



An  
Bord  
Pleanála

## Inspector's Addendum Report

**ABP-319263-24**

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### Type of Appeal

To Construct 99No. new dwellings, a creche and all associated site works

### Location

Rahin, Ballylynan, Co. Laois

### Applicant

JC Brenco Developments Lts

### Planning Authority

Laois County Council.

### Planning Authority Ref

23/60015

### Appellant

Ballylynan Council (Third Party)

### Planning Authority Decision

Grant of Planning Permission.

### Inspector

Caryn Coogan

## 1.0 Preliminary

- 1.1. This report has been prepared pursuant to a Board request (Board Direction number BD-018642-25) which seeks the preparation of an addendum report. The Board decided that the file should be referred back to the Inspector for the preparation of an addendum report which specifically addresses matters in relation to Section 2.8 COre Strategy and Housing Allocation and Section 2.8.1 Core Strategy Table of the Laois County Development Plan 2021-2027 as it relates to Ballylynan. In particular the Board noted the Housing Allocation for Ballylynan for 2021-2027, BASED ON ESRI Household Projections, as 50No. units and 2027-2031 as 28No. units as set out in Section 2.8.1 Core Strategy Table. The Board was seeking commentary on how the proposed development intends to comply with the requirements of the Laois County Development Plan 2021-2027
- 1.2. The Board are also seeking commentary on how the proposed development intends to comply with the requirements of the Laois County Development Plan 2021-2027 in particular Section 2.8 of the Core Strategy.
- 1.3. The Board also requested the planning authority to provide confirmation the appropriate fee was received from the third-party appellant when the original submission was received by it on the 22<sup>nd</sup> of February 2023 (P.A. Ref. 2360015).

## 2.0 Summary of the Submissions Received in response to the Section 132 Notice Issues by the Board.

### 2.1 Planning Authority:

- The appropriate fee for the amount of €20.00 was submitted from Ballylynan Council on Planning File Ref: 2360015, dated 22/02/2023, copy of receipt is attached.
- The fee was transferred across from the Ballylynan Council submission on planning application 21/889, which was the same site, applicant and development.
- Planning application 21/889 was withdrawn.
- Copies of receipts are attached to the planning authority's submission.

## 2.2 **Applicant's Response**

- 2.2.1 Ger Fahy Planning responded on behalf of the applicant. He stated the appeal site is within the built-up footprint of Ballylynan and is zoned Residential 2 – Proposed New Development under the current development plan. The development aligns with Sections 2.8 and 2.8.1 of the County Development Plan. Ballylynan is classified as a small town under the Core Strategy.

The appeal site is brownfield in nature, it contains mounds of topsoil from adjoining developments and also contains remnants of internal roads that were never complete.

### 2.2.2 **Core Strategy**

- 2.2.3 The Section 2.8.1 of the development sets out the population projections and household allocation for each settlement up to 2027. Ballylynan had a population of 1,101 persons in 2016. According to the 2022 Census in 2022 Ballylynan had a population of 1,167 persons. This is a percentage of 6% from 2016-2022. The population is likely to exceed the National Planning Framework Projections of 1226 by 2027.
- 2.2.4 The appeal site is brownfield in nature and therefore falls under the Brownfield/Infill category in Table 2.16 of the CDP. Table 2.16 suggests based by the Housing Strategy (Appendix3) that there is potential for 103 units to be delivered throughout Ballylynan amongst 'Brownfield/ Infill' sites.
- 2.2.5 A study of the residential planning applications (excluding single residential units) which have been lodged with Laois Co. Co. since 2017 and successfully received planning permission.

Planning Ref. No.	Location	Description of Development	Decision	Status of Development
2460161	Rathin Ballylynan	34No. dwellings, semi-detached and detached units	N/A	Application Withdrawn
21226	Doirin Alainn, Ballylynan	9No. Dwellings within an existing estate called Doirin Alainn	G with Con. 01/09/2021	Development Finished
18175	Ballylynan	7No. dwellings units	G with Con.	Under construction

(ext. under 2483)			18/02/2019	
17330 (ext of duration of 06/927, 12/308)	Rathin	40No. dwellings	G with Con. 10/08/2017	Expiry date 31/12/2021 No Commencement Notice
17516	Doirin Alainn	12No. Dwellings	G with Con. 24/07/2018	Development finished circa 2020.

There are only 28No. residential have submitted commencement notices since 217, and 21No. of these units area at Doirin Alainn, and 7No. south of Cottage Gate. The 21No. units at Doirin Alainn are complete and occupied. The 7No. units remain at base level, and works are not ongoing. It is noted the 7No. units must be completed by 21.03.2027. The 40No. units proposed under Reg No. 17330 has expired since 2021. Reg. No. 2460161 is due for decision on 12/03/2025.

