



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322211-25

<b>Development</b>	Construction of 2 semi-detached houses and all associated site works.
<b>Location</b>	Clonroosk Abbey, Clonroosk Link Road, Clonroosk, Portlaoise, Co. Laois
<b>Planning Authority</b>	Laois County Council
<b>Planning Authority Reg. Ref.</b>	2560018
<b>Applicant</b>	Kingscroft Developments Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Kingscroft Developments Limited
<b>Observer</b>	Rachel Coss
<b>Date of Site Inspection</b>	07/07/2025
<b>Inspector</b>	Matthew O'Connor

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## **1.0 Site Location and Description**

1.1. The appeal site is 0.090ha and located in Clonroosk Abbey, an established housing estate on the northwestern extent of Portlaoise, Co. Laois. The site is situated at the end of a row within a residential close of terraced and semi-detached two-storey houses which is accessed by the internal road network of Clonroosk Abbey. The lands comprising the appeal site are undeveloped and in an unkempt and overgrown condition. The appeal site is bounded to the side (west) by a 2 metre high wall which runs along the Clonroosk Link Road (R-945). There is also a pedestrian connection adjacent to the appeal site from Clonroosk Abbey to a bus stop on the Clonroosk Link Road (R-945). There is a semi-detached two-storey dwelling to the east of the site. The rear of the site (south) backs onto another undeveloped plot which fronts onto the main access route into Clonroosk Abbey. There are no Protected Structures or National Monuments on or immediately adjoining the appeal site. The site is not located within a Flood Zone.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the following:
- Construction of 2 no. part-single, part-two storey semi-detached dwellings to replace a previously granted creche; and,
  - Associated site works such as vehicular parking, boundary treatments, hard and soft landscaping, private open space and services.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1 The Planning Authority recommended refusal for the subject development for the following reasons:

1. *Having regard to the planning history of the overall development and in particular Condition no 23 as imposed on both planning permission refs 05/270 and 05/912, which requires the childcare facility to be constructed in the first phase of the development, it is considered that to permit the replacement of the permitted unconstructed childcare facility would materially contravene said Conditions, would set an undesirable precedent for similar development of this nature and*

*would therefore be contrary to the proper planning and sustainable development of the area.*

2. *Having regard to the lack of sufficient supporting documentation outlining sufficient reasons for the omission of the permitted childcare facility, the proposed development would contravene the provisions of the Childcare Guidelines for Planning Authorities 2001, Section 5.3.2 of the Laois County Development Plan 2021-2027 and Policies CCPO 1 and CCPO 2 of the Laois County Development Plan 2021-2027 for its failure to provide a childcare facility within residential developments and would therefore be contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Report**

- The Planner's Report forms the basis for the decision to refuse permission. The report provides a description of the site, planning history, associated policy context from the Development Plan and comments returned on internal/external referrals.
- In terms of assessment, the Planning Authority considered that the proposal for 2 no. semi-detached dwellings would be supported on lands zoned 'Residential 1 – Existing Residential'.
- The Planning Authority refers to the site planning history where a creche was previously approved and condition(s) required that the "Creche facility as per floor plans and elevations submitted to the Planning Authority to be constructed in the first phase of the development". This condition has not been complied with.
- The Planning Authority noted that no documentary evidence was received to support the claim that there is excess capacity in the area.
- The Planning Authority also noted the omission of the creche was previously refused under Reg. Ref. 23/236 and there is no reason for a different conclusion to be reached in this instance.
- No concerns were raised in relation to the units proposed for elderly people, in terms of design, finishes, residential amenity, compliance with residential, access or services.

- In terms of Biodiversity, the Planning Authority noted the submission received and indicated that the site could be surveyed, in the event of a grant of permission, by an ecologist to determine if hedgehogs are present and to propose a suitable methodology in the form of a Construction Environmental Management Plan to protect hedgehogs on site.
- An Appropriate Assessment Screening Report is appended and indicates no potential for significant effects on the Natura 2000 network.

