



An
Coimisiún
Pleanála

Inspector's Report ABP-322482-25

Development

Construction of 66 residential units along with section of new distributor road and all associated site development works. The proposed development is within the curtilage of protected structures OCC RPS No. 53-361 NIAH Reg. No. 14819293 and OCC RPS No. 53-360 NIAH Reg. No. 14819292

Location

Railway Road Townparks & Seffin ,
Birr , Co. Offaly

Planning Authority

Offaly County Council

Planning Authority Reg. Ref.

2460122

Applicant(s)

Eoin Garry.

Type of Application

Permission.

Planning Authority Decision

Grant, subject to conditions.

Type of Appeal

Third Party

Appellant(s)

John Hoare.

Observer(s)

None.

Date of Site Inspection

1st July 2025.

Inspector

Terence McLellan

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1.0 Site Location and Description

- 1.1. The subject site is located in Birr, County Offaly. The site is located around 750 metres from Birr town centre and sits to the east of the roundabout where the N52 and N62 meet, immediately adjacent to the County Arms Hotel. The site constitutes c. 2.94 hectares of undeveloped land on an irregularly shaped site that can be divided into three constituent parts.
- 1.2. The northern part of the site is generally rectangular with levels increasing to the east. This part of the site is immediately adjacent to the three storey County Arms Hotel which is a Protected Structure (RPS Ref.53-361), registered on the NIAH (Ref. 14819293), and sits within a neighbouring and connected site to the north and west. To the east is the established residential development of Macregol Páirc which is currently being extended with some additional housing. To the south and west is the new three storey Primary Care Centre which is currently under construction. This includes the construction of a section of a Distributor Road from the N52/N62 roundabout.
- 1.3. The middle part of the site is a narrow neck of land which runs along the eastern boundary of the Primary Care Centre site and rises significantly in level towards the south and east.
- 1.4. The southern part of the site is generally rectangular and sits at a higher level than the northern and middle parts of the site. This part of the site includes a brick ice house which is a Protected Structure (RPS Ref 53-360), listed on the NIAH (Ref. 14819292), and located on steeply sloping land. The southern section of the site is bounded to the east by an established housing development known as Corr na Meala which is being extended with some additional housing. To the west the site is bounded by the established housing on Hillside which sits at a lower level. Further to the south the site is bounded by the residential properties on Seffin Avenue and Wood Lane Close. Neighbouring dwellings are between one and a half and two storeys in height.

2.0 Proposed Development

- 2.1. Planning permission is sought for the development of 66 new homes. There are three main elements to the development proposal. On the northern site it is proposed to

construct 46 apartments in 4 no. three storey blocks providing 26 no. one bedroom units and 20 no. two bedroom duplex units, with all associated car parking, open space and ancillary development.

- 2.2. To the south of the apartments, it is proposed to construct a section of the new Distributor Road, including pathways and cycle track. This section of the Distributor Road will connect two currently approved sections in addition to providing access to the apartment site.
- 2.3. On the southern part of the site it is proposed to construct 20 no. two storey dwellings comprising 8 no. four bedroom detached dwellings, 8 no. four bedroom semi-detached dwellings, and 4 no. three bedroom semi-detached dwellings with all associated car parking, open space and ancillary development.

Further Information

- 2.4. Following the receipt of Further Information the development was amended to address housing mix concerns. This resulted in amendments to the proposed apartment site which would now provide 42 apartments inclusive of 22 no. one bedroom units, 16 no. two bedroom duplex units and 4 no. three bedroom townhouses. This would reduce the overall housing provision to 62 units.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the decision to grant permission was issued by Offaly County Council on 15th April 2025 subject to 29 generally standard conditions. The following conditions are of note:

7. (a) Construction traffic shall access the development site via the route of the proposed Distributor Road only.

(b) The section of proposed Distributor Road, as specified in the Birr Town Plan zoning map in the Birr Local Area Plan 2023-2029, located within the site of this planning application shall be completed before first occupation of any proposed dwellings, in accordance with the information received and all relevant design standards, NTA, TII, DMURS, etc. including all utilities and services in a manner

so as to ensuring that a future extension of the Distributor Road is feasible . The developer shall liaise and engage with Offaly County Council Roads Section in this regard. The section of proposed Distributor Road shall be built at the developer's expense and shall be built along the full extent of the applicant's landholding.

(e) Prior to commencement of development the developer shall provide a revised agreement, referenced in the applicant's response to further information as Birr Distributor Road - Three Way Agreement, with corrections to (a) the date on the document and (b) the reference to section D on page one of the document.

Reason: In the interests of traffic safety.

11. Prior to the commencement of the development, the developer shall submit for written agreement with the Planning Authority, a revised site layout plan for the proposed public play area within the north parcel of the subject site. This revised plan shall remove the western footpath which leads to the northern boundary wall and is deemed unnecessary. The revised plan shall also extend the play area to the northern boundary of the subject site to remove the narrow tract of land and shall include the adjacent green area to ensure a useable and attractive amenity space for the future residents of the development.

Reason: In the interest of proper planning and residential amenity.

3.2. Planning Authority Reports

- 3.2.1. The first Planner's Report was issued on the 4th June 2024. The report concluded that the development would be acceptable in terms of the various zoning designations that are applicable to the site and that density would be policy compliant.
- 3.2.2. Concerns were raised by the Senior Executive Architect with regard to the siting/layout and design of the apartment blocks (blank gables etc.), potential heritage impacts, unit mix, and the proportion of hardstanding and open space. Additional concerns were raised by the Housing Department (Part V offer), Environment and Water Services (water supply, foul sewer and surface water), and the Roads Section (phasing of distributor road, access, consent, layout and signage etc.). These concerns culminated in an extensive request for Further Information. Points 1-6 of this request

related to information being sought from internal departments and prescribed bodies. These are set out in detail in the Planner's Report and on file for the Commission's information. Further detail is provided in Section 3.3 and 3.4 below.