#### 2.2.6 Justification for Potential Housing Provision as per Table 2.16

2.2.7 According to Table 2.16, there is potential for a further 103 No. units delivered on brownfield/ infill sites. There is potential for a further 66No. units to be delivered on greenfield sites throughout the lifetime of the Plan. The 7No. units currently under construction would reduce this figure to 59No. units on greenfield sites. If the Council grant planning permission for the 34No. units currently under review, this will reduce the number further to 25No. units in the remainder of the lifetime of the Plan.

2.2.8 The 21No. units at Doirin Alainn should not be accounted for in the brownfield/ infill housing provision. These units form part of an existing estate where the development has been ongoing rather than representing a stand-alone infill or brownfield regeneration development. The development plan emphasise that brownfield sites should contribute to compact growth and revitalisation of underutilised sites. The 21No. units were granted planning permission and lodged commencement notices prior to the adoption of the 2021-2027 Development Plan prior to its adoption on 25<sup>th</sup> of January 2022.

- 2.2.9 The proposed 98 units aligns with the objectives of the County Development Plan. While it accounts for a significant proportion of the brownfield/infill allocation of 103No. units. Given the projected population increase, existing housing demand, and lack of active construction on previously permitted developments, the proposed development is necessary to fulfil both the county's housing targets and national policy objectives.

## 3.0 Assessment

### 3.1 Introduction

- 3.1.1 In this, my addendum report, I have confined myself to the matters set out within the Board direction, namely further consideration of the Housing Allocation for Ballylynan as prescribed in the Core Strategy of the Laois County Development Plan. The Board had specified in its request that applicant respond to the Housing Allocation prescribed for Ballylynan in the development plan, for 2021-2027 was 50No. units and 2027-2031 as 28 units, as stated in Section 2.8.8 Core Strategy Table 2.16. Unfortunately, the applicant's response (summarised above) did not directly address the issue or the question raised by the Board in the Section 132 Notice. The applicant's response focused on the infill/brownfield site nature of the site and how a different allocation in Table 2.16 has been met by the proposal. In my assessment, I will examine the issue requested by the Board.

- 3.1.2 Since the Section 132 notice issued from the Board in January 2025, the Government approved the **Revised National Planning Framework (NPF)** on the 8<sup>th</sup> of April 2025. In essence, the Revised NPF introduces the need to plan for a population of between 6.1 to 6.3 million people by 2040, and plan for approximately 50,000 units per annum over that period, to meet additional population and employment growth over and above the original 2018 NPF projections. This reflects the latest research and modelling by the Economic and Social Research Institute (ESRI), which forecasts substantial population growth over the next decade. Table 2.16 of the current Laois County Development Plan 2022-2027 based its housing allocation projections on ESRI figures derived from the 2016 Census. The Revised NPF, with the subsequent provision of updated planned housing requirements at a

local authority level, aims to ensure that housing supply meets both new demand and addresses existing need, creating a sustainable future for housing in Ireland. According to the *Department of Housing, Local Government and Heritage*, there is a need to plan for a significant increase in the capacity to deliver housing across the country to meet population projections and associated housing requirements. Having regard to the need to ensure that current local authority development plans can be updated as quickly as possible to reflect the update housing requirements, it is intended to issue further policy direction to local authorities as quickly as possible following completion of the NPF Revision process, thereby translating updated NPF population and housing figures to the local authority level.

- 3.1.3 In my opinion, it is important the Board has regard to the Revised National Planning Framework in considering the current proposal. In addition, I consider significant population growth in Ballylynan as displayed in the **2022 Census** is a key factor in the assessment of the Housing Allocation for Ballylynan. Table 2.16 of the current development plan based its Housing Allocation on the CSO population figure from 2016, and the National Planning Framework population projection 2016-2027. According to the 2022 Census, the population of Ballylynan is 1,167 persons.

## **3.2 Housing Allocation and Table 2.16 Core Strategy Table (Item 1 of Board Direction)**

- 3.2.1 The Core Strategy indicated on Table 2.16 illustrates the distribution of future population and housing across the county's settlement. The table provides details of the most recent population (2016), population projections, the Housing Allocation for 2021-2027 and for 2027-2031 for each settlement in Co. Laois based on ESRI Housing Projections, the number of housing units which must be delivered within the built up footprint of each settlement and the quantum of land required for the delivery of the housing allocation based on a specific density for each settlement. The Core Strategy Table (Table 2.16) does not deduct population that would be catered for in committed land by way of extant permission or Part VIII approvals. I refer the Board to a copy of Table 2.16 at the end of this Addendum Report for reference.