### 3.2.2. Other Technical Reports

- Municipal Engineer – No objection.
- Environment Section – No response received.
- Water Services Section – No response received.
- Chief Fire Officer – No response received.
- Road Design Office – No response received.

### 3.3. **Prescribed Bodies**

- Uisce Eireann – No response received.
- HSE – No report received.

### 3.4. **Third Party Observations**

3.4.1. One third party observation was received by the Planning Authority and is summarised as follows:

- *The land is home to many birds and mostly hedgehogs which are protected species.*
- *The proposed entrance from the internal road in Clonroosk Abbey poses risks to children at play and traffic problems from passing in front of the Third Party's property.*
- *There are health concerns in relation to the sewage problem that the development would cause.*

- *Houses were never proposed in this area and therefore overlooking was not an issue. There are concerns that the development would cause overlooking and a reduction in natural light.*
- *The property would no longer be an end-of-terrace home which would affect the house price.*

## 4.0 Planning History

4.1. There is extensive planning history associated with the Clonroosk Abbey housing development and the subject site. The following applications are noted:

**23/236** SPLIT decision to construct 3 no terraced houses (replacing the as granted creche Reg. Ref No. 05/270, 05/912, 17/222) and 2 no. detached houses at Clonroosk Abbey all with associated site development works.

Laois County Council refused permission for the replacement of the creche with 3 no. terraced houses but granted permission for the 2 no. detached houses. The decision to refuse as set out in Schedule 1 states:

1. *Having regard to the planning history of the overall development and in particular Condition no. 23 as imposed on both planning ref 05/270 and 05/912, which requires the construction of the childcare facility to be constructed in the first phase of the development, it is considered that to permit the replacement of the permitted unconstructed childcare facility would materially contravene said Conditions, would set an undesirable precedent for similar development of this nature and would therefore be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the lack of sufficient supporting documentation outlining sufficient reasons for the omission of the permitted childcare facility, the proposed development would contravene the provisions of the Childcare Guidelines for Planning Authorities 2001, Section 5.3.2 of the Laois County Development Plan 2021-2027 and Policies CCPO 1 and CCPO 2 of the Laois County Development Plan 2021-2027 for its failure to provide a childcare facility within residential developments and would therefore be contrary to the proper planning of the area.*

- 23/81** Permission GRANTED for an extension of duration of Reg. Ref. 17/222. Applicant: Kingscroft Developments Ltd.
- 19/660** Permission GRANTED to construct 12 no. 2-storey semi-detached dwellings on site of previously permitted Reg. Ref. No. 08/1435 which expired. Applicant: Kingscroft Developments Limited
- 17/222** Permission GRANTED for 66 no. semi-detached 2 storey houses. Development will complete the unfinished Clonroosk Abbey estate and consist of 20 no. three-bed, 2 storey semi-detached houses; 20 no. three-bed 2 storey semi-detached houses and 26 no. four-bed 2 storey with attic conversion semi-detached houses, all with associated vehicular parking; vehicular and pedestrian access via existing Clonroosk Abbey internal road network; a secondary pedestrian access via the Clonroosk Link Road; 9 no. visitor car parking spaces; and all associated site development works. Applicant: Kingscroft Developments Ltd.
- 14/130** Permission GRANTED to extend time on Reg. Ref. 08/1435. Applicant: Kingscroft Developments Limited
- 12/304** Permission REFUSED to extend time on Reg. Ref. 07/227. Applicant: Kingscroft Developments Limited
- 10/428** Permission GRANTED to extend duration on Reg. Refs. 05/912 and 06/1473. Applicant: Kingscroft Developments Limited.
- 08/1435** Permission GRANTED to build 12 no. semi-detached 3-bed 2 storey houses in lieu of the 12 x 3 bed houses (in 4 groups of 3) formerly numbered 121-132 inclusive of the permitted development 05/912. Applicant: Kingscroft Developments Ltd.
- 07/945** Permission GRANTED to erect a telecom sub-station between sites 187 and 96 Clonroosk Abbey in the permitted development 05/912. Applicant: Kingscroft Developments Ltd.
- 07/227** Permission GRANTED to build 2 no. 2-storey houses, one in place of nos. 85+86 and one in place of nos. 95+96 of the permitted housing development 05/912. Applicant: Kingscroft Developments Limited.

