



An
Coimisiún
Pleanála

Inspector's Report

ACP-322825-25

Development

Construction of 4 No. dwellings with entrance via College Gardens, associated landscaping, boundary treatments, connection to public sewer networks, and all ancillary services and site works.

Location

Borlum (via College Gardens), Carlow, Co. Carlow

Planning Authority

Carlow County Council

Planning Authority Reg. Ref.

24/60257

Applicant

Cormac & Fiach O' Toole

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant

Cormac & Fiach O' Toole

Observers

Andrew Lawler

Bernadette McNally

Date of Site Inspection

27th August 2025

Inspector

Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.169 ha., is broadly rectangular in shape and comprises part of the rear garden of a detached property (Borlum, a Protected Structure RPS. Ref. CT67).
- 1.2. The appeal site backs onto a cul-de-sac within College Gardens, a mature housing estate of semi-detached dwellings (from where access is proposed). The appeal site is located c. 600 metres south of the centre of Carlow town.
- 1.3. The appeal site is relatively flat and is partially bound by block boundary walls along the north, south and eastern boundaries. The western elevation of no. 9 College Gardens sides onto the appeal site. There are a number of mature trees on the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises;

- Construction of 4 no. residential units (2 no semi-detached units i.e. Unit 9A and 9B, and 2 no. detached units i.e. Unit 9C and 9D). The proposal consists of 2. no. 3 bedroom houses and 2 no. 4 bedroom houses.

Material finishes to the houses are indicated as render and natural stone for the external walls and tile/slate for roof. The proposed dwellings have a maximum ridge height of c. 9.2 metres¹. Each dwelling is provided with 2 no. car parking spaces. Boundaries between the dwellings comprises 1.8 metre high post and timber fencing. A 2.1 metre high boundary wall separates Unit 9B from Unit 9C. The existing boundary wall around the site is being retained and will form a boundary to the dwelling to the east.

- Vehicular access off College Gardens (to the east).
- Connection to public sewer network.
- Site development works.

- 2.2. The planning application was accompanied by the following reports;

¹ Reduced in height in response to request for Further Information.

- Preliminary Construction and Environmental Management Plan (submitted as Further Information).
- Arborist Report (submitted as Further Information).

3.0 Planning Authority Decision

3.1. Request for Further Information

Prior to the decision of the Planning Authority to refuse permission for the proposed development, the Planning Authority requested Further Information.

3.1.1. Further Information was requested on the 21st of October 2024 as follows:

- Item 1 – consider reducing the number of units proposed to safeguard the amenity of neighbouring property and provide safe turning movements within cul-de-sac; reduce scale and height of dwellings; submit design statement reflecting proximity of Protected Structures; and consider omitting bin storage area.
- Item 2 – confirm public open space provision/submit landscape plan.
- Item 3 – consider providing greater private amenity space for Units 9A and 9B (i.e. 60 sqm minimum).
- Item 4 – submit tree survey and confirm all boundary treatments.
- Item 5 – submit auto-track analysis of site (to consider residents and service vehicles).
- Item 6 – submit Construction and Environmental Management Plan.
- Item 7 – demonstrate compliance with DMURS, with particular focus on footpath connectivity and pedestrian safety and confirm necessity for footpath along eastern boundary adjacent to Unit 9A
- Item 8 – submit Pre-Connection Enquiry to Uisce Éireann regarding water supply and foul sewer connection.
- Item 9 – confirm compliance with Planning Authority’s SuDS policy and use of nature based solutions.
- Item 10 – respond to issues raised in third party observations.

