



An
Coimisiún
Pleanála

Commission Order
ABP-321259-24

Planning and Development Act 2000, as amended

Planning Authority: Laois County Council

Planning Register Reference Number: 24/60108

Appeal by Patrick and Elizabeth Costello of 5 Killenard, Portarlinton, County Laois against the decision made on the 22nd day of October 2024 by Laois County Council to grant, subject to conditions, a permission to Matt Colgan care of Evelyn Duff Architect of Brockra Studio, Ballyfin, Portlaoise, County Laois for the proposed development.

Proposed Development: The construction of five number detached, split-level, dormer dwelling houses (including four number with single-storey, rear returns and side car-ports), a new site entrance and access road off the existing cul-de-sac road to the east off the Killenard Road L3171, the demolition/removal of existing derelict farm buildings, a landscaped pedestrian link from the L3171, proposed new boundaries, landscaping, a shared green area, related and ancillary services and all associated site works at Tierhogar, Killenard, Portarlinton, County Laois, as amended by the further public notices which were received by the planning authority on the 25th day of September, 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 nature and scale of the proposed development on residentially zoned and serviced land within the settlement boundary of Killenard, and to the provisions of the Laois County Development Plan 2021-2027 in relation to housing, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide an acceptable level of residential amenity to future residents, would be acceptable in terms of pedestrian and traffic safety and would not adversely impact on the residential amenity of neighbouring properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission in relation to bats, the Commission noted the submission received from the Development Applications Unit at the Department of Housing, Local Government and Heritage recommending that a bat survey be carried out prior to a decision on the basis that bats may be present in the buildings/trees to be demolished/removed. The Commission also noted the information contained in Section 4.3 of the Architect's Planning Report submitted with the application which notes that the likelihood of bats roosting on site was negligible as there are no suitable, sheltered areas in the derelict steel buildings suitable for bats. Having regard to the nature and scale of the proposed development, which is not a project for which an Environmental Impact Assessment is required as concluded in Section 5.18 of the Inspector's Report, and to the small number of trees to be removed to provide access to

the site, the Commission concluded that normal mitigation measures in the form of a pre-construction survey, a derogation licence if required, and the planting of new trees would be appropriate in this instance and a refusal of permission was not warranted. The Commission attached condition number 2 requiring a bat survey to be undertaken prior to the commencement of development and prohibiting development until the necessary permission/derogation licence if required has been obtained from the appropriate statutory body.

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 25th day of August 2024, 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 any development works on the site, including the removal of any building, landscape feature or vegetation, a survey to ascertain the presence of any bat activity on the site for roosting or foraging purposes and an assessment of any potential impact on the species arising from the proposed development shall be undertaken by a suitably qualified ecologist and the findings submitted for written approval of the planning authority. Should the significant presence of bats be established on the site no development shall occur until the necessary permission/derogation licence has been obtained from the appropriate statutory body.

Reason: In the interest of bat protection and to provide for the preservation and conservation of this species.

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

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

4. 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 interests of public health and surface water management.

5. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

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

6. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five 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 interests of visual amenity and biodiversity.

7. (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 interests of amenity and of traffic and pedestrian safety.

8. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. 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.

11. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be landscaped in accordance with the landscaping scheme submitted to the planning authority. This work shall be completed before any of the residential units are made available for occupation unless otherwise agreed in writing with the planning authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

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

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

13. Prior to commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 interests of reducing waste and encouraging recycling.

14. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

15. The developed shall carry out a detailed Stage 3 Road Safety Audit (RSA) by an independent approved and certified auditor for the development. The developer shall submit to the planning authority a copy of the Road Safety Audit Stage 3 Report and shall complete all of the remedial measures identified in the report prior to opening the scheme to traffic. The developer shall be liable for all costs associated with these works.

Reason: In the interest of road safety.

16. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

18. 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.

Mary Gurrie

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Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 23 day of October 2025.