Inspector's Report

ACP-322907-25

Development	Change of use from office block to self-catering guest accommodation / short-term let accommodation to include four units, car parking, extension to side, demolition of structures to rear, and all associated site works.
Location	Former Stonearch Factory, Tullyroe, Ballacolla Road, Abbeyleix, Co. Laois.
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2460621
Applicant	Omaonlaoi De Faoite Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	AJ Duncan

Observer	John O'Gorman
Date of Site Inspection	5th September 2025
Inspector	John Duffy

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Appendix 1 – Form 1: EIA Pre-Screening

Form 2: Preliminary Examination

1.0 Site Location and Description

1.1. The subject site, which is brownfield in nature with a stated area of 0.304 ha. is accessed off the Ballacolla Road (R433) in Abbeyleix, Co. Laois, and is located in the southern outskirts of the town. The site forms part of wider lands which previously accommodated the Stonearch medicines factory, that closed at the beginning of the 21st century. This wider site contains several disused factory buildings which are now in a derelict state. Prior to the use of the site for manufacturing purposes, it along with adjoining lands and buildings served as the train station for the town, which closed in the early 1960's.

1.2. The appeal relates to lands at the northern part of the overall Stonearch site, in addition to lands from the R433 leading to the site. The appeal site denoted by the red line boundary on the Site Layout Plan accommodates a disused and vandalised flat-roofed two-storey office block previously used as part of the Stonearch complex, and part of an adjoining derelict block. Boundaries of the overall site comprise a mixture of stone walls and mature planting.

1.3. Adjoining uses comprise a mixture of leisure (soccer pitch), commercial (a hotel) and residential (one-off houses and housing estates). Agricultural lands and Abbeyleix Demesne are located to the west of the subject site.

1.4. The red line boundary of the site is immediately adjacent to the former Railway Station, a Protected Structure (RPS No.759) now in residential use (Station House), and also proximate to another Protected Structure (RPS No. 969), known as the 'Goods Shed' and described in Appendix 1 of the Laois County Development Plan as an 'Industrial single-storey building, stone arch compound,' located south of the appeal site.

2.0 Proposed Development

2.1. The proposed development of this site, as per the application submitted to the planning authority on the 15th of October 2024, consists of the following:

- Permission to change use of office block to self-catering guest accommodation / short-term let accommodation to comprise conversion of block to 4 no. two bedroom apartment units, each measuring approximately 75 sqm. Accommodation to be used by domestic and international tourists.

- External wall finishes to comprise white smooth render and zinc cladding.
- 8 no. car parking spaces including one EV space.
- A two storey extension to the northern side of the building to accommodate a new stairwell.
- Renovation of part of an existing derelict adjoining building (to the south) to accommodate a bin bay and bicycle rack.
- Demolition of existing industrial structures to the rear of the office block (56 sqm).
- Soakaways to manage surface water drainage.
- All associated site works.

2.2 In addition to standard drawings and plans, the application was accompanied by, inter alia, a document called 'Stone Arch Culture and Biodiversity Park,' dated May 2024 and stated to be a Preliminary Project Proposal. It details the history of the overall site and provides an overview of the project which is to regenerate the site as a hub for visitors and locals to engage with the heritage of the area and natural habitats. Existing heritage and industrial buildings will be repurposed and an interpretative centre will be accommodated in the existing goods shed on the site. A biodiversity park will link to walking trails to the town and to established and new walking routes. A central courtyard will be created to hold events and markets. Tourist accommodation also to be provided through glamping pods.

2.3 In response to a Further Information (FI) request, the applicant provided, inter alia, revised plans which demonstrated each unit as having private open space of at least 7 sqm (in the form of balconies or terraces), a copy of the application made to Uisce Éireann (UÉ) for connection to water supply and wastewater infrastructure, and information relating to the remediation of the site following cessation of the medicine manufacturing facility at the start of this century.

2.4 In response to a Clarification of Further Information (CFI) request, the applicant provided an Architectural Impact Assessment (AIA) of the proposed development on the nearby Protected Structures.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of Further Information (FI) and Clarification of Further Information (CFI), the planning authority decided on 18th June 2025 to grant permission subject to 16 no. conditions.

Condition 3 requires the developer to obtain a Connection Agreement and Confirmation of Feasibility from UÉ prior to commencement.

