



Development	Hospice building with all associated site development works
Location	Arden Lane, Tullamore Co. Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	25/60112
Applicant(s)	Health Service Executive (HSE)
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party
Appellant(s)	Condron Concrete Ltd.
Observer(s)	None
Date of Site Inspection	16 th April 2026
Inspector	Philip Maguire

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1.0 Introduction

- 1.1. This case relates to an appeal by Condon Concrete Ltd. under the provisions of Section 37 of the Planning and Development Act 2000, as amended ('the Act'), following a grant of permission by Offaly County Council in accordance with Section 34 of the Act.
- 1.2. This Inspector's Report (IR) and recommendation is made pursuant to Section 146(2) of the Act. The Commission is required to consider both before determining the case.

2.0 Site Location and Description

- 2.1. Situated on the northern fringes of Tullamore, Co. Offaly, the appeal site is located along and to the northern side of Arden Lane, between Arden Road (R421) and the N52, where the posted speed limit is 50kph. Arden Lane (L-20032-1) is a short section of cul-de-sac which terminates at a farmstead to the east, adjacent but unconnected to the national secondary road. The lane is of limited width and is challenging in terms of vertical and horizontal alignment. It serves a distinct ribbon of housing to the south and a pitch and putt course to the north, as well as other houses and farm buildings. The surrounding area is transitional in character with a large industrial facility (Condon Concrete) to the northwest and undulating agricultural lands with housing elsewhere.
- 2.2. The appeal site has a stated area of 1.57 hectares and is generally rectangular shaped, forming part of a larger elongated field with a north-south alignment. The site is revegetating from a previous crop-cycle and is currently fallow. The remainder of the field is under grass. The roadside boundary is defined by a mature hedgerow and marginally elevated above road level. The eastern boundary is similarly defined and abuts a section of ringfort (RMP ref. OF017-002). The northern boundary is open to the remainder of the field and thus undefined. The western boundary is shared with the adjacent pitch and putt course and defined by managed hedgerow, mature trees and timber fencing. There is a notable undulation in the site, rising from c. 67mAOD along the roadside boundary to a central high point of c. 69mAOD, before falling sharply to c. 65.50mAOD and rising gently back to road level (66mAOD) to the north.

3.0 Proposed Development

- 3.1. Planning permission is sought for a new hospice building with associated works.

3.2. The proposed development is described in the statutory notices as:

“...the construction of a new hospice (3,805m²), with all associated site development works, including road upgrades to a portion of Arden Lane, a site entrance, 80no. car parking spaces for staff and visitors, including 7no. accessible parking bays, and 30no. covered bicycle parking spaces. The new part 1-storey and 2-storey building will provide 20no. in-patient bedrooms, daycare facilities along with associated administrative areas and all ancillary spaces.

New drainage connections (including a new foul pumping station), surface water attenuation and associated site services including provision of a service building and new ESB sub-station. Landscaping, boundary treatments, external lighting and all related site development works. Road upgrades to a portion of Arden Lane to provide for a two-way carriageway and footpath, street lighting, and new utilities to extend to the site from a new junction with a Distributor Road, and all associated site works.”

3.3. In addition to a planning report (Coady, April 2025), application documents include:

- Arboricultural Impact & Tree Protection Report (CMK, March 2025)
- Archaeological Impact Assessment (Archer, December 2024)
- Biodiversity Report (Ecofact, March 2025)
- Engineer’s Planning Report (Roughan & O’Donovan, April 2025)
- Landscape Planning Report (Murphy & Sheanon, March 2025)
- Noise Impact Assessment (NIA) (Amplitude Acoustics, March 2025)
- Road Lighting Assessments (Varming, March 2025)
- Screening for Appropriate Assessment (Ecofact, March 2025)
- Traffic & Transport Assessment (TTA) (Roughan & O’Donovan, April 2025)

3.4. The proposed development was amended by further information (FI), including:

- Electrical FI Response Report (Varming, July 2025)
- Engineering Report (R. & O’Donovan, September 2025)
- Planning Further Information Response (Coady, September 2025)
- Prelim. Construction Stage Site Management Plan (R. & O’Donovan, July 2025)

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Permission was granted on 31st December 2025 subject to 15 no. conditions, including:

Condition 2 no commencement until road improvements on L-20032-1 completed.

Condition 4 site management plan including in relation to construction traffic.

Condition 11 construction noise limits / environmental nuisance / construction hours.

Condition 14 Special Development Contribution (upgrade works to L-20032-1).

4.2. Planning Authority Reports

4.2.1. The Planner's Report No. 1 (27/05/25) can be summarised as follows:

Development Plan Standards / Policies

- Considers the proposal accords with policy SICCDP-33 of the Development Plan.
- Notes that the proposal would be contrary to objective LUZO-10 and thus materially contravenes the Development Plan and refers to Section 12.7 of the Plan.
- Considers the proposal is of regional importance and thus the site, subject to fulfilling other criteria, should be considered for a hospice, and refers to Irish Hospice Foundation design guidelines (2008) in this regard.
- States that the site is unusual in that it provides natural calm whilst also being within easy reach of services, adding that similar site would be very difficult to locate and, on this basis considers a material contravention may be appropriate.
- Concludes that the proposal will not impact on adjacent industrial activities nor would the development of adjacent lands to the south of Arden Lane currently zoned 'business and technology park' impact on quality of care in the hospice.
- Discussed the other sites that were identified as alternative locations for a hospice in Tullamore, including at the Midland Regional Hospital Tullamore (MRHT), and notes the applicant's rationale for selecting the proposed site.

Roads and Traffic Safety

- States that further information (FI) should be requested on a number of roads related issues.

- Considers that a condition can be included specifying that the hospice cannot become operational until the distributor road has been completed and connected to Arden Lane and the R421 in the event of a grant of permission.

Public Health and Services

- Notes that the environment and water section have requested FI on various technical points including flooding and surface water issues.

Siting and Design

- States that the proposal is a high-quality, contemporary designed.
- Notes that DAU-NMS have no objection subject to condition.

Legal Consent

- States that there is no reason to invalidate the application but states that FI will be sought in relation to P & P Club consent.

AA Screening

- Notes the AA Screening report submitted with the application and considers that the proposal would not be likely to have a significant effect on individually, or in-combination with other plans and projects etc. and thus AA is not required.

Material Contravention

- Notes the legislative procedures in relation to material contravention.

Conclusion and Recommendation

- Recommends FI in relation to roads, environment and water issues, in addition to issues over legal interest, design and third-party concerns.

4.2.2. The Planner's Report No. 2 (30/09/25) can be summarised as follows:

FI – Item 1 (roads issues)

- Notes that the proposed upgrade works along Arden Lane are no longer included within the scope of the application due to land ownership constraints and this negated the need to address a number of FI points in relation to roads issues.
- Notes the storm pipe design has been addressed and a Preliminary Construction Stage Site Management Plan has been submitted.

- Notes that public lighting has not been addressed and considers this must be clarified notwithstanding the withdrawal of the proposed upgrades works.

FI – Item 2 (environment and water issues)

- Notes the quantum of cut and fill proposed and the reuse on-site where possible.
- Notes that light pollution analysis has been addressed in the FI in addition to surface water drainage issues.
- Considers that the shortfall in EV charging spaces requires clarification.