3.1.2. Further Information submitted on 28th of April 2025.

- Item 1 – (a) height of proposed dwellings reduced from c. 9.2 metres to 8.86 metres for Unit 9A and 9B and c. 8.9 metres for Unit 9C and 9D. The height proposed dwellings is required to facilitate future attic conversions. Applicant notes (a) that the proposal is not out of character with College Gardens, which comprises two storey dwellings, and that copying the design of dwellings from the 1980s is not appropriate; (b) the proposal is under the threshold stipulated in Section 16.8.1 of the Development Plan for the submission of heritage impact statements. Notwithstanding this however the design rationale is provided, including access, layout, design, density, and boundary treatments. The proposal is c. 50 metres from Borlum and Naomh Iosaef. The urban location is sufficiently robust to accommodate the proposal; and (c) bin storage will now be accommodated within the curtilage of each property.
- Item 2 – the proposal will not be taken in charge and there is therefore no formal public open space provided. Given the size of the site the provision of public open space is not practical. Objective 5.1 of the Sustainable and Compact Settlement Guidelines supports this approach. The site is in proximity to public recreational amenities.
- Item 3 – private open space provision for each house exceeds minimum standards set out in the Development Plan, and also the standards suggested in the Sustainable and Compact Settlement Guidelines.
- Item 4 – all boundaries are to be retained, with the exception of the part of the eastern boundary where the access is required. Trees are also being retained at a number of locations within the site/along site boundaries. An Arborist report has been submitted. The report notes the removal of 4 no. dead trees and the removal of 3 no. trees to accommodate the proposal. A line of 17 no. Beech trees along the southern boundary are being retained and protection measures put in place for same.
- Item 5 – Autotrack analysis has been submitted for standard cars, a refuse truck and fire appliance. This analysis includes maneuverability in both forward and reverse gear.

- Item 6 – a Preliminary Construction and Environmental Management Plan has been submitted. Construction access and traffic management are addressed at Section 3.1 and 3.2 respectively.
- Item 7 – site layout plan submitted indicating connectivity for footpaths (1.8 m wide) within the proposal and the omission of footpath to rear of car parking spaces. The footpath along the eastern boundary adjacent to Unit 9A is required for persons entering the site at College Gardens.
- Item 8 – a Pre-Connection Enquiry was submitted to Uisce Éireann but no response was received to date.
- Item 9 – compliance with the Council’s SuDS policy is indicated on Storm Drainage Drawing Sheet and *Drawing No. 25201-1002 Rev 1.0 Proposed Storm Drainage*.
- Item 10 – detailed response submitted to third party observations submitted. Responses include –
 - College Gardens is a public road.
 - Traffic impact will be imperceptible.
 - College Gardens is a two way, 5.6 metre wide road and can accommodate traffic from the proposal.
 - The cul-de-sac at College Gardens is a low speed environment.
 - Construction traffic will be minimal.
 - Illegally parked vehicles along College Gardens is a civil matter.

3.2. Decision

The Planning Authority issued a Notification of Decision to **REFUSE** permission on the 23rd of May 2025 for 2 no. reasons, summarised as follows.

1. The proposed development, by reason of a combination of the constrained size and shape of the backland site, the overall layout and design including separation distances to existing adjoining residential properties, the provision of private open space, and proposed dwelling design, represents a non-integrated, piecemeal, and substandard form of development that -

- (a) would contravene materially the 'Existing/Infill Residential' zoning objective applying to the site in the Carlow-Graiguecullen Joint Urban Local Area Plan 2024-2030;
- (b) would be contrary to Section 11.7 and Policy UR. P2 of the JULAP and Section 3.15, Policy UI. P1, and Section 16.8.8 in the Carlow County Development Plan 2022-2028;
- (c) would be contrary to the pattern of existing residential development in the local area;
- (d) would adversely affect the residential amenity of the existing adjoining residential properties to the east fronting College Gardens;
- (e) would depreciate the value of adjoining residential properties; and
- (f) would if permitted, set an undesirable precedent in the area for further such inappropriate backland developments.