Condition 5 relates to surface water drainage and requires the developer to, inter alia, submit soakaway test results and details for a suitably sized soakaway prior to commencement of development.

Condition 7 relates to external lighting, including submission of a lighting report for the proposed development to be submitted for written agreement prior to commencement of development.

Condition 9 relates to boundary treatment and landscaping.

Condition 11 relates to parking requirements and EV charging points.

Condition 12 relates to transportation matters, revised proposals for traffic calming to be agreed, submission of a Road Safety Audit prior to commencement and the carrying out of an auto track analysis for the proposed development.

Condition 16 relates to a contribution condition.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **first report** dated 9th December 2024 describes the subject site, notes the 'Enterprise and Employment' zoning which applies and that 'Guesthouse / hostel / hotel' are 'Open for Consideration' on the lands.
- Noted that the site is outside the confines of Flood Risk Zones A and B.

- Site is not within or immediately adjacent any Natura 2000 site, with the nearest such site being the River Barrow and River Nore SAC c 2km west. Notes the absence of a directly connecting watercourse.
- Proposal generally complies with the Specific Planning Policy Requirements (SPPRs) of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DHLGH, 2022) other than private open space provision (7 sqm minimum not met). Public open space provision considered acceptable and met through a number of areas indicated on site plan.
- Proposal considered generally acceptable however FI required in relation to the following (summarised below):

(1) The site is immediately adjacent to and within the original curtilage of a Protected Structure (RPS 969). Submit an AIA to be prepared by a suitably qualified Conservation Architect.

(2) Make a Pre-Connection Enquiry (PCE) to UE regarding provision of foul drainage and potable water infrastructure and submit outcome of enquiry.

(3) Following the former uses on site which included chemical processing it was queries if the site had been adequately remediated. Details in this regard were sought.

(4) DM HS7 of the County Development Plan refers to the minimum private open space requirement of 7 sqm for two bedroom apartments. Revised plans to meet the standard were sought.

(5) The applicant was asked for details / plans for the development of the remainder of the overall site and buildings thereon.

(6) The applicant was requested to comment on the matters raised by third party observers in relation to the application.

The **second report** dated 22nd January 2025 assesses the FI submitted and is summarised as follows:

(1) While the agent has prepared a Building Conservation Inspection report, it does not constitute an AIA. It is recommended that a CFI request is made for an AIA which clearly identifies and assesses the likely impact of the proposed development on the

fabric and character of the protected structure and its curtilage, to be prepared by a suitably qualified Conservation Architect.

(2) Applicant has advised that the site has existing connections to water and wastewater networks. Notwithstanding, a copy of the PCE to UE is submitted and a response from UE is awaited.

(3) A letter from Malone O'Regan Environmental Services indicates their involvement since 2021 to address concerns raised by the EPA regarding historical contamination at the site. The letter confirms the primary concern of the EPA was a historical fuel spill and that findings indicate that site operations and activities have not significantly impacted soil or groundwater quality beneath the site outside of the hydrocarbon impacted area. In this regard the response includes three reports namely a Site Characterisation and Assessment Report (2021), Removal of Contaminated Soil, Method Statement (January 2024) and a Site Works Report – Removal of Contaminated Soil (March 2004).

(4) Revised plans are provided which show private open space provision in excess of 7 sqm for each proposed unit.

(5) The applicant's agent notes the soccer pitch is now in use and that this comprises phase 1 of the building programme. The use of the other building on the site is the subject of a feasibility study.

(6) The applicant has responded to matters raised by third parties.

The **third report** dated 18th June 2025 advises that the submitted revised AIA prepared by a Conservation Architect is acceptable, and a grant of permission subject to conditions is recommended.

3.2.2. Other Technical Reports

Chief Fire Officer – Compliance with all relevant Building Control Regulations is required.

Housing, Urban Regeneration and Facilities Department – As the proposal is for less than five units, there is no Part V requirement and there is no objection.

Roads Department – FI is recommended as summarised below:

- Submit a lighting design.

- Revised proposals for traffic calming measures from the R433 to the proposed development.
- Submit finishes of the road and footpath surfaces.
- Ducting for all car parking spaces to be installed.
- Stage 1 and 2 Road Safety Audit (RSA) to be carried out.
- Auto track analysis for cars, fire tenders and refuse trucks.
- Provide BRE soakaway tests for the areas proposed to serve as soakaways.
- Submit details of suitably sized soakaway.
- All storm water calculations to incorporate a 20% uplift for climate change.