FI – Item 3 (legal interest etc.)

- Notes that the applicant's response makes no reference to specific folios referenced in the FI request and thus considers clarification is required.

FI – Item 4 (road verge issues)

- Notes that no works are now proposed to the roadside verge.

FI – Item 5 (design issues, including internal space requirements etc.)

- Considers the HSE response acceptable in respect of each of the concerns raised.

FI – Item 6 (third party submissions)

- Notes the HSE's rebuttal to the issues raised, including the adjusted site entrance to and considers those revisions acceptable.

AA Screening

- Considers that the proposal would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Conclusion and Recommendation

- Recommends clarification of FI in respect of legal interest, EV charging etc.

4.2.3. The Planner's Report No. 3 (05/11/25) can be summarised as follows:

Background

- Refers to a statement by the Minister for Health in September 2024 which confirmed site selection for a regional hospice facility.

- States that the application is of regional significance i.e., provide both in-patient and outpatient palliative care for the Midlands region.
- Refers to the lack of dedicated palliative care facilities in the region with patients currently being transferred to hospices further afield.
- Notes that the subject site was considered by the HSE Clinical Team and Project Team and refers to the joint letter of support from the HSE Estate Manager and HSE Head of Service expressing strong support for the proposal.
- Notes the rationale for not locating the hospice at the Midland Regional Hospital Tullamore (MRHT) and considers the proposal accords with policy SICCDP-36.

Applicant's Response to Clarification of FI Request

Point 1 (legal interest etc.)

- States the applicant's response raises no doubt as to the legal ownership of the subject lands and suggests that the applicant has obtained all the necessary consents, and Section 34(13) of the Planning Act can be relied upon in any event.

Point 2 (EV spaces etc.)

- Notes that the proposal will include 8 no. EV spaces and accepts that this is consistent with development management standard DMS-104 of the Plan.

Point 3 (red line boundary etc.)

- Notes that the red line boundary has been revised and there will be no development works to the road verge (in respect of the P & P lands), and reiterates that all necessary consents have been submitted and Section 34(13) can be relied upon.

Planner's Response to Third Party Submissions

- Notes that the proposal will not share a common boundary with the industrial lands (Condon Concrete) and the P & P Club lands will provide an intervening buffer.
- Expresses satisfaction that the proposal would not be inconsistent with the pattern of development in the area and that it would not represent a haphazard and piecemeal approach to planning in an established residential area.

- Considers that the proposal would not constrain industrial operations and/or expansion at Condon Concrete and highlights that no expansion proposals have been forthcoming heretofore.
- Suggests that there is no reason to dispute the expressed views of the HSE in terms of site suitability and clarifies issues in relation to noise impact, noting that the local noise environment is urban in character.
- Notes the findings of the applicant's Noise Impact Assessment and refers to previous site inspections where observed noise levels from the industrial lands and the 'Tullamore bypass', N52, was slight in magnitude.
- Suggests that the houses along Arden Lane have continued to enjoy their residential amenity notwithstanding their proximity to the established industrial use.
- Notes that the Council's environment section have raised no noise concerns.
- States that there is no reason to dispute the findings of the Noise Impact Assessment in the absence of documentary evidence regarding likely impacts.
- Considers that the proposal would not be significantly affected by noise to the extent that it would negatively impact on future patients, staff or visitors.
- States that the issue of construction noise can be dealt with in the normal manner through a Construction Environmental Management Plan (CEMP).
- Thus rejects the suggestion that noise mitigation must be predicated on avoidance of the development on the subject lands.
- States that the matter raised in respect of the lack of examination of alternative sites and sequential approach is not required, adding that the proposal has been subject to a robust assessment, including in terms of traffic and infrastructure.
- Notes that the submitted TTA indicates a modest increase in traffic and whilst the lane is subject to a posted speed limit of 50kph, states that the operating speed of cars is significantly lower due to its alignment and narrow width.
- Refers to the comments from the Council's roads section regarding the proposed upgrade works to Arden Lane, new junction and road connection to the Kingswood estate that are required to provide safe access to the proposed development.

- States that any permission is contingent on the improvement works and this is consistent with a plan-led approach regarding road infrastructure enhancements.
- Notes that such works along Arden Lane would provide safe pedestrian connectivity, road improvements and public lighting, which would enhance road safety for existing residents and visitors to the P & P Club, as well as accommodating traffic movements arising from the proposed hospice facility.
- Recommends a condition be attached to restrict commencement of development until all improvement works are carried out to the Council's satisfaction, adding that a Special Development Contribution is required in this regard.
- Rejects the suggestion that any procedural issue arise either in terms of public participation at FI stage or in relation to alleged 'project splitting', noting that the latter is a specific legal concept in respect of EIA which is unsubstantiated.

Land Use and Zoning

- States that the proposal, which is of regional significance, is sought on lands which are zoned open space with a zoning objective to 'protect and improve the provision, attractiveness, accessibility and amenity value of public open space, amenity and recreation' (objective LUZO-10, Section 12.4 of the Development Plan).
- Notes that the proposal is not consistent with the site's zoning objective or with objective LUZO-01 of the Plan which seeks to 'ensure that development progresses in accordance with the land use zoning objectives as set out in Section 12.4 and the Land Use Matrix contained in Table 12.1'.
- States that the proposal would require a material contravention to the Plan, in accordance with legislative provisions set out under Section 34(6) of the Act.

Conclusion

- Considers that the proposal, in a low density, urban area, will provide a suitable location for a new Regional Hospice which will deliver both in-patient and out-patient palliative care to patients from the Midlands region.
- Considers that the proposal:
 - would not impact negatively on cultural or natural heritage,

- would not seriously injure the amenities of the area or property in the vicinity,
- would not constrain the potential adjoining lands as set out within the Plan,
- would not have a significant negative impact on the environment,
- would be acceptable in terms of traffic safety and convenience.
- Considers that the proposal is consistent with national and regional policy and with the County Development Plan save for the following objectives:
 - LUZO-10, and
 - LUZO-01.
- Considers that the proposal would be in accordance with the proper planning and sustainable development of the area subject to a material contravention.

Recommendation

- Recommends that a material contravention of the Offaly Development Plan be sought from the elected members to facilitate the granting of permission.

4.2.4. The Planner's Report No. 4 (22/12/25) can be summarised as follows:

- Notes that elected members of Offaly County Council unanimously (19 no.) voted in favour of a resolution approving the proposal of the Chief Executive to grant permission for the proposed development.
- As the proposal is consistent with the provisions of Section 34(6) of the Planning Act, and noting all previous reports which informed the recommendation to seek a material contravention in this case, recommends that permission be granted.

4.2.5. Other Technical Reports

- Area Engineer (26/09/25) No objection subject to condition(s) / clarification:
 - Clarification regarding surface water drainage.
- Environment/Water (29/09/25) No objection subject to condition(s).
- Fire Officer (19/11/25) No objection.
- Roads (15/05/25) FI requested in relation to:
 - Public lighting tie-in points on distributor road.

- Storm drain design (capacity and sizing).
- Swept path analysis for passing traffic.
- Sightline adequacy / intervisibility.
- Refers to Area Engineer's report

4.3. **Prescribed Bodies**

- DAU-NMS (09/05/25) No objection subject to condition(s).