2. Section 16.11.1 of the Carlow County Development Plan 2022-2028 provides that a development will only be permitted in instances where Irish Water confirm sufficient capacity is available, or can be made available for appropriate collection, treatment and disposal of wastewater (in compliance with the Water Framework Directive and River Basin Management Plan). The application site is serviced by the Carlow Wastewater Treatment Plant which has been identified as red/no spare capacity at present. The applicant has failed to demonstrate that the proposed servicing of the development can be accommodated by Uisce Éireann. To permit the development would therefore be contrary to the proper planning and sustainable development of the area.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The initial report of the Planning Officer generally reflects the issues raised in the request for Further Information, the report also notes the following –

- The principle of the proposed development is compatible with the applicable zoning in the Carlow County Development Plan 2022 – 2028 and the Carloww/Graiguecullen Joint LAP 2024 – 2030.
- The Planning Authority has requested Further Information in relation to an application for a Section 97 exemption, this is outstanding.
- 10% of the site is required as public open space.
- Proposals adjacent to architectural heritage should be of high quality.

Request for Further Information recommended.

The second report of the Planning Officer notes the following –

- No change has been made to the design of the dwellings. Design is considered to be poor quality. Design of dwellings is ‘boxy’. The proposal is essentially an extension of the cul-de-sac.
- The 8 metre rear garden depth is substandard in terms of useability and functionality. The rear gardens are narrow.
- Plot 9C is ‘shoehorned’.
- Unit 9C overlooks the private amenity space of Unit 9B.
- The proposed development represents overdevelopment.
- While the Municipal District raise no concerns regarding the Autotrack report the Planning Officer notes concerns regarding the turning of vehicles.
- In the absence of a response from Uisce Éireann in relation to the Pre-Connection Enquiry it has not been demonstrated that there is capacity in the foul sewer for the proposal.

The report of the Planning Officer recommends a REFUSAL of permission consistent with the Notification of Decision which issued.

Other Technical Reports.

3.3.2. Area Engineer – initial report recommends that Autotrack analysis is submitted. Second report recommends standard conditions.

3.3.3. Fire Officer – report recommends conditions.

3.3.4. Environment Section – initial report recommends conditions, including submission of CEMP. Second report recommends standard conditions.

Active Travel – initial report raises concerns regarding pedestrian connectivity within site. Second reports notes no specific concerns.

3.4. **Prescribed Bodies**

None received.

3.5. **Third Party Observations**

The report of the Planning Officer summarises issues raised in observations submitted in respect of the planning application as follows;

- Procedural issues regarding site notices.
- Capacity of College Gardens to cater for the proposal, including construction traffic.
- Potential for traffic congestion and traffic safety issues.
- Inappropriate design of dwellings/impact on character of area.
- Impact on residential amenity from overshadowing and overlooking.
- Absence of open space.
- Concern re. surface water drainage.
- Impact on trees.
- Development not in compliance with DMURS. Absence of Road Safety Audit.
- Access should not be provided through private estate.
- Proposal is overdevelopment of site.

4.0 **Planning History**

Appeal Site

None.

In Vicinity

PA. Ref. 24/60341 – Permission GRANTED for extension and alterations to house.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework 'Project Ireland 2040'²

Relevant Policy Objectives include:

- **National Policy Objective 7:** Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- **National Policy Objective 12:** Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being..
- **National Policy Objective 22:** In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth..
- **National Policy Objective 43:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- **National Policy Objective 45:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

5.2 Ministerial Guidelines

² Revised NPF April 2025.

5.2.1 Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).
- Design Manual for Urban Roads and Streets (2019).
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (2010).
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).

5.3. Development Plan

5.3.1. The Carlow County Development Plan 2022-2028 is the relevant County Development Plan. The appeal site is zoned 'Existing/Infill Residential' (see Map 12.1) in the Carlow County Development Plan 2022-2028, the objective for which is *'to protect and improve existing residential amenity; to provide for appropriate infill residential development; to provide for new and improved ancillary services'* 'Dwelling' use class is stated as being 'permitted in principle' under the 'Existing/Infill Residential' land use zoning. There are a number of Protected Structures in the vicinity of the appeal site, i.e. RPS. Ref. CT68 ('Roseville' or 'Borlum') and also RPS. Ref. CT67 ('Galaroga') to the west, and RPS. Ref. CT65 ('Garryown') to the north-west.