3.3. Prescribed Bodies

The following prescribed bodies were invited to comment on the proposed development: UÉ, An Taisce, The Heritage Council, the Department of Housing, Local Government and Heritage, An Chomhairle Ealaion, Failte Ireland, Health Service Executive (HSE) and the National Parks and Wildlife Service (NPWS). No submissions were received from these bodies.

3.4. Third Party Observations

Two third party observations were received in connection with the planning application. Issues raised may be summarised as follows:

- Part of the road shown on the application is not in the applicant's ownership and the registered owner has not consented to its inclusion. Planning application documents show a footpath directly in front of the registered owner's premises and ground which is owned by the registered owner.
- The application for a residential development on lands zoned 'Enterprise and Employment' would constitute a material contravention of the County Development Plan (CDP).
- A mix of 1 and 2 bed units is required by the CDP; no 1 bed units are provided for.

- Unclear if the entrance avenue from the public road is to be taken in charge. Sightlines from the mouth of the road are compromised and not in accordance with CDP requirements.
- No flood assessment provided given proximity to an adjacent water course.
- Irish Water are on record as having concerns over capacity issues in the area. No reference to these are made in the application.
- Failure to address how surface water is to be managed. Third party lands downstream may be impacted. Potential impacts on the Nore SAC not addressed.
- Application fails to address that the lands are likely contaminated and could pose risks to human health given their previous use as a chemical factory.

4.0 Planning History

4.1 There is no relevant recent planning history relating to the subject site.

Adjoining lands to the east

P.A. Reg. Ref. 2360356 refers to an application for an all-weather playing pitch, fencing, lighting and associated works which was granted permission in October 2023.

P.A. Reg. Ref. 22450 refers to an application to provide a playing pitch and all associated ancillary facilities which was granted permission in November 2022.

5.0 Policy Context

5.1. Development Plan

Abbeyleix is identified in Volume 2 of the County Development Plan as a Self-Sustaining Town in the settlement hierarchy.

The land-use zoning for the subject site is 'Enterprise and Employment' as depicted on Map 4.2 (A) – Abbeyleix, as set out in Volume 2 of the Laois County Development Plan 2021 – 2027.

Land use zoning objectives are indicated in **Table 13.2** and the uses considered appropriate to each zone are given in the land use matrix in Table 13.3.

The Objective of the 'Enterprise and Employment' land-use zoning is 'To provide lands for enterprise and employment use, more specifically low input and emission manufacturing, campus-style offices, storage uses, wholesaling and distribution, commercial services with high space and parking requirements that may not be suitable for town centre locations.'

The purpose of this zone as stated in Table 13.2 is *to provide for activities which will generate employment and encourage enterprise. Warehousing, commercial, enterprise and ancillary services should be provided in high quality landscaped campus style environments, incorporating a range of amenities.*

The uses in this zone are likely to generate a considerable amount of traffic by both employees and service traffic. Sites should therefore have good vehicular and public transport access. The implementation of Mobility Management Plans shall be required for such developments as they provide important means of managing accessibility to these sites.

Land uses 'Open for consideration' on lands zoned 'Enterprise and Employment' include 'Guest House / Hostel / Hotel.' Land uses that 'Will not Normally be Acceptable' on 'Enterprise and Employment' lands include 'Apartment' and 'Dwelling.'

Table 13.1 sets out the following: *Development which is classified as not normally being acceptable in a particular zone is one which will not be entertained by the Local Authority except in exceptional circumstances. This may be due to its perceived effect on existing and permitted uses, its incompatibility with the policies and objectives contained in this Plan or the fact that it may be inconsistent with the proper planning and sustainable development of the area. The expansion of established and approved uses not conforming to land use zoning objectives will be considered on their merits.*

The CDP includes a 'Tourism' zoning in which permitted uses include 'Caravan Camping,' 'Community Hall,' 'Craft Industry,' 'Guest House / Hostel / Hotel,' 'Dwelling' and 'Recreational Building (Community).'

Section 8.3 of the CDP relates to Tourism in Laois and Table 8.1 lists Key Tourism Initiatives across the County.