4.4. **Third Party Observations**

4.4.1. I note a total of 29 no. observations on the application file with broad support for the proposal therein. Concerns, as summarised from the Planner's Reports, relate to:

- Impacts on privacy / character of the area.
- Traffic impacts / road upgrades.
- Health and safety impacts / noise and dust from adjacent industrial use.
- Impact on amenities / operation of proposed hospice from neighbouring industry.
- Material contravention of zoning / incompatible with adjacent industrial use.
- Appropriateness of the site including services and infrastructure constraints.
- Legal interest / letters of consent / validation issue etc.
- Fundamental flaws in the application, legally and procedural / public participation.
- Consideration of alternative sites / plan-led, sequential test / EIA.
- Precedent decision for a hospice on amenity zoned lands (ABP-302511-18).
- Internal layout of the rooms / east facing / lack of sunlight.
- Project splitting / misuse of Part 8 planning process.

5.0 **Planning History**

5.1. **Appeal Site**

5.1.1. PA ref. 26/60255 – live application with the planning authority a 3m high acoustic barrier etc. along the western and northern boundaries. No decision at time of writing.

5.2. Surrounding Area

Kingswood, Tullamore

- 5.2.1. PA ref. 20/450 – in October 2021, the planning authority granted permission for a three-storey, 90-bed, nursing home, a single-storey coffee shop and 77 no. residential units across a mix of typologies, in addition to a new road (c. 83m long) from the existing roundabout and spur road at Arden Road (R421) and associated connections etc.

Arden Lane, Tullamore

- 5.2.2. PA ref. 24/102 – in May 2025, the planning authority granted permission for a detached house to the rear of an existing dwelling with access via Kingswood estate road etc.

5.3. Referenced by Observer on Application

University Hospital Galway

- 5.3.1. PA ref. 18/208 – in January 2019, the decision of the planning authority was overturned on appeal (ABP-302511-18) and permission refused for palliative care services at Merlin Park on the grounds of UHG. The proposal was considered to materially contravene the ‘Natural Heritage, Recreation and Amenity’ zoning objective and Policy 4.2 of the City Development Plan 2017-2023 in relation to habitat and biodiversity etc.

6.0 Policy Context

6.1. Local Planning Policy

Offaly County Development Plan 2021-2027

- 6.1.1. The Offaly County Development Plan 2021-2027 came into effect on 22nd October 2021. The Plan is subject Variation No. 1 with submission closing on 16th June 2026. This variation includes land use zoning changes, none of which affect the appeal site but I do note that Amendment No. 2.1(d) seeks to rezone lands east of Arden Road.
- 6.1.2. The site is zoned ‘Open Space, Amenity and Recreation’ with an associated zoning objective LUZO-10 which seeks to *‘protect and improve the provision, attractiveness, accessibility and amenity value of public open space, amenity and recreation.’*
- 6.1.3. The main policy objectives relevant to the proposal are set out under chapters 9 (Social Inclusion, Community etc.), 10 (Built Heritage), 12 (LUZO) and 13 (DM Standards).

6.1.4. The following sections are also relevant:

- 9.27 – Social Inclusion, Community and Cultural Development etc.
- 11.6 – Environment Policies (Noise)
- 12.3 – Zoning Matrix (Table 12.1)
- 12.4.6 – Industrial and Warehousing
- 12.4.7 – Business/Technology Park
- 12.4.9 – Open Space, Amenity and Recreation
- 12.5 – Uses not listed in the Indicative Zoning Matrix
- 12.7 – Material Contravention

6.1.5. The following policies are generally noted, as summarised:

- SICCDP-02 Seeks identify and facilitate the development of suitable sites for community facilities and these sites should be easily accessible (walking and cycling) and promote the use of public transport.
- SICCDP-18 Seeks to preserve the land use of existing public and private recreation areas but in exceptional circumstances, a change of use may be sought, subject to alternative, suitable recreational locations.
- SICCDP-31 Seeks to promote the improvement of health and wellbeing services, in particular to encourage the integration of health and wellbeing services and facilities with new and existing community facilities, where feasible.
- SICCDP-32 Seeks to look favourably upon the development of primary care centre, clinics and facilities for the specific needs of an ageing population, in accessible locations, particularly town centres and the provision of individual healthcare facilities will also be considered, as appropriate.
- SICCDP-33 Seeks to support the HSE and other statutory and voluntary agencies in the provision of appropriate healthcare facilities including hospital care and the provision of community-based primary care facilities.
- SICCDP-36 Seeks to support the designation of the Midland Regional Hospital Tullamore as a major trauma centre, its continued development as a 'teaching' hospital and the potential of a 'regional' hospice location.

6.1.6. The following objectives are generally noted:

LUZO-01 Seeks to ensure that development progresses in accordance with the land use zoning objectives as set out in Section 12.4 and the Land Use Matrix contained in Table 12.1 of the Development Plan.

LUZO-08 Seeks to provide for technology based light industry, research and development and compatible offices in a high quality built and landscaped environment on zoned Business/Technology Park lands.

6.1.7. The following development management standards are generally noted:

DMS-79 Planning applications should include details of proposed professional medical activities, proposed number of practitioners and support staff, parking provision and intended hours of operation.

The location of New Health Centres/services, Primary Health Centres, Medical Consultants and Veterinary Surgeries is favoured in towns, villages and local centres, with good accessibility, however new facilities in other locations or a change of use from residential to health facilities will be considered where the privacy and amenity of adjacent occupiers is preserved and the proposal does not have a detrimental effect on local amenity by way of traffic congestion or noise. Adequate car parking/set down areas must be identified in such proposals.

DMS-104 A minimum of 10% of the proposed car parking spaces required for the category of development listed in car parking standards shall be provided with electrical connection points, to allow for functional EV charging. The remaining spaces shall be fitted with ducting for electrical connection points to allow for the future fit out of charging points.

6.2. **Regional Planning Policy**

Regional Spatial and Economic Strategy (RSES)

6.2.1. The Eastern and Midland Regional Spatial and Economic Strategy 2019-2031 (EMRA, 2019) sets the regional policy context. Regional Policy Objective (RPO) 9.23 seeks to facilitate the development of primary health care centres, hospitals, clinics, and facilities to cater for the specific needs of an ageing population in appropriate urban areas in accordance with RSES settlement strategy and relevant core strategies etc.

6.3. National Planning Policy / Guidelines / Guidance

National Planning Framework (NPF)

- 6.3.1. Project Ireland 2040, the National Planning Framework *First Revision* (DHLGH, April 2025), sets the national policy context. National Strategic Outcome (NSO) 10 seeks to promote access to quality health services. It notes the Government's strategic role to deliver a new model of integrated health and social care services for older persons, across the care continuum, supporting older people to live independently in their own homes and communities for longer. It also recognises, however, that care provided in long term residential care settings will continue to be an important part of the service.
- 6.3.2. In terms of integrated health and social care services, NSO 10 notes that long-term residential care developments will be located centrally in proximity to the community and local services. Moreover, it seeks to implement Adult Palliative Care Policy and integrated palliative care with services available in the Regions to all who need them.