3.2.3. Point 7 of the FI request invited the Applicant to address the points raised in the third party submissions, whilst Point 8 related to general planning issues and can be summarised as follows:

- There is no rationale for Build to Rent as a distinct development type and the development description should be clarified.
- Housing mix should be amended to comply with the Apartment Guidelines, compliance with section 3.8 (exceedance of minimum floor areas) should be demonstrated and a children's play area of 100sqm should be provided.
- Submit proposals for cycle lockers, screened outdoor clothes drying areas, provision of satellite dishes on less visible parts of the buildings, and dual frontages on units 19 and 20.
- Overlay the outline of the buildings and roads on the zoning objectives map to demonstrate compliance with the zoning objectives for Open Space Amenity and Recreation.
- Confirmation that the road denoted as indicative route for Distributor Road Network shall be fully built out to the land owner's boundaries and that any impediments shall be removed immediately following completion of the road.
- Having regard to adjoining development, submit a childcare analysis indicating that a childcare facility is not necessary with an accompany letter from the Offaly County Childcare Committee, or submit proposals for a childcare facility for the totality of housing proposed under 24/60122 and 24/60120.
- Indicate details of boundary treatments along the site to the north of the proposed Distributor Road and indicate if vehicular access through the County Arms car park will be maintained for the proposed apartments, providing legal details in this regard.

3.2.4. Further Information was submitted by the Applicant and addressed in the second Planner's Report. The Further Information submission amended the proposed housing mix and reduced the number of apartments from 46 to 42 which satisfactorily

addressed unit mix concerns and design amendments were undertaken to address the blank gables. The report notes that the majority of the Further Information request was suitably addressed and concluded in a request for Clarification of Further Information to address the remaining six points as follows:

1. Revise drawings to provide suitable notations regarding swift nest boxes.
2. Submission of a phasing plan for the Distributor Road, prepared in conjunction with adjoining landowners. The relevant section of the Distributor Road must be substantially complete prior to commencement of the housing units. Written agreement to be provided from all parties responsible for the Distributor Road confirming continuity of design, cross sections, and tie ins. Revised plans should show reduced number of crossings (from 6 no. to 3 no.) and an amended layout incorporating the recommendations of the Road Safety Audit.
3. Watermain, foul sewer and surface water each to be shown separately on dedicated drawings.
4. Revised layout to be submitted showing 100sqm children's play space incorporated into the design of the development.
5. Revised site layout and elevation drawings showing a boundary fence to be installed along the length of the Distributor Road on each side to provide a safe area for children until the proposed landscaping has matured and the road is taken in charge. Revised drawings shall also address accessibility of car parking adjoining apartment units 1-12. Request investigation into expanding the site boundaries to north and west of apartment units 1-12 to facilitate access to these car parking spaces.
6. The agreement for the mutual grants of rights of way and ancillary rights by adjoining owners should be revised to include the correct planning references.

3.2.5. Clarification of Further Information was submitted and addressed in the third Planner's Report that concluded that all outstanding matters had been addressed to the satisfaction of the Planning Authority. Permission was then granted subject to conditions.

3.3. Other Technical Reports

- 3.3.1. Area Engineer (30.05.2024 and 15.04.2025): Requested the submission of a Road Safety Audit for the extent of the Birr Distributor Road that is within the site, to include junctions to residential developments, boundary treatments and the interactions with pedestrians/cyclists. This matter was suitably addressed by way of Further Information.
- 3.3.2. Chief Fire Officer (31.05.2024): No objection, subject to conditions. The conditions relate to Building Control Regulations which are covered under separate legal codes.
- 3.3.3. Housing (07.05.2024 and 11.10.2024): The Housing Department initially considered the Part V offer to be insufficient and sought further engagement with the Applicant. This issue was addressed at Further Information stage, to the satisfaction of the Housing Department and a standard condition has been applied.
- 3.3.4. Road Design (29.05.2024, 23.10.2024, and 8.05.2024): The first response from the Road Design Section requested further information on the following points:
- Submission of a phasing plan for the Distributor Road, demonstrating that it will be completed prior to commencement of the housing.
 - Provision of written consent from adjoining landowner for access to the development lands and written consent from the relevant landowner in relation to sections of land required for the Distributor Road that are outside of the Applicant's ownership.
 - Written confirmation for the arrangement and permission to tie into the east and west sections of the Distributor Road.
 - Submission of a drawing detailing all signage, line markings and parking bays, and provision of a revised site layout detailing measures to reinforce the prevailing speed limit on the Distributor Road in accordance with DMURS.
 - Demonstration that the development complies with accessible and EV parking requirements.
 - Submission of a Road Safety Audit and a Traffic and Transport Assessment.
- 3.3.5. Following clarification of some points, it was considered that all issues had been suitably addressed and generally standard conditions were recommended. Conditions of note are set out in Section 3.1 above.

- 3.3.6. Senior Executive Architect (14.05.2024, 15.10.2024, and 09.04.2025): House and apartment types are well considered and in compliance with the Guidelines. Some concerns were raised regarding the layout/siting of the apartment blocks in relation to one another as well as concerns regarding blank gables and the provision of open space. The level of car parking proposed for the apartments was considered to be insufficient and the level of hardstanding should be reconsidered.
- 3.3.7. In terms of heritage, an exclusion zone should be provided for the Ice House, mature hawthorns should be retained, and a revised Architectural and Heritage Impact Assessment and longitudinal contextual sections/elevations were requested. It was also requested that future plans/sketch proposals for adjacent sites in the Applicant's ownership be provided. In terms of biodiversity, details of swift nest boxes were required to be integrated into the design of the apartments.
- 3.3.8. These issues were suitably addressed by way of Further Information. Whilst the layout of the apartment blocks was not altered, the issue of blank gables was overcome by design amendments. It is also noted that the Applicant engaged with the Garda Crime Prevention Officer as requested by the Planning Authority.
- 3.3.9. Water Services (24.05.2024, 22.10.2024, and 10.04.2025): Further Information was sought to address concerns regarding water supply, foul sewerage, and surface water, including detailing each of these elements on separate dedicated drawings and the provision of hydrocarbon interceptors. This matter was suitably addressed by way of Further Information and standard conditions were applied.

3.4. Prescribed Bodies

- 3.4.1. Department of Housing, Local Government, and Heritage (15.05.2024): Given the scale, extent and location of the proposed development, the Department consider that it could impact on subsurface archaeological remains. As such, archaeological investigations were requested by way of Further Information. The Applicant submitted the requested information, and no further comments were received from the Department.
- 3.4.2. Transport Infrastructure Ireland (TII) (07.05.2024 and 11.04.2025): Following the submission of Further Information, TII responded that the development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic

Impact) Assessment and any recommendations contained therein should be incorporated as conditions.

- 3.4.3. Uisce Éireann (01.06.2024): Connections are feasible without upgrades and Uisce Éireann note that booster pumping may be required for water due to potential low pressure and this would be installed at the Applicant's cost. Standard conditions are recommended.

