



An
Bord
Pleanála

Inspector's Report

ABP-312726-22

Development	Construction of 99 detached houses, a single storey creche and new estate entrance
Location	Ballycarroll and Tierhogar, Killenard, Portarlinton, Co. Laois.
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	21467
Applicant(s)	Matt Colgan
Type of Application	Permission.
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant(s)	a) Siobhan Kavanagh and Thomas Fallon b) Patrick and Elisabeth Costello c) Michael and Mary McCormack d) Bernard McCormack
Observer(s)	1. John Duffy 2. Bernie Quigley 3. Bernie Keane 4. Jack Donnelly

5. Niamh Costello
6. Aoife Costello
7. Margaret McGuirk

Date of Site Inspection

28th of March 2022

28th of November 2022

Inspector

Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located in a village called Killenard in Co. Laois. The village is located to the west off the M7 beyond the Monasterevin Intersection (Junction 14) and to the east of Portarlinton town, Co. Laois.
- 1.2. The subject site is 6.7ha (16.5acres) and is located on the east side of the village, south of 11No. existing bungalows. It is greenfield in nature and it slopes upwards from north to south. According to the appeal file there is a level difference of 20metres from the highest point in the south-west corner to the lowest point in the east end.
- 1.3. The site boundaries are defined by a hedgerow.
- 1.4. The site includes a derelict farm building (180sq.m.) at the entrance from the village road, with a row of poplar trees between the shed and the nearest dwelling along the village road. The site is bordered by low density housing. To the north of the site alongside the shed there is a cul de sac road serving 11No. dwellings located along the northern boundary of the site. The site and the 11No. dwellings are separated by a raised mound with mature trees and shrubbery.
- 1.5. A small portion of the site borders onto Ballycarroll Road to the east (L7172). There are large detached two storey dwellings backing onto the site along the Ballycarroll Road. Ballycarroll Road is narrow and unwinding. At the point of access to the site there is a sharp bend in the road.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of 99No. dwellings:-
 - (i) 49No. two storeys five bedroom houses;
 - (ii) 28No. two storeys four bedroom houses;
 - (iii) 9No. two storeys 3 bedroom houses
 - (iv) 4No. dormer four bedroom houses
 - (v) 9No. single storey two bedroom houses

With a single storey creche, a new estate entrance off an existing road on the east side of Killenard Road, a pedestrian link to Ballycarroll, the demolition and removal of the derelict farm building on the site, all ancillary site works with a foul drainage piped outfall through adjacent agricultural lands to the north and piped storm water outfall through agricultural lands to the north.

- 2.2 The application documentation includes a letter from Housing Section of Laois Co. Co. confirming that 9No. units will be allocated to Part V of the Planning and Development Act obligations. The houses type will be House type 2 and House type 12.

3.0 Planning Authority Decision

3.1. Decision

Laois County Council decided to grant planning permission for the proposed development on 26th of January 2022. There were 27No. conditions attached which are standard planning conditions associated with residential estates.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- (i) The land was zoned Residential 2 in the Laois County Development Plan 2017 (now Expired) The land is also partially zoned for Community, Educational and Institutional. A retirement home was recently permitted in the village, and there is a large hotel and gold club in the village with a number of existing commercial units vacant in the village. Therefore, housing on lands zoned Community Educational and Institutional is considered acceptable.
- (ii) The site is 6.7ha with an unusual configuration there is a significant difference in level from east to west across the site. There is no undue overlooking or overshadowing occurring throughout the layout given the adequacy of separation distances.
- (iii) Phasing arrangements required.
- (iv) Justification for the housing mix required.

- (v) The storage space within some of the houses does not comply with Guidelines
- (vi) The density equates to 15No. dwellings/ hectare which is consistent with the pattern of development in the area and efficient use of the lands.
- (vii) 18.5% of the site area is devoted to public open space
- (viii) Boundary treatments to be agreed.
- (ix) Applicant required to verify school placings

Upgrading of wastewater system required, and the applicant should contact Irish Water

Further Information was requested on 24th of August 2021 and Clarification requested on 3rd of December 2021.

The applicant replied on 9th of November 2021 and 22nd of December 2021.

The Responses were assessed as follows:

- The letter from the local primary and secondary schools indicates there is capacity within the schools to cater for the additional population.
 - There are 5No. phases as per Drawing PH01. Creche should be developed during Phase2.
 - Housing mix is acceptable and justified.
 - 42.4% 5 Bedroom units
 - 27.3% 4 Bedroom units
 - 21.3% 3 Bedroom units
 - 9.1% 2 bedroom units
 - The applicant has to consult with Irish Water for an upgrade to the watermain, and a project service agreement to contribute to the sewerage system.
 - Roads Design and Traffic Impact Assessment issues are acceptable
- Permission recommended in report dated 25/01/2022.

3.2.2. **Other Technical Reports**

Roads Design : It is noted the proposal includes for a new entrance onto an existing cul-de sac that includes 11No. existing dwellings. There are concerns regarding the existing width and volume of traffic at the entrance. A Traffic Impact Assessment should be carried out. A Stage 1 and Stage 2 Road safety Audit is required. Traffic calming measures are required and detailed footpath and pedestrian crossing points. A Walking and cyclin audit is required. A construction management plan is required. There shall be 10% electrical charging points. The turning areas at the creche need to be clearly identified.

Further report dated 24th of January 2022 stated the Roads Design have no objection to the proposed development subject to 11No. conditions.

Irish Water (03/12/2021) : No objection in principle to the proposed development. An upgrade of the water pipe is required approximately 15m of a new 150mm ID pipe. The sewage will flow by gravity to the nearest WWPS near Duke Street Bridge.

3.3. **Prescribed Bodies**

Inland Fisheries : No objections subject to conditions relating to surface water management plan, and to incorporate SUDS.

Department of Housing, Local Government and Heritage: An archaeological assessment is required over the entire site to assess the potential impact if any, on archaeological remains in the area.

3.4. **Third Party Observations**

There were a number of objections from existing residents in the area who expressed the following concerns about the proposed development:

- The Killenard Sustainable Community Plan 2018 has been recognised by Laois Co. Co. as an important community led plan. Section 6.4.2 states the County development Plan supports the Killenard Community Plan. The subject site is zone Strategic Reserve which is considered appropriate.

- The development equates to 200No. additional cars into the village with poor road infrastructure.
- A high percentage of the village residents commute from Dublin daily. Evening traffic off the M& at Junction 14 is hazardous. The proposed development would increase danger along the road roads. The existing road network cannot accommodate the level of traffic associated with a hundred dwellings and a creche. There are no footpaths or public lighting form the site to the GGA grounds.
- The water supply for Killenard is from a borehole and the water treatment plant requires an upgrade.
- The outfall for the surface water drainage requires a wayleave through third party lands
- The wayleave for the foul sewerage relies upon third party lands.
- Killenard does not have a wastewater treatment plant. Foul sewage via a rising main wastewater treatment works from the Heritage Hotel, housing at Killenard and Ballybrittas is pumped via and existing rising main to a wastewater treatment works in Portarlington. The pumping station at Killenard may require upgrading. There have been problems reported with incidences of overflowing occurring.
- The proposal will put pressure on local national and secondary schools
- The site is elevated behind a number of existing dwellings and surface runoff will impact negatively onto existing rear gardens and residential properties.
- The pedestrian access onto Ballycarroll exits at a bend on the road, where there are no footpaths or public lighting.
- The proposal is out of character with the existing village.
- The development will detract form the amenities, safety and green area associated with 11No. dwellings that have existed with the current layout for over forty years.
- A large retirement development and a residential estate have been recently granted planning permission in the village.