Policy Objective TM 3 is relevant and states: *Continue to support the development and expansion of tourism-related enterprise including visitor attractions, services and*

accommodation and food and craft businesses, particularly those offering a visitor experience, such as tastings, tours and demonstrations.

Policy Objective TM 5: *Direct the provision of tourist related facilities, such as information offices and cultural centres, into town and village locations to support and strengthen the existing economic infrastructure of such centres.*

Policy Objective TM 7: *Promote and facilitate the development of rural tourism such as including but not limited to open farms, on-farm craft villages and visitor centres and the reuse and refurbishment of vernacular buildings (houses or farm/industrial buildings) for tourist related facilities, including holiday home accommodation; subject to compliance with Development Management Standards of this Plan.*

Section 8.5.2 relates to tourist accommodation. In summary, this notes the Council shall support the development of tourism by encouraging the provision of a wide range of tourist accommodation types and that such developments shall be encouraged to locate within or in close proximity to existing towns and villages.

Tourist Infrastructure Development Management Standards are set out on page 172 of the CDP and DM TM 3 which relates to self-catering developments is relevant to this case.

DM TM 3 Self Catering Developments

Self-Catering developments shall address the following;

• The layout of the development shall be of a high standard, incorporating well laid out communal open spaces, significant and appropriate landscaping maintaining existing site features such as hedgerow and trees, car parking provision, segregated waste storage and public lighting.

The design of units should be high quality and respect the character of the area in which they are located. Suburban type developments will not be favoured. Courtyard type developments will be particularly encouraged.

Appendix 1: Record of Protected Structures

5.2. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European Site or designated Natural Heritage Area or proposed Natural Heritage Area. The nearest European Sites are the River Barrow and River Nore SAC (Site Code 002162) and the River Nore SPA (Site Code 004233) both located c 1.8km to the south-west.

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

This is a third party appeal against the planning authority's decision to grant permission for the proposed development, made by AJ Duncan of Redlough House, Ratheven, Portlaoise, Co. Laois.

7.1. Grounds of Appeal

The grounds of appeal may be summarised as follows:

- Proposed use fails to accord with the site zoning and does not fall within the definition of a guesthouse, hostel or hotel.
- The Local Authority require that planning applications include confirmation of feasibility from UÉ in respect of water and foul sewer connections and these are not provided. Capacity constraints / issues exist in the area.
- Treatment of surface water has not been properly addressed in this proposal. The area floods or experiences very high water table levels. A soakpit in flooded ground cannot operate. Flooding occurs on the adjacent soccer pitch.

- No Road Safety Audit was undertaken, which is a standard requirement to be included in an application for the Local Authority. The development entrance abuts the Ballacolla Road and it is in close proximity to a dangerous bridge resulting in compromised sightlines.
- It is a standard requirement that an auto track analysis is carried out, however this has not occurred. This is a health and safety issue.

7.2. Applicant's Response

The applicant's agent responded to the appeal grounds on 23rd July 2025 enclosing a submission from Kilgallen and Partners Consulting Engineers Limited and a swept path analysis for a refuse vehicle (Drawing No. 24102-DR-0101 Rev PL02). The response may be summarised as follows:

- Conditions 3 and 4 of the decision to grant permission requires the developer to obtain confirmations of feasibility and connection agreements from UÉ. There are existing water supply and wastewater services at the site, which will be used by the proposed development.
- The management of surface water run-off from the brownfield site relies substantially upon filtration to ground and there is no history of flooding from surface water run-off at the site. If the BRE testing to be carried out pursuant to Condition 5 ascertains the groundwater table to be high, run-off can be infiltrated to ground using shallow infiltration methods and over-the-edge drainage rather than a conventional soakaway. It is noted that flooding in the adjacent soccer pitch occurs approximately 150m from the proposed apartments.
- The proposed development relies from the existing access road that recently served the former factory which was subject to much greater traffic volumes than will be the case for the proposed development. Given the established use, a Stage 1 RSA was unnecessary at planning stage. Condition 5(e) of the decision to grant permission requires a Stage 1 and 2 RSA prior to commencement of development.
- Enclosed Drawing No. 24102-DR-0101 Rev PL02 shows the swept path analysis for a refuse vehicle, the largest vehicle which would enter the proposed development during its operational stage.

7.3. Planning Authority Response

None.