3.5. **Third Party Observations**

- 3.5.1. Three observations were received in response to the planning application, with further responses received following Further Information. These are summarised in the Planner's Reports and are on file for the Commission's information. I have read and noted all observations, and I am satisfied that the main substantive points are included in the grounds of appeal.

4.0 **Planning History**

Subject Site

- 4.1. There is no planning history for the subject site.

Adjacent Sites

Primary Care Centre Site (to the west of the subject site)

- 4.2. Planning Authority Reference 22404: In March 2023 the Planning Authority granted permission for: Development consisting of the construction of: (1) a 4060m² three storey primary care centre to accommodate: (a) HSE facilities comprising consulting rooms, treatment areas, meeting rooms, offices and support spaces; (b) surgery space totalling 807m² for general practitioners; (c) a 138m² pharmacy with two consulting rooms totalling 34m². (2) a 175m² single storey ancillary structure at the rear of primary care centre for stores, waste, back-up generator and associated external plant. (3) a 397.5m² two storey ambulance base with single storey garage and external canopy. (4) 157 no. Car parking area including provision for 6 no. Motorcycle parking spaces, 50 no. Bicycle spaces, 16 no. Electrical charge points and traffic control barriers for employee parking. (5) section of new access distributor road 165m long with footways. (6) all associated site development works to serve the proposal

including site and distributor road lighting, hard and soft landscaping, rail and fence boundary treatment and all associated signage.

- 4.3. This development, which has commenced construction, is located to the West of the proposed site and will provide a section of the Distributor Road which is currently under construction.

County Arms Hotel (to the north and west of the subject site)

- 4.4. Planning Authority Reference 2460129: The Planning Authority granted permission in March 2025 for: a) removal of existing temporary structures, minor internal alterations, and partial demolition to facilitate the construction of a new two-storey extension to the southern elevation of existing hotel building. b) extension of existing car park including the provision of groundworks, pathways, public lighting, and landscaping. c) and all associated site development works to complete the development.

Adjacent housing site to the east

- 4.5. There is an extensive planning history for the adjacent housing site to the east. Many of the houses are well established, with the earliest houses constructed c. 2007 and subsequent later phases from 2014 onwards. Of most relevance to the current proposal is Planning Authority Reference 24/60120 for the construction of 58 new homes and the construction of a section of new distributor road, pathways and cycle track. This was granted permission by the Planning Authority in April 2025. At the time of my site inspection, site preparation works appeared to be taking place.

5.0 Policy Context

5.1. National Planning Policy

National Planning Framework

- 5.1.1. The NPF comprises the Government's proposed long-term strategic planning framework to guide national, regional and local planning and investment decisions over the next 25 years. Part of the vision of the NPF is managing growth and targeting at least 40% of all new housing in existing built-up areas of cities, towns and villages through infill and brownfield sites while the rest of new homes will be targeted on greenfield edge of settlement areas and within rural areas. The NPF also sets out a

number of National Strategic Outcomes which include Compact Growth and Strengthened Rural Economies and Communities.

5.2. Regional Policy

Regional Spatial and Economic Strategy for Midlands & East

5.2.1. The (RSES) for the Eastern and Midlands Regional Assembly (EMRA) came into effect on 28th June 2019. The RSES provides regional level strategic planning policy for the eastern and midland region in line with the NPF. The Region includes County Offaly. Strategies of note are as follows:

- Spatial Strategy – to manage future growth and ensure the creation of healthy and attractive places to live, work, study, visit and invest in.
- Economic Strategy – that builds on the region's strengths to sustain a strong economy and support the creation of quality jobs that ensure a good living standard for all.
- Investment Framework – to prioritise the delivery of key enabling infrastructure and services by government and state agencies.
- Climate Action Strategy – to accelerate climate action, ensure a clean and healthy environment and to promote sustainable transport and strategic green infrastructure

5.3. Offaly County Development Plan 2021-2027

5.3.1. The Offaly County Development Plan 2021-2027 is the overarching development plan for the area. The relevant objectives, policies and Development Management Standards in the Development Plan for this site is as follows:

5.3.2. Table 2.2 Core Strategy Table includes a housing supply target of 441 units between 2021 and 2027, divided between mixed use, brownfield and new residential zonings.

5.3.3. The site is designated as having a low landscape sensitivity.

5.3.4. SSP-03: It is Council policy to strengthen the core of settlements and encourage the compact growth of settlements by way of the development of infill sites, brownfield lands, under-utilised land / buildings, vacant sites, and derelict sites within the existing

built-up footprint of the settlements and develop outwards from the centre in a sequential manner.

- 5.3.5. SSP-05: It is Council policy that residential development proposals shall be prepared, designed and laid out in accordance with the standards as set out in Chapter 13 Development Management Standards and Section 28 Ministerial Guidelines. This includes promoting densities, high quality design, layout and public realm for new residential development appropriate to its location and surrounding context, while recognising the need to protect existing residential communities and the established character of the area.
- 5.3.6. SSP-08: It is Council policy that Birr, a Self-Sustaining Growth Town, continues to grow at a sustainable level and at a commensurate scale in accordance with the Core Strategy Table in an effort to become more self-sustaining.
- 5.3.7. SMAP-27: It is Council policy to improve the road links between the national roads network and identified settlements within Offaly's Settlement Hierarchy in order to cater for anticipated additional traffic flows and to facilitate the economic development of these settlements.
- 5.3.8. SMAO-16: It is an objective of the Council to examine the feasibility of providing future relief / distributor roads adjacent to / within the following towns and villages, taking into account environmental sensitivities as identified in the SEA Environmental Report and the policies and objectives of the County Development Plan relating to sustainable mobility. Where feasibility is established, the Council will seek to pursue and / or facilitate the relevant project, subject to other provisions in the Plan, including section 8.6.4 Corridor and Route Selection Process. Where lines are shown on the maps in Volume 2, they are indicative only.
- 5.3.9. A number of Development Management Standards (DMS) as set out in Chapter 13 of the Development Plan are also relevant to the proposed development. The most pertinent include the following:
- DMS-02: Density
 - DMS-03: Layout
 - DMS-05: Housing Mix
 - DMS-08: Apartments

- DMS-09: Building Heights
- DMS-13: Separation Distances/Overlooking
- DMS-18 and DMS-19: Private Open Space
- DMS-21: Public Open Space

5.4. Birr Local Area Plan 2023-2029

5.4.1. The site has four zoning designations under the Birr LAP, including:

- New Residential – To provide for new residential development and other services incidental to residential development. This relates to the north and central east section of the site where the proposed apartments and houses would be located.
- Open Space and Recreation – To protect and improve the provision, attractiveness, accessibility and amenity value of public open space, amenity and recreation. This applies to the land to the north and west of the proposed houses. No development is proposed on this land.
- Community Services/Facilities – To provide necessary community, social, health, public administration and educational services and facilities. This includes the land where the proposed Distributor Road would be located, the location of which is annotated on the zoning map.
- Strategic Residential Reserve – To provide lands for development at some time in the future but it will not be considered for development purposes during the current plan period.