5.3.2. The provisions of the Carlow County Development Plan 2022-2028 relevant to this assessment are as follows;

Chapter 3 (Housing)

Policy DN. P1 - *To promote compact urban growth through the consolidation and re-intensification of infill/ brownfield sites.*

Policy UI. P1 - *Encourage and promote the development of underutilised infill, corner and planned co-ordinated backland sites in existing urban areas subject to appropriate siting, compliance with development management standards for dwellings and the character of the area and the environment being protected.*

Chapter 16 (Development Management)

Section 16.8.5 (Residential Amenity) – inc. the following –

- A minimum 22m separation between directly opposing first floor habitable rooms in residential properties shall generally be observed.
- A minimum of 2.5m distance between detached and semi-detached dwellings shall generally be provided.

Section 16.8.7 (Public Open Space) – inc. the following –

- provide public open space to a minimum of 10% on large infill sites.
- For schemes of <8 dwellings per hectare, a relaxation of the standards may also apply where the provision of space within the curtilages of the dwellings is above the minimum requirements.

Section 16.8.8 (Private Open Space) – inc. the following –

- 3 bedroom house – 60 sqm.
- 4 bedroom house – 75 sqm.

Section 16.11.1 (Public water supply and waste water collection) – inc. following requirement - Development will only be permitted in instances where Irish Water confirm sufficient capacity is available or can be made available for appropriate collection, treatment and disposal of wastewater.

5.3.3. The Carlow/Graiguecullen Joint Urban Local Area Plan 2024 – 2030 is the relevant LAP for Carlow Town, under which the appeal site is zoned ‘Existing/Infill Residential’, the objective for which is *‘to protect and improve existing residential amenity; to provide for appropriate infill residential development; to provide for new and improved ancillary services’* ‘Dwelling’ use class is stated as being ‘permitted in principle’ under the ‘Existing/Infill Residential’ land use zoning. The following objectives in the Carlow/Graiguecullen Joint Urban Local Area Plan 2024 – 2030 are relevant;

Chapter 3 (Core Strategy and Housing)

Policy CS. P1: Deliver compact and sustainable growth in Carlow-Graiguecullen with at least 30% of new homes delivered within the existing

built-up footprint and to promote a town centre first approach through the development of strategic brownfield and infill sites.

Chapter 11 (Climate Action)

Policy UR. P2: Support the effective and efficient use of land in Carlow-Graiguecullen, prioritising compact growth in preference to greenfield land consumption, through the development and regeneration of vacant and underutilised brownfield/infill land and buildings within the existing built-up footprint of the joint urban area.

5.5. Natural Heritage Designations

- River Barrow and River Nore SAC (Site Code: 002162) – c. 270 metres west.

5.6. EIA Screening

(See Form 1 and Form 2 attached to this report) Having regard to the limited nature and scale of the development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the decision to refuse permission. The grounds for appeal may be summarised as follows;

Re. Refusal Reason no. 1:

- The appeal site is neither constrained in terms of size or shape. The site is more than sufficient to cater for the proposal.
- The proposed dwellings are compatible with the character of the area in terms of design.

- The Planning Authority have not identified a particular separation distance which is of concern. The proposal does not result in overlooking, and overlooking is not identified by the Planning Authority. Neither would the proposal result in overbearing.
- The proposal is not an 'extension' of College Gardens, using Collage Gardens for access does not mean that it is an extension of College Gardens. The proposal would read as a separate development to College Gardens.
- The proposal provides an overprovision of private amenity space in the context of Development Plan requirements and also the Sustainable Residential Development and Compact Settlement Guidelines. There is no basis for the assertion that private amenity space is unusable. If required Unit 9A and 9B could be repositioned to create additional private amenity space.
- The applicant does not own adjoining land and the proposal cannot therefore be considered piecemeal.
- The applicant/appellant recommends that a condition is attached providing for a line of trees in plot 9C along the boundary with Unit 9B and 9C.
- Refusal reason no. 1 cites material contravention of the applicable land use zoning however residential is permissible in principle. The issue would appear to relate to the character and pattern of the development in the area. As addressed, the proposal is compatible with the area. Compliance with the provisions of the NPF are referred to in the context of material contravention and Section 37 (2) (b), specifically in relation to compact growth, NPO7 and NPO9, however it is not accepted that the proposal does in fact constitute a material contravention of the Development Plan.
- The Planning Authority are incorrect to state that the proposal would be contrary to UR.P2 and UI.P1 of the Carlow-Graigecullen Joint Urban LAP 2024 – 2030, which concern compact growth and the development of underutilised sites respectively. The proposal entails the development of part of a garden in proximity to the town centre. Also, Section 16.8.8 of the CDP relates to private open space, and as stated above the proposal exceeds minimum requirements in respect of same.