7.4. Observation

Micheál Glynn and Co. Solicitors has submitted an observation to the Commission on behalf of John O'Gorman of Station Road, Ballacolla Road, Abbeyleix, Co. Laois. The submission states the Council did not properly consider its letter (dated 11th November 2024) and reiterates that part of the subject lands are within the observer's ownership and that consent to include these lands in the application is not provided.

The following attachments are included with the observation:

- A copy of the observer's submission to the planning authority relating to the planning application dated 11th November 2024.
- A copy of a Deed of Conveyance / Indenture and associated maps.

7.5. Further Responses

The applicant's response to the appeal was circulated to the parties and the observer under section 131 of the Planning and Development Act 2000, as amended. Responses were received from both the third party appellant and the observer. These are summarised below.

Response from third party appellant

- Grounds of appeal are reiterated.
- Application is flawed given that the proposed use is outside of the permitted zoning matrix.
- In terms of connections to water infrastructure, the factory closed approximately 25 years ago and the capacity and demand for water and sewer networks has totally changed in the intervening years.
- The submitted drawing shows large capacity pipes relative to the proposal and is suggestive of infrastructure for a large number of units.
- The soccer pitch site was part of the Stonearch factory site and cannot be used during winter due to flooding.

- No established use exists on the site. There is now a significant increase in the volume of traffic in the area. It is not understood why an RSA was not required by the Council.
- Concerns raised that the subject site cannot accommodate a turning head for a fire tender and ambulance. The fire hydrant is indicated to the southern end of the development. The turning head is removed from the proposed units and bin area.
- The location is not suitable or safe for the use proposed.

Response from observer

- The applicant's response does not address the issue of landownership as raised in the application and observation
- The submitted map (appended to the observer's response) indicates land shaded yellow proximate to the access road is owned by the observer. It is stated this area is used by the observer as a parking area associated with his dwelling (Station House).

8.0 **Assessment**

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

- Land-use and nature of the proposed development
- Flood risk
- Water Services
- Transportation Matters
- Legal issue
- Water Framework Directive - Screening

8.2. **Land-use and nature of the proposed development**

8.2.1. The proposed development involves, inter alia, the extension, the conversion and change of use of a disused and flat-roofed office block, within the former Stonearch

factory complex, into four two bedroom apartment units to be used for self-catering guest accommodation / short-term letting purposes.

8.2.2. The appeal site and adjoining lands in the Stonearch complex are zoned in the Laois County Development Plan 2021 – 2027 (Map 4.2 (A) of Volume 2 refers) for 'Enterprise and Employment' purposes. The stated Objective for the 'Enterprise and Employment' zoning, as set out in Table 13.2 of the County Development Plan, is 'To provide lands for enterprise and employment use, more specifically low input and emission manufacturing, campus-style offices, storage uses, wholesaling and distribution, commercial services with high space and parking requirements that may not be suitable for town centre locations.' The purpose of this zone, as detailed in Table 13.2, is to facilitate and encourage activities to generate employment and enterprise.

8.2.3. It is clear that this proposal relates to the provision of four apartment units, stated to be used by tourists on a short-term letting basis. In this regard, I note the first planner's report provides an assessment of the proposed development against the *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2022)*.

8.2.4. One of the main grounds of the third party appeal is that the proposed development does not accord with the zoning for the appeal site. Table 13.3 of the County Development Plan 'Land Use Zoning Matrix' confirms that 'Apartment' and 'Dwelling' **'**Will not Normally be Acceptable' on 'Enterprise and Employment' lands. Table 13.1 notes that development classified as not normally being acceptable in a particular zone 'is one which will not be entertained by the Local Authority except in exceptional circumstances.' No exceptional circumstances in connection with the proposed development are highlighted by the planning authority or the applicant.

8.2.5. I note the first planner's report considers the proposed development to be generally acceptable and that the use category closest to the proposed development within the 'Enterprise and Employment' zoning objective would be 'Guesthouse / hostel / hotel' use class which is 'open for consideration.' I concur with the appellant that the provision of self-contained apartments for short-term letting purposes fundamentally differs to a guesthouse, hostel or hotel, which provide overnight accommodation where

meal services and other refreshments are available and where staff / persons are employed and engaged in work.

8.2.6. Having regard to the foregoing, in my opinion, the proposed development comprising the conversion and change of use and extension of a former office building to apartments at this location would be contrary to the applicable 'Employment and Enterprise' zoning objective of the lands, and therefore contrary to the provisions of the Laois County Development Plan 2021-2027. As such, I recommend that the proposed development is refused for this reason.