National Adult Palliative Care Policy 2024

- 6.3.3. This policy (Dept. of Health, 2024) offers an opportunity to develop the governance, coordination, and delivery of palliative care services in line with existing / emerging structures / programmes i.e., HSE Health Regions, Enhanced Community Care etc.
- 6.3.4. To plan and distribute palliative care resources according to the nationally agreed Population-Based Resource Allocation funding model is amongst its strategic actions.
- 6.3.5. Activity 9.2 seeks to construct population-planned specialist palliative care units etc.

National Adult Palliative Care Policy Implementation Plan 2025-2026

- 6.3.6. This plan (HSE, 2025) sets out a detailed roadmap to implement the National Adult Palliative Care Policy 2024. It is a plan objective (Workstream 4 / policy Activity 9.2) to construct / open three Specialist Palliative Care inpatient units in Cavan, Drogheda and Tullamore and to ensure all regions have access to Level 3 hospice care etc.

Design Guidelines for Specialist Palliative Care Settings

- 6.3.7. These guidelines (Dept. of Health, 2005) set out general design and planning considerations including those in relation to site selection, and siting relationships and adjacencies, in addition to functional content such as in-patient and day care facilities.

6.4. Natural Heritage Designations

6.4.1. Nearest designated areas:

- Ballyduff Wood pNHA (001777) – c. 1.5 km west
- Grand Canal pNHA (002104) – c. 1.7km south
- Charleville Wood SAC (000571) – c. 2.85km southwest
- Murphy's Bridge Esker pNHA (001775) – c. 3.3km northwest
- Charleville Wood pNHA (000571) – c. 3.40km southwest
- Ballyduff Esker pNHA (000885) – c. 3.5km west
- Derrygolan Esker pNHA (000896) – c. 4km north

7.0 EIA Screening

7.1. The planning authority screened out the proposal at preliminary examination stage.

7.2. The proposed development has been subject to preliminary examination for environmental impact assessment (Appendix 1). 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 proposal, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not therefore required.

8.0 The Appeal

8.1. Grounds of Appeal

8.1.1. A third-party appeal has been lodged by Declan Brassil & Company Ltd. on behalf of the appellants, Condon Concrete Ltd. It includes a Technical Note on noise prepared by Malone O'Regan Environmental. The appeal grounds can be summarised as:

- Concerned that the siting of the proposal in close proximity to the appellant's facility has the potential to adversely affect the amenities and operation of the hospice and the ongoing operation and expansion of the established industrial facility.
- Established industrial character of the area is established by reference to zoning.

- Submits that the site should be appropriately zoned for the use and that siting and design can mitigate external effects by adjoining and adjacent land uses such that the sensitivities of the hospice and adjacent uses are not adversely affected.
- Considers that the proposed hospice has the potential to conflict with the Development Plan objectives in respect existing and future industrial and employment generating development as reflect in adjacent land use zonings.
- The decision to grant permission in material contravention does not alter the site context and surrounding industrial character and potential for conflict remains.
- Concerned that the proposal represents the first phase of a larger development and suggests that further conflict could arise in the future as the industrial use expands.
- Request the Commission uphold the decision to grant subject to additional noise attenuation structures and landscaping on the eastern, northern and western boundaries that will mitigate noise impacts and enhance visual amenity.
- Refers to the above Technical Note which refers to four noise models¹ based on the ambient measured noise maximum recorded value of 65dB L_{AFmax} at MP1 (the nearest noise monitoring location to the appellants facility) as detailed in the NIA.
- The modelled results consider the noise impact of the proposal at three receptor locations² and state that a 4m barrier would achieve a reduction of c. 4 to 10dB at the receptors, reducing to c. 2-8dB and 1-5dB for 3m and 2m barriers, respectively.
- Stated in the Technical Note that background noise levels of c. 42-48dB L_{A90,T} are expected but intermittent noise associated with commercial activities is likely to exceed this and thus mitigation through a mix of options is recommended.
- The additional mitigation is stated in the grounds of appeal as follows:
 - Acoustic barrier 4mAGL (minimum) on northern and western boundaries.
 - Selected tree planting to generate locally pleasing (wind-induced) noise.
 - Provision of fountain or other water-falling features to mask off-site noise.

¹ Model 01 (as authorised / no change), Model 02 (4m barrier), Model 03 (3m barrier), and Model 04 (2m barrier).

² Receptor 01 (centrally along northern boundary), Receptor 02 (centrally along western boundary), Receptor 03 (towards the southern extent of western boundary).

8.2. Applicant Response

8.2.1. HRA Planning responded on behalf of the applicants, the Health Service Executive (HSE). It includes an Addendum Statement on noise prepared by Amplified Acoustics. The applicant's response to the appeal can be summarised as follows:

- Notes that the appellant does not object to the decision to grant permission with the caveat that additional noise attenuation measures are incorporated by condition.
- Notes that the submitted NIA concludes that noise from the appellant's facility would not adversely affect the use of the proposal or the amenity of its occupants and on that basis states that additional noise abatement measures are not required.
- Submits that there is no material basis to appeal the decision on grounds relating to an absence of mitigation to offset or negate noise effects from future expansion.

Additional Noise Mitigation

- Notes that source-based mitigation applies equally to the appellant and the operation of its facility, as it does to the applicant and the proposed development.
- Refutes the assertion that the NIA classified all background noise levels as elevated and attributes all background noise levels to the appellant's facility and refers to Section 4.1.3 of the NIA in this regard.
- Submits that it is not responsible for mitigating noise arising from other off-site activities or from potential future activities that have not been proposed / permitted.

The Submitted NIA

- Notes that the NIA indicates that ambient background noise levels are within acceptable noise limits and does not identify any adverse noise level generated at the appellant's facility nor does it recommend any noise abatement measures.
- Notes that the NIA concludes that the proposal is predicted to comply with the Offaly Noise Action Plan 2024-2028, and other acoustic criteria, including ProPG³.
- Refers to the above Addendum Statement which concludes that additional mitigation is not shown to be necessary to offset a significant adverse effect.

³ Professional Practice Guidance on Planning & Noise – New Residential Development (ANC, IOA, CIEH, 2017).

- Submits that there is no material basis for additional noise mitigation in the absence of any identified adverse effect and thus the proposal is consistent with Section 11.6 of the Development Plan and specifically ENVP-20, ENVP-21 and ENVP-22.
- Notes the amenity areas in the form of uncovered internal courtyards and the detailed boundary treatment submitted with the application which was considered sufficient to protect the visual amenity of existing uses and future users/visitors.
- Submits that the applicant is willing to provide supplementary landscaping along the western and northern boundaries in order to provide a denser form of treatment and additional screening between the proposal and the appellant's facility.

8.3. Planning Authority Response

8.3.1. The planning authority's response can be summarised as follows:

- Notes the appellant requests that the Commission uphold the decision to grant subject to the attachment of additional conditions.
- Refers the Commission to the Planner's Reports and in particular the report of the 5th November 2025 which provides clarity in relation to the planning assessment.
- Notes that the subject site was confirmed in a statement by the Minister for Health in September 2024 as the selected location for a regional hospice facility.
- States that the proposal is of regional significance as it will provide both in-patient and outpatient palliative care to patients from the Midlands region.