**06/1473** Permission GRANTED to substitute 50 no. 3-bedroomed 2-storey houses for 50 no. 4-bedroomed 2-storey dormer houses and other minor alterations to the permitted housing development 05/912. Applicant: Kingscroft Developments Limited.

**05/912** Permission GRANTED to construct 186 no. dwelling houses, creche, entrance, temporary sewage pump station & ancillary works. Applicant: S & B Developments.

Condition No. 23 of this permission states as follows – *“Creche facility as per floor plans and elevations submitted to the Planning Authority to be constructed in the first phase of the development”*.

**05/270** Permission GRANTED to construct 100 no. dwelling houses, creche, entrance, temporary pump station & ancillary site works. Applicant: S & B Developments.

Condition No. 23 of this permission states as follows – *“Creche facility as per floor plans and elevations submitted to the Planning Authority to be constructed in the first phase of the development”*.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1. The Laois County Development Plan 2021-2027 is the relevant Development Plan for the subject site.

5.1.2. Chapter 4: ‘Housing Strategy’ contains a number of policy objectives for housing development which seek to ensure an appropriate mix of housing types and sizes, high quality design, residential densities appropriate to the surrounding context, and meeting the needs of the elderly and those with disabilities. There are a number of Development Management Standards for Residential Development and the following are deemed relevant to the subject proposal:

- *DM HS 1 – Residential Housing Development*
- *DM HS 3 – Density of Residential Development*
- *DM HS 6 – Private Open Space in Housing Residential Development*
- *DM HS 8 – Overshadowing of Dwellings and Open Space*



- *DM HS 9 - Internal Space Standards In Housing Developments*
- *DM HS 10 – Boundary Treatments*
- *DM HS 11 – Refuse / Recycling*
- *DM HS 15 – Infill Development in Urban and Rural Areas*
- *DM HS 19 – Landscaping and Biodiversity*

5.1.3. Section 5.3.2 of Chapter 5: Quality of Life & Sustainable Communities in the Development Plan relates to ‘Childcare Facilities’. The following policy objectives are noted:

*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.*

*CCPO 2 Ensure the provision of quality affordable childcare throughout the County in consultation with the Laois County Childcare Committee, and the Department of Children and Youth Affairs, Tusla Child and Family Agency.*

*CCPO 3 Promote and encourage the provision of a network of childcare facilities that reflect the distribution of the residential population in the County and to minimise travel distance and maximise opportunities for disadvantaged communities.*

5.1.4. The following Development Management Standard is considered to be of particular relevance in respect of Childcare Facilities:

*DM CC 1 Require the provision of childcare facilities of an appropriate type and scale in suitable locations throughout the County and comply with the Section 28 Guidelines on Childcare Facilities, 2001 (and any subsequent update). In particular, the development of childcare facilities at the following locations will normally be required;*

- *areas of concentrated employment and business parks;*
- *neighbourhood centres;*

- *integrated into large retail developments and retail warehouse parks;*
- *in, or in the vicinity of, schools or major educational facilities;*
- *adjacent to public transport nodes;*
- *in, or adjacent to, community centres and,*
- *within new and existing residential development.*

5.1.5. Chapter 13: 'General Location and Pattern of Development' set out the zoning principles and acceptability for County Laois and Table 13.2 contains the Zoning Objectives and Purposes. The subject site is zoned 'Residential 1' which has an objective 'to protect and enhance the amenity of developed residential communities'. According to the Development Plan, this zone is intended primarily for established housing development but may include a range of other uses particularly those that have the potential to improve the residential amenity of residential communities such as schools, crèches, small shops, doctor's surgeries, playing fields etc. It is an objective on land zoned for Residential 1 to protect the established residential amenity and enhance with 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 existing residential areas will be the Council's priority.