New issue

8.2.7. Furthermore, in my view, the proposed development, located on part of the former Stonearch factory site constitutes piecemeal and uncoordinated development of these 'Employment and Enterprise' zoned lands, the purpose of which is 'To provide lands for enterprise and employment use, more specifically low input and emission manufacturing, campus-style offices, storage uses, wholesaling and distribution, commercial services with high space and parking requirements that may not be suitable for town centre locations.'

8.2.8. At the time of site inspection, I noted the derelict condition of the buildings on the subject site and adjoining lands which also accommodate structures associated with the former factory use and the railway which closed in the early 1960's, including the Goods Shed which is a Protected Structure (RPS No. 969). These buildings appear to be in dilapidated condition, are disused and have been subject to vandalism.

8.2.9. The application documentation includes a Preliminary Project Proposal for the overall lands, dated May 2024, comprising repurposing of existing buildings as an interpretative centre, crafts space and events / educational space, provision of tourism accommodation (glamping pods) and development of a biodiversity park. Item 5 of the FI request sought details and plans for the development of the remainder of the overall site and buildings thereon, however the applicant's response in this regard provides little detail, stating that the end use of the other building on the overall site is subject to a feasibility study and that the 'current granted uses on the building will remain as such until further planning submissions are made.'

8.2.10. I consider, in the absence of an agreed masterplan for the lands which includes the appeal site, remaining and adjoining lands associated with the former Stonearch factory and other adjoining zoned lands indicated to be in the applicant's ownership, that the proposal would result in a piecemeal and uncoordinated development. In my view, the applicant should provide a masterplan and vision for the overall lands to ensure appropriate development is achieved in line with the zoning objective pertaining to the lands.

8.2.11. I note this is a new issue, and as such the Commission may wish to seek the views of the parties.

8.3. Flood Risk

8.3.1. The appellant has raised a concern that the appeal site is subject to flooding. While no Site Specific Flood Risk Assessment is provided in connection with the proposal, having examined the Strategic Flood Risk Assessment (SFRA) prepared in support of the Laois County Development Plan 2021-2027, it is apparent that the appeal site is not within Flood Zones A or B.

8.3.2. Based on the appellant's contention that the nearby soccer pitch is subject to flooding and unplayable during periods in the winter, it is possible that the area is subject to pluvial flooding from time to time following heavy rainfall events. Notwithstanding and according to the SFRA, the subject site is located within Flood Zone C, where the probability of flooding is low.

8.4. Water Services

Water Supply and Wastewater

8.4.1. The appeal states that capacity constraints exist in the area and the appellant contends that the planning application documentation should have included Confirmation of Feasibility (COF) from UÉ that the proposed development could connect to water supply and wastewater infrastructure. In response the applicant advises that the site is connected to water supply and wastewater infrastructure, having regard to its former use, and refers to Condition 3 of the planning authority's

decision to grant permission requiring COF and connection agreements to be obtained prior to commencement of development.

8.4.2. I have accessed the UÉ 10-Year Water Supply Capacity Registers for Laois which was published in August 2025 and indicates available capacity to support 2034 population targets. The Water Supply Capacity Register as it relates to Abbeyleix confirms 'Capacity Available.' Similarly, having accessed the UÉ Wastewater Treatment Capacity Register, published in August 2025, the Abbeyleix Waste Water Treatment Plant is 'Green,' indicative of spare capacity available. Having regard to the foregoing, I am satisfied that there is capacity to serve the proposed development in terms of water supply provision and wastewater infrastructure.

Surface Water Drainage

8.4.3. The appellant is critical of the surface water drainage arrangements proposed for the development and contends that the Local Authority should have sought an appropriate surface water design for the development. The cover letter provided with the application notes that a sustainable drainage system will be incorporated to manage surface water run-off. In this regard, it is proposed that surface water run-off from the roof and hardstanding areas will discharge to soakaways in grassed areas.

8.4.4. I note however that no tests appear to have been undertaken to determine whether the ground conditions are suitable for a soakaway. Furthermore, no design calculations for the soakaways are provided with the application. Both these matters were raised by the Roads Department upon its assessment of the proposal and it recommended they be included in a FI request to the applicants. Although a FI request issued, these matters relating to surface water drainage were not included in the request and ultimately they were conditioned by the planning authority (Condition 5 refers). In my view, it would have been preferable for the planning authority to address these issues in the context of the planning application and prior to a decision being made, in order to ensure the site has appropriate infiltration characteristics to cater for surface water from the proposed development.