5.4.2. Chapter 4 sets out the built heritage policies and objectives for Birr. The strategic aim is to protect, conserve and manage Birr's buildings, areas, structures, sites and features of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, by promoting the understanding, enhancement and appropriate development of these assets in order to instigate a heritage-led regeneration of the town.

5.4.3. Chapter 5 contains the residential policies, the overarching aim being to deliver high quality housing in terms of design, mix, tenure, sequence and density to reasonably match the requirements of the different categories of households, which shall be

constructed on the principles of universal design, life-long adaptability and energy efficiency, and developed in a manner which promotes compact growth and healthy place-making, and is in line with the Core Strategy in the County Development Plan. This section includes policies seeking to encourage the compact growth of Birr and objectives to ensure that 30% of new housing is within the footprint of the town.

- 5.4.4. Chapter 9 relates to critical infrastructure and contains policies that seek to facilitate the timely provision of infrastructure and utilities that will support sustainable socioeconomic growth and protect the quality of the environment of the town in a low carbon manner.

5.5. Section 28 Ministerial Guidelines

- 5.5.1. The following national policy, statutory guidelines, guidance and circulars are also relevant:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Sustainable Urban Housing: Design Standards for New Apartments (2023)
- Urban Development and Building Heights Guidelines (2018)
- Architectural Heritage Protection Guidelines (2011)

- 5.5.2. I note that updates to the Planning Design Standards for Apartments: Guidelines for Planning Authorities were published on the 7th July 2025. The revocation of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities -2023', (and all preceding updates) does not apply to current appeals or planning applications, i.e. those that were subject to consideration in the planning system on or before the 8th of July 2025. These will be considered and decided in accordance with the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).

5.6. Natural Heritage Designations

- 5.6.1. The nearest European sites are:

- Dovegrove Callows SPA (Site Code 004137) – c. 3km to north west.
- River Little Brosna (Site Code: 004086) – c. 6km to the north west.

5.7. EIA Screening

- 5.7.1. 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A Third Party appeal has been submitted by John Hoare in response to the decision of Offaly County Council to grant planning permission for the proposed development. The grounds of appeal can be summarised as follows:

- The Commission are requested to take earlier submissions into account. All detailed points made in earlier submissions are reiterated.
- There was no notification of Further Information, observers had insufficient time to view the documents and the filing/indexing on the website is very hard to follow.
- Traffic at the Tesco roundabout where the N52 and N62 meet is currently very heavy. It will be excessive when factoring in the hotel, health centre and the proposed development/adjoining developments.
- The roundabouts at Tesco are too small, poorly designed, inadequate for the traffic and not fit for purpose.
- The road through Birr for the N52 and N62 is inadequate for current traffic, not to mention the additional traffic proposed. This road is not yet connected to the Kinnitty Road out of Birr. This puts pressure on the roundabout.

- At least nine people have been killed on the N62 and N52 within a mile and a half of the main square in Birr. Further development at the roundabout is only likely to increase the number of deaths.
- There has been provision for a ring road in the CDP for almost 50 years. Birr cannot wait any longer for a ring road before any further housing development occurs in this area putting further strain on the junction.
- No further development should be allowed on the route of the distributor road until it is in place so as not to direct all traffic onto the roundabout.
- Through Offaly County Councils traffic management, there is only one viable route through Birr, from the aforementioned roundabout through the town and out in the direction of Athlone/Tullamore. This has choked the town with traffic and expose vulnerable people to risk of accidents.
- Question whether the National Roads Authority are satisfied with the proposals.
- The provision of three storey buildings on the top of a hill, on an esker, will be obtrusive, prominent, and not proper and sustainable planning. Birr is a heritage town, and this classification should not be undermined. The development could be detrimental to tourism and local businesses.
- There is inadequate provision for recreation and social amenities for residents.
- The concentration and type of accommodation is inappropriate on a hilltop.
- There is an over concentration of one and two bedroom apartments and build-to-rent apartments. Other proposals in Birr for mainly one and two bedroom properties were refused by Offaly County Council.
- One and two bedroom properties are out of balance with the three and four bedroom houses, creating a future bottleneck as single people combine and have families.
- There would be an excessive number of cars required by the occupants.
- Density should be lower with a mix of 1-4 bedroom properties, more detached and semi-detached homes and less three storey/blocks of properties.

- The development is within the curtilage of a Protected Structure which should be preserved and enhanced.

6.2. Applicant Response

6.2.1. A First Party response has been received from Kenny Lyons Associates Architects, for and on behalf of the Applicant, Eoin Garry. The main points can be summarised as follows:

- The Appellant is the former owner of the site and was issued with an Enforcement Notice in 2008 for the removal of topsoil and gravel from the hilltop and had permission refused for a dwelling on the site of the Primary Care Centre. The appeal therefore stems from personal grievance rather than genuine planning concerns.
- A topographical survey commissioned by the Appellant proposed extensive relocation of topsoil from where the current housing development is planned. By comparison, the proposed development would be far less visually obstructive and invasive.
- The TTA concluded that the proposal would not result in a significant material deterioration in the operational performance of the road network.
- The developer led distributor road will connect the N52 with the R440 in Syngefield and will alleviate the volume of traffic in the town centre.
- The Applicant, in accordance with conditions, will make a financial contribution to Offaly County Council and will deliver the construction of 106 metres of the distributor road with associated footpaths, cycle paths, lighting and underground utility services, representing a major contribution to local infrastructure and community development.
- The TTA and a Stage I RSA show that the proposed development would not cause heavy or excessive traffic at the roundabout where the N52 and N62 meet and is not the cause of the junction reaching capacity.
- The new distributor road would help reduce traffic in the town and would offer an alternative route easing congestion in Birr town centre.