Siting and Location

- Clarifies that the site does not share a common boundary with the appellant's facility and refers to a separation distance of 53m and significant intervening buffer.
- Notes that the appellant's lands front onto the R421 and extend in an easterly direction on lands removed from the subject site.
- Expresses the view that the proposal is optimally located, with a long-established P & P Club to the west, houses to the south on Arden Lane, and agricultural lands to the north and east, adding that industrial activities are focused on the R421.
- States that the proposal would not constrain industrial operations and/or expansion of the appellant's facility noting the sensitivities of the site and adjacent houses.

- Matters raised regarding noise were addressed at application stage and the additional measures, sought by the appellant, were not deemed to be required.
- Appellant's request for the inclusion of a 4m high wall along the northern and western boundaries is unwarranted given the separation distance, nature of use and design and layout of the proposed development.
- Visual impacts can be addressed by the landscaping and boundary treatment proposed and whilst the inclusion of a fountain would be welcome, it is not deemed to be a required measure for mitigating any noise impacts.
- The proposal would not be inconsistent with the pattern of development in the area and would not represent a haphazard, piecemeal approach, moreover it would offer a discrete rural location whilst also in proximity to the MRHT and the N52.

Zoning

- Expresses the view that the site is located along an established residential area and the proposal, albeit on an open space zoning, is of regional significance
- Submits that the material contravention is warranted and justified given the proposal is of strategic and regional significance.

Road Upgrade Works

- Notes that a Part 8 proposal for infrastructure upgrade works to Arden Lane is currently being developed and will be placed on public display in April 2026.

Conclusion

- Considers that the proposed development:
 - would provide a Specialist Palliative Care Unit of Regional Significance,
 - would not seriously injure the amenities of the area or property in the vicinity,
 - would not be likely to have significant effects on the environment / ecology,
 - would be acceptable in terms of traffic safety and convenience,
 - would not impact negatively on archaeology, and
 - would not unduly impact on industrial operations and/or expansion etc.

9.0 Assessment

9.1. Preliminary Points

9.1.1. Having examined the application details and all other documentation on the appeal file, including the appeal submissions and observations, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal.

9.1.2. The issues can be addressed under the following headings:

- Land Use and Development Principle
- Amenity and Noise Impacts
- Other Issues

9.2. Land Use and Development Principle

9.2.1. Whilst the core grounds relate to noise impacts, the appellant indirectly refers to issues of land use and development principle, and particularly in relation to adjacent uses and the compatibility of a hospice with their manufacturing facility on zoned industrial lands. In this regard, they state that the decision to grant in material contravention does not alter site context and surrounding industrial character and potential for conflict remains.

9.2.2. The applicant does not specifically engage with the issue of zoning and instead focuses on noise. In this regard, they note that the appellant does not object to the permission *per se* subject to additional noise attenuation measures incorporated by condition.

9.2.3. The planning authority also notes that the appellant has requested the Commission to uphold the decision to grant permission subject to additional noise mitigation measures. In terms of zoning, they submit that the material contravention is warranted and note that the site is the selected location for a regional hospice facility, adding that the proposal would not unduly impact on industrial operations and/or expansion etc.

General Comments

9.2.4. As noted, the appeal site is located on zoned open space lands with a zoning objective which seeks to protect and improve the provision, attractiveness, accessibility and amenity value of public open space, amenity and recreation (LUZO-10). The land use zoning matrix in the Development Plan, Table 12.1 (LUZO-01), indicates that 'nursing

homes / retirement villages' and 'primary care centres, health centres and clinics' are 'not normally permitted'. In this scenario, Section 12.3 of the Plan suggests that the use is generally incompatible with the written zoning objective and will not be favourably considered, save for exceptional circumstances i.e., material contravention.

- 9.2.5. The proposed hospice building would be accessed off the R421 via Arden Lane, which I observed as a low-speed environment given its limited width and challenging vertical and horizontal alignment. Whilst I note that road upgrades to c. 250m of Arden Lane were initially proposed, including a two-way carriageway, footpath and street lighting, thus extending a new distributor road (serving Kingswood) to the site, they were removed at FI stage. The planning authority appeal response notes that these works will now be brought forward by way of Part 8 and Condition 2 of their decision is noted.
- 9.2.6. The hospice itself is a relatively modest and mostly single-storey building with mix of contemporary roof structures. It has a stated floor space of 3,805sq.m and would be sited towards the southern part of the appeal site with a FFL of 67mAOD. The building is laid out in a 'figure 8' plan with all patient bedrooms located at ground floor level and to the eastern side of the building where direct access to the internal courtyards (bedrooms 5-12 and 16-19) or external gardens is available. First floor accommodation is limited to the southwest corner of the building and includes administrative spaces.
- 9.2.7. In addition to the landscaped courtyards and amenity spaces to the east of the building, a significant quantum of landscaping and open space is proposed to the north which incorporates a buffer zone to the adjacent ringfort. The associated car parking spaces are located along the western boundary and are interspersed with landscaping. Site boundaries will be generally retained and augmented with additional planting and in this regard, I note the site will be 'horseshoed' by the remaining open space zoning which is currently occupied by a P & P Club to the east and farmlands to the remainder.
- 9.2.8. The nearest houses are directly opposite the appeal site on Arden Lane, albeit generally more than 50m from the hospice building. Similarly, the appeal site is within 60m of the appellant's manufacturing facility but generally 100m from building to building. In this context I note that the main amenity spaces are shielded by built form.

Material Contravention

- 9.2.9. In recognition of the regional significance of the proposal and having regard to the zoning objective, the planning authority brought a recommendation to grant permission

before the elected members of Offaly County Council through the material contravention procedure in respect of objectives LUZO-01 and LUZO-10. At the Council meeting in December 2025, that recommendation was unanimously passed by resolution of the members and the decision to grant issued on 31st December 2025.

9.2.10. Whilst not expressly stated in the Planner's Reports, I note that the NPF *First Revision* seeks to implement the Adult Palliative Care Policy and integrated palliative care with services available in the Regions. In this case, the proposed hospice would evidently have an association with the Midland Regional Hospital Tullamore (MRHT) and whilst not located on the grounds of MRHT on the R421, it would be a short distance away. Moreover, the applicant has provided sufficient rationale for not siting the hospice at that location, not least due to the design guidelines for such facilities (DoH, 2005).

9.2.11. I also note that the aforementioned Adult Palliative Care Policy (DoH, 2024) by virtue of its associated implementation plan 2025-2026 (HSE, 2025) seeks to open three specialist palliative care in-patient units, including in Tullamore. On this basis and having regard to the modest nature of the proposal, and its location within the northern fringes of Tullamore, adjacent to low-density housing and surrounded by amenity lands (Tullamore P & P Club) and agricultural lands, the development principle is acceptable.

Conclusion on Land Use and Development Principle

9.2.12. On balance, I am satisfied that the proposed development accords with national policy, and the express will of the elected members of Offaly County Council and is otherwise in accordance with the provisions of the Development Plan, including policy SICCDP-32 which is supportive of facilities for the specific needs of an ageing population, in accessible locations, and policy SICCDP-33 which expressly seeks to support the HSE, the applicant in this case, in the provision of appropriate healthcare facilities. I also note that RPO 9.23 of the RSES generally reflects the spirit of policy SICCDP-32.