- The proposal could not be more compatible with the pattern of development in the area, which comprises two storey semi-detached houses and part single, part two storey detached houses.
- The proposal would not affect the amenity of adjoining residential property. The proposal will not result in overlooking, overshadowing or overbearance.
- Traffic generation for the 4 no. proposed dwellings would be very low. The carriage width in College Gardens is compliant with DMURS and will not result in a traffic hazard.
- The statement that the proposal would result in the devaluation of property is not substantiated by the Planning Authority.
- Precedent is not a valid planning consideration. The principle of the proposal which entails modest infill development, if anything, should be encouraged.

Re. Refusal Reason no. 2:

- Confirmation of Feasibility letter dated 17th of June 2025 from Uisce Éireann submitted. Water and foul sewer connection are feasible without infrastructure upgrade. Refusal reason no. 2 is therefore not sustainable.

6.2. Planning Authority Response

A response was received from the Planning Authority which stated that they have no further comment to make, and referring to the planning reports dated 21st October 2024 and 23rd of May 2025.

6.3. Observations

2 no. observations have been received. Issues raised are summarised as follows;

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- The Carlow CDP 2022 – 2028 and the Carlow-Graiguecullen Joint Urban LAP 2024 – 2030 are consistent with the NFP and RSES requirements for compact growth.

- There are no shortage of brownfield sites in Carlow, including sites which would not require wastewater to be pumped. There is no need for infill sites to be overdeveloped to achieve targets.
- The proposal is overdevelopment.
- The proposal is an extension of College Gardens.
- The proposed dwellings would be overbearing and out of character with the area.
- The proposed access arrangement through College Gardens is inadequate.
- Minimum private open space requirements relate to the rear of dwellings. The development should go further than providing minimum standards.
- The proposal would create a precedent.

Andrew Lawler

- The proposal, if granted, would create a precedent for other development seeking to create entrances through College Gardens.
- The proposal would generate traffic congestion, and construction traffic would exacerbate the issue.
- The proposal would endanger children in the estate due to additional traffic.
- The proposal would create pressure on the existing water and sewerage network within Collage Gardens.
- The proposal would devalue houses within Collage Gardens.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, response of the Planning Authority, observations and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Refusal Reason 1 (design/layout/impact on character and amenity of area)
- Refusal Reason 2 (capacity to connect to water and foul network)

- Appropriate Assessment Screening

7.2. Refusal Reason 1 (design/layout/impact on character and amenity of area)

- 7.2.1. The first reason for refusal cited by the Planning Authority concerns the design and layout of the proposed development and its impact on the residential amenity and character of the adjoining area. The Planning Authority consider the appeal site to be constrained with reference to its size and shape, and contend that the proposal is substandard with reference to separation distances to adjoining dwellings, private open space provision and the design of the proposed dwellings.
- 7.2.2. I note that the appeal site is zoned 'Existing/Infill Residential' in both the Carlow County Development Plan and the relevant LAP. I note that residential development, as proposed, is 'permitted in principle' under this land-use zoning, and that the density proposed development accords with the indicative net densities set out in the Carlow County Development Plan (see Table 3.3). The proposal, comprising infill development within an urban area in proximity to the centre of Carlow town also meets with the strategic policies contained in the Carlow County Development in respect of compact growth (see Para. 5.3.2 above). The proposed development exceeds the minimum standards in respect of private amenity space as set out in the Carlow County Development Plan and the proposed dwellings do not give rise to any significant overlooking of neighbouring property, and meets all applicable minimum separation distances. Autotack analysis submitted by the applicant in response to the Planning Authority's request for Further Information was deemed satisfactory by the Roads Section of the Planning Authority. Consequently, I do not consider the proposed development to be substandard, or to give rise to any significant adverse impacts on the residential amenity of the adjoining area. Regarding the integration of the proposal, in particular with the dwellings in College Gardens, the proposed dwellings, whilst marginally higher and larger than neighbouring dwellings, would not in my view be incongruous and would read as a separate infill development.
- 7.2.3. Refusal reason 1 states that the proposed development would contravene materially the 'Existing/Infill Residential' zoning objective applying to the site in the Carlow-Graiguecullen Joint Urban Local Area Plan 2024-2030. I note that this zoning objective states '*to protect and improve existing residential amenity; to provide for appropriate*