- The basis of the Appellant's claims of nine road fatalities in this area is unclear and there is an absence of evidence to support these claims. It has only been possible to confirm four deaths within 1.5 miles south of the main square in Birr.
- The absence of a ring road is not a valid reason to refuse permission. The developer would be making a financial contribution which the Council may choose to allocate to future infrastructure projects, such as a ring road.
- The distributor road is developer led and would deliver 525 metres of the road. Unless permission is granted, the next 250 metre section of the road that has received planning permission cannot be delivered.
- Offaly County Council's traffic management of Birr are not grounds to refuse permission. As previously mentioned, the distributor road would alleviate town traffic.
- No three storey development is proposed at the top of a hill. The buildings are at the north side of the site at the bottom of the hill. Finished floor levels were reduced to prevent visual obstruction.
- The finished floor levels of the proposed houses are 2 metres below the adjacent dwellings at Corr na Meala.
- The real issue affecting locals and tourism related businesses is the lack of high quality housing and additional rented accommodation.
- The development exceeds CDP open space requirements and provides 17% open space including a children's play area. The site is also well located for other amenities.
- Housing/unit mix is appropriate and complies with the Apartment Guidelines.
- An appropriate density is provided at 42.4 units per hectare.

6.3. Planning Authority Response

- 6.3.1. The Commission's attention is brought to the technical reports on file. The Planning Authority note that the Department of Transport has committed funding into the feasibility study – Transport Options for Birr Town, one of the options is the provision

of the proposed Birr Distributor Road. The Planning Authority respectfully request that the Commission uphold the decision to grant permission.

6.4. Observations

6.4.1. None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues to be considered in this appeal are as follows:

- Housing Mix, Quality of Accommodation and Density
- Design and Heritage
- Transport
- Other Matters

7.2. Housing Mix, Quality of Accommodation, and Density

7.2.1. The Appellant considers there to be an overconcentration of one and two bedroom apartments, that there is inadequate provision for recreation and social amenities, and that density should be lower, with more detached and semi-detached homes.

7.2.2. The Applicant considers the housing mix to be appropriate having regard to the Apartment Guidelines. In terms of recreation and social amenities, the Applicant indicates that 17% would be provided across the development and that a 100sqm children's play area would be provided in line with the Guidelines. It is argued that the proposed density at 42.4 units per hectare would be policy compliant.

Housing Mix

7.2.3. The proposed development includes a mix of one, two, three, and four bedroom properties. The apartments would comprise one and two bedroom units (22 no. one bedroom units and 16 no. two bedroom units). Having considered the overall mix of housing being proposed for this development, including the mix of apartments/houses

and homes with one to four bedrooms, I am satisfied that a suitable mix of dwelling type and size is being provided and that the requirements of the Apartment Guidelines have been satisfied with regards to housing mix.

Quality of Accommodation

- 7.2.4. The Applicant's concerns in this regard relate to a perceived lack of recreation and social facilities. In terms of housing standards, all relevant housing quality standards are met, including in terms of apartment/dwelling size, dual aspect and private amenity space. Furthermore, I note that public open space would be provided and that the site is proximate to other facilities such as sports pitches, parkland and a leisure centre.
- 7.2.5. I recognise that some parts of the communal open space for the apartments are constrained. That being said, having regard to the useable open space (communal), by my calculations I note that the minimum standards set out in the Apartment Guidelines would be met. A 100sqm children's play area is proposed and the Planning Authority have imposed a condition seeking minor design changes to this part of the open space, including the removal of a path and provision of suitable enclosure for safety. The Commission will note that this section of the apartment communal open space has been designed to tie into a potential future development to the north. Whilst this would undoubtedly improve the quality and quantum of the communal open space, there is no certainty regarding any future development and as such the subject development should be able to stand on its own. On balance, whilst noting some of the compromised sections of the proposed communal open space, having regard to the fact that the useable open space would meet the minimum standards set out in the Apartment Guidelines, the provision of a compliant Children's play area, the amendments secured by condition, the private amenity spaces being provided, and the proximity to other open space and recreational facilities, I am of the view that the development would be acceptable.

Density

- 7.2.6. The Applicant has presented density in terms of net site area, disregarding land that cannot be developed, which is an appropriate methodology. The overall density comes out at c. 42 units per hectare. This would be higher on the apartment site and lower on the housing site. However, based on my calculations, in both instances the proposed densities would be entirely in line with the Compact Settlement Guidelines.

In my view the apartment site is appropriate for apartments and higher density development, particularly having regard to its proximity and ease of access to local services and facilities such as the new Primary Care Centre, supermarkets and shops, leisure centre/sports ground and proximity to the town centre and parkland.

7.3. Design and Heritage

- 7.3.1. It is the position of the Appellant that the apartment blocks and provision of buildings on top of a hill would be inappropriate, obtrusive, and prominent. It is stated that Birr's heritage should not be undermined and that the Protected Structures should be preserved and enhanced. The Applicant notes that the apartments would be at the north side of the site at the bottom of the hill, not the top. In terms of the houses, the Applicant states that finished floor levels were reduced to prevent visual obstruction, and it is noted that the FFLs are two metres below the adjacent housing.
- 7.3.2. As noted by the Applicant, the apartments are located on the north side of the site, which is the lowest part of the overall site and at the bottom of the hill. In my view the three storeys being proposed would be entirely consistent with the immediate townscape, noting that both the County Arms Hotel and the Primary Care Centre, which are the most proximate neighbouring sites, are both three storeys in height. Although the existing and proposed housing on the site to the east is generally two storeys, this sits at a higher level to the apartment site and as such three storey apartments would not appear overly prominent or a discordant townscape feature.
- 7.3.3. The proposed houses would be located at the top of the hill. Existing housing on Corr na Meala is already visible in views towards this site from the bottom of the hill. The additional housing approved on Corr na Meala would come much closer to the site boundary than the existing housing and as such would become much more visible and prominent in this view. The proposed houses, which are on housing zoned land, would be viewed in this context, with the Primary Care Centre in the foreground. Whilst the proposed houses would be visible, they would not be overly prominent when viewed from surrounding roads and streets, with visibility largely limited to the site of the Distributor Road due to the screening effect of existing buildings and trees. In this respect, I do not consider there to be any measurable harm in terms of visual amenity or townscape, certainly not to the extent that would outweigh the benefits of bringing forward housing on serviced and zoned land within the existing town footprint. In my

view, the design, scale and massing of the apartments and houses is acceptable and suitable material finishes can be secured by condition.