9.2.13. Having regard to the siting, layout and design of the building, including the associated parking spaces, landscaping and boundary treatments, and the relevant separation distances thereto, I agree with the planning authority that the proposal would not impact on the industrial operations and/or expansion of the appellants facility and the remaining open space lands provide a suitable buffer in this regard. The proposed land use is thus compatible with the industrial and residential zonings to the north and south and I fully reject the appellant's suggestion that the area is industrial in character.

9.3. Amenity and Noise Impacts

- 9.3.1. As noted, the core grounds relate to noise impacts and specifically noise emanating from the appellant's manufacturing facility which has the potential, as suggested by the appellant, to negatively impact on the future residents and operations of the hospice. In many respects, therefore, the appellant is seeking to future-proof their operations and whilst not objecting to the decision, they are requesting additional safeguards.
- 9.3.2. In this regard, the appellant's noise consultants have modelled noise scenarios based on the ambient measured noise maximum recorded value of 65dB L_{AFmax} at the nearest noise monitoring location to the appellants facility (MP1) as detailed in the NIA. These modelled projections consider the noise impact from the appellant's facility on three receptors which generally correspond to locations in the proposed car park to the west of the appeal site and in the open space to the north. Whilst it is stated that background noise levels of c. 42-48dB $L_{A90,T}$ are expected, the appellants suggest that intermittent noise is likely to exceed this and mitigation through a mix of options, including a 4m high acoustic barrier along the western and northern boundaries, is recommended.
- 9.3.3. In terms of existing noise environment, the applicant's response refers to the baseline L_{Aeq} noise levels along the western boundary (MP1) falling between 46 and 51dBA for the daytime period (0700–2300hrs) and between 40 and 44dBA for the night-time period (2300–0700hrs), with an L_{AFmax} of 57dB during the relevant night-time period as detailed in the submitted NIA (Table 3). It notes that the noise environment includes the appellant's facility as well as activity from the adjoining P & P course, grass cutters and distance and local traffic. In relation to the latter, the NIA refers to EPA noise maps which predict noise levels from the N52 being less than 55db L_{den} and 45-49dB L_{night} .
- 9.3.4. Significantly, no tonalities were observed, which the applicant notes as relevant when considering the appellant's suggestion of intrusive industrial noise. In this regard, I note that external walls of the appellant's facility adjoin the P & P course on two sides and thus the appeal site is generally shielded from the open yard area beyond where noise and tonality may be an issue. The site is therefore classified in the NIA as having a low noise risk rating and this reflects my site observations. Thus, the modelling, which attributes all noise to the appellant's facility, should be interpreted with caution.
- 9.3.5. Moreover, the three receptors utilised for the modelling, as noted above, are located in the proposed car parking area along the western boundary and in the open space

to the north of the site. As detailed, the residents of the proposed hospice would have direct access to either the internal courtyards or the garden area to the east of the building, and thus significantly removed from the modelled receptors to the west. I therefore agree with the applicant that protection of the car parking and circulation area is not persuasive as a noise-based planning reason as it is not noise-sensitive in the same way that the patient bedrooms and directly accessible amenity spaces would be.

Procedural Matter

- 9.3.6. Moreover, I have some procedural concerns regarding the appellant's request for a 4m acoustic barrier. At a fundamental level, the barrier would be located on a boundary unrelated to the appellant's property and thus raises prejudice issues in respect of the adjoining landowner, the P & P Club, whom heretofore would have had no knowledge or opportunity to comment on the barrier. Moreover, this would likely have a negative impact on the playing experience of the users of the facility, and particularly where the P & P course is already bound on two sides by external walls of the appellant's facility.
- 9.3.7. At a more general level, I am unconvinced that a condition requiring a 4m acoustic barrier would meet the relevant 'tests' of a planning condition as it has been proven unnecessary. In any event, I note that the applicant has since applied for permission for a 3m high barrier (PA ref. 26/60255) which is curious, given the robust information contained in the NIA and the additional comments included in the applicant's response.

Conclusion on Amenity and Noise Impacts

- 9.3.8. The measured ambient noise levels indicate a generally quiet environment and this has been established using industry standard guidance. I therefore agree with the applicant that the appellant's appeal fails to identify a substantiated noise-based reason to overturn the grant of permission, which is not sought in any event, or demonstrate why additional mitigation and specifically an acoustic barrier is required.
- 9.3.9. On balance, I am satisfied that the amenities of the future occupants of the hospice will be unaffected and thus recommend that the appeal be dismissed and decision upheld.

9.4. Other Issues

- 9.4.1. Having regard to Condition 2 of the decision to grant and the previously proposed upgrade works to Arden Lane, which were subsequently removed at FI stage, I am fully satisfied that the planning authority has correctly attached a special development

contribution condition in accordance with Section 48(2)(c) of the Planning Act. I recommend that such a condition is attached in the event of a grant of permission.

9.4.2. Finally, I note that Condition 4 of the decision to grant relates to the submission of a site management plan, including a traffic and transport management plan for the construction stage, for agreement with the planning authority prior to commencement of development. I also note that Condition 11 sets construction noise limits in addition to construction hours of 0700 hours to 1830 hours Monday to Friday and 0800 hours to 1330 hours on Saturday with no specified exclusion for Sundays or public holidays.

9.4.3. Moreover, I note that the Planner's Report No. 3 indicates that the issue of construction noise can be dealt with by a CEMP and I agree. Whilst a site management plan can address similar issues in respect of environmental nuisance during the construction phase, including site housekeeping, it is preferable to control construction noise through a CEMP and include a standalone working hours condition which will restrict works on Sundays or public holidays. I also, therefore, recommend that a separate Construction Traffic Management Plan (CTMP) is attached in the event of a grant.

Conclusion on Other Issues

9.4.4. The above assessment represents my *de novo* consideration of all planning issues material to the proposal to construct a new hospice building at the site on Arden Lane.

10.0 AA Screening

10.1. In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Charleville Wood SAC, or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

10.2. This determination is based on:

- Information provided in the AA Screening, biodiversity and engineering reports
- The scale of the development on fully serviceable lands as confirmed by UÉ
- Distance from and weak indirect connections to the European sites

- No ex-situ impacts on wintering birds
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for Charleville Wood SAC and would not undermine the maintenance of favourable conservation condition or delay or undermine the achievement of restoring favourable conservation status for those qualifying interest features of unfavourable conservation status.

10.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion (see Appendix 2).

11.0 Water Framework Directive

11.1. A screening for the purposes of the Water Framework Directive (2000/60/EC) has also been carried out. On the basis of objective information, I conclude that the proposal will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any waterbody in reaching its WFD objectives. Therefore, it can be excluded from any further assessment (Appendix 3).

12.0 Recommendation

12.1. I recommend that permission be **granted** for the reasons and considerations below.

13.0 Reasons and Considerations

Having regard to the siting, layout and design of the proposal on zoned and serviceable lands within the settlement of Tullamore, and within a transitional zoning area between residential, business and industrial lands; the prevailing pattern and character of development in this area generally, and along Arden Lane in particular; the statutory procedure undertaken by the planning authority under Section 34(6) of the Planning and Development Act 2000, as amended, in deciding to grant permission in material contravention of objectives LUZO-01 and LUZO-10 of the Offaly County Development Plan 2021-2027, and the otherwise supportive provisions of that Plan, including policy SICCDP-32 regarding accessible healthcare locations, and SICCDP-33 which seeks to support the HSE in the provision of appropriate healthcare facilities; and national

policy in relation to adult palliative care as enshrined in the National Planning Framework *First Revision* by virtue of National Strategic Outcome 10, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not endanger public safety by reason of a traffic hazard or impact on public health or cultural heritage. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received on the 16th day of September 2025 and the 10th day of October 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 interests of clarity.