- There has been no adherence to the Killenard Community Plan.
- Landscape and boundary treatment

4.0 Planning History

4.1 ***Planning Reference 07/288/ ABP PL11.225567***

Planning permission was granted on the subject site to Mr. Liam McMahon, to erect 50No. residential units, including 6No. 5-bedroom units, 7No. 3-bedroom units, 16No. 4-bedroomed detached units, 18No. 4-bedroomed two storey semi-detached units, and 3No. 3-bedroom two storey detached units, Tennis courts with public carparking space, new site entrance, perimeter boundary treatment with additional landscaping and all other ancillary works.

This permission was subsequently extended under planning references 13/185.

4.2 ***Planning Reference 07/286/ ABP PL11.225563***

Planning permission granted to Liam McMahon to erect a retirement complex comprising of a 40No. bedroom nursing home with 18 semi-detached self-contained retirement units, 10bedroom guest house, associated landscaping and boundary treatment.

This permission was subsequently extended under planning references 13/186.

4.3 ***Planning Reference 08/1421***

Planning permission refused to Liam McMahon to construct 11No. detached dwellings and all associated works.

5.0 Policy Context

5.1 National Policy

5.1.1 **Housing for All- a New Housing Plan for Ireland 2021**

Ireland needs on average 33,000 new homes per year between 2021 and 2030.

This will be provided through new housing, addressing vacancy, social housing and increased affordability.

5.1.2 The **National Planning Framework** (2018) is a strategy to shape the growth and development of Ireland to the year 2040. The National Planning Framework is based on a projection of 5.7million people by 2040. The benchmark provides for one million additional people, 660000 additional jobs and 550000 new homes by 2040 (25,000 new homes each year). It sets out ten National Strategic Outcomes (NSO's) which underpin the overarching vision for the country and serve as shared goals and contains a range of National Policy Objectives providing a wider context for targeting future growth across the country. The NPF includes specific targets related to securing compact and sustainable growth in Ireland's towns and cities, recognising that the physical format of urban development in Ireland is one of our greatest national development challenges.

The NPF seeks to focus growth on cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

National Strategic Outcome 1 Compact Growth

From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages and ensuring that, when it comes to choosing a home, there are viable attractive alternatives available to people.

National Policy Objective 3A

To deliver at least 40% of all new homes nationally within a built-up footprint of existing urban settlements.

Objective 3C-

Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints³.

National Policy Objective 11

In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy 35

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

The National Planning Framework recommends a move away from Low density housing in order to avoid urban sprawl, with an emphasis on smaller house sizes to reflect the average household size of 2.75 persons.

Table 2.1: Transitional Regional and County Population Projections to 2031 for the Eastern and Midland Regional Assembly.

Regions and Counties	2016	2026	2031
MIDLANDS			
Westmeath	89,000	96,500-98,500	100,000-102,500
Laois	84,500	92,500-94,000	95,500-97,500
Offaly	78,000	85,000-86,500	88,000-90,000
Longford	41,000	44,500-45,500	46,000-47,000
Subtotal	292,500	318,500-324,500	329,500-337,000

Source: Extract from NPF Implementation Roadmap, p13

5.1.4 Sustainable Urban Residential Development in Urban Areas Guidelines 2009

Section 6.3 states the prioritization of development that either re-uses brown-field development land such as central area sites and backlands or through the development of acceptable greenfield sites at suitable locations within the immediate environs of the small town or village concerned.

5.1.5 Ministerial Guidelines and Circulars

5.1.6 Circular Letter: NRUP 02/2021- Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)-

The NPF also acknowledges that there is a need for more proportionate and tailored approaches to residential development. This means that it is necessary to adapt the scale, design and layout of housing in towns and villages, to ensure that suburban or high density urban approaches are not applied uniformly and that development responds appropriately to the character, scale and setting of the town or village.

5.1.7 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009)-

These guidelines provide high-level policy aims to be translated into specific planning / design policy and objectives to be applied at different scales of residential development including districts or neighbourhoods within large urban centres.

5.1.8 **Development Management Guidelines for Planning Authorities June, 2007**

5.1.9 **Transport Infrastructure Ireland's 'Traffic and Transport Assessment Guidelines May 2014'**

Section 1.3- Traffic and Transport Assessment

"A Traffic and Transport Assessment is a comprehensive review of all the potential transport impacts of a proposed development or re-development, with an agreed plan to mitigate any adverse consequences.

All new developments will generate trips on the existing transport network, either by car, commercial vehicle, cycling, walking or public transport. In cases where a proposed development is of a size or type that would generate significant additional trips on adjoining transport infrastructure, this additional demand may necessitate changes to the road layout or public transport service."

Table 2.3 Sub-threshold Criteria for Traffic and Transport Assessment

5.1.10 **Design Manual for Urban Roads and Streets**

The movement function of a street is generally described using a classification system, such as a street hierarchy.

Figure 3.3 Local Streets- *These are the streets that provide access within communities and to Arterial and Link streets.*

Section 4.4.1 Carriageway Widths-

Research from the UK has found that narrow carriageways are one of the most effective design measures that calm traffic.

The standard carriageway width on Local streets should be between 5 - 5.5m (i.e. with lane widths of 2.5-2.75m).

When carrying out upgrades, or traffic calming works on existing streets, the first priority of authorities should be to narrow existing carriageways where they exceed those standards listed above. This will not only calm traffic, but will free up additional

space within the street reserve to widen footpaths, insert cycle lane/tracks, provide bus lanes, street trees and on-street parking (all of which will further contribute to traffic calming).

5.2 Regional Policy

Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland region came into force in June 2019, superseding the Regional Planning Guidelines for the Midland Region. The RSES is a high-level plan that seeks to support the implementation of the NPF by providing a strategic planning and economic framework for the region's sustainable growth and development. It echoes the NPF in emphasising sustainable development patterns and seeks to focus growth within the footprint of existing urban areas and in key regional growth settlements.

The RSES also sets out a settlement hierarchy for the Region and identifies key growth areas which will see significant development up to 2031.

Regional Strategic Outcome

Promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice of the Regions citizens.

5.3 Local Policy

The relevant development plan and local planning policy is outlined in the current **Laois County Development Plan 2021-2027**.

The *Settlement Hierarchy* for Laois is outlined in Table 2.4 with Portlaoise and Graiguecullen designated as the Key Towns. Killenard is identified as a Village > 500, with a stated population of 671.

Section 2.10.5 Villages and Rural Areas

The structure of rural villages in Laois can be categorized as follows :

a) Villages >500 population (depending on assets available / function within the county)

b) Villages < 500 population

c) Rural settlements

Villages such as Borris in Ossory, Ballyroan, Clonaslee and Killenard have an important role to play in performing local residential, retailing, social and leisure functions and providing appropriate local services to a wider rural hinterland. They have attractive streetscapes, physical settings and heritage buildings that present a strong visual character. These villages provide opportunities for future expansion/provision of services such as community centres, local shop, pub, petrol outlet and have the potential to attract a population seeking live in a rural environment.