Also stated in the 2.8 Core Strategy and Housing Allocation in terms of Compact Growth, *'at least 30% of housing within settlements is to be within the existing built up footprint area in conjunction with sequential development of settlements. The preferred choice for residential development is within town and village centres.'*

- 3.2.2 Ballylynan is classified as a 'Small' Town' in the Core Strategy of the development plan. The subject site is within the built up footprint of the town, and is zoned 'Residential 2 – Proposed New Residential' development. As stated in my previous report, the site includes remnants of an unfinished estate. There is an unfinished internal estate road that was never completed and the storage of topsoil from adjoining completed estates. Based on my observations on site, I would consider the site to be a brownfield site and not a greenfield site.
- 3.2.3 According to 2.16 Core Strategy Table, Ballylynan had a population of 1101 in 2016. According to the Census of 2022 the population of the town increased by **6%** to 1167 persons. The National Planning Framework population projection for Ballylynan from 2016 to 2027 was 1226, this was based on a previous population increase of 1.6% in 2016, compared to the 6% increase revealed in 2022. The Core Strategy Table does not account for this significant increase. The Revised National Planning Framework recognises the significant population increases nationwide during the 2016-2022 period. Population growth during that period was notably strong in the eastern and midland regions, particularly in counties adjacent to Dublin. According to the 2022 census County Laois experienced significant growth, with its population increasing by 8% which is slightly above the national average growth of 7.6% during 2016-2022.
- 3.2.4 On balance, I would consider the Housing Allocation for 2016-2027 and 2027-2031 indicated in Table 2.16 based on ESRI Household projections to be a conservative provision based on current population figures and housing requirements.
- 3.3 **Consideration of Planning Histories since 2017.**
- 3.3.1 The applicant in his response to Section 132 Notices issued by the Board, (which was received on 28<sup>th</sup> of February 2025), carried out a study of residential planning applications (excluding single dwellings) lodged with Laois Co. Co. since 2017 and which have successfully obtained planning permission.

Planning Ref. No.	Location	Description of Development	Decision	Status of Development
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From the above assessment:

- There have been only 28 units constructed or commenced since 2017, with 21No. of those within an existing residential estate, *Doirin Alainn*.
- The 40No. units proposed under Planning Ref. 17330 has expired and
- The 34No. units proposed under Planning Ref. 240161 was withdrawn in March 2025.

3.3.2 The applicant has submitted that the 21No. additional units provided since 2017 should not be accounted for in the brownfield/ infill housing provision because these are within an exiting estate where development has been ongoing, as opposed to a standalone or infill brownfield development. I do not agree with this point of view. Having examined the site layouts of planning application references, 21226 and 17516, I would consider both developments to be infill developments within brownfield sites in Ballylynan. Therefore, my calculations imply 31No. units of the prescribed 103No. units have been provided in Ballylynan, leaving a requirement of



72No. units to be provided during the plan period. However, it should be noted that planning references 21226 and 17516, were granted planning permission, with commencement notices submitted **PRIOR** to the adoption of the current Laois County Development Plan in January 2022. Therefore, in the interests of fairness I do consider the 21No. units at Doirin Alain should NOT be included in the calculations. Therefore, in my opinion, there has been none of the potential 103No. dwellings on brownfield/ infill sites provided for in the built-up area of Ballylynan to date.

3.3.3 I revert back to Table 2.16 the Core Strategy Table, which was the subject of the Board/ Section 132 request. The proposed development represents 97No. units of the potential prescribed 103No. units to be provided on zoned lands in Ballylynan village. I note from the Table, that there is potential for a further 66No. units on greenfield sites within Ballylynan. Therefore, I conclude the proposed development is in compliance with the Core Strategy and Housing Allocation figures outlined in Section 2.8.1 of the Laois County Development Plan 2022-2027. I recommend that permission be granted as per my original report.

### 3.4 Concluding Remarks

3.4.1 The Housing Allocation for Ballylynan based on ESRI Household projections arising from the 2016 Census, has been superseded by the 2022 Census population figures, and the Revised National Planning Framework (April 2025). The recent data published by the ERSI in 2024 reveals that many previous population scenarios nationwide had underestimated the population growth over the short term. Net migration is the key driver of population change in Ireland and net migration flows have been very strong in recent years. According to current ERSI projections, structural housing demand is projected to be around 44,000 per annum (p.a.) from 2023–2030, and around 39,700 p.a. over the 2030–2040 period. This contrasts significantly from the ERSI projected need for around 28,000 new houses per annum in 2021.