2. No development shall commence until all the necessary road improvement works are carried out to the L-20032-1 and confirmed in writing by Offaly County Council, as roads authority for such works.

Reason: In the interests of clarity, road safety and convenience.

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

Reason: In the interest of visual amenity.

4. A Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters (including a management response to prohibit the mobilisation /

migration of invasive species such as Japanese Knotweed), site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of public health and environmental protection.

5. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the requirements and detailed construction standards of Offaly County Council, as the roads authority for such works, and the design standards outlined in DMURS.

Reason: In the interest of traffic and pedestrian safety.

6. A detailed Construction Traffic Management Plan (CTMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

7. (a) A buffer area of 20m shall be implemented around the Recorded Monument Ringfort (OF017-002----). No ground works shall be carried out within the buffer area, including boundary works, landscaping or ground reduction. The buffer area shall be fenced off and protected during construction and shall not be used for storage or vehicular access.

(b) A full Conservation and Management Plan for the protection of the Record of Monuments and Places (RMP) (OF017-002----, Ringfort) should be drawn up in consultation with the Department.

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of sustainable waste management, environmental protection and public health.

11. 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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

12. (a) Tree protection and removal shall be carried out in accordance with the details lodged with the application, as amended by the further plans and particulars received on the 16th day of September 2025, unless otherwise agreed in writing with the planning authority prior to the commencement of development.

(b) Prior to the occupation of the development hereby permitted all boundary treatment shall be constructed as detailed in the plans and particulars received on the 16th day of September 2025, unless otherwise agreed in writing with the planning authority prior to the commencement of development.

(c) The landscaping scheme submitted with the application, as amended by the further plans and particulars received on the 16th day of September 2025, shall be carried out within the first planting season following substantial completion of construction works, unless otherwise agreed in writing with the planning authority prior to commencement of development.

(d) 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 two years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity and biodiversity.

13. 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.

14. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of required infrastructural upgrade works to the L-20032-1, inclusive of roads, footpaths, public lighting and storm sewer, which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid

prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

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

Philip Maguire

Inspectorate

22nd May 2026

Appendix 1 (EIA Screening)

Form 1 – EIA Pre-Screening

Case Reference	PL-500695-OY-25
Proposed Development Summary	Hospice Building (see IR for full description).
Development Address	Arden Lane, Tullamore, Co. Offaly
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(iv) 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere'.</p> <p>Site area is stated as 1.57ha.</p>

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

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	PL-500695-OY-26
Proposed Development Summary	Hospice Building (see IR for full description).
Development Address	Arden Lane, Tullamore, Co. Offaly
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>Planning permission is sought for the construction of a part one-storey and two-storey, 3,805sq.m hospice building with 20 no. in-patient bedrooms, daycare facilities and associated administrative areas and ancillary spaces. The building would be accessed via an existing cul-de-sac road (Arden Lane / L-20032-1) off the R421 and served by a mains water and sewer.</p> <p>Locally undulating site with a large mound (69.34mAOD) centrally and falling steeply to the north (65.45mAOD). Works will therefore involve excavation of c. 4mBGL in places and thus require the removal of excavated soils, boulder clay, rock / bedrock and vegetation. There is an estimated 6,460cu.m of cut and 4,720cu.m of fill required to facilitate the proposed development.</p> <p>Construction activities would require the use of potentially harmful materials, such as fuels, concrete and other such substances and give rise to waste for disposal. Such wastes will be typical of construction sites and significant wastes; emission or pollutants are not anticipated.</p> <p>Noise and dust emissions during construction are likely but such construction impacts would be localised and temporary in nature.</p> <p>Connection to public water and wastewater infrastructure is proposed and Uisce Éireann have issued a confirmation of feasibility (CoF) subject to upgrades i.e., c. 200m of new 100mm ID watermain along with 200m of upsizing of existing network is required in addition to 250m of foul sewer.</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</p>	<p>There are no ecologically sensitive locations in relative proximity to the appeal site. The nearest designated site, Charleville Wood SAC (site code 000571), is c. 2.85km southwest of the site.</p>

<p>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 nearest proposed Natural Heritage Area (pNHA), Ballyduff Wood, is c. 1.5km west of the appeal site and the Grand Canal pNHA, which follows the route of the canal through Tullamore, is c. 1.7km south. Other SACs and SPAs are in excess of 7km from the appeal site.</p> <p>There are no protected structures or NIAH properties in proximity of the appeal site but a ringfort (RMP ref. OF017-002) abuts the eastern boundary.</p> <p>The proposal is not considered to be exceptional in the context of the receiving environment adjacent to an established, low density residential area along Arden Lane and an emerging residential area at Kingswood.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Likely effects are limited to the construction phase through increased noise and dust from construction traffic and operations but will be substantially below the threshold of significance through established construction management practices.</p> <p>Having regard to the scale of the proposal there is no potential to significantly impact on environmental parameters or on the ecological sensitivities of the aforementioned pNHA's, European site, including transboundary designations, or other significant environmental sensitivities in the area.</p> <p>There is, however, limited potential for localised noise impacts during the operational phase from adjacent industrial uses which could impact on future residents. This does not, however, trigger the requirement for EIA and has been addressed by a NIA in any event.</p>
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:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 2 (AA Screening)

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Hospice Building (see IR for full description).
Brief description of development site characteristics and potential impact mechanisms	<p>Locally undulating, 1.57ha site with a large mound (69.34mAOD) centrally and falling steeply to the north (65.45mAOD). Works will therefore involve excavation of c. 4mBGL in places and thus require the removal of excavated soils, boulder clay, rock / bedrock and vegetation. There is an estimated 6,460cu.m of cut and 4,720cu.m of fill required to facilitate the proposed development.</p> <p>Boundaries are generally defined by natural and managed hedgerow, trees and fencing. No drainage ditches or groundwater vectors evident.</p> <p>Construction activities would require the use of potentially harmful materials, such as fuels, concrete and other such substances and give rise to waste for disposal. Such wastes will be typical of construction sites and significant wastes; emission or pollutants are not anticipated.</p> <p>Noise and dust emissions during construction are likely but such construction impacts would be localised and temporary in nature.</p> <p>Connection to Uisce Éireann water and wastewater infrastructure is proposed and a confirmation of feasibility (CoF) has issued subject to upgrades i.e., c. 200m of new 100mm ID watermain along with 200m of upsizing of existing network is required in addition to 250m of foul sewer. SuDS measures also proposed.</p>
Screening report	Yes – Ecofact (March 2025)
Natura Impact Statement	No
Relevant submissions	None
Additional information	<p>Offaly Co. Council screened out the need for AA.</p> <p>I note that the application was referred to An Chomhairle Ealaíon, An Taisce, DHLGH (DAU), The Heritage Council and Uisce Éireann and no objections were received by the planning authority.</p>