Development growth should be low density, relative to the scale of the settlement, located as near as is practicable to the core area. Due to their existing and envisaged size, their general structure as small country settlements, their range of housing requirements and their semi urban character, their plans include statutory zoning of particular land for particular purposes.

Rural Areas Policy Objectives	
CS 30	Support housing at an appropriate scale and repopulation taking place within villages in a consolidated, sustainable and sequential manner, priority will be given to refurbishment of existing houses or appropriate replacement to current building standards within the existing footprint;
CS 31	Promote the provision of serviced sites in line with investment opportunities by Irish Water in order to attract people to build their own homes and live in villages
CS 32	Facilitate the expansion of villages and small towns to provide for employment, retail and social opportunities at an appropriate scale subject to normal planning requirements;
CS 33	Support the servicing of rural villages (serviced sites) to provide an alternative to one-off housing in the countryside, in line with RSES Objective RPO 4.78.
CS 34	Within the designated development limits of the rural villages in Volume 2, development will be permitted where it involves infilling, conversion, single site housing development, or the use of derelict or underused land or premises, subject to siting, design, protection of residential amenities and normal development management criteria.

Childcare Facilities Policy Objectives

CCPO 1 Encourage, promote and facilitate the provision of childcare facilities in accordance with national policy and the Department of the Environment, Heritage and Local Government Planning Guidelines on Childcare Facilities: Guidelines for

Planning Authorities (DoEHLG, 2001) and any other relevant statutory guidelines which may issue during the period of this Plan.

Table 10.3 : 2 parking spaces/ dwelling.

10.2.2 FLOODING RISK MANAGEMENT The Office of Public Works (OPW) is the lead State body responsible for the coordination and implementation of Government policy on the management of flood risk in Ireland. The EU Floods Directive and the National Flood Policy Review Report (2004) set the parameters for flood management in Ireland. The National Catchment Flood Risk Management Programme (CFRAM) commenced in 2011 and is the principal response to EU Flood Directive on the assessment and management of flood risk. The Planning System and Flood Risk Management Guidelines for Planning Authorities, DECLG and OPW (2009) addresses flood risk management within the planning system and requires all County Development Plans and Local Area Plans to be in accordance with these guidelines.

Map 10.3 indicates flood zones A and B in County Laois. Killenard is NOT located within a Flood Risk Area.

13.3.1 RESIDENTIAL DEVELOPMENT LAYOUT CONSIDERATIONS

13.3.3 DESIGN AND GREENFIELD URBAN DEVELOPMENT

Settlement Strategy

6.4 KILLENARD

Population	2016 Census 2011 Census % Increase/Decrease	671 622 8%
Housing Stock	2016 Census Vacancy	249 28
Infrastructure	Water Waste Water Servicing Road Network Broadband	Borehole and Water Treatment Plant in Lough Waste Water Treatment Works in Portarlinton Local Primary Road Serviced
Social Infrastructure	Schools Church Sporting Facilities Other	Killenard National School St John's catholic Church O Dempsey's GAA Public House, hotel, Mount St Anne's Retreat
Environment	Conservation Flooding	River Barrow/Nore SAC 2km north NA
Cultural Heritage	Protected Structures Monuments	2 Protected Structures 2 National Monuments
Sustainable Transport	Public Transport	Laois Link

6.4.1 CHARACTER AND CONTEXT

Killenard Village is located in northeast Laois in close proximity to the Kildare border, approximately 2.5 km from the former N7 Dublin to Portlaoise Road, 4 km from the M7 and 3 km from the town of Portarlinton to the northwest. The village has experienced substantial residential growth during the Celtic Tiger year, owing to the development of The Heritage Hotel and Golf Course. The village development envelope stretches from Mount Saint Anne's crossroads to the railway bridge in the North. The historic village core is defined by the Catholic Church, community centre, and the national school buildings where there are good pedestrian linkages between residential areas and social infrastructure. Groups of mature trees on the approach road from Mount St Anne's into the village contribute to the character of the settlement.

6.4.2 DEVELOPMENT AND REGENERATION STRATEGY

6.4.2.1 Village Centre Renewal and Residential Development The population of Killenard has grown by 8% over the last census period which represents a higher than average rate of growth in comparison to other villages in the north of the County. Killenard is identified as a rural village within the settlement hierarchy and as

such only organic residential development shall be accommodated within the lifetime of the Plan. In terms of regeneration, the village core does not have a significant level of vacancy, where only one commercial unit has been identified as vacant. There are no extant planning permissions for housing developments within the village.

6.4.2.2 Economic Development

Killenard is identified as a fifth-tier retail centre in the County Retail Hierarchy. It has a limited range of services only including a pub and restaurant. The village would benefit from a greater range and variety of such facilities for the wider community which could be accommodated within the vacant units to the front of the Hotel complex. 54 In terms of tourism potential, the Heritage Hotel, Spa and Gold Club is the main amenity in the village and draws visitors from around the Country.

6.4.2.3 Social and Community Infrastructure

In terms of social infrastructure, the village has a primary school, Catholic Church and a community centre that has a multifunctional communal, educational and recreational role. Developed areas of public open space are currently lacking in Killenard. A substantial area of land is zoned for open space at Mount Saint Anne's. GAA playing fields are located to the south of the village. There is an extensive leisure resource based at The Heritage Golf and Country Club including a championship and par 3 golf course, international bowls arena, leisure centre, health spa and private walking track. A Sustainable Community Plan has also been prepared by the community for the village and identified, inter alia, the following objectives.

It is an objective of this Plan to support the Killenard Sustainable Community Plan.

- Strengthen connectivity from the community centre to the GAA Club
- Improve public realm • Improve commercial offering in the village
- Upgrade the community centre and memorial garden
- Improvements at Mount Henry Cross Roads.

6.4.2.4 Physical Infrastructure

The source of water supply for Killenard is from a borehole and a water treatment plant in Lough which is at capacity and requires upgrade. Effluent from Killenard is pumped, via a rising main, to the wastewater treatment works in Portarlinton and has an additional capacity for 2495 PE.

WRITTEN OBJECTIVES

Character and Built Form

KD 2 Retain a modest building scale along the main thoroughfare of Killenard;

KD 3 Housing developments shall be of a density compatible with the prevailing density of the village, higher densities may be considered within the village centre;

Economic and Community Development

KD 7 Encourage the enhancement of community services and the more active use of the community centre including the potential for the interchanging of crèche and other community services;

KD 8 Support insofar as practicable the objectives of the Killenard Sustainable Community Plan.

Maps 6.4 (A) and Map 6.4(B) are both Killenard)

The subject site is covered by two Zoning Objectives:

1. Strategic Reserve 2027-2031
2. Community- Educational-Institutional

The site is within the designated Village Development Boundary. It is outside of the CSO Settlement boundary.

Strategic Reserve

To provide lands for future development in line with national and regional targets over the next Plan period 2021-2027

Regarding lands included in the Strategic Reserve land bank, it is important to highlight that the inclusion of such lands will not in any way infer a prior commitment on the part of Laois County Council regarding their future zoning during the review of the subsequent development plan for the plan period 2027-2033. Such a decision will be considered within the framework of national and regional population targets

applicable at that time and the proper planning and sustainable development of the County.

Community, Educational, Institutional

To protect and provide for local neighbourhood, community, ecclesiastical, recreational and educational facilities.