3.4.2 I am satisfied that the proposed development of 97No. new dwellings on zoned land within the urban envelop of Ballylynan, is in full compliance with the proper planning and sustainable development of the area, and in line with updated demographics, national policy and current structural household demands.

### 3.5 Confirmation regarding Payment of Appropriate Fee by Third Party

- 3.5.1 The Board issued a Section 132 Notice to the planning authority regarding confirmation that the appropriate fee was received from the third-party appellant, and clarification if the fee paid was transferred from another planning application file, and if the planning authority considered the appropriate fee received was in accordance with Section 34 of the Planning and Development Act 2000 as amended.
- 3.4.2 The planning authority responded on the 24<sup>th</sup> of February 2025. It stated, the appropriate fee of €20.00 was received from Ballylynan Council. The receipt No. 192184 and was dated 27/01/2022 was transferred across from a fee paid on file Planning Reference No. 21/889. Planning Ref; 21/889 was an application made by the same applicant, JC Brenco Development Ltd for 99No. dwellings on the subject site, which was subsequently withdrawn on the 11/11/2022.
- 3.4.3 The planning authority is satisfied that appropriate fee was paid for the submission made by the third-party appellant on planning reference 2360015 and is in accordance with Section 34 of the *Planning and Development Act 2000*. The planning authority also submitted a copy of the relevant correspondence to the appellant stating the appropriate fee has been paid in respect of the current planning application under appeal.
- 3.4.4 According to Section 37 of the Planning and Development Act 2000 (as amended)

**37.—(1) (a)** *An applicant for permission and any person who made submissions or observations in writing in relation to the planning application to the planning authority in accordance with the permission regulations and on payment of the appropriate fee, may, at any time before the expiration of the appropriate period, appeal to the Board against a decision of a planning authority under section 34 .*

The planning authority has the responsibility to ensure the requirements of the *Planning and Development Act 2000* and *Planning and Development Regulations 2001* are complied with in full prior to making a decision on a planning application. The validation process and consideration of any planning application should be in accordance with Section 34 of the *Planning and Development Act 2000*. Laois Co. Co. is satisfied that the correct procedures were followed in respect of the fee paid

by Ballylynan Council regarding its submission. I do consider the transfer of a fee from a withdrawn planning application to a current planning application to be unusual. However, the withdrawn application relates to a substantially similar proposal. The current application relates to a development of the same character and description as the withdrawn application. The current application relates substantially to same site as the previous application and has been made by the same applicant. Planning application Ref 21/889 was deemed to be withdrawn on the 11/11/2022. Planning application Ref 2360015 was submitted on 20/01/2023, which is less than two months between both planning applications. It should be noted the applicant, JC Brenco Development Ltd, was eligible for a refund of the original planning fee under the provisions of planning legislation (subject to certain criteria been met). Therefore, I consider it reasonable the appropriate fee of €20.00 can be transferable under these circumstances. However, it is my opinion, the determination of the validity and acceptability of same, is the remit of the local authority. I concur with the local authority on this issue.

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Caryn Coogan

Planning Inspectorate

27<sup>th</sup> of May 2025

	2016	2016 - 2027		Existing Zoning HA		Mixed Use		Brownfield / Infill			Greenfield		Total land for New Residential			2027 - 2031		
	CSO POP 2016	NPF Total Pop 2016 - 2027	Housing Allocation based on ESRI Household Projections 2021 - 2027	Existing Residential Lands (ha)	Existing Lands that permit residential (ha)	Potential Units on Mixed Uses	Mixed Use Lands for Residential HA	Potential Units on Brownfield / Infill	Land Required for Brownfield / Infill HA	% of Brownfield / Infill	Potential Units on Greenfield	Greenfield Land HA	Total Land Zoned for Residential Uses (HA)	Land within Built Up Footprint (HA)	% of Land within the Built Up Footprint	NPF Total Pop 2016 - 2031	Housing Allocation based on ESRI Household Projections 2027 - 2031	Housing Land Requirement 2027 - 2031 in HA (Strategic Reserve)
Mountrath	1,774	2,024	100	43.2	31.4	19	0.6	54	3.6	76.6	7	0.5	4.7	4.7	100.0	2,082	57	2
SMALL TOWNS																		
Durrow	835	935	40	20.0	15.4	0	0.0	14	1.0	29.4	26	2.4	3.4	3.4	100.0	958	23	1
Rathdowney	1,271	1,396	50	41	30.3	23	0.9	12	0.8	29.6	15	1.0	2.7	1.2	44.4	1,425	28	1
Ballylynan	1101	1,226	50	21.2	10.3	8	0.5	103	4.1	60.3	66	2.2	6.8	2.3	33.8	1,255	28	1