- 7.3.4. In terms of heritage, I have considered the Protected Structures at the County Arms Hotel and the discussed Ice House on the southern part of the site. The Protected Structure of the County Arms Hotel, the former Moor Park House, is located to the west of the apartments, and separated from the site by the extensive three storey extensions that have taken place at the hotel. In this respect, I do not consider that the apartment development would have any significant measurable effect on the character, setting or heritage value of the Protected Structure.
- 7.3.5. With regard to the Ice House, I note that this is on the north facing slope of the southern part of the site and not in a highly accessible location. No development would be taking place in the immediate environs of the Ice House, which is largely buried, with the exception of the partially concealed arched entrance. Furthermore, an exclusion zone has been proposed following advice from the Planning Authority. I am satisfied that there would be no significant adverse impact on the Ice House or its character and setting.

7.4. Transport

- 7.4.1. The primary concern of the Appellant relates to traffic and transport issues. The Appellant raises a number of points which can be broadly distilled into concerns that the development will result in excessive traffic and that the current road network, including the existing roundabout, is not fit for purpose and will lead to public safety issues and deaths. The Appellant questions if the National Roads Authority are satisfied with the proposal and expresses the view that Birr needs a ring road and that no further development should be allowed on the route of the distributor road until it is in place so as to relieve pressure on the roundabout and junctions. Further concerns are raised regarding overall traffic management in Birr and that an excessive number of cars will be required by occupants of the development.
- 7.4.2. The Applicant argues that the absence of a ring road and Offaly County Council's traffic management of Birr are not grounds to refuse permission. The Applicant points to the fact that the Distributor Road is developer led and that the development would provide a section of the Distributor Road that would connect two approved sections, delivering 525 metres in total. It is the view of the Applicant that the Distributor Road

will help reduce traffic in the town and that the TTA demonstrates that the development would not result in a significant material deterioration in the operational performance of the road network nor would it cause heavy or excessive traffic at the roundabout where the N52 and N62 meet. In terms of safety, the Applicant states that there is a lack of evidence to support the Appellant's claims of road fatalities.

Distributor Road

- 7.4.3. The Distributor Road is included within the Birr LAP and is shown on the relevant zoning map. The Commission should note that two sections of this Distributor Road have already been approved. This includes the section to the east of the subject site and a section to the west. The proposed development would therefore serve to connect two approved sections of the Distributor Road. The application documentation includes details of phasing and confirmation of what landowners/developers will be delivering each section. In addition, the Planning Authority have imposed a condition to secure early delivery of the Distributor Road prior to the commencement of any housing in order to ensure it will be used as a site access. Whilst I note that the application documentation includes plans of each section of the distributor Road, including parts outside of the current appeals red line boundary, I would note that these are for information purposes only and they relate to sections of the road that already have the benefit of planning permission. I am satisfied that the relevant details are consistent across each section.

Traffic and Trip Generation

- 7.4.4. The Applicant submitted a Traffic and Transportation Assessment (TTA) dated September 2024 and prepared by DBFL Consulting Engineers. The TTA considers the development alone with the committed (now approved) developments that surround the site (and detailed in the Planning History section of this report). Trip generation has been modelled using the TRICS database and includes an opening year of 2026 and future design years in 2031 and 2041.
- 7.4.5. For the morning peak, the proposed development itself would generate three arrivals and seven departures, and the evening peak would generate seven arrivals and four departures, resulting in a trip generation of 10 two way journeys in each peak. In the modelled 2031 and 2041 scenarios there would be 19 and 21 two way vehicles trips

during the morning and evening peak respectively. In my opinion, this is not a significant increase in trip generation.

- 7.4.6. In terms of the committed developments, I note that the amendments to the hotel have very low trip generation of five and four two way vehicles trips during the morning and evening peak respectively. The adjacent housing site to the east has a trip generation similar to the proposed development.
- 7.4.7. As an approved development that is under construction, the additional vehicle movements generated by the Primary Care Centre have been factored into the traffic assessment. The impact of a proposed development on the local road network is considered material if it surpasses 10% and 5% on normal and congested networks respectively. With the proposed development in place, I note that impacts on the existing roundabout junction (Junction 1) would be 0.34%-0.36% in 2026, 0.64% - 0.68% in 2031, and 0.62% - 0.65% in 2041. Impacts on the junction on the new Distributor Road would be higher, ranging from 3.4% to 6.78% but well below the 10% threshold.
- 7.4.8. Further consideration has been given to junction capacity using ARCADY modelling. For priority controlled junctions a Ratio of Flow to Capacity (RFC) greater than 85% (0.85) indicates a junction to be approaching capacity. Do Nothing (without the development in place) and Do Something (with the development in place) scenarios have been assessed for 2026, 2031 and 2041. The results indicate that in both scenarios for 2026 the junction will be operating with an acceptable level of capacity.
- 7.4.9. I note that in both the 2031 and 2041 Do Something scenario the junction would be approaching capacity with RFCs of 0.87 and 0.91 respectively. However, there is no significant difference when comparing the 2031 and 2041 Do Nothing scenario which report RFCs of 0.86, 0.87 and 0.91 which indicate that the proposed development is not contributing to the junction reaching capacity. Future junction improvements are a matter of wider traffic management for Offaly County Council, and I am satisfied that the TTA demonstrates that the proposed development would not have any significant material impact on the local road network.

Transport Infrastructure Ireland

- 7.4.10. The Appellant questions if the National Roads Authority are satisfied with the proposal. Transport Infrastructure Ireland was formed through the merger of the National Roads

Authority and the Railway Procurement Agency. TII were consulted on the application and initially requested that a Traffic and Transportation Assessment be submitted. This was submitted at Further Information stage and TII were subsequently re-consulted. TII responded that the development should be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment and any recommendations contained therein should be incorporated as conditions. As such, it is clear that TII are satisfied with the proposal.

Safety

- 7.4.11. Whilst I note the concerns raised by the Appellant with regards to safety and previous fatalities, it is clear that this is not related to the proposed development or the wider Distributor Road development. Traffic management and road safety in Birr is a matter for the Council to address. In my opinion, the layout of the proposed Distributor Road and its connection to the junction of the N52 and N62 is not a cause for concern in terms of transport safety. A Road Safety Audit was submitted with the application, and I note that the points raised therein have been addressed. A Stage 3 RSA is also a conditioned requirement of the permission issued by the Council.

Parking

- 7.4.12. Both the Offaly County Development Plan and the Compact Settlement Guidelines specify maximum parking levels. I note that the proposal is compliant with both of these documents. I do share some concerns regarding the overall provision of car parking on the apartment site, which in my mind could reasonably be reduced by way of condition, having regard to the location of the site proximate to services, facilities and the town centre, with some parking spaces potentially converted to open space. In any event, whilst this is an option open to the Commission, on balance, I consider the development to be acceptable in its current format.