## 5.2. Portlaoise Local Area Plan 2024 – 2030

5.2.1. The Portlaoise Local Area Plan 2024 – 2030 (LAP) was adopted on 16<sup>th</sup> December 2024 and came into effect on 5<sup>th</sup> February 2025.

5.2.2. Section 8 relates to 'Housing' and the following Planning and Development Policies and Objectives are considered relevant in relation to the subject proposal:

*Policy H P4 Facilitate the provision of housing in a range of locations to meet the needs of the population, with particular emphasis on facilitating access to housing to suit different household and tenure needs, in a sustainable manner.*

*Policy H P5 To require the creation of sustainable, mixed and balanced communities and highquality residential developments at appropriate*

*locations with adequate amenities and facilities that meet the standards and guidance of:*

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, DEHG (2024)*
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023)*
- Urban Development and Building Height Guidelines for Planning Authorities (DHPLG, 2018)*
- The Design Manual for Urban Roads and Streets, DTTS and DECLG (2013)*
- The development management standards of the Laois County Development Plan 2021-2027*

*Objective H O5      To encourage appropriate housing development on infill and brownfield sites subject to preservation of existing residential amenity, the provision of a high-quality design respecting the established character, density and layout, compliance with all traffic safety, quantitative and qualitative standards of the Laois County Development Plan 2021 – 2027.*

*Objective H O9      To ensure an appropriate and sustainable mix of dwelling types, sizes and tenures to cater for all members of society, including homeless persons, the elderly, disabled and travellers.*

*Objective H O12     To secure the provision of social infrastructure, community and recreational facilities in tandem with residential development.*

5.2.3. Section 12 relates to 'Community Services' and contains commentary on 'Children and Young People' regarding the present and future need for facilities such as childcare and 'Education' whereby it is noted that the provision of good quality childcare and educational facilities is important to support the development of sustainable communities and to support economic development. The following Planning and Development Policies and Objectives are noted:

*Policy CSC P2 Facilitate the development of and expansion of services, amenities and facilities to cater for all society members, ages and community groups.*

*Objective CSC 02 Collaborate with the relevant stakeholders and facilitate the improvement and provision of educational, childcare and healthcare facilities in appropriate and accessible locations.*

### **5.3. National Guidance**

5.3.1. The following national planning guidance are relevant:

- *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).*
- *Childcare Facilities: Guidelines for Planning Authorities (2001).*

### **5.4. Natural Heritage Designations**

5.4.1. The appeal site is not located on or within any designated Natura 2000 sites, with the nearest designated sites being the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) approximately 6.26km to the north; the Slieve Bloom Mountains Special Protection Area (Site Code: 004160) approximately 6.4km to the northwest; Slieve Bloom Mountains Special Area of Conservation (Site Code: 000412) approximately 8.72km to the west; the Mountmellick Special Area of Conservation (Site Code: 002141) approximately 9.38km to the northeast; the River Nore Special Area of Conservation (Site Code: 004233) approximately 12.88km to the southwest; and, the Ballyprior Grassland Special Area of Conservation (Site Code: 002256) approximately 13.98km southeast. In addition, the Clonreher Bog Natural Heritage Area (Site Code: 002357) is situated approximately 1.73km to the north and the Ridge of Portlaoise Proposed Natural Heritage Area (Site Code: 000876) is approximately 0.9km east.

## **6.0 EIA Screening**

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development,

therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

7.1.1. The First Party appeal has been prepared and submitted on behalf of the applicant against the Planning Authority's decision to refuse permission. The grounds of appeal are summarised as follows:

