Authority, refuse storage areas within the scheme shall be impermeably paved, sloped to a drain, provided with a water supply and managed and maintained to ensure that no nuisance or visual blight arises. The design and materials of all bin storage enclosures shall be agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interests of public health and residential amenity.

7. Construction Environmental Management Plan:

Prior to commencement of development, the applicant shall submit an updated

Construction Environmental Management Plan (CEMP), for the construction phase of the development for the written agreement of the Planning Authority. This plan shall provide details of intended construction practice including: location of site and materials compound(s); location of site office and staff facilities; details of site security fencing and hoardings; measures to prevent spillage or deposit of clay, rubble or other debris on the public road; containment of all construction-related fuel and oil within specially constructed bunds; off-site disposal of construction/demolition waste; and a record of daily checks that the works are being undertaken in accordance with the CEMP.

Reason: In the interests of the environment and orderly development.

8. Public Lighting: 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.

Reason: In the interests of the protection of the environment and orderly development.

9. Water and Wastewater:

(a) Prior to commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for service connection(s) to the public water supply and/or wastewater collection network. The development shall be constructed in accordance with the standards and requirements set out in that agreement.

(b) The Uisce Éireann Confirmation of Feasibility confirms that the wastewater connection is feasible subject to the upsizing of approximately 125 metres of existing pipework. Prior to commencement of development, the developer shall confirm to the satisfaction of the Planning Authority (in consultation with Uisce Éireann) that the necessary pipework upgrade works have been agreed and programmed for delivery in advance of the occupation of any residential unit.

Reason: In the interest of public health and to ensure adequate water and wastewater facilities are available to serve the development.

10. Surface Water: The disposal of surface water shall comply with the requirements of the Planning Authority for such works and services. Prior to commencement of

development, the developer shall submit details for the disposal of surface water from the site, including Sustainable Drainage System (SuDS) measures, for the written agreement of the Planning Authority. All uncontaminated surface water, including roof water, shall be separately collected and shall not in any circumstances be discharged to the foul sewer network. The development shall be carried out in accordance with the agreed details.

Reason: To prevent flooding and in the interests of sustainable drainage and the protection of water quality.

11. Services and Cables:

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.

Reason: In the interests of visual and residential amenity.

12. Construction Hours and Noise:

Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority. The developer shall ensure that construction-related activities at the site do not give rise to noise levels beyond the site boundary exceeding 55dB(A) Leq (30 minutes) during daytime hours (08:00–20:00) or 45dB(A) at any other time.

Reason: In the interest of safeguarding the residential amenities of property in the vicinity.

13. Naming and Numbering:

Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all estate and street signs and house numbers shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the Planning Authority. No advertisements or 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).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

14. (a) Prior to the commencement of the 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 or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units 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.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less 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 of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(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.

Reason: 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.

15. Social and Affordable Housing:

Prior to commencement of development, the applicant or any 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 shall be referred by the Planning Authority or any other prospective party to the agreement to An Coimisiún Pleanála for determination.

Reason: 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.

16. 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

17. Development Contribution: 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.

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

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

David Freeland
Planning Inspector

01/05/2026

Appendix 1 - Form 1 - EIA Pre-Screening [EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-500675-WH-26		
Proposed Development Summary	Construction of 11 houses.		
Development Address	Magheranerla, Athlone, Co. Westmeath		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		10(b)(i): Construction of more than 500 dwelling units.	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No		X	Preliminary Examination required
Yes			Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2 - EIA Preliminary Examination

Case Reference	PL-500675-WH-26
Proposed Development Summary	Construction of 11 houses.
Development Address	Magheranerla, Athlone, Co. Westmeath
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development comprises the construction of 11no. dwellings with proposed connections Uisce Eireann networks and is a backland site located within an established urban area., c. 2.2km to the south-east of Athlone Town Centre.</p> <p>Access to the site is proposed from the existing access roads through Crystal Village and Valleycourt estates which provide access onto the R446.</p> <p>The development comes forwards as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is not located within or immediately adjacent to any designated site. The proposed development would connect to public water and wastewater. It is considered that the proposed development would not be likely to have a significant effect individually, or in combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary,</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>

intensity and complexity, duration, cumulative effects and opportunities for mitigation).	
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____