The purpose of this zoning is to protect and improve existing community, educational and institutional facilities and to safeguard their future provision. The land use will provide for local civic, religious, community, educational and other facilities ancillary to neighbourhood uses and services.

There are Site Specific Objective at the entrance to the proposed development ‘*Improve Junction Layout*’ and ‘*Provide or Improve Footpaths and Public Lighting*’.

5.1. Natural Heritage Designations

The nearest Natura 2000 site is the River Barrow and River Nore SAC which is 3km west and 2.1km north of the subject site.

5.2. EIA Screening

An Environmental Impact Assessment Screening report has not been submitted with the application.

6.7.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The number of units proposed is well below the threshold of 500 dwelling units. The site is not located within a ‘business district’ but is within the ‘built up area’ as defined

by the Regulations. In this regard the site has a stated area of 6.7 ha and I am satisfied the development is well below the applicable threshold of 10 ha

The development proposes connecting to the public water and drainage services of Irish Water and Laois County Council. In this context I am satisfied that the proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the general area. It would not give rise to a risk of major accidents or risks to human health.

The site is not directly connected to a European Site. I also note wastewater will be treated and discharged from the Public Sewer under the control of Irish Water and the EPA licensing regime.

I consider that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that upon 'Preliminary Examination', an 'Environmental Impact Assessment Report' for the proposed development is not necessary in this instance.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 *Bernard McCormack, 11 Killenard, Portarlinton, Co. Laois.*

- There are serious concerns regarding flooding and wastewater runoff from the proposed development because the existing drainage in the area is poor.
- The scale of the proposed development is too large for the area especially with regard to another local development having obtained planning permission.
- The 11No. dwellings adjacent to the proposed development have no access to the local sewerage system and yet the current proposal is for 99No. dwellings and a creche.
- The exit from the proposed development is onto the existing minor road for their estate which was built in the 1980s to service 11No. dwellings only. The grass area to the front of the dwellings has been maintained by the residents

for over 40 years and now they are is to be removed for access to the new development. It is accessing onto the Killenard Road directly opposite and exit for another permitted residential scheme (planning reference 17147). The additional volume of traffic (at least 200 cars) will significantly increase the volume of traffic on the surrounding county road network, including traffic onto Duke Street bridge. This will further endanger public safety by reason of a traffic hazard and obstruction of road users. All roads into Killenard are minor roads with bad bends.

- Water pressure in the area may be impacted upon.

6.1.2 ***Patrick and Elizabeth Costello, No. 5 Killenard, Portarlinton, Co. Laois.***

- There is concern regarding the removal of the green area adjacent to their house which they have maintained for 40 Years. It is also a play area currently used by their grandchildren.
- There are traffic safety issues if the green area is removed.
- The developer looked for access to his site but he did not indicate he would be removing the green area to gain access.
- There was no consultation from the applicant or the planning authority.
- There will be a walking track provided but there will be €120 annual fee to access the walking track.
- Killenard is already overpopulated with houses.
- A copy of their original objection to the planning application highlighted the following concerns:
 - *The proposed development and entrance to the scheme will impose on 01-11 Killenard. The entrance is part of their green area. The developer failed to state part of their green area is to be removed as part of the overall plans. The Draft Laois County Development Plan 2021-2027 calls the land ‘ Strategic Reserve’ and not ‘Residential’.*
 - *Road Safety: Killenard is a rural village via Duke St. Bridge and Mount Henry crossroads are already precarious with farm machinery and school traffic. The additional traffic from the development would cause a massive traffic*

safety issue for all road users. At Ballycarroll a cycle/ footpath would be irresponsible given the narrow width of the road. No footpath from the village centre to O'Dempseys GAA and from Mount Henry to the school ground makes it unsafe for pedestrians. Construction traffic would also cause a traffic hazard.

- School : There is limited space and a lack of green area at the Primary School, with no room for further expansion. There is huge congestion and parking problems at the school
- Facilities: There is no ATM or grocery shop in Killenard.
- Current planning Permission: A large retirement complex has been granted planning permission in the village.
- Water and Sewerage: The wastewater services are currently inadequate. The 11No. dwellings in the estate have their own individual sewage tanks and they have not been approached to add them to the mains. There have been incidents of sewerage overflowing into the private gardens of houses at Ballycarroll. There are outstanding ownership issues associated with the sewage treatment plant. The water treatment at the Lough is at capacity and requires upgrading.
- Environment and protection: The lack of infrastructure will not promote walking. The infrastructure does not consider those with special needs or disabilities.
- Killenard Sustainable Community Plan: The aim of the plan is to ensure that future development contributes positively to the future of the village. The proposal will not enhance the village.

6.1.3 **Michael and Mary McCormack, Ballycarroll, Portarlinton, Co. Laois**

- The letter of objection is attached and was not fully considered by Laois Co. Co.

- They have serious concerns regrading flooding (photos from their property on 19/02/22 attached) and wastewater from the proposed development, the existing drainage in the area is poor.
- The proposed exit onto Ballycarroll Road is dangerous. The existing road has no pathways or public lighting and the proposed access is located on a dangerous corner.
- The scale of the development is too large for the area.
- The existing road infrastructure is not suitable for additional traffic especially Duke Street Bridge which crosses the railway and cannot be upgraded.
- The original hedge to the rear of their house was removed without permission and a complete re-instatement of the hedge is required for security reasons. There should be a wall between their property and the new development.

6.1.4 ***Siobhan Kavanagh and Thomas Fallon, Ballycarroll, Portarlinton, Co. Laois***

- There is a long planning history of refusals and grants of permissions associated with the subject site. These are listed in full.
- The Laois County Development Plan 2017-2023 SS1 requires that houses in excess of 10No. dwellings in small villages should prepare a school impact report, community facilities audit/ open space needs report. This has not been done by the developer. The school is landlocked and there is no space for expansion. The village school submitted it has capacity to cater for potential students, but this did not take into account other dwellings granted planning permission in the village. There is no concrete evidence to back up that the school has the capacity to provide for additional families.
- The proposal is too large in scale and not in keeping with the character of the village. The development would potentially increase the population of the village by 50%. There is a large nursing home granted planning permission in the village, (PI17/147) which will add to the unsustainable and exponential growth of the village. There is planning permission granted under 21643 for 79No. dwellings in the village which will put an unsustainable demand on infrastructure and the village facilities. The target growth for population in Laois is approximately 12% increase by 2026 and 18% by 2031. The rate of

growth proposed by the approved developments (17/147 and 21/643) and this current proposal far exceeds the average County target. The core strategy outlined in Table 2.15 of the county development plan indicates a 0% rise in Killenard's population.

