

An
Coimisiún
Pleanála

**Commission Order
ABP-321738-25**

Planning and Development Act 2000, as amended

Planning Authority: Offaly County Council

Planning Register Reference Number: 2460035

Appeal by Tony Kilduff against the decision made on the 18th day of December 2024 by Offaly County Council to refuse permission for the proposed development.

Proposed Development: Planning permission for a live/work development at Lakelands, Clonfinlough on approximately 8.28 Hectares of land. This will consist of the refurbishment/provision of an access road and gateway from the public road. The retention/refurbishment of an existing (19th Century) single storey, stone built, farm cottage (area 73.8 square metres) to be repurposed as a communal kitchen and dining area and extended to provide a WC block on the north gable of the cottage. The provision of four new single storey dwellings, three of which are single bed live/work artist studio units. The fourth house will be a two-bed house for the sole use of the owner/client. The Gross floor areas of new development will be 505.5 square metres. The units are proposed to be stand alone and 'off grid.' Power for the units will be provided by a solar array laid out at ground level on the site. It is proposed that water will be provided from a well on site, and

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most of the surface water run-off will be attenuated and filtered for re-use as potable/non-potable water. The group of houses will be serviced in terms of foul water and waste requirements by a proposed septic tank system built and installed to specifications by specialists. Planting of trees and hedging will be installed to screen the development from the road and environs. An access road and hard and other soft landscaping will also form part of the development, all at Lakelands, Clonfinlough, County Offaly. A Natura Impact Statement (N.I.S.) accompanied this application. The proposed development was revised by further public notice received by the planning authority on the 26th day of October 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 provisions of the Offaly County Development Plan 2021-2027 and the nature and scale of the proposed development that incorporates a sensitive design that respects the vernacular architecture of the area, it is considered that the proposed development would constitute a specific and unique cultural offering that would facilitate the role of the arts, which is supported by Policy TRP-30 and would establish a creative hub as supported by SICCDP-24 of the development plan. The proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Fin Lough Special Area of Conservation (Site Code 000576), Mongan Bog Special Area of Conservation (Site Code 00000580), Mongan Bog Special Protection Area (Site Code 004017) and Middle Shannon Callows Special Protection Area (Site Code 004096) are the European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the aforementioned sites in view of these sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site specific Conservation Objectives for the European Sites,

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- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

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 September 2024 and by further information received by An Coimisiún Pleanála on the 2nd day of July 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.

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2. The development shall operate exclusively as a commune of artists as indicated on the plans and particulars submitted with the application. The three one-bed dwellings that incorporate artist studios (one per each dwelling) shall be used as 'live-work artist studio units' for artists in periods of residence and the two-bedroom house shall be used as a permanent residential use with occasional use as a live-work artist studio. The restored farmhouse shall be used as a communal dining room with kitchen/store and WCs solely in connection with the artist offering. The units shall not be otherwise sold, let or otherwise conveyed as independent living units. The overall development shall not be subdivided.

Reason: In the interest of clarity.

- 3 All mitigation measures outlined in the plans and particulars, including the AA Screening / Natura Impact Statement dated June 2025, Hydrological Impact Assessment dated June 2025 and the Preliminary Construction Environmental Management Plan (CEMP), shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

- 4 Prior to the commencement of development, the developer shall submit for the written approval of the planning authority, a Hedgerow Ecological Significance Appraisal in accordance with The Heritage Council's Hedgerow Appraisal System. Root Protection Areas should be calculated as outlined in the National Roads Authority (Now Transport Infrastructure Ireland) 'Guidelines for the Protection and Preservation of Trees, Hedgerows and Scrub Prior to, During and Post Construction of National Road Schemes.' The appraisal shall include any required mitigation and compensation measures to avoid impacts on it, where required.

Reason: To comply with policy BLP-24 (Trees, Forestry and Hedgerows) of the Offaly County Development Plan 2021-2027.

- 5 Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

6. Prior to the commencement of development, the developer shall submit for the written approval of the planning authority drawings showing that the layout of the Wastewater Treatment system fully complies with the Environmental Protection Agency Guidance 'The Environmental Protection Agency Code of Practice Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) to the satisfaction of the Local Authority'.

Reason: In the interest of public health.

7. A detailed construction traffic management plan 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 sustainable transport and safety.

8. 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.

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9. The landscaping scheme submitted with the planning application, as amended at further information stage shall be carried out in full. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

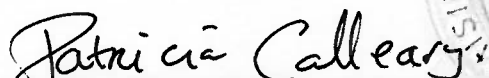
Reason: In the interest of visual amenity.

- 10 (a) A plan containing details for the management of waste and, in particular, recyclable materials and hazardous materials within the development, including the provision of facilities for the storage, separation and collection of all waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

- 11 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.


Patricia Calleary

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

Dated this 31 day of August 2026