



An  
Coimisiún  
Pleanála

Commission Order

ACP-321879-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 24/60001**

**Appeal** by Roland and Sharon Tarrant and by Others against the decision made on the 21<sup>st</sup> day of January, 2025 by Laois County Council to grant, subject to conditions, a permission to Brook Advantage Limited in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Phase one will consist of 28 houses including one number, four-bed detached, 20 number, four-bed, semi-detached, and seven number, three-bed terrace dwellings, in two blocks. One number ESB kiosk, and all associated site development works including footpaths, parking, fencing, drainage, and landscape/amenity. Construction access is sought from the N77 to the site with a temporary haul route. Access to the proposed development will be via the fairways. All at Rathmoyle (townland), Ballyroan Road and N77, Abbeyleix, County Laois, as revised by the further public notices received by the planning authority on the 17<sup>th</sup> day of December, 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, extent and location of the proposed development, the pattern of development in the area, the New Residential land use zoning objective relating to this site, the support in terms of national, regional and local policies and objectives and to the design standards of the Laois County Development Plan 2021 - 2027, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience, 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.

Noting that the planning authority had indicated a request at further information stage that the haul road be omitted and that the developer had submitted revised plans and particulars, and noting that the preliminary Construction Management Plan and Traffic Management Plan addressed the movement of traffic during the construction phase and that this will be further updated, the Commission was satisfied that the omission of the haul road and the implementation of a one-way system for construction traffic was acceptable.

## 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 information received by the planning authority on the 23<sup>rd</sup> day of August 2024, the 19<sup>th</sup> day of November 2024, and the 17<sup>th</sup> day of December 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 commencement of development, the applicant shall submit a revised layout to include revised plans and elevations of the mid-terraced properties indicating access to the rear gardens of same.

**Reason:** In interest of clarity.

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

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

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. 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 interests of sustainable transport, public safety and amenity.

6. All roads and footpaths shown to adjoining lands shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended. These areas shall be shown in a drawing which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of permeability and proper planning and sustainable development.

7. 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 measures to comply with the document titled "Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects", published by the Environmental Protection Agency, measures to prevent and mitigate spillage or deposit of debris, soil or other material on the adjoining public road network, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

8. 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.

9. 10% of all communal/visitor car parking spaces shall be provided with functioning electrical charging stations/points and all of the in-curtilege 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.

10. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed with the planning authority and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

11. 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.

12. (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.

(c) Prior to commencement of the development, the developer shall submit revised autotrack analysis to the planning authority for written approval. The revised autotrack analysis shall show that HGV vehicles outlined in Drawing Number 23030-DR-0103 can turn in the turning areas proposed without mounting the footpaths or driving beyond the site boundary. Turning heads shall be revised to ensure that the turning facilities are adequate.

(d) Prior to commencement of development, the developer shall submit a revised Stage 1 and Stage 2 Road Safety Audit to the planning authority for written approval. The revised Stage 1 and Stage 2 Road Safety Audits shall be updated to take account of the revised layout hereby approved.

(e) The developer shall carry out a detailed Stage 3 Road Safety Audit (RSA) by an independent approved and certified auditor, for the proposed development. The developer shall submit to the planning authority a copy of the RSA Stage 3 report and shall complete all of the remedial measures identified in the RSA Stage 3 report, prior to opening the scheme to traffic,

(f) Six months following completion of the development hereby approved, a Stage 4 Road Safety Audit (RSA) shall be completed by an independent Road Safety Audit Team comprised of TII approved auditors and submitted to the planning authority for approval. Recommendations arising from the Audit shall be agreed with the planning authority, and implemented, as appropriate.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

13. All electrical and telecommunications services shall be laid underground and details in regard to these shall be agreed with the relevant service providers prior to construction. All services within the proposed development shall be laid with a minimum cover of 600 millimetres and laid under the footway construction. 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.

14. The proposed development shall fully comply with the requirements of Part V of Planning and Development Act 2000 (as amended). Precise details shall be submitted to, and agreed in writing with, the planning authority and housing authority prior to commencement of development.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

15. (a) Prior to the commencement of 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 housing unit) pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers, that is, those not being a corporate entity and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing including cost rental housing.

(c) The determination of the planning authority as required in (b) be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the verified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been in respect of each housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class description in order to ensure an adequate choice of housing, including affordable housing, in the common good.

16. 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.

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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

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

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.



Marie O'Connor  
Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.

Dated this 30<sup>th</sup> day of January 2026.