7.5. Other Matters

- 7.5.1. The Appellant states that there was no notification of Further Information, that observers had insufficient time to view the documents, and that the filing/indexing on the website is very hard to follow. Whilst it is not a function of the Commission to address perceived or actual deficiencies in the Planning Authority's processing of planning applications, in my view the concerns of the Appellant are unfounded and I note that the Further Information was re-publicised (press and site notice) and that the

Appellant responded, as is evident from the Planner's Reports. I do not therefore consider that any parties have been unduly hindered from participating in the application process.

8.0 AA Screening

8.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in Birr, c. 3km from the Dovegrove Callows SPA and 6km from the River Little Brosna SPA which are the nearest European sites. The development comprises the provision of new housing and a section of road. No appropriate assessment issues were raised as part of the appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The nature and scale of the works including connection to municipal drainage services.
- The significant separation distance from the nearest European site and lack of meaningful connections.
- The screening determination of the Planning Authority.

8.2. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and development Act 2000) is not required.

9.0 Water Framework Directive

9.1. There are no water courses in the immediate vicinity of the appeal site. The proposed development comprises the construction of 64 new homes and construction of a road. 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.

9.2. 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:

- The nature and scale of the works;
- The location of the site in a serviced, the distance from the nearest water bodies, the lack of direct hydrological connections and the current status of the groundwater body.

9.3. I conclude 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.

10.0 Recommendation

10.1. I recommend that the Commission uphold the decision of Offaly County Council and grant permission subject to conditions, for the reasons and consideration set out below.

11.0 Reasons and Considerations

11.1. Having regard to the provisions of the Offaly County Development Plan 2021-2027 and the Birr Local Area Plan 2023-2029, including the zoning objective for the site and the relevant policies and objectives of the development plan in addition to the Building Height Guidelines, Apartment Guidelines, and Compact Settlement Guidelines, and having regard to the scale, form, design, and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities or character of the area or of property in the vicinity, would have no significant transport or traffic impacts, would have no significant heritage impacts on either of the Protected Structures, would

not seriously injure the residential amenity of dwellings in the area, would not be prejudicial to public health, and would overall promote the appropriate and efficient development of housing on an accessible and sustainable site and would comply with the policies and provisions of the development plan, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 11th April 2024, and amended by the further plans and particulars received by the Planning Authority on the 20th September 2024 (Further Information), and the 3rd March 2025 (Clarification of Further Information), except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of visual amenity.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –

- (i) Existing trees, hedgerows, shrubs, rock outcroppings, stone walls, specifying which are proposed for retention as features of the site landscaping
- (ii) The measures to be put in place for the protection of these landscape features during the construction period
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, and which shall not include prunus species.
- (iv) Details of screen planting, which shall not include cupressocyparis x leylandii.
- (v) Details of roadside/street planting, which shall not include prunus species.
- (vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment, and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation, including details of phasing

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. (a) Construction traffic shall access the development site via the route of the proposed Distributor Road only.
- (b) The section of proposed Distributor Road, as specified in the Birr Town Plan zoning map in the Birr Local Area Plan 2023-2029, located within the site of this

planning application shall be completed before first occupation of any proposed dwellings, in accordance with the information received and all relevant design standards, NTA, TII, DMURS, etc. including all utilities and services in a manner so as to ensuring that a future extension of the Distributor Road is feasible . The developer shall liaise and engage with Offaly County Council Roads Section in this regard. The section of proposed Distributor Road shall be built at the developers expense and shall be built along the full extent of the applicants landholding.

(c) Prior to commencement of development, the developer shall submit proposed construction details, in accordance with the information received and all relevant design standards, NTA, TII, DMURS, etc. for written agreement and approval of Offaly County Council Roads Section. These include but are not limited to, details of road cross section, pavement design, drainage design, utilities, controlled crossing points, PSV values, AAV values, etc. for the proposed Birr Distributor Road.

(d) No gates or other impediments to vehicular movement shall be erected at any points along the proposed Birr Distributor Road without the prior written consent of the Planning Authority. Where such gates or other impediments are permitted by the Planning Authority, they shall be temporary only and they shall be removed from the site within one month of a written direction from the Planning Authority. The developer shall liaise and engage with Offaly County Council Roads Section in regard to the above.

(e) Prior to commencement of development the developer shall provide a revised agreement, referenced in the applicant's response to further information as Birr Distributor Road - Three Way Agreement, with corrections to (a) the date on the document and (b) the reference to section D on page one of the document.

(f) The developer shall submit a Road Safety Audit at each stage of the development of the proposed Distributor Road and the housing development roads for the written agreement of the Planning Department. The developer shall undertake any recommendations and remedial works identified in the agreed audits prior to the opening of the proposed Distributor Road.

(g) Following construction and prior to 1st occupation of the residential units, the developer shall undertake a Stage 3 Road Safety Audit for the proposed development and the proposed Distributor Road and submit it to Offaly County Council for written agreement. The developer shall undertake any recommendations and remedial works identified in the agreed audit prior to the 1st occupation of any dwellings.

(h) All proposed signage, line marking and parking bays are installed in accordance with the Traffic Signs Manual 2019 and Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of traffic safety.

5. The construction of the development shall be managed in accordance with a Construction 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:

(a) Location of the site and materials compound including areas identified for the storage of construction refuse.

(b) Location of areas for construction site offices and staff facilities.

(c) Details of site security fencing and hoardings.

(d) Details of on-site car parking facilities for site workers during the course of construction.

(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.

(f) Measures to obviate queuing of construction traffic on the adjoining road network.

(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety and environmental protection

6. The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company. Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with the planning authority before any of the residential units are made available for occupation.

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

7. Prior to the occupation of the development, a Mobility Management Plan (MMP)/Travel Plan shall be submitted to and agreed in writing with the planning

authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

8. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

9. Prior to the commencement of the development, the developer shall submit for written agreement with the Planning Authority, a revised site layout plan for the proposed public play area within the north parcel of the subject site. This revised plan shall remove the western footpath which leads to the northern boundary wall and is deemed unnecessary. The revised plan shall also extend the play area to the northern boundary of the subject site to remove the narrow tract of land and shall include the adjacent green area to ensure a useable and attractive amenity space for the future residents of the development.

Reason: In the interest of proper planning and residential amenity.

10. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

11. Proposals for an estate/street name, house/apartment 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/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

12. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual amenity.

13. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

15. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network. All works shall comply with Uisce Éireann's Connection and Developer Services Standard Details and Code of Practice.

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

16. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees and landscaping. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

17. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

18. All drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit all drainage details to the Planning Authority for written agreement.

Reason: In the interest of public health and surface water management.

19. Prior to the commencement of the development as permitted:

- (a) 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, that restricts all relevant residential 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.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has

not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

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

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.

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

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

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Terence McLellan
Senior Planning Inspector

15th August 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322482-25
Proposed Development Summary	Construction of 62 residential units along with section of new distributor road and all associated site development works. The proposed development is within the curtilage of protected structures OCC RPS No. 53-361 NIAH Reg. No. 14819293 and OCC RPS No. 53-360 NIAH Reg. No. 14819292.
Development Address	Railway Road Townparks & Seffin , Birr , Co. Offaly
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	

<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. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<p>Class 10 Infrastructure Projects. 10 (b) (i) - threshold >500 dwellings. 10 (b) (iv) - Urban development which would involve an area greater than 10 hectares.</p>

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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322482-25
Proposed Development Summary	Construction of 62 residential units along with section of new distributor road and all associated site development works. The proposed development is within the curtilage of protected structures OCC RPS No. 53-361 NIAH Reg. No. 14819293 and OCC RPS No. 53-360 NIAH Reg. No. 14819292
Development Address	Railway Road Townparks & Seffin, Birr, Co. Offaly
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The proposed development is for housing, on housing zoned land. In terms of scale, it would be consistent with the surrounding townscape. No demolition works would be required. Use of natural resources would largely be limited to land take and generally consistent with other developments of this scale and nature. Construction materials and activities would be typical for an urban residential development of this nature and scale. The use of fuels and materials would be typical for construction sites. Construction impacts would be local and temporary in nature, could be suitably managed through a Construction Management Plan. In terms of accidents, no significant risk is anticipated having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. I have given consideration to the adjoining housing development, including the proposed number of dwellings, site size, and recent developments. I have also given consideration to the Distributor Road and the provisions of the Roads Act. I am satisfied that the EIA thresholds have not been reached and that cumulatively, there would not be a significant impact on the environment.

<p>Location of development</p> <p>(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>	<p>Briefly comment on the location of the development, having regard to the criteria listed</p> <p>The development would conform to the residential zoning and would be consistent with the surrounding area. There would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</p> <p>All development has the potential for some impact/disturbance during the construction phase, such as noise, vibration, dust, air quality and traffic. However, these impacts would be short term and temporary and can be appropriately managed and mitigated by way of conditions and the implementation of a detailed Construction Management Plan.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.</p> <p>No transboundary issues arise and the development would not be particularly complex. Relevant conditions have been imposed to mitigate potential impacts.</p> <p>Cumulative impacts have been appropriately assessed in the submission documents. As set out above, I have given consideration to the adjoining housing development, including the proposed number of dwellings, site size, and recent developments. I have also given consideration to the Distributor Road and the provisions of the Roads Act. I am satisfied that the EIA</p>

	thresholds have not been reached and that cumulatively, there would not be a significant impact on the environment.
Conclusion	
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 1: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Development to provide 62 new homes.			
Brief description of development site characteristics and potential impact mechanisms	<p>A full description of the development site is set out in Section 1 of the Inspector Report.</p> <p>The proposed development is described in detail in the Inspector Report. In summary, the proposal is for the provision of 62 new homes.</p>			
Screening report	Appropriate Assessment Screening Report, Panther Ecology, March 2024.			
Natura Impact Statement	None.			
Relevant submissions	None.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
<p>Twelve European sites have been identified within a potential zone of influence. Only two sites have relevant potential hydrological connections in addition to proximity that warrant further consideration in the screening exercise. These are set out in the table below.</p>				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Dovegrove Callows SPA (Site Code 0004137).	<p>Greenland White Fronted Goose <i>anser albifrons flavirostris</i> [A395].</p> <p>Conservation Objective - To restore the Favourable conservation condition of Greenland White-fronted Goose.</p>	2.96km to the north west of the site.	Potential hydrological connection via groundwater.	Yes.

River Little Brosna Callows SPA (Site Code 004086).	<p>Whooper Swan <i>cygnus cygnus</i> [A038] Teal <i>anas crecca</i> [A052] Pintail <i>anas acuta</i> [A054] Shoveler <i>spatula clypeata</i> [A857] Golden Plover <i>pluvialis apricaria</i> [A140] Lapwing <i>vanellus vanellus</i> [A142] Black-tailed Godwit <i>limosa limosa</i> [A156] Black-headed Gull <i>chroicocephalus ridibundus</i> [A179] Wetland and Waterbirds [A999] The aforementioned qualifying interests have a conservation objective to maintain the favourable conservation condition. Greenland White-fronted Goose <i>anser albifrons flavirostris</i> [A395] Wigeon <i>mareca penelope</i> [A855] The aforementioned qualifying interests have a conservation objective to restore the favourable conservation condition.</p>	5.96km downstream.	Potential hydrological connection via groundwater.	Yes.
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposal would not result in any direct effects on any of the identified European sites. There are no direct or significant hydrological connections and the site would be connected to mains

sewage services. Standard construction techniques and best practice measures would be employed to prevent discharge of dust and contaminants to the surface water network. Operationally, the development would employ standard on-site infrastructure to prevent discharge of contaminants. Even in the absence of mitigation, no significant effects on European sites are anticipated.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Dovegrove Callows SPA (Site Code 0004137).	Potential water quality degradation.	The closest watercourses is located approximately 337m to the north of the proposed development with no watercourses or drainage ditches located within the red line boundary. There will be no discharge as part of the surface water drainage network. No effects anticipated. Standard construction measures would be employed.
	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
Site 2: River Little Brosna Callows SPA (Site Code 004086).	As for Site 1.	As for Site 1.
	Likelihood of significant effects from proposed development (alone): No.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
Having regard to the information contained within the Applicant’s Screening Assessment, my site inspection, a review of the conservation objectives and supporting documents, and adopting a		

precautionary principle, I consider that the proposed development would not result in any significant effects on the European sites of Dovegrove Callows or the River Little Brosna Callows as set out above. No mitigation measures have been relied on in coming to this conclusion.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the European sites of Dovegrove Callows or the River Little Brosna in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the works including connection to municipal drainage services.
- The significant separation distance from the nearest European site and lack of meaningful connections.
- The screening determination of the Planning Authority

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.