- Policy KD3 is to retain a modest building scale along the main thoroughfare of Killenard. Some of the lands referred to a zoned strategic reserve and ALL other residential zoned land should be developed before these lands are granted planning permission. According to Myplan.ie – from the Department of Housing, Local Government and Heritage, a large portion of lands in question zoned S5 Mixed/ general community services uses. The proposed development is not in keeping with this zoning.
- The proposed development is NOT in accordance with the Housing Strategy for Co. Laois and Killenard. It conflicts with the Settlement Strategy.
- The proposed path to Ballycarroll is unacceptable because it is located on a very dangerous corner. The existing road is dangerous for residents' pedestrians and cyclists. There is no path or lighting. The road is narrow. There have been no safety issues taken into consideration with regard to this dangerous proposal. The walkway also poses a safety risk as it does not provide adequate surveillance and there will be potential for anti-social behaviour. It is contrary to section 13.3.1.3 of the development plan regarding safe walkways. The small country road does not have enough width for two cars to pass safely. The L7172 starts beside Duke Street Bridge and is incapable of further traffic.
- The minimum 12m back gardens have not been provided for all rear gardens.
- There is no boundary proposed to the rear of No.s 39-49, and an appropriate hedge/ wall is required. A concrete wall would be appropriate.
- The rear view from their dwelling will be onto a mass of concrete.
- The proposed foul water drainage outfall route is onto land not owned by the developer. This could cause long-term problems. There is not a natural fall from some of the houses (39-49) to the foul drain. Is a pump system

proposed ? Ballycarroll have been told they cannot get a connection to the foul sewer due to the lack of gravity flow.

- The surface water drain is going to a drain that already floods.
- The existing sewage treatment system is inadequate to service the village, and there are ongoing ownership issues relating to the plant. The proposal cannot be granted until this issue is resolved.
- There are existing problems with run-off from the field onto the neighbouring properties.
- There are more extensive traffic impact assessments required than what was submitted with the planning application. In particular the traffic on Duke's Street Bride and Mount Henry Cross will be exasperated.
- The proposed new entrance via the green area of an existing housing estate will undermine their residential amenities creating noise, light and general pollution and disturbance.
- The safety, beauty and tranquillity of Killenard will be significantly compromised by the proposed development.

6.2. Applicant Response

David Mulcahey Planning Consultants made a response to the 4No. appeals on behalf of the applicant, Mr. Matt Colgan.

6.2.1 There is no requirement under the current development plan for a School Impact Report, Community Facilities Audit/ Open Space Needs Report in excess of 10No. dwellings.

6.2.2 Schools: The Department of Education is responsible for the delivery of educational facilities and services. According to Sustainable Urban Residential Development in Urban Areas 2009, that planning applications in excess of 200+ units be accompanied by a report identifying demand for school places and capacity of schools to cater for such developments. The proposed development is less than half the threshold. The local primary school responded to the further information request stating there has been a decline in junior class numbers over recent years, and the

secondary school confirmed there is capacity in Portarlinton. It is estimated the proposed development will yield a population of 272 persons based on a household size national average of 2.75 persons. Therefore, the development will generate 21 No. primary places and 32 No. post primary places. Although there is another residential development permitted in Killenard yet to be developed, this is not a material concern. There are three additional primary schools in Portarlinton, one in EMO and a new secondary in Monasterevin, which is within a 30 minute cycle distance. There is a bus service too, run by Slieve Bloom coaches providing 3 buses a day from Killenard to Portarlinton.

6.2.3 Community Facilities: The development plan indicates all the community facilities in Killenard, which includes a national school, a church, a GAA facility, public house, hotel and a retreat. There is also a large golfing complex, beauty salon, walking track, par 3 course and a community centre. There are three vacant units in the village. This is not a typical village, there are a wide range of community services available to residents.

6.2.4 Open Space Needs: The proposed development includes a significant quantum of open space.

6.2.5 Scale: There is planning permission granted in the village for a nursing home and 79 dwellings. Neither have commenced to date. The permission for the nursing care centre expires on 21/05/2023. There is an urgent need to increase housing in established settlements. Under the government publication, Housing For All, 2021 it is estimated Ireland will need an average of 33,000 new homes between 2021 and 2030, and the most appropriate way to achieve this is to increase new housing supply.

Killenard is not a typical village, it has expanded considerably beyond the original village and includes a large hotel and golf complex with associated residential dwellings and facilities. The character of the village in its current guise must be taken into consideration in terms of being able to absorb a residential development of this scale which would not be suitable in a more typical traditional Irish village.

6.2.6 Strategic Reserve : It is accepted the zoning objective has changed on the western portion of the site to Strategic Reserve under the County Development Plan. The planning application was lodged in good faith under the previous development plan

following a positive pre-planning meeting. The planning authority encouraged the applicant to locate housing on all of the site as opposed to the portion zoned for Residential. The Board is urged to consider the overall landholding as one and that the eastern portion is unlikely to be developed on its own if the permission is not granted. It seems irrational to leave the site undeveloped for another 6 years with the need to deliver housing in established urban areas.

A dwelling is 'open for consideration' under the Community, Educational and Institutional zoning objective. There is a dedicated playground and a large area of public open space being provided as part of the development. The childcare facility is not located within the community zoning but it should be considered in round terms as an additional part of community infrastructure.

- 6.2.7 Housing Strategy and Settlement Strategy: According to section M2F11 of the plan the population projection set out in the Housing Strategy is an increased county population of 9,231 persons between 2011-2023. The appellant does not clarify which element of the Housing Strategy they proposal does not comply with. The Settlement Strategy states the village has a population greater than 400 persons. It is Council policy to direct population growth in keeping with the settlement strategy, to conserve and enhance villages, encourage community uses, promote densities relative to the scale of the settlement.
- 6.2.8 Pedestrian Path and Ballycarroll : Ballycarroll Road (L71721) is a lightly trafficked road to the east of the site. Owing to the bend in the road at the pedestrian access, cars are forced to travel slower and it acts as a natural traffic calming feature. There are no footpaths or public lighting along Ballycarroll Road but the provision of same is outside the control of the applicant. Ballycarroll Road is like a country lane and is suitable for walking during daylight hours. Roads Design section had no objection to the pedestrian access.
- 6.2.9 Boundary Treatment : There is a new 1,8metre wall proposed to the rear of dwellings 39-49 with new trees on the inside.
- 6.2.10 Foul sewer: Jason Redmond & Associates drainage drawing 18-114.100C indicates the proposed final outfall for foul drainage and water supply. A wayleave between the landowner and the applicant is in place for these services. Houses 39-49 are designed to be catered for by gravity flow, and the finished floor levels are

comfortably capable of being drained by gravity via the foul drainage, there is no pumping required. Drawing 18.114.120B. Irish Water has refused the appellants concerns regarding capacity issues. Laois Co. Co. has also accepted the ability of the sewage treatment system to accommodate the proposal. The proposed development is discharging into an existing Irish Water Sewer which is connected to an Irish Water pumping station which is connected to the Portarlinton Wastewater Treatment Plant, again under the control of Irish Water. The applicant will be required to enter into a connection agreement with Irish Water prior to connecting.

6.2.11 Stormwater: The stormwater is being drained via the existing drainage pathway. The site is not located in a flood zone. Appropriate SUDS measures have been proposed as part of the development and accepted by Laois Co. Co.

6.2.12 Traffic: Duke Street Bridge is a pinch point in Killenard in respect of traffic and Mount Henry Cross -roads causes similar issues. Duke Street Bridge also acts as a traffic calming point. It is reasonable to assume the proposed development may result in a reasonable delay at certain locations in the village, this is no justification to refute the entire development. There was a Traffic Impact Assessment prepared by the applicant which concluded the impact on the surrounding road network will be minimal.

The subject lands are zoned for development and it is inevitable that any development will result in an increase in traffic on the local road network.