- 'Residential' and 'Housing for Older People' is permitted in principle under the Residential 1 zoning.
- Acknowledges conditions imposed under Reg. Ref. 05/270 and 05/912 requiring the creche facility. However, several new creches and pre-schools have been established locally since 2005 including 12 no. creches (three within 5-10 minute walking distance and nine within 7-9 minute driving distance from the site).
- The existing creches have confirmed capacity to accommodate additional children and so a new creche is not necessary.
- The replacement of the creche with two houses is acceptable as it will provide much needed residential accommodation for the elderly which will benefit from local services and amenities.
- The houses comply with all relevant policies, objectives and principles as set out in the Development Plan and in national guidelines.
- Analysis of the original creche design identifies a number of deficiencies with the layout lacking space for a laundry, group sleeping area, kitchen, dining and storage area.
- The creche design fails to meet the minimum required floor space of 2.32sq.m per child, excluding areas occupied by the kitchen, bathroom, hallways, furniture or permanent facilities. To accommodate 46 children, 105.8sq.m is necessary yet only 70.8sq.m is provided in current layout resulting in insufficient spaces for children.
- There is no dedicated area for bin storage/ waste collection.
- Site constraints do not allow for attractive landscaping and the layout does not foster integration with the community or create a strong sense of place.

- The creche entrance does not include a dedicated pedestrian path or canopy, which is suboptimal for a creche.
- The pathway from the parking area to building is unsheltered.
- Staff parking is insufficient on the adult-to-child ratio outlined by TUSLA and no bicycle parking is provided.
- The reception lacks a sheltered external waiting area and there is no accessible toilet. There is no designated reception area presenting difficulty for visitors.
- The creche design blends in with the rest of the buildings making it less visible.
- The site layout of the creche reduces connectivity and is inflexible for future activities.
- The financial feasibility of operating a creche (as originally proposed) is questionable and the operation of same would likely be financially unviable.
- The provision of houses would not result in a shortage of childcare services.

## **7.2. Planning Authority Response**

- No response received.

## **7.3. Observations**

- One observation has been received in respect of the subject development. The concerns outlined in the observation are summarised as follows:
  - The property, when purchased was an end-of-terrace house with the neighbouring land to be built as a creche.
  - The proposed development would mean that the property would no longer be an end-of-terrace house and will decrease its value.
  - The appeal letter refers to the proposed dwellings catering for the elderly but this was not stated in the original application. The effectiveness of the dwellings is queried as they contain stairs.
  - The subject site is home to many birds and hedgehogs. Hedgehogs are a protected species and some of the birds are Amber listed on the “Birds of Conservation Concern in Ireland 2020-2026”.

## 8.0 Assessment

Having examined the application details, the appeal, the observation and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant planning policies and guidance, I am satisfied that the main issues to be considered are those raised by the First Party. I am satisfied that no other substantive issues arise. This appeal can be addressed under the following relevant headings:

- Principle of Development
- Childcare Demand and Viability
- Other Matters
- Appropriate Assessment (Screening)

### 8.1. Principle of Development

8.1.1. The proposed development seeks permission replace a previously permitted creche with 2 no. part single-storey and part two-storey semi-detached houses on an undeveloped parcel of lands within the Clonroosk Abbey housing estate. The units will generally occupy the siting of the approved creche and have a stated floor area of 81.31sq.m each and comprise a kitchen/living/dining room, bathroom and two bedrooms at ground floor level and an en-suite bedroom at first floor level. Each house will have an area of private open space to the rear and will be served by 2 no. on-curtilage car parking space. According to the appeal, the units are intended as housing for older people.

8.1.2. In considering the subject development, I note the Planning Authority raised no amenity concerns on neighbouring properties and was generally satisfied with the design and setting of the proposed houses albeit noting the form and finishes differ from the existing houses in the immediate vicinity. The appeal site is located within an existing housing development, Clonroosk Abbey, in the settlement boundary of Portlaoise and is zoned 'Residential 1' which has an objective 'to protect and enhance the amenity of developed residential communities'. Dwelling is indicated as being a use that will normally be acceptable in this land use zone. In this regard, it is my opinion that a proposal for a residential development on this site is acceptable and would not be out of character with the prevailing character of this established residential area. I also consider that the proposal would be in line with the various Development

Management Standards for Residential Development as set out in the Development Plan and the 2 no. semi-detached houses would achieve a reasonable standard of living accommodation for the intended occupants.

- 8.1.3. Notwithstanding, the subject application in this instance relates to the replacement of a creche facility on this site which was previously granted under a series of permissions but never constructed. As such, I consider it prudent to determine the need for a creche at this location and the justification for its removal/replacement.

