



An
Coimisiún
Pleanála

Commission Order
ABP-319263-24

Planning and Development Acts 2000 to 2022

Planning Authority: Laois County Council

Planning Register Reference Number: 2360015

Appeal by Ballylinan Council care of Whyte Planning Consultants Limited of Great Connell, Newbridge, County Kildare against the decision made on the 16th day of February, 2024 by Laois County Council to grant subject to conditions a permission to JC Brenco Developments Limited care of Planning and Design Services of Carlow Gateway Business Centre, Athy Road, Carlow in accordance with the plans and particulars lodged with the said Council:

Proposed Development: Construction of 99 number new dwellings each with private amenity and vehicle parking spaces, broken down as follows: seven number four-bed two-storey detached, 12 number four-bed two-storey semi-detached, 60 number three-bed two-storey semi-detached, eight number two-bed single storey semi-detached, 12 number two-bed two-storey semi-detached, a crèche and associated parking (18 number spaces). Provision of a new vehicular and pedestrian entrance, internal access roads, footpaths, communal open spaces, connection to services, associated boundary treatment, landscaping, drainage and all associate site works to facilitate the development at Rahin, Ballylinan, County Laois, as amended by the further public notices received by the planning authority on the 23rd day of January, 2024.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the pattern of development in the area and its residential zoning under the Laois County Development Plan 2021-2027, and having regard to all the relevant guidelines issued by the Minister under section 28 of the Planning and Development Act 2000, as amended, the National Biodiversity Action Plan 2023-2030, and the revised National Planning Framework, 2025, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the properties in the vicinity, would not lead to the creation of a traffic hazard or obstruction of road users, would improve permeability within the area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 20th day of October, 2023 and the 12th day of December, 2023, and by An Bord Pleanála on 28th day of February 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. Prior to the commencement of the development, the developer shall submit to the planning authority for written agreement:
 - (a) Details relating to the proposed pedestrian link(s) to the adjoining Gracefield Manor and The Village residential estate, to include, design, alignment, signage and public lighting details, as required by the planning authority. The connections shall be provided by the developer at the developer's expense.
 - (b) A sample of the brick finish and revised House Plans for House Type I.
 - (c) Details of the materials, colours and textures of all the external finishes and boundary treatments to the proposed dwellings shall be submitted.

Reason: In the interest of clarity.

3. Not more than 75% of the residential units permitted in this decision shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at this time.

Reason: To ensure the childcare facilities are provided in association with residential units.

4. (a) The internal road network serving the proposed development , including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).
- (b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

5. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Construction Traffic Management Plan (CTMP) for the construction phase of the development for the written agreement of the planning authority. The TMP shall incorporate details of the road network to be used by construction traffic and proposals for the protection of culverts and other structures to be traversed, as may be required. The agreed CTMP shall be implemented in full during the course of construction of the development.

Reason: In the interest of traffic safety and convenience.

6. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. 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 interest of sustainable transportation.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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.

8. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

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

9. Prior to the commencement of the development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann to provide for a service connection(s) to the public water and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/ wastewater facilities.

10. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

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.

11. The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in October 1998 (updated April 2021). Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. 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. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

- (i) existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping,
- (ii) the measures to be put in place for the protection of these landscape features during the construction period,
- (iii) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder which shall not include prunus species, details of screen planting which shall not include cupressocyparis x leylandii,

- (iv) details of roadside/street planting, and
 - (v) landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) 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 and 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 residential amenity.

14. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The Construction and Environmental Management Plan shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection.

15. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.

Reason: In the interests of amenity and public safety.

16. All service cables associated with the proposed development (such as electrical and 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.

17. If, during the course of site works any archaeological material is discovered, the planning authority shall be notified immediately. The developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Department of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

18. The mitigation measures outlined in Ecology Report submitted with the planning application shall be implemented in full by the developer. Full details of the developer's proposal to comply with the measures shall be submitted to, and agreed in writing with, the planning authority, in writing, prior to the commencement of the development.

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

19. 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), 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.

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.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. 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 satisfactory reinstatement of the site.

21. 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.



Marie O'Connor

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**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission**

Dated this 27 day of June 2025