



An
Coimisiún
Pleanála

Inspector's Report ACP-323593-25

Development	28 residential units comprising 20 houses and 8 apartments with ancillary and associated site works.
Location	Dunnes Hardware, New Row, Abbeyleix, Co. Laois.
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2460769
Applicant(s)	Cubic Housing Limited
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Ethel Burke
Observer(s)	None on file
Date of Site Inspection	9/1/26
Inspector	Ronan Murphy

1.0 Site Location and Description

- 1.1. The appeal site which has a stated area of 0.710ha and is located c. 100m to the west of Abbeyleix Town Centre. The surrounding area is mixed use in character with residential, sporting, educational and commercial all in proximity to the appeal site.
- 1.2. The appeal site currently comprises of an Antiques Shop / Hardware shop within an old cinema building and associated outbuildings and storage area to the rear.
- 1.3. The appeal site is primarily bounded to the north by New Row, to the south by the GAA Club, and to the east and west by residential development.

2.0 Proposed Development

- 2.1. The proposed development comprises of the demolition of an existing building which was previously in use as a cinema and is currently in use as an antiques shop / hardware shop and the construction of 26 No. residential units.
- 2.2. The building for which demolition is sought has an area of 938m² and has a maximum height of c.8.8m.
- 2.3. The number of units was reduced from 28 to 26 as a result of further information with a density of 36 dwellings per hectare.
- 2.4. The dwellings which are proposed comprise of the following:
 - House Type A: 3 No. two storey 4 bed 7-person terraced dwellings.
 - House Type B: 4 No. two storey 3 bed 5-person semi-detached dwellings.
 - House Type C: 2 No. dormer 3 bed 5-person semi-detached dwellings
 - House Type D: 11 No. bungalow 2 bed 3 person terraced and semi-detached dwellings.
 - House type D-A, two storey duplex block consisting of 3no. 1 bed 2 person units at ground level and 3no. 1 bed 2 person units at first floor level,
- 2.5. The proposed dwellings range in height from c.5.6m and c. 8.6m and would be finished with a mixture of light render and brick.

3.0 The following key parameters are noted:

Site area	0.71ha
Residential Units	26
Total floor space	1,860m ²
Building Height	Between 5.6m and c. 8.6m
Density	36 units per hectare
Public open space	0.076m ² (10.7%)
Access	Vehicular and pedestrian via New Row
Car and cycle parking	50 car parking spaces 8 bicycle parking spaces

Table 1 Development Parameters

4.0 Planning Authority Decision

4.1. Decision

By order dated 12/8/25 the planning authority decided to grant planning permission subject to 19 conditions. The conditions are of a standard nature.

4.2. Planning Authority Reports

4.2.1. Planning Reports

4.2.1.1 There are four planning reports on file. The initial planning report dated 18/2/25 notes that the principle of the proposed development is acceptable to the planning authority but notes that a number of issues have arisen which need to be addressed. The area planner sought further information for a large number of matters including (inter alia) a revised layout plan and building drawings of all on site buildings proposed to be demolished, detailed waste disposal plan for the proposed development, Pre-connection enquiry to Uisce Eireann, a justification for the site density, Autotrack

Analysis, swept path analysis, Road safety audit, visibility splays and comments