## **8.2. Childcare Demand and Viability**

- 8.2.1. The Planning Authority's two reasons for refusal are based on the consideration that Condition No. 23 of previous planning permissions, Reg. Refs. 05/270 and 05/912 respectively, required the construction of a creche facility on the subject site and so to permit the replacement of this facility would contravene the condition(s) of previous planning permissions and set an undesirable precedent for similar development. It was also considered by the Planning Authority that there was lack of sufficient supporting documentation outlining sufficient reasons for the omission of the permitted childcare facility and so the proposal would contravene the provisions of the Childcare Guidelines for Planning Authorities (2001) and Policies CCPO 1 and CCPO 2 of the Development Plan in failing to provide a childcare facility within residential developments. On the other hand, the applicant contends that the replacement of the creche is merited on account of the site zoning which allows for housing which is much needed; that there is sufficient childcare facilities and capacity in the locality to serve Portlaoise; and, that there are viability/operational challenges associated with the as approved creche.

- 8.2.2. To support the replacement of the creche facility, the applicant indicates that there are 12 no. creches in the locality, with three located within a 5-10 minute walking distance and another nine within a 7-9 minute driving distance from the proposed development. A map has been submitted with the appeal file demonstrating childcare facilities in Portlaoise. According to the applicant, 'all these creches have confirmed they have the capacity to accommodate additional children'. However, I note that no actual evidential records or supporting information has been submitted to corroborate the applicant's claim in relation to operational childcare facilities and their available capacity. For instance, the applicant has not provided a Childcare Demand Analysis or equivalent



study providing a breakdown/examination of the childcare facilities in Portlaoise or a verifiable indication their associated capacity or any figures/statistics been provided with respect to future demands or demographic trends for childcare in the overall settlement of Portlaoise which would be beneficial in consideration of the removal of the creche. While I acknowledge that the provision of 2 no. dwellings for elderly/older people would not create additional childcare demands in itself, I consider that it is important to assess the replacement of the approved creche on this site as it has not been developed.

8.2.3. Having regard to Section 12: Community Services of the Portlaoise Local Area Plan 2024-2030, I note that Census 2022 figures reveal that Portlaoise has a population of 7,088 aged under 19 years which represents 30% of the overall population of the town. It is also stated in the LAP that these Census figures have a bearing on the present and future need for facilities such as childcare so as to safeguard, provide for and expand services to meet the needs of the current and future population. On this basis, I consider that there is likely to be a current and continuing demand for childcare facilities in the settlement of Portlaoise and the requirement for additional childcare facilities must have appropriate regard to the capacity of existing facilities and additional requirements arising from new residential development in the settlement. Given the lack of evidence-based analysis on childcare facilities in Portlaoise, I do not consider that the applicant has demonstrated sufficient childcare facility profile in this locality to justify the replacement of a previously approved childcare facility on the appeal site.

8.2.4. Further to the above, I have reviewed the Development Plan in relation to Childcare Facilities and I note that Policy Objective CCPO 1 seeks to encourage, promote and facilitate childcare facilities in accordance with the Childcare Facilities: Guidelines for Planning Authorities (2001) and Policy Objective CCPO 2 seeks to ensure the provision of quality affordable childcare throughout County Laois. In addition, Policy Objective CCPO 3 of the Development Plan seeks to promote and encourage the provision of childcare facilities that reflect the distribution of the residential population in County Laois to minimise travel distance and maximise opportunities for disadvantaged communities.

8.2.5. With the above in mind and noting the Planning Authority's reasons for refusal regarding Policy Objectives CPO 1 and CCPO 2, I refer to Section 3.3.1 of the