8.5. **Transportation Matters**

8.5.1. The appellant has raised concern that no Road Safety Audit (RSA) was carried out in respect of the proposal, noting the development entrance abutting Ballacolla Road is proximate to a dangerous bridge, impacting on sightlines.

8.5.2. I note the report from the Roads Department recommends that an RSA Stage 1 and 2 be carried out for the proposed development and that any recommendation made in the RSA report be included in revised drawings and particulars that are returned at FI stage. This recommendation was not included in the FI request to the applicant. I note that Condition 12(e) of the decision to grant permission requires RSA Stages 1 and 2 to be carried out prior to commencement of development.

8.5.3. In my opinion, it is not optimal for the RSA to be the subject of a condition and it is preferable that Audits be undertaken at an earlier stage. Notwithstanding, having examined the proposed revised layout of the development submitted with the applicant's response to the appeal (Drawing No. 24102-DR-0101 Rev PL02 refers), in my view, no obvious matter arises which would give rise to a significant traffic hazard. Furthermore, having regard to the nature and small scale of the proposed development comprising four residential units, it is clear the proposal would constitute a significant reduction in the use of the site relative to the former factory operation. In this regard, I consider the proposed development to be acceptable from a traffic safety perspective.

8.5.4. The appellant notes that no auto track drawing was provided with the application. As part of the response to the appeal an auto track drawing is provided by the applicant (see Drawing No. 24102-DR-0101 Rev PL02) which shows the swept path for a refuse vehicle (DB32 Refuse Vehicle), stated to be the largest vehicle to enter the site at operational stage. Following circulation of the applicant's response to parties, the appellant has raised concern that the site cannot accommodate a turning head for frontline emergency services in the event of a fire. Having reviewed the aforementioned drawing, I am satisfied that the proposed turning head indicated on the auto track drawing, located proximate to the proposed development, would enable larger vehicles such as a fire engine to manoeuvre in the event of an emergency.

8.6. **Legal issue**

8.6.1. The observation made on behalf of John O'Gorman states that the application drawings includes land in his ownership, adjoining his house, and that consent for inclusion of said land was not given. Supporting documentation in the form of a Deed of Conveyance / Indenture and associated maps is provided.

8.6.2. It would appear to be the case that the legal interest in this part of the site within the red line boundary may be in dispute. Section 5.13 of the Development Management Guidelines for Planning Authorities (DEHLG, 2007) states 'the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the courts.' While the guidance envisages that some enquiry be made where a dispute arises, it goes on to advise that 'only where it is clear…that the applicant does not have sufficient legal interest should permission be refused on that basis.'

8.6.3. I am satisfied, as per the Development Management Guidelines, that it would not be reasonable to refuse permission in this case for reasons relating to lack of sufficient legal interest on the part of the applicant. Should the Commission decide to grant permission, the onus is on the applicant, having regard to section 34(13) of the 2000 Act as amended, to ensure they have adequate legal interest to carry out the development as applied for.

8.7. **Water Framework Directive - Screening**

8.7.1. The subject site is brownfield and accommodates part of the former Stonearch factory complex, namely disused buildings, including the former office block. The proposed development comprises, inter alia, the conversion and change of use of the derelict building to four apartments to be used for short-term tourist accommodation, provision of car parking, cycle parking, bin storage and associated works.

8.7.2. 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 and groundwater bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no

conceivable risk to any surface and groundwater bodies either qualitatively or quantitatively. The reason for this is as follows:

- The nature of the works comprising a relatively small and nature of development.
- Location-distance from nearest waterbodies and the lack of direct hydrological connections from the site to any surface and transitional water bodies.
- Standard pollution controls that would be implemented.

8.7.3. I conclude that on the basis of objective information, that the proposed development would 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.

9.0 AA Screening

9.1. I have considered the proposed development comprising the change of use and extension of the office block to self-catering guest accommodation / short-term letting accommodation, car parking, bicycle parking, bin storage and all associated works in light of the requirements of sections 177S and 177U of the Planning and Development Act 2000, as amended.