6.2.13 Open Space removal from existing estate:

The further information submission detailed the extent of the land being referred to in the third-party objections and on appeal. There is a 12metre section of mature hedgerow and 2No. mature trees being removed to facilitate the entrance. The majority of the bank will remain in its current state, and it is only a small portion being removed to gain access to the lands.

6.2.14 Proposed Entrance:

The entrance at Killenard Hill is not suitable due to inability to achieve the required sightlines.

6.2.15 Conclusion:

The proposal represents a sustainable use of underutilised backland in an established urban settlement and fully accords with national, regional and local planning policy.

Accords with the zoning objective of development plan 2017 and should still be supported under the new Laois County Development Plan 2021-2027 on account of the urgent need for housing in established urban areas. It will not have a negative impact on residential amenity of dwelling owners in the vicinity. There is a significant demand for larger dwellings in the county and the proposal provides a viable alternative to one-off housing.

6.3. Planning Authority Response

The planning authority raised no new issues on appeal.

6.4. Observations

There were 7 No. observations received to the Board on appeal which raise mainly the same concerns and they will be summarised collectively in order to avoid undue repetition. They were submitted by:

- (i) Margaret McGuirk, 3 Killenard, Portarlinton, Co. Laois
- (ii) Aoife Costello, 1 Ballymorris Manor, Portarlinton, Co. Louth
- (iii) Niamh Costello, 8 Barrow View, Portarlinton
- (iv) Jack Donnelly, 2 Killenard, Portarlinton.
- (v) Bernie Keane, 4 Killenard, Portarlinton
- (vi) Bernie Quigley, 6 Killenard, Portarlinton
- (vii) John Duffy, 7 Killenard, Portarlinton

A summary of their concerns is as follows:

- The proposed development and entrance to the scheme will impose on 01-11 Killenard. The entrance is part of their green area. The developer failed to state part of their green area is to be removed as part of the overall plans.

The Draft Laois County Development Plan 2021-2027 calls the land 'Strategic Reserve' and not 'Residential'.

- Road Safety: Killenard is a rural village via Duke St. Bridge and Mount Henry crossroads are already precarious with farm machinery and school traffic. The additional traffic from the development would cause a massive traffic safety issue for all road users. At Ballycarroll a cycle/ footpath would be irresponsible given the narrow width of the road. No footpath from the village centre to O'Dempseys GAA and from Mount Henry to the school ground makes it unsafe for pedestrians. Construction traffic would also cause a traffic hazard.
- School : There is limited space and a lack of green area at the Primary School, with no room for further expansion. There is huge congestion and parking problems at the school
- Facilities: There is no ATM or grocery shop in Killenard. There is no grocery shop.
- Current planning Permission: A large retirement complex has been granted planning permission in the village.
- Water and Sewerage: The wastewater services are currently inadequate. The 11No. dwellings in the estate have their own individual sewage tanks and they have not been approached to add them to the mains. There have been incidents of sewerage overflowing into the private gardens of houses at Ballycarroll. There are outstanding ownership issues associated with the sewage treatment plant. The water treatment at the Lough is at capacity and requires upgrading.
- Environment and protection: The lack of infrastructure will not promote walking. The infrastructure does not consider those with special needs or disabilities.
- Killenard Sustainable Community Plan: The aim of the plan is to ensure that future development contributes positively to the future of the village. The proposal will not enhance the village.

- The proposed development could result in traffic and pedestrian safety issues at the school particular at start and finish times.
- The loss of the green area which has been a play area to the front of the 11No. houses will result in an unsafe area for small children

7.0 Assessment

7.1 I have examined the application details and all other documentation on file, including the appeals. I have inspected the site and have had regard to relevant local/regional/national policies and guidance. I consider the substantive issues;

- Compliance with National Planning Policy
- Compliance with Local Planning Policy
- Roads/ Traffic Issues
- Ballycarroll Road Pedestrian Access
- Flooding
- Amenities of the Area
- Overall Design
- Appropriate Assessment

7.2 Compliance with National Planning Policy

National Planning policy is an important issue relating to the current proposal because the Board recently decided on another residential development in Killenard village at The Heritage complex for 32No. dwellings under appeal reference **ABP-311888-21**. The Board refused the development on the grounds that the proposed density was considered to be too low, in addition to, it was an inappropriate form of development on lands connected to public services within the overarching national guidance set out in the National Planning Framework and Sustainable Residential Development in Urban Area Guidelines DOEHLG 2009, both of which seek to deliver consolidated development at suitable densities.

The current proposal equates to a density of 15No. dwellings per hectare, which is in line with the following National objective:

National Policy 35

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

The National Planning Framework recommends a move away from low density housing in order to avoid urban sprawl, with an emphasis on smaller house sizes to reflect the average household size of 2.75 persons. The proposed development includes a large proportion of large, detached houses, with a Housing mix of 42.4% 5 Bedroom units, 27.3% 4 Bedroom units, 21.3% 3 Bedroom units and 9.1% 2 bedroom units. It is my opinion, that despite the high volume of large detached units, this form of residential mix is in keeping with the general pattern of development in Killenard village, which mainly consists of residential estates of large detached dwellings. The proposal does provide a mix of units sizes with a creche proposed that will cater for a variety of family sizes and age types.

I conclude, the compact backland development of serviced lands within the Killenard village envelop is in keeping with the underlying principles of national planning policy. I accept, the proposed density of 15No. detached units per hectare (6No. houses per acre) is still low by national standards, however, I consider the density is compatible with the prevailing densities in the area and appropriate to the character of the residential developments in Killenard. This also complies with Objective KD3 of the Killenard Objectives of the development plan, '*Housing developments shall be of a density compatible with the prevailing density of the village, higher densities may be considered within the village centre.*'

7.3 Local Planning Policy

During the course of the planning application/ appeal period, a new county development plan for Laois was adopted and is now the current planning policy for the area. I refer to the relevant extracts from the Laois County Development Plan 2021-2027 in Section 5 of this report.

Under the Settlement Hierarchy in Table 2.4 Killenard is identified as a Village > 500 persons. These villages are recognised for providing opportunities for future expansion and population growth in the county. According to Objective CS 30

housing should be at an appropriate scale taking place in a consolidated, sustainable and sequential manner. The proposed site previously had the benefit of planning permission for a mixed residential development as outlined in the planning history section of this report (Section 4). The previous permission expired following an extension of the appropriate period to a further 5 years.

The Laois County Development Plan 2021-2027 includes a development strategy for Killenard and it states Killenard will only accommodate organic residential development within the lifetime of the Plan.

I refer to the Zoning Map for Killenard 6.4 (A). The following is important to note:

1. The zoning objection **Existing Residential (1)** outlines established residential areas in the village. There is a parcel of land within Killendar at The Heritage resort that is zoned as Established Residential and is currently undeveloped. However, there is road infrastructure in place to facilitate development on these lands therefore this might explain the zoning objective as Existing Residential.
2. There is another zoning objective **Residential 2; New Proposed Residential**. Although this zoning is included in the legend of Map 6.4(A) there are **NO** lands zoned in Killenard for New Proposed Residential. I consider this to be very unusual and conflicts with the underlying policies of the Plan to generate new housing in existing villages and on serviced lands.
3. There are two parcels of land zoned as **Strategic Reserve 2027-2031**. A large portion of the subject site is zoned Strategic Reserve. The same pocket of land was zoned as Residential in the previous Laois County Development Plan 2017-2021 and the previous Residential zoning was effective when the planning application was first submitted to the planning authority for consideration. Therefore the application was submitted in good faith for residential development. There is no explanation in the current development plan why the same lands (subject site) went from previously zoned Residential to Strategic Reserve.