Childcare Facilities Guidelines for Planning Authorities (2001) which detail suitable sites for facilities in 'New and Existing Residential Areas' and state that 'in relation to new housing areas, a standard of one childcare facility providing for a minimum 20 childcare places per approximately 75 dwellings may be appropriate. This is a guideline standard and will depend on the particular circumstances of each individual site'. Appendix 2 of these Guidelines provides for modifications of this indicative standard in differing settings and circumstances which allows for reduced childcare places. From my observations, I estimate the Clonroosk Abbey housing estate to have some 180 dwellings which is far in excess of the standard for one childcare facility per approximately 75 dwellings outlined in the Guidelines yet does not benefit from a childcare facility. As stated previously, the creche facility on the subject site was approved under previous planning permissions and conditioned to be developed as part of the first phase of the Clonroosk Abbey scheme however, this facility has not been constructed and subsequent applications for additional housing in Clonroosk Abbey have been approved and built. The subject proposal, if permitted, would remove the previously approved creche facility from Clonroosk Abbey entirely. I am of the consideration that there would have been a reasonable expectation that residents in Clonroosk Abbey could have access to a creche facility in this housing estate, as intended as part of the initial development but would also be in proximity to such a facility without the need to avail of childcare off the site. Having regard to the provisions of the aforementioned Guidelines, which sets out a standard for childcare provision in new and existing residential areas, I consider that the replacement of the previously approved creche facility would be at odds with Policy Objectives CCPO 1, CCPO 2 and CCPO 3 of the Laois County Development Plan 2021-2027 with respect to the provision of childcare facilities.

- 8.2.6. In terms of viability, the appeal also claims that a creche facility may not be viable in this location in terms of financial feasibility and from an operational perspective. The applicant refers in depth to various deficiencies in relation to the design, layout and composition of the approved creche facility which does not accord with the Childcare Facilities Guidelines for Planning Authorities (2001) and a separate document titled 'Universal Design Guidelines for Early Learning and Care Settings (2019)'. Having considered the extensive remarks highlighted, I do not deem such critiques as pertinent given that the approved creche facility not constructed when it was initially

approved and the majority of perceived deficiencies raised relate to a contemporary guidance document on the refurbishment, renovation and the building of Early Learning and Care Settings and are not prescribed standards. Furthermore, many of the matters outlined by the applicant are, in my view, minor design items which could be incorporated into a creche facility on the subject to reflect modern best practice considerations. In relation to the financial viability of the creche facility, it is my opinion that the applicant makes an assumption on the feasibility of the creche facility and again, has provided no evidential basis to support their claim as to how a creche facility on this site would be unattractive to a prospective childcare provider/operator. As such, in the absence of robust evidence to the contrary, I am of the view that that such a development is viable could be accommodated on the appeal site on account of the housing in the area and new development in Portlaoise and potential demands for childcare as a result.

8.2.7. In conclusion, I am not satisfied that the applicant has submitted sufficient evidence or demonstrated substantial cause for the replacement of the previously approved creche facility on the subject site. I am of the view that there is a likely demand for a childcare facility in this location as a result of housing development in Portlaoise. Therefore, I consider that the replacement of the creche facility with 2 no. residential units would be contrary to Policy Objectives CCPO 1, CCPO 2 and CCPO 3 of the Development Plan insofar as they relate to the provision of childcare facilities in County Laois, and I recommend that permission be refused.

### **8.3. Other Matters**

8.3.1. Having regard to the observation received, I shall consider the following items under the sub-headings below.

#### Wildlife

8.3.2. The Observer has raised concerns in relation to impacts on local wildlife, namely birds and hedgehogs. From my site observations, I note there are a number of trees along with associated scrub and vegetation which has colonised the idle site over the years. The proposed development would require the clearance of the lands to accommodate the pair of proposed dwellings. I am of the view that the appeal site is not especially sensitive in terms of biodiversity value given the size of the site and its location in a built-up residential area and as such, I do not consider that the proposed development

would result in significant adverse impacts/loss to wildlife. Notwithstanding, I acknowledge that it is possible for the site to potentially support limited foraging for mammals and limited nesting/roosting for birds. Should the Commission be minded to grant permission for the subject development, I consider that a suitably worded condition be attached requiring the submission of a survey report prepared by a suitably qualified professional to determine the presence of hedgehogs on the site and to provide relevant mitigation measures – if required, to be incorporated into a Construction Environmental Management Plan to protect hedgehogs on site.