infill residential development; to provide for new and improved ancillary services' and is not, in my view, sufficiently specific so as to justify the use of the term "materially contravene" in terms of normal planning practice. The Commission should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

7.2.4. Additionally, I do not share the contention of the Planning Authority that the proposal would devalue property in the vicinity, or create a precedent in respect of backland development for the reasons outline above.

7.2.5. I note that the Planning Authority's first reason for refusal also states that the proposed development would be contrary to Section 11.7 and Policy UR. P2 of the JULAP and Section 3.15, Policy UI. P1, and Section 16.8.8 in the Carlow County Development Plan 2022-2028. I note that Section 11.7 concerns Project Carlow 2040, a regeneration project, and Policy UR.P2 relates to the effective use of land within the LAP area, and not the requirement for infill development to reflect the character of the area as stated by the Planning Authority in refusal reason no. 1 and the relevance of Section 11.7 and Policy UR. P2 to the proposal are unclear. Section 3.15 of the Carlow County Development Plan requires a balance between protecting amenity and facilitating urban infill development, whilst Policy UI.P1 requires the promotion of infill development subject to appropriate siting, compliance with development management standards and the protection of the character of the area. Regarding Section 3.15 and Policy UI.P1, noting the design and layout of the proposal I am satisfied that the proposal would not be contrary to Section 3.15 and Policy UI.P1 of the Carlow County Development Plan.

7.2.6. Issues raised in observations submitted in respect of the appeal include that the proposed access arrangement through College Gardens is inadequate, and that the proposal would generate traffic congestion, and would result in traffic safety issues. The proposed development comprises 4 no. dwelling with access through an existing housing estate. Given the scale of the proposal I am satisfied that the proposal would not result in significant traffic congestion, nor would it give rise to any traffic safety issues, in particular noting the Autotrack analysis submitted. One observation raises concerns that in relation to pressure on the existing water and sewerage network

within Collage Gardens. I note that the Confirmation of Feasibility issued by Uisce Éireann to the applicant states that water and foul sewer connection are feasible without infrastructure upgrade (see para. 7.3.1. below)

7.3. Refusal Reason 2 (capacity to connect to water and foul network)

- 7.3.1. The second reason for refusal cited by the Planning Authority is that the applicant has not demonstrated that that the proposed servicing of the development can be accommodated by Uisce Éireann, with specific reference to the collection, treatment and disposal of wastewater, as required by Section 16.11.1 of the Carlow County Development Plan 2022-2028. I note that the applicant, at the time of the decision of the Planning Authority, had not received a response to their Pre-Connection Enquiry from Uisce Éireann, however I note that Uisce Éireann have subsequently issued Confirmation of Feasibility to the applicant/appellant on the 17th of June 2025 (i.e. post decision). The Confirmation of Feasibility issued by Uisce Éireann to the applicant states that water and foul sewer connection are feasible without infrastructure upgrade. I am therefore satisfied that the connection to the water supply and the foul sewer network can be accommodated, and in my opinion the second refusal reason should not be sustained.

