



An
Bord
Pleanála

Inspector's Addendum Report

ABP-313173-22

Development	Construction of 99 residential units and 1 creche.
Location	Rathevan, Portlaoise, Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	21496
Applicants	Thomas Kelly & Sons Group Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Tony Duncan and others Rosdarragh Ratheven Residents Group and others Dr Thomas H McDonagh – Dr John M D Browne
Observers	David Goggin & others
Inspector	Dolores McCague

Contents

1.0 Background to Addendum Report.....	3
2.0 Proposed Development	3
3.0 Board Correspondence	3
3.2. Planning Authority Response.	3
3.3. Responses to the Planning Authority Response.	4
3.4. Applicant Response.....	4
3.5. Appellant's Responses.	5
3.10. Observer's Response	6
4.0 Matters Arising	7
4.1. Zoning.....	7
4.2. EIA Screening	7
4.3. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities.....	7
5.0 Assessment.....	9
5.1. Principle of Development.....	9
5.2. Other Issues	9
6.0 Recommendation.....	12
7.0 Reasons and Considerations	12
8.0 Conditions	12

1.0 Background to Addendum Report

1.1.1. This addendum report is required, in response of the Board Direction of 19th October 2023, to:

- 1) provide address the response from the Planning Authority and any responses from the parties in relation to a Section 132 notice regarding the Ministerial Direction dated 28th September 2022 in respect of the Laois County Development Plan 2021-2027 and the current zoning provisions pertaining to the site, and
- 2) to carry out a screening determination assessment for EIA.

1.1.2. The site is given as 4.6ha.

2.0 Proposed Development

2.1.1. The proposed development, (per application lodged 9th July 2021), is the construction of a residential development with a gross floor area of 11,066 sq.m, comprising a total of 99 no. residential units and a crèche with a gross floor area of 178.70 sq.m.

3.0 Board Correspondence

3.1.1. The Board issued a section 132 notice requesting the planning authority (PA) to clarify the current zoning provisions pertaining to the site subject of this appeal having regard to the Ministerial Directive dated 28th September 2022; and circulated the PA's response to the other parties.

3.2. Planning Authority Response.

3.2.1. The planning authority in response to the section 132 notice have submitted a copy of map 2.2 – Portlaoise, which shows that the entire site is zoned residential 2 – New Proposed Residential.

3.3. Responses to the Planning Authority Response.

3.4. Applicant Response.

- 3.4.1. The response includes:
- 3.4.2. Clarifying that the residential zoning applies to the entirety of the appeal site and that this justifies approval of the entire development proposal as the first phase of the overall 262 residential unit masterplan.
- 3.4.3. The chronology of events is set out:
- 3.4.4. The planning application was lodged in July 2021 at which time the site was zoned R2 (CDP 2017-2023).
- 3.4.5. Following adoption of the Laois CDP 2021-2027 by elected members in January 2022, a draft Ministerial Direction was issued on 7th March 2022 requesting that part of the site (ref. 89 Portlaoise) should revert to Strategic Reserve as per the draft zoning maps.
- 3.4.6. Planning permission issued on 16th March 2022, in accordance with the draft Ministerial Direction, condition 2 required removal of 35 units from the scheme. The planner's report notes that the R2 zoning, at the time the application was lodged, extended across the entire development, and that the proposed development was fully acceptable in principle within such a zoning classification.
- 3.4.7. Following submissions by elected members to retain the original R2 zoning on the entire development site, a final Ministerial Direction was issued in September 2022 and the draft recommendation to rezone a portion of the development site to Strategic Reserve was omitted. The entire scheme of 99 no. residential units and a crèche should therefore be permitted.
- 3.4.8. The 99 unit scheme constitutes the first phase of a masterplan for an overall development of 262 residential units. This masterplan was previously lodged with ABP as SHD 307411 but was subsequently withdrawn for reasons unrelated to the zoning but due to a belated Irish Water drainage infrastructure capacity issue caused by surface water infiltration from an LCC controlled drainage network. Staged delivery of the masterplan, through a sequence of separate planning applications,

will allow time for the upgrade of Irish Water infrastructure, as discussed with Irish Water design engineers and LCC Planning officers at pre-application stage.