#### Devaluation of Property

- 8.3.3. I note the concerns raised in the observation in respect of the devaluation of property. Having regard to my assessment and noting the planning history I note that development on the subject site was considered from the outset and therefore it would not be unreasonable for this plot to be developed. I am satisfied that the proposed development, if approved, for 2 no. semi-detached houses would not seriously injure the amenities of the area or the Observers property.

### **9.0 Appropriate Assessment (Screening)**

- 9.1. Having regard to the nature and scale of the subject development for which permission is sought for 2 no. dwellings, the location of the site within an urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

### **10.0 Water Framework Directive**

- 10.1. I have considered the subject development and I am of the view that the proposal will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardize any water body in reaching its WFD objectives and consequently can be excluded from further assessment. I refer the Board to Appendix 3 for my screening assessment.

## **11.0 Recommendation**

11.1. I recommend that permission be REFUSED for the following reason and consideration as set out below.

## **12.0 Reasons and Considerations**

1. Having regard to the planning history of the site, in particular, the requirement to construct a creche facility on the subject site as granted by Laois County Council, it is considered that insufficient evidence has been provided by the applicant to support or justify the replacement of the previously approved creche facility with residential dwelling units. It is also considered, having regard to the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001) and the Laois County Development Plan 2021-2027, that the proposed development would be contrary to Policy Objectives CCPO 1, CCPO 2 and CCPO 3 of the Development Plan which seek to promote and provide childcare facilities throughout the County and in accordance with the aforementioned Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Matthew O Connor  
Planning Inspector

10<sup>th</sup> July 2025

## Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322211-25
<b>Proposed Development Summary</b>	Construction of 2 semi-detached houses and all associated site works.
<b>Development Address</b>	Clonroosk Abbey, Clonroosk Link Road, Clonroosk, Portlaoise, Co. Laois.
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.	Class 10(b)(i)(iv) - Infrastructure Projects
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>	Class 10 (b)(i) Construction of more than 500 dwelling units - The proposed development is subthreshold as it relates to the construction of 2 no. dwellings.

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-322211-25
<b>Proposed Development Summary</b>	Construction of 2 semi-detached houses and all associated site works.
<b>Development Address</b>	Clonroosk Abbey, Clonroosk Link Road, Clonroosk, Portlaoise, Co. Laois
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposal comprises outline permission for the construction of 2 no. houses in an urban settlement.</p> <p>The size of the development would not be described as exceptional in the context of the existing environment.</p> <p>The proposal will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The proposed development is situated within the settlement boundary of a large town.</p> <p>There are no significant environmental sensitivities in the vicinity – potential impacts on Natura 2000 sites is addressed under Appropriate Assessment (Screening).</p>
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	<p>Having regard to the limited nature and scale of the proposed development (i.e. 2 no. semi-detached dwellings on residential zoned lands), there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>



cumulative effects and opportunities for mitigation).	
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 3

### Screening the need for Water Framework Directive Assessment Determination

The subject site is located on a site in the Clonroosk Abbey housing estate in the settlement of Portlaoise, Co. Laois. The proposed development comprises the construction of 2 no. semi-detached houses on an undeveloped site within the estate and connect to the existing foul and surface water network.

The subject site is located approximately 110 metres to the east of a water course, indicated as the “Kylegrove Stream\_010” on respective data, which flows eastwards and is joined by another watercourse (indicated as the “Pallas Big”) then northwards before joining the “Triogue” roughly 2.25km away from the site as the crow flies. There is no apparent hydrological connection to this watercourse from the subject site. According to available Water Framework Directive information, the Kylegrove Stream\_010 and the Pallas Big watercourses are stated as being under ‘Review’. I note that the WFD Status 2016-2021 indicates these watercourses as being “Poor”. The Triogue is currently indicated as being ‘At Risk’. The Groundwater Body is indicated as the Portlaoise groundwater body which is stated as being ‘Not at Risk’ in relation to not meeting their Water Framework Directive objectives.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. scale and nature of the development being 2 no dwellings; and,
- Location/distance from the nearest water bodies and lack of hydrological connections.

#### Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.