9.2. In accordance with section 177U (4) of the Planning and Development Act 2000, as amended, I conclude that the proposed development (project) would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under section 177V of the 2000 Act is not required.

9.3. This conclusion is based on:

- The nature of the works comprising a relatively small scale and nature of development.
- Distances from European Sites.
- Absence of any meaningful direct and indirect pathways to any European Site.
- The AA Screening undertaken by the planning authority.

9.4. No measures intended to avoid or reduce harmful effects on European Sites were taken into account in reaching this conclusion.

10.0 Recommendation

10.1. I recommend that permission is refused based on the following reasons and considerations.

11.0 Reasons and Considerations

1. The site is located on lands zoned Enterprise and Employment under the provisions of the Laois County Development Plan 2021-2027 where the stated objective is 'to provide lands for enterprise and employment use, more specifically low input and emission manufacturing, campus-style offices, storage uses, wholesaling and distribution, commercial services with high space and parking requirements that may not be suitable for town centre locations.' The proposed development for change of use from office block to self-catering guest accommodation / short-term let accommodation comprising four apartment units and an extension to accommodate a new stairwell would be contrary to the Enterprise and Employment zoning objective and policy set out in the Laois County Development Plan 2021-2027 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The appeal site forms part of a larger land parcel which is under the applicant's control, as indicated on the submitted Site Location Map. It is considered that in the absence of an agreed overall masterplan and vision for the lands under the applicant's control, in line with the applicable zoning objective, that the proposed development would represent a piecemeal and uncoordinated approach and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

John Duffy
Planning Inspector

9th October 2025

Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	ACP-322907-25
Proposed Development Summary	Change of use from office block to self-catering guest accommodation / short-term let accommodation to include four units, car parking, extension to side, demolition of structures to rear and all associated site works.
Development Address	Former Stonearch Factory, Tullyroe, Ballacolla Road, Abbeyleix, Co. Laois.
	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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☐ Yes, it is a Class specified in Part 1. **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	State the Class here
☐ 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?	
☐ 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.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	**State the Class and state the relevant threshold**
☒ 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)**	**State the Class and state the relevant threshold** Class 10(b)(i) Construction of more than 500 dwelling units. The proposal involves the change of use and extension of a former office block to 4 no. residential units.

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 ☐	**Screening Determination required (Complete Form 3)**
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-322907-25
Proposed Development Summary	Change of use from office block to self-catering guest accommodation / short-term let accommodation to include four units, car parking, extension to side, demolition of structures to rear, and all associated site works.
Development Address	Former Stonearch Factory, Tullyroe, Ballacolla Road, Abbeyleix, Co. Laois
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.** Proposed development involves the conversion and change of use of a former office block into 4 no. apartment units and extension to accommodate a stairwell. Demolition works (c 56 sqm) of industrial buildings to the rear of the block are proposed. The proposed development would not result in the production of significant waste, emissions or pollutants. No significant risks of accidents or threats to human health.
Location of development (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).	**Briefly comment on the location of the development, having regard to the criteria listed** The site has a stated area of c 0.304 ha and forms part of the former Stonearch factory lands to the south of Abbeyleix town. The site is brownfield in nature and contains derelict and vacant buildings. There is a Protected Structure located south of the proposed development site but within the former Stonearch factory lands i.e. RPS No. 969, described as an 'Industrial single-storey building, stone arch compound.' As viewed on the EPA Map Online Viewer, a watercourse flows approximately 260m to the south-west of the existing disused office block and this connects to the River Barrow and River Nore SAC (Site Code 002162) and the River Nore SPA (Site Code 004233), both located c 1.8km to the south-west. There is no direct hydrological connection present which would give rise to significant impact on water

	courses in the wider area (whether linked to any European site or other sensitive receptors). The site is not located within or in very close proximity to any European Sites.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	**Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.** There are no other locally sensitive environmental sensitivities in the vicinity of relevance. There would be no significant cumulative considerations.

Conclusion	
Likelihood of Significant Effects	**Conclusion in respect of EIA**
There is no real likelihood of significant effects on the environment.	**EIA is not required.**
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.** Not applicable to this appeal case.
There is a real likelihood of significant effects on the environment.	**EIAR required.** Not applicable to this appeal case.

Inspector: _____Date: _____

DP/ADP: _____Date: _____

(only where Schedule 7A information or EIAR required)