7.4. Screening for Appropriate Assessment

- 7.4.1. I have considered the proposed development at Borlum (with access via College Gardens) Carlow, Co. Carlow in light of the requirements S177U of the Planning and Development Act, 2000, as amended. The subject site is located c. 270 metres east of River Barrow and River Nore SAC (Site Code: 002162).
- 7.4.2. The proposed development comprises permission for 4 no. dwellings, connecting into the exiting foul sewer network.
- 7.4.3. 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 European Site. The reason for this conclusion is based on the following;

- The distance from nearest European Site(s) and absence of connectivity between the development site and European Sites.
- The nature and scale of the proposed development, and location of the proposed development within an existing developed/urban site.
- The proposal to connect to the existing public sewer at operational phase.

7.4.4. I conclude that on the basis of objective information, that the proposed 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 (stage 2) (under Section 177V of the Planning and Development Act, 2000) is not required.

8.0 Recommendation

8.1. Having regard to the above it is recommended that permission is granted based in the following reasons and considerations and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to:

- (a) The design, scale and layout of the proposed development,
- (b) The pattern of development in the area,
- (c) The provisions of the Carlow County Development Plan 2022 – 2028 and the Carlow/Graiguecullen Joint Urban Local Area Plan 2024 – 2030, including the 'Existing/Infill Residential' zoning of the site,

it is considered that subject to compliance with the conditions set out below, the proposed development would not be visually intrusive or seriously injurious to the amenities of the area, would not result in traffic safety issues, and would not have a significant impact on ecology or on European sites in the vicinity, and, would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information and particulars received by the Planning Authority 28th April 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings, structures and boundary walls shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interest of visual amenity and to ensure an appropriate high standard of development.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Úisce Eireann.</p> <p>Reason: In the interest of public health.</p>
5.	<p>The construction of the development, and demolition works, 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:</p>

	<p>a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</p> <p>b) Location of areas for construction site offices and staff facilities;</p> <p>c) Details of site security fencing and hoardings;</p> <p>d) 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;</p> <p>e) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>g) 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;</p> <p>h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>i) 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;</p> <p>j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the Planning Authority.</p>
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	Reason: In the interest of amenities, public health and safety.
6.	<p>Proposals for naming and numbering of the proposed scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. 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).</p> <p>Reason: In the interest of urban legibility.</p>
7.	<p>All of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of sustainable transportation.</p>
8.	<p>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 commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the proposed development. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>

10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
11.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the Local Authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
12.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
13.	<p>The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development</p>

	<p>Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
14.	<p>Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the Local Authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>

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.

Ian Campbell
Senior Planning Inspector

3rd September 2025

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála	ACP-322825-25		
Case Reference			
Proposed Development Summary	Construction of 4 No. dwellings with entrance via College Gardens, associated landscaping, boundary treatments, connection to public sewer networks, and all ancillary services and site work.		
Development Address	Borlum (with access via College Gardens) Carlow, Co. Carlow		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Part 2, Sch. 5, Class 10, (b), (i) Part 2, Sch. 5, Class 10, (b), (iv)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10, (b), (i) (threshold is 500 dwelling units) – proposal is for 4 no. dwelling units. Class 10, (b), (iv) (threshold is 2 Ha.) – site area is 0.169 ha.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: Ian Campbell

Date: 3rd September 2025

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ACP-322825-25
Proposed Development Summary	Construction of 4 No. dwellings with entrance via College Gardens, associated landscaping, boundary treatments, connection to public sewer networks, and all ancillary services and site work.
Development Address	Borlum (with access via College Gardens) Carlow, Co. Carlow
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(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>	<p>The proposed development comprises the construction 4 no. houses. The site is located on a brownfield site within an urban area.</p> <p>The proposed development will not give rise to the production of significant waste, emissions or pollutants.</p>

<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>The development is located in an urban area on a brownfield site. The site is c. 270 m from a European Site. Following screening for Appropriate Assessment, it has been ascertained that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.</p> <p>Given the scale and nature of development there will be no significant environmental effects arising.</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>During the construction phase noise, dust and vibration emissions are likely. However, any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.</p>

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)