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Charleville Wood SAC (000571)	Alluvial forests Whorl snail Conservation Objectives Link (NPWS, 2021)	c. 2.5km southwest of appeal site (from closest point)	Yes – indirect, tentative hydrological connection via the Tullamore River.	Y
Clara Bog SAC (000572)	Semi-natural dry grasslands Active raised bogs Degraded raised bogs Peat substrate depressions Bog woodland Conservation Objectives Link (NPWS, 2016)	c. 7.5km west of appeal site	No – no downstream hydrological connection or mobile QI associated with this SAC.	N
Split Hills and Long Hill Esker SAC (001831)	Semi-natural dry grasslands Conservation Objectives Link (NPWS, 2018)	c. 9km northwest of appeal site	No – no downstream hydrological connection or mobile QI associated with this SAC.	N
Raheenmore Bog SAC (000582)	Active raised bogs Degraded raised bogs Peat substrate depressions	c. 10km northeast of appeal site	No – no downstream hydrological connection or mobile QI associated with this SAC.	N

	Conservation Objectives Link (NPWS, 2015)			
River Barrow and River Nore SAC (002162)	<p>Estuarine and coastal habitats</p> <p>Freshwater habitats</p> <p>Dry heath</p> <p>Petrifying springs</p> <p>Oak woodlands</p> <p>Alluvial forests</p> <p>Whorl Snail</p> <p>Freshwater Pearl Mussel</p> <p>White-clawed Crayfish</p> <p>Sea Lamprey</p> <p>Brook Lamprey</p> <p>River Lamprey</p> <p>Twaite Shad</p> <p>Salmon</p> <p>Otter</p> <p>Killarney Fern</p> <p>Conservation Objectives Link (NPWS, 2025)</p>	c. 12km south of appeal site	No – no downstream hydrological connection or mobile QI associated with this SAC.	N
<p>¹Summary description / cross reference to NPWS website is acceptable at this stage in the report</p> <p>²Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species</p> <p>³if no connections: N</p>				

Further Commentary / Discussion

All Conservation Objective links are up to date at the time of writing and have been cross-referenced against the Statutory Instruments, where relevant.

Due to the limited scope of the works and the nature of the appeal site, I consider that the proposed development is unlikely to generate impacts that could extend to a large geographical area, thus a potential zone of influence limited to c. 10-12km is reasonable.

Sources of impact and likely significant effects are considered in the Table below.

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

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Charleville Wood SAC (000571)</p> <p>Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i></p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) – priority habitat</p>	<p>Direct: none.</p> <p>Indirect:</p> <p>Wastewater will be directed to Tullamore WwTP, which discharges, following treatment, to the Tullamore River, c. 0.7km upstream of Charleville Wood SAC.</p> <p>Stormwater outfall via similar pathway, including overflow.</p> <p>Resultant degradation of water quality has the potential to adversely impact on QIs of this SAC.</p>	<p>The latest AER for Tullamore WwTP (UÉ, 2024) indicates that the plant is non-compliant with the ELVs set out in the discharge licence but it is not known whether the identified deterioration in water quality is caused by the WwTP. Moreover, the discharge does not have an observable negative impact on the WFD status (AER, Section 2.1.3).</p> <p>I note that there is remaining capacity for 17,541 PE and this is not anticipated to be exceeded in the next 3 years, and the stormwater overflow is of 'low significance'.</p> <p>Conservation objectives would not be undermined.</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	

Further Commentary / discussion (only where necessary)

N/a.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone / in combination with other plans and projects) would not result in likely significant effects on European sites. No further assessment is required for this project.

No mitigation measures are required to come to this conclusion.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Charleville Wood SAC, or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- Information provided in the AA Screening, biodiversity and engineering reports
- The scale of the development on fully serviceable lands as confirmed by UÉ
- Distance from and weak indirect connections to the European sites
- No ex-situ impacts on wintering birds
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for Charleville Wood SAC and would not undermine the maintenance of favourable conservation condition or delay or undermine the achievement of restoring favourable conservation status for those qualifying interest features of unfavourable conservation status.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

Appendix 3 (WFD Screening)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	PL-500695-OY-26	Townland, address	Arden Lane, Tullamore, Co. Offaly
Description of project		Hospice Building (see IR for full description).	
Brief site description, relevant to WFD Screening		<p>Locally undulating, 1.57ha site with a large mound (69.34mAOD) centrally and falling steeply to the north (65.45mAOD).</p> <p>The submitted engineering report indicates that the site generally consists of a layer of topsoil ranging from 200mm to 400mm in depth, with layers of sands, clays, silts and gravels below it. Poor permeability is indicated.</p> <p>Refusal was hit in boreholes, which may be due to possible bedrock or boulder strike.</p> <p>Works will involve excavation of c. 4mBGL in places and thus require the removal of excavated soils, boulder clay, rock / bedrock and vegetation.</p> <p>The engineering report estimates c. 6,460cu.m of cut and 4,720cu.m of fill is required to facilitate the proposed development.</p> <p>Boundaries are generally defined by natural and managed hedgerow, trees and fencing.</p> <p>No drainage ditches or groundwater vectors evident on site or identified by applicant.</p>	

Proposed surface water details		'Public Sewer/Drain' ticked in Q. 20 of the Application Form. SuDS measures also proposed in addition to attenuation and Q-bar release.				
Proposed water supply source & available capacity		'New' 'public mains' ticked in Q. 20 of the Application Form. UÉ mains water connection – potential capacity available – Level of Service (LoS) improvement required (Tullamore). UÉ CoF issued and upgrades noted i.e., c. 200m of new 100mm ID watermain along with 200m of upsizing of existing network.				
Proposed wastewater treatment system & available capacity, other issues		'New' 'public sewer' ticked in Q. 20 of the Application Form. UÉ mains water connection – capacity available (Tullamore). UÉ CoF issued and upgrades noted i.e., c. 250m of foul sewer. Pumping station and rising main until point of discharge also proposed.				
Others?		N/a				
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater)
Groundwater Waterbody	Underlying site	Tullamore IE_SH_G_232	Poor	Not at risk	None identified	No – poor permeability in the underlying soils disrupting any S-P-R to groundwater / water table

River Waterbody	> c. 2km	TULLAMORE_04 0 IE_SH_25T0304 00	Poor	At risk	Urban runoff	Yes – via public sewer, including storm network	
Step 2: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	River	TULLAMORE_040 IE_SH_25T030400	Existing - none. New – none, as there are no surface water vectors.	None.	Measures to prevent pollution of receiving waters proposed in any event (S. 8.7 of engineering report).	No.	Screened out.

OPERATIONAL PHASE							
1.	River	TULLAMORE _040 IE_SH_25T03 0400	Existing - none. New – wastewater and stormwater connections to public network which discharge to Tullamore River following treatment / overflow.	Degradation of receiving water quality.	Wastewater and stormwater will be treated at Tullamore WwTP (unless in overflow scenario in the case of stormwater) SuDS measures also proposed to reduce the amount of overflow exiting site to public sewer / drain.	No Latest AER (UÉ, 2024) for Tullamore WwTP indicates remaining capacity for 17,541 PE and this is not anticipated to be exceeded in the next 3 years, and the stormwater overflow is of 'low significance'.	Screened out – no risk to the water environment as discharge does not have an observable negative impact on the WFD status (AER, Section 2.1.3). CoF issued by UÉ.
DECOMMISSIONING PHASE							
1.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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