- 3.4.9. The proposed 99 unit phase will progress the early delivery of a bus corridor/pedestrian link, which will provide improved permeability and connectivity to the wider area, with passive surveillance and enhanced safety provided by houses overlooking this new link.
- 3.4.10. They refer to policy objective HPO1 of the 2021-2027 plan, in response to the County Laois Housing Strategy and Housing Need Assessment identifying an increase in one and two person households. It requires that single and two person households are provided for in new developments but does not state that this is to be through a particular unit size.
- 3.4.11. The applicant considers that 3 bedroom units would also meet the needs of smaller households due to the popularity of home working. A 3 bedroom unit would provide a main bedroom with two home office rooms; a main bedroom with home office and a spare bedroom; cohabiting household with two main bedrooms and a spare bedroom/home office.
- 3.4.12. The 99 unit scheme comprises 57% two and three bedroom units contributing to an overall masterplan provision of 80% 1/2/3 bedroom units; in excess of HPO1 requirements. The 35 units removed via condition no. 2 contributes towards the HPO1 requirements and Part V social housing, in zone 4.

3.5. **Appellant's Responses.**

- 3.6. Tony Duncan has responded.
- 3.6.1. The response includes: referring to a timeline for the preparation and adopting of the development and stating that the map legend states 'adopted 25/01/2022' which predates considerably both the draft and final Ministerial Directions. He states that it is not clear to him where in the direction the Minister accepts the recommendation of LCC Chief Executive to change the zoning status of the subject site. He requests clarity.
- 3.7. Dr Thomas H McDonagh has responded.

- 3.7.1. The response raises issues similar to those raised in the grounds of appeal submitted by Dr McDonagh.
- 3.8. Rossdarragh Ratheven Residents Association have responded.
- 3.8.1. The response includes:
- 3.8.2. They refer to the process which led to the Ministerial Direction. They question why they were invited to comment as they understood all decisions around the zoning had been completed. Expressing the opinion that the process has not been transparent, they have requested copies of the submissions from Councillors in the Borris in Ossary Mountmellick Municipal District to the OPR on the zoning and have submitted a Freedom of Information request in that regard and request the Board to seek this information.
- 3.8.3. They reiterate concerns expressed in their grounds of appeal.
- 3.9. Dr John Browne has responded.
- 3.9.1. The response includes issues similar to those raised in the grounds of appeal submitted by Dr Browne.
- 3.10. **Observer's Response**
- 3.11. David Goggin & others have responded.
- 3.11.1. The response includes:
- 3.11.2. They state that the zoning map shows the intention of the applicant to construct a distributor road adjoining the existing Borris Rd, through Redlough lake. This road was not stated in the original plans, which showed that the lake was to be enhanced by creating parkland around it. They have ownership of 1/3 of the lake and their land will be impacted by the lack of consultation on this matter.

4.0 Matters Arising

4.1. Zoning

- 4.1.1. From the responses received it is clear that the entire site is zoned residential 2 – New Proposed Residential.

4.2. EIA Screening

- 4.2.1. See EIA screening determination attached as Appendix 1.

4.3. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities

- 4.3.1. The guidelines issued 12 January 2024 set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements.
- 4.3.2. Portlaoise is defined as a Key Town
- 4.3.3. The densities should generally be within the ranges set out in Section 3.3 and can be refined further in accordance with the guidance set out in Section 3.4. It may be necessary and appropriate in some exceptional circumstances to permit densities that are above or below the ranges set out in Section 3.3. In such circumstances, the planning authority (or An Bord Pleanála) should clearly detail the reason(s) for the deviation in the relevant statutory development plan or as part of the decision-making process for a planning application, based on considerations relating to the proper planning and sustainable development of the area.
- 4.3.4. Density Ranges Key Towns and Large Towns (5,000+ population)

Key Town / Large Town - Suburban/Urban Extension Suburban areas are the low density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint area that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range

30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns.