According to the current development plan **Strategic Reserve** is *'To provide lands for future development in line with national and regional targets over the next Plan period of 2021-2027.'* As outlined above, the proposed development is the located

within the village envelop on serviced lands between the built-up area of the village with planning permission recently granted for a new residential estate located on the opposite side of the Killenard village road to the proposed development on lands which are zoned for *Community-Educational-Institutional*. Therefore, a precedent has been set by the planning authority to grant planning permission for residential developments on lands zoned for *Community-Educational-Institutional* uses in Killenard village. This still offers no explanation as to why there are no lands zoned as **Residential 2; New Proposed Residential** in the village.

In my opinion, the proposed development complies with national and regional policy to encourage appropriate development at higher densities within the built-up areas of settlements. The proposed development complies with the Strategic Reserve zoning objective in this regard, given that there is no provision in the Killenard village plan for new residential development having examined the zoning objectives.

The remainder of the site is zoned for **Community-Educational-Institutional**. This is the eastern portion of the site located close to the Ballycarroll Road. Residential is open to consideration under this zoning objective, and as stated there is a new residential estate on the opposite side of the Killenard village road permitted on lands zoned for Community use. The current proposal includes a creche, and although the creche is located on the western portion of the site, the facility is a community facility that will benefit the entire village.

On balance, the proposed development complies with the policies and objectives of the local development plan, it is consistent with previous and current planning decisions in the area, and it represents a sequential and sustainable form of residential development in the village. I do not consider the development contravenes the zoning objectives for the area.

7.4 **Roads/Traffic**

The general location of the proposed development of 99No. residential units and a creche is on a greenfield site to the north-east of Killenard village centre. The location is between L3171 Killenard Road corridor and the L7171 Ballycarroll Road corridor. Access is direct from the Killenard Road corridor. The existing east-west aligned cul de sac forms part of the subject site and currently serves 11 private dwellings. The proposal involves cutting into an existing raised grassed

embankment forming a boundary along the 11No. existing houses and the proposed dwellings are to be located at a higher level to the existing cul-de-sac carriageway. The appropriate level of visibility splays should be provided at the site access junction, and gradient thresholds should be in line with the Road Safety Audit to ensure safe gradients for pedestrians and wheelchair users. The principle of providing a site access junction on the existing street has previously been established in an earlier permitted scheme on the site that has expired. The internal street layout and the landscaped residential area comply with the DMURS design guidelines.

The use of the existing access provides the proposed development with an access that has adequate sightlines in both directions, footpaths and public lighting. The public open space been lost to the existing 11 No. dwellings in the cul de sac is not functional open space. There is a functional area to the west of the estate. The proposed embankment to be removed and levelled is located alongside a narrow strip of land which is overgrown by shrubs and trees. The functional open space area associated with the 11No. dwellings will remain in place.

According to the Traffic Impact Assessment submitted by the applicant, and a further Supplementary Traffic Impact Report as further information, the resulting increase in traffic flows generated by the proposed development will be material at three of the offsite junctions due to the low level of baseline traffic movements travelling along Killenard Road corridor during the weekday AM and PM peak hour movements. Each of the three junctions will operate well within capacity in the 2038 future design year scenario (15 years following completion of the development). The impact on the surrounding road network, as a result of the proposed development, will be minimal.

The relevant Road's Design Report dated 24th of January 2022 is noted. The applicant is required to liaise with said office prior to the commencement of the development. A condition has been attached to comply with the Road Design office requirements.

In terms of **carparking**, there are a total of 248 carparking spaces proposed which equates to 198No. spaces for the dwellings 30No. visitor carparking spaces, and

25No. spaces to service the creche facility. There will be 5No. EV spaces provided with an EV charge unit.

There will be 50No. bicycle parking spaces with bike shelters provided as part of the scheme.

7.5 The **Ballycarroll Road Pedestrian Access**

Road pedestrian access is a contentious issue for several third-party residents who consider the road and access unsafe. It is submitted by the third parties that the road is busy, narrow and unsafe for pedestrians because the access is onto a bend in the road. The Road Safety audit recommends a new small footpath immediately adjoining the Ballycarroll Road maintaining the carriageway width to allow two private cars to pass while maximising forward visibility between pedestrians and cyclists and approaching vehicles. Street lighting should extend to illuminate the footpath adjoining the Ballycarroll carriageway.

The pedestrian access forms part of the overall linear link going through the proposed estate, from Ballycarroll Road to the Killenard village road which is a commendable design feature of the scheme, encouraging linkages through the scheme to the wider area.

I accept the intention of the design is in line with DMURS and in principle is good concept. However, the third parties are correct in stating the Ballycarroll carriageway is narrow, barely 4metres in width at the point of exit onto the public road. The road hosts a high volume of one- off linear developments with no footpath or public lighting. The location of the access is between two acute bends in the road. In my opinion, the access would pose a danger to pedestrians coming out onto the road with poor visibility of pedestrians/ cyclists from on- coming traffic in both directions. The access is blind coming from the west along Ballycarroll Road. There is no layby or edge-of-road to accommodate pedestrians along the road or a footpath.

The proposed pedestrian access should be excluded from the scheme. In view of my reservations regarding potential safety issues associated with the access, I concur with the third-party concerns regarding the inappropriateness of a pedestrian access onto Ballycarroll Road at a point where there is poor horizontal alignment in the road to provide visibility and a lack of width to accommodate a footpath/ public lighting. I recommend a condition be attached to exclude the pedestrian access from

the scheme. Please refer to the photographs in the appendix of this report taken on site to support my concerns and recommendation.

7.5 Flooding

The development site is outside the confines of the critical Flood A and B zones as indicated by the Strategic Flood Risk Assessment. The Council has prepared a Strategic Flood Risk Assessment (Appendix 9 of the Laois County Development Plan) following which the county has been divided into two zones according to their risk of flooding and incompliance with latest CFRAM mapping. Map 10.3 indicates flood zones A and B in County Laois. Killenard is not located within a Flood Risk Area.

7.6 Amenities of the Area

The third parties, in particular the residents of the 11No. houses along the cul-se sac to the north of the proposed development have expressed concern over the loss of amenities, open space and safety issues relating to their estate which has been in place for over forty years. I inspected the cul se sac and I noted along the first section of the access road there is an embankment and mature planting located where the new access to the 99No. houses and creche is to be provided.

There was a similar access to the current proposal permitted under the previous planning permission associated with the landholding. The open space area in question, is not a useable or functional or safe public open space area due to its narrowness, proximity to the access road, elevated nature and extensive planting. I did note a functional open space area at the end of the cul-de-sac at the eastern extremity of the access road. This area is not affected by the proposed scheme. Therefore, I do not consider the proposed access will undermine the open space amenities associated with the existing houses.

There is a bus stop adjacent to the entrance to the site. There are footpaths both sides of the road along Killenard Road. There is a pedestrian crossing just to the south of the site entrance along Killenard Road.

The village includes the Heritage Golf Resort and Hotel which is within walking distance of the site.

There is no requirement under the current development plan for a School Impact Report, Community Facilities Audit/ Open Space Needs Report in excess of 10No. dwellings. The relevant schools have submitted letters supporting the planning application and indicating there is capacity within the schools both primary and post primary to cater for the development.

7.7 Overall Design

The 6.7heactare (16.5acres) site is located halfway between the railway line to the north and the centre of Killenard village to the south. There are two access points to the site, one from the village road to the west of the site and the other from Ballycarroll Road to the east. There is a signifigant fall from the highest point in the southwest corner to the lowest point in the east end.

- The proposal includes 18% public open space, this exceeds the requirement of 10% of the gross site area. The open space is arranged in two formal squares and a large linear green area. This linear area is to create a safe connection between the estate the village area.
- The creche is located close to the village road with a green space area.
- All houses have carparking within their individual curtilages. There is 22metre between separation distance between opposing windows. The private rear garden areas meet with residential standards.
- The impact on existing contiguous properties has been given consideration in the planning application documentation, Planning Report (28th of June 2021). The impact on all neighbouring properties is considered in the design of the scheme. There is no undue loss of existing amenities associated with the scheme in terms of overlooking or overshadowing. Section drawings reveal existing and proposed ridge heights were taken into consideration during eth layout design.
- The house designs are contemporary with traditional pitched roofs. The houses are neutral coloured with grey aluminium windows, white rendered wall and selected brick.
- A Construction Traffic Management Plan accompanied the planning application.

- There is a bus stop adjacent to the entrance to the site. The village includes the Heritage Golf Resort and Hotel which is within walking distance of the site.
- The creche has a contemporary circular design and is positioned at the entrance to the estate with ample carparking and play areas.
- The overall layout includes one large loop road. There is a row of 9 No. two bedroom single storey detached units mirroring the existing 11 No. bungalows along the cul-de-sac. There is a high proportion of detached five bedroom units of various designs dispersed throughout the scheme, with a number of three and four bedroom units breaking up the bulk of the five bedroom units. There are three large pockets of open space, one of which is a playground, with a linear walkway from west to east through the site. As the pedestrian access onto Ballyconnell Road is to be conditioned out, the applicant will have to agree an alternative boundary treatment and use for this area to be agreed with the planning authority.

7.8 Other

- Killenard and the subject site are located in a landscape area characterised as *Lowland Agricultural Area*. The site is to the rear of dwellings located on the main thoroughfare through the village, and the proposed dwellings will not be clearly visible for the road. The development will be visible from Ballyconnell north of the village centre, however it will not be unduly prominent on the landscape.
- Jason Redmond & Associates drainage drawing 18-114.100C indicates the proposed final outfall for foul drainage and indicates the public water supply. A wayleave between the landowner and the applicant is in place for these services. Houses 39-49 are designed to be catered for by gravity flow, and the finished floor levels are comfortably capable of being drained by gravity via the foul drainage, there is no pumping required. Drawing 18.114.120B. I note from the letter from Irish Water, that it has refuted the third-party appellants concerns regarding capacity issues. Laois Co. Co. has also accepted the ability of the sewage treatment system to accommodate the proposal.

The proposed development is discharging into an existing Irish Water Sewer which is connected to an Irish Water pumping station which is connected to the Portarlinton Wastewater Treatment Plant, again under the control of Irish Water. The applicant will be required to enter into a connection agreement with Irish Water prior to connecting to the infrastructure.

In order to accommodate the proposed connection to the public watermain, there are upgrade works required to extend the length of the network by approximately 15metres of a new 150mm ID pipe. Irish Water currently has no plans to extend the network in this area, therefore the applicant will be required to carry out the network extension and it is expected these works will be within the public domain.

- Stormwater: The stormwater is being drained via the existing drainage pathway. The site is not located in a flood zone. Appropriate SUDS measures have been proposed as part of the development and accepted by Laois Co. Co. There are third party agreements to provide a wayleave to the sewerage system.

8.0 Appropriate Assessment

There are no Natura 2000 sites at or immediately adjacent to the subject site. River Nore and River Barrow SAC (Site 2162) is 3kms west and 2km north of the subject site. There is no hydrological link from the site to a European site. The proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any other European sites.

9.0 Recommendation

- 9.1. The recommendation is to grant planning permission for the proposed development subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the provisions of –

- the National Planning Framework and the Regional Spatial & Economic Strategy for the Eastern & Midland Region (RSES),
- Circular Letter: NRUP 02/2021,
- the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) Sustainable Residential Development in Urban Areas Guidelines (DEHLG, 2009) and the accompanying Urban Design Manual,
- the Planning System and Flood Risk Management Guidelines 2009 (DEHLG, 2009)
- the Design Manual for Urban Roads and Streets (DECLG, 2013)
- and the provisions of the Laois County Development Plan 2021 - 2027 including the section 6.4 of the Settlement Strategy relating to Killenard and Zoning Map 6.4 (a)

it is considered that, having regard to the general pattern and development in the area and the nature and scale of the proposed development, and subject to compliance with the conditions set out below, the proposed development, would constitute an acceptable quantum of development, housing mix, design, layout and appropriate density for the area, would be acceptable in terms of the residential and visual amenities of the area and would be acceptable in terms of traffic and road safety. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 30th of June 2021 and as amended, by the further plans and particulars submitted on the 9th of November 2021 and clarification of further information received on 22nd of December 2022 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 applicant shall submit to and agree in writing with the planning authority revised proposals to exclude the pedestrian access onto Ballyconnell Road and alternative boundary proposals and utilisation of the land on the eastern portion of the landholding designated as a pedestrian link to Ballyconnell Road via the proposed development.

Reason: In the interest of clarity.

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) A comprehensive scheme of landscaping, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall show –
 - i. Existing trees, hedgerows and features, 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
 - iv. Details of screen planting
 - v. Details of roadside/street planting
 - vi. Hard landscaping works, specifying surfacing materials and finished levels.
- (b) A timescale for implementation. The work shall be completed before any of the dwellings are made available for occupation

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 residential and visual amenity and in order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

5. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

6. 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.

7. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

8. 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.

Reason: In the interests of visual and residential amenity.

9. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 9th of November 2021. This work shall be completed before any of the dwellings are made available for occupation 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.

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 provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord 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 of the area.

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. All of 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

13. 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. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

14. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works and shall comply with all relevant aspects of DMURS.

Reason: In the interest of pedestrian and traffic safety.

15. Proposals for naming and numbering of the proposed 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.

16. Water supply and drainage arrangements, including the attenuation and disposal of surface water and the provision of appropriate Sustainable Urban Drainage Systems (SuDS) to each house, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

17. Prior to commencement of development the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management

19. 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 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.

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

18. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

19. Prior to the commencement of the development the developer shall liaise with and agree plans for, and provision of with the Roads Design Section of the planning authority the following items:

(a) public lighting at the main entrance and cul de sac;

(b) Entrance details off the cul de sac into the proposed development with appropriate level of visibility splays should be provided at the site access junction, and gradient thresholds should be in line with the Road Safety Audit to ensure safe gradients for pedestrians and wheelchair users;

(c) Upgrading of the existing cul de sac;

(d) Implementation of Road Safety Audit measures;

(e) Specifications for road surfaces, footpaths and carparking areas;

(f) Construction Stage Traffic Management Plan

Reason: In the interests of traffic safety.

20. 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 Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development

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 Bord 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.

Caryn Coogan
Planning Inspector

29th of November 2022