- 4.3.5. SPPR 1 – refers to separation distances between opposing windows, generally reducing the required distances.
- 4.3.6. SPPR 2 - refers to minimum private open space standards for houses - minimum private open space standards: 1 bed house 20 sq.m, 2 bed house 30 sq.m, 3 bed house 40 sq.m, 4 bed + house 50 sq.m.
- 4.3.7. SPPR 3 - refers to minimising car parking. In intermediate and peripheral locations, the maximum rate of car parking provision, shall be 2 no. spaces per dwelling.
- 4.3.8. SPPR 4 - refers to cycle parking and storage. It is a specific planning policy requirement of these Guidelines that all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors. The following requirements for cycle parking and storage are recommended:
 - (i) Quantity – in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/ enlargement, etc. It will be important to make provision for a mix of bicycle parking types including larger/heavier cargo and electric bikes and for individual lockers.
 - (ii) Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage/compound or preferably locker facilities are provided.

5.0 Assessment

- 5.1.1. This assessment should be read in conjunction with the assessment in the Inspector's report. The section 'principle of development' supercedes that in the previous report. The section 'other issues' supplements that in the previous report. The section 'conditions' supercedes that in the previous report.

5.2. Principle of Development

- 5.2.1. The site is zoned residential 2.

Objective: To provide for new residential development, residential services and community facilities. Purpose: This zone is intended primarily for housing development but may include a range of other uses particularly those that have the potential to foster the development of new residential communities such as schools, crèches, small shops, doctor's surgeries, playing fields etc.

It is an objective on land zoned for residential 2 to promote development mainly for housing, associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area. Within this zoning category the improved quality of residential areas and the servicing of orderly development will be the Council's priority. New housing and infill developments should be of sensitive design, which are complementary to their surroundings. No piecemeal development can take place unless it does not conflict with the possible future development of the reserved development areas of the town. Adequate undeveloped lands have been zoned in the Plan for residential use to meet the requirements for both public and private house building over the Plan period.

- 5.2.2. The policy context allows for residential development on the entire site. The purpose of condition 2 of the planning authority's decision no longer applies.

- 5.2.3. The proposed development is acceptable in principal.

5.3. Other Issues

5.4. Road Line

- 5.4.1. There is an objection from the observer to what is stated as the intention of the applicant to construct a distributor road adjoining the existing Borris Rd, through Redlough lake; this was not stated in the original plans, which showed that the lake was to be enhanced by creating parkland around it.
- 5.4.2. The observer's reference is to the zoning map for Portlaoise, which is part of the Laois CDP 2021-2027, and which shows a road line crossing Red Lough.
- 5.4.3. This line is shown in the Portlaoise Local Area Plan 2018-2024.
- 5.4.4. Objectives listed in that plan include:
- TM P6: Reserve all lands for future relief roads free of development in conjunction with the requirements of the Roads Authority.
- TM P7: Complete the inner relief road system for Portlaoise including the links between the Timahoe Road and the Abbeyleix Road, the Dublin Road and the Borris Road, Rathleague and Meelick and the Stradbally and Dublin Road.
- 5.4.5. The line was also shown in the Portlaoise Local Area Plan 2012-2018.
- 5.4.6. An indicative off-site road shown in the application, but not as part of the proposed development, on drawing no PP001Rev-3. It is a short spur from a roundabout to the north running south in the direction of the site and doesn't correspond with the road line in the Development Plan/Local Area Plan.
- 5.4.7. While the proposed creche is not on the line of the road, as given in the Development Plan/Local Area Plan maps, it is not entirely clear from the proposed layout that this part of the site has been designed to correspond with the road line. This is another reason why the creche should be omitted from the proposed development.

5.5. New Guidelines

- 5.5.1. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities were issued in January of this year.
- 5.5.2. Density - Portlaoise is defined as a Key Town. With the exclusion of the spine road, the density is 30 units per hectare. The guidelines state that for a Key Town / Large Town - Suburban/Urban Extension, residential densities in the range 30 dwellings

per hectare (dph) to 50 dph (net) shall generally be applied, and that densities of up to 80 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations.

- 5.5.3. SPPR 2 refers to separation distances between opposing windows. The proposed development complies.
- 5.5.4. SPPR 2 sets out minimum private open space. Appendix 1 Schedule of Accommodation, which is attached to the Architectural Design Statement submitted to the planning authority as further information on 18th February 2022, shows that all units exceed minimum private open space standards for houses. (The apartments exceed minimum standards for apartments set out in the Guidelines - Sustainable Urban Housing: Design Standards for New Apartments).
- 5.5.5. SPPR 3 refers to minimising car parking. A maximum of 2 spaces per dwelling is acceptable. The proposed development complies.
- 5.5.6. SPPR 4 refers to the quantity and quality of cycle parking. The cycle parking schedule in table 4.11.3 of the Architectural Design Statement submitted to the planning authority as further information on 18th February 2022, refers to bicycle parking being provided to the development plan standards, e.g for apartments 2 spaces per 100 sq m and 1 visitor space per 2 units. Drawing no PP017 Rev-0 shows the bicycle racks proposed. SPPR 4 states as best practice, that either secure cycle cage/compound or preferably locker facilities should be provided and requires that provision be made for larger /heavier cargo and electric bikes. There is no reference in the proposed development to accommodating larger /heavier cargo and electric bikes or for the provision of secure cycle cage/compound or individual lockers. This can be addressed by condition.
- 5.5.7. Development Plan Adoption Process
- 5.5.8. Appellants have stated their concerns regarding the draft and final Ministerial Directives and their wish to have information provided to them by the OPR in this regard. The Board has no function in these matters.

6.0 Recommendation

- 6.1.1. In accordance with the foregoing I recommend that the proposed development be permitted, for the following reasons and considerations, in accordance with the following conditions.

7.0 Reasons and Considerations

- 7.1.1. The proposed residential development, in an area zoned for residential development, would not unduly impact on the residential amenities of existing residents, or unduly impact on traffic congestion, would be adequately provided with infrastructure and community services and would be in accordance with the proper planning and sustainable development of the area.

8.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the documents submitted 18th February 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed creche and associated parking and access, north of the access road, shall not be carried out, being unduly close to Red Lough.</p>

	Reason: In the interest of orderly development and to protect groundwater.
3.	<p>Mitigation measures set out in sections 3.3.3 and 3.3.4 of the Hydrogeological Report shall be implemented in full. In addition, prior to the commencement of development a robust construction phase Environmental Management Plan, including an outline for materials management, shall be submitted for the written agreement of the planning authority; and trenches for underground foul water pipework shall be sealed using low permeability materials e.g. low permeability clay.</p> <p>Reason: To prevent water pollution.</p>
4.	<p>Prior to commencement of development the groundwater levels along the access road at the northern end of the site shall be established, and mitigation measures agreed in relation to any groundwater which may be encountered in the excavation for the proposed road.</p> <p>Reason: In the interest of orderly development and to protect groundwater quality.</p>
5.	<p>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</p>

	<p>the agreement to An Bord Pleanála for determination.</p> <p>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.</p>
6.	<p>Prior to commencement of development a site layout and details of cycle parking and storage facilities shall be submitted for the written agreement of the planning authority, which shall be in accordance with 'SPPR 4 - Cycle Parking and Storage' of the Sustainable and Compact Settlements Guidelines for Planning Authorities.</p> <p>Reason: To comply with the requirements of the Guidelines.</p>
7.	<p>Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
8.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.</p>

	<p>Foul effluent shall be connected to the public foul sewer. Any necessary upgrades to the capacity of the Borris Road Wastewater Pumping Station shall be in place prior to connection of the proposed development or occupation of any unit.</p> <p>Reason: In the interest of public health.</p>
9.	<p>All surface water runoff shall be collected and disposed of within the site to the surface water sewer. No such surface water run-off shall be allowed to flow onto the public roadway, foul sewer or adjacent properties. The rate of surface water discharge from the development to the public surface water network shall be regulated taking account of existing discharges from adjacent lands and provision made for such retention and throttling/flow restriction as necessary to regulate the discharge.</p> <p>The proposed development shall not interfere with existing land or road drainage.</p> <p>Precise details in relation to location, capacity, size and specification of the surface water attenuation system shall be submitted for the written agreement of the planning authority prior to commencement of development.</p> <p>Reason: In the interest of orderly development and public health.</p>
10.	<p>a) The site development works shall be carried out and completed at least to the construction standards set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998 and the Planning Authority's codes of practice. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p>

	<p>b) The tie-in of the proposed access road and footpaths serving the proposed development and the adjoining infrastructure shall be to the satisfaction of the planning authority and Road Design Section, precise details to be submitted and agreed in writing prior to commencement of development.</p> <p>c) The design of the south-eastern ends of the two internal access roads and footpaths extending south-eastwards shall be submitted and agreed in writing prior to commencement of development.</p> <p>d) The road, footpaths and raised table finishes shall be impermeable. As a result of this requirement to change permeable paving to impermeable paving the developer shall recalculate the attenuation volumetric requirement, revising plans and particulars accordingly. Precise details shall be submitted and agreed in writing prior to commencement of development.</p> <p>e) Precise details of the location and design of bin collection storage points be submitted and agreed in writing prior to commencement of development.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
11.	<p>The applicant is required to engage the services of a suitably qualified archaeologist to carry out an Archaeological Assessment of the development site, in relation to archaeological features and deposits previously identified during the geophysical survey. No sub-surface work should be undertaken until the Archaeological Assessment has been completed and commented on by the Department of Housing Local Government and Heritage.</p> <p>The archaeologist should carry out any relevant documentary research and inspect the development site. This assessment shall also define a buffer</p>

	<p>area or areas contiguous with the archaeology identified during the geophysical survey. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.</p> <p>A programme of test excavation shall be carried out at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings and the National Monuments Service (NMS) section of the Department.</p> <p>Having completed the work, the archaeologist should submit a written report stating their recommendations to the NMS section of the Department of Housing Local Government and Heritage. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.</p> <p>Reason: To ensure the continued preservation, wither in situ or by record of places, caves, sites, features or other objects of archaeological interest.</p>
12.	<p>All upper floor, rear and side bathroom windows, shall be fitted with opaque glass.</p> <p>Reason: In the interest of orderly development.</p>
13.	<p>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. Details shall be agreed with the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p>

14.	<p>At least 10% of communal parking spaces shall be provided with functioning electric vehicle charging stations / points. Ducting shall be provided for all remaining communal parking spaces.</p> <p>Reason: In the interest of orderly development.</p>
15.	<p>Public lighting in the development shall be LED technology luminaries with minimum 10 year warranty. Lighting levels in accordance with IS EN 13201.</p> <p>External lighting shall be cowled and directed away from the public roadway and adjoining properties.</p> <p>Reason: In the interests of residential amenity and traffic safety.</p>
16.	<p>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 names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>

17.	<p>a) No part of the proposed development shall encroach, oversail or otherwise physically impinge upon any adjoining property save with the prior written agreement of the owner(s) thereof.</p> <p>b) All public and private property shall be adequately protected at all times particularly during construction works.</p> <p>c) Any damage caused to the adjoining public thoroughfare shall be made good at the developer's expense to the satisfaction of the planning authority.</p> <p>Reason: In the interests of public safety, residential amenity and proper planning.</p>
18.	<p>(a) A scheme indicating boundary treatments and landscaping shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) This shall include details of retaining walls as required.</p> <p>(c) Boundary screening and mature hedgerows and trees shall be retained where feasible.</p> <p>(d) Only native trees and shrubs shall be used in the landscaping scheme.</p> <p>(e) The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.</p> <p>(f) 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.</p>

	<p>(g) The scheme shall include any necessary fencing of the lands adjoining the proposed development, including those within the subject site in which residential development is not permitted.</p> <p>Reason: In order to screen the development, in the interest of visual amenity.</p>
19.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, to include a Construction Stage Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction / demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
20.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The security to be lodged shall be as follows –</p> <p>(a) a cash sum of €6,500 (six thousand five hundred euro) per dwelling to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or</p>

	<p>(b) such other security as may be accepted in writing by the planning authority.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
21.	<p>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.</p> <p>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.</p>

Planning Inspector

2nd February 2024

Appendices:

Appendix 1 EIA Screening Determination

Appendix 2 Laois County Development Plan 2021-2027, extracts.

Appendix 3 Portlaoise Local Area Plan 201-2024, extracts.

Appendix 4 Portlaoise Local Area Plan 2012-2018, extracts.

Appendix 5 Sustainable Residential Development and Compact Settlements
Guidelines for Planning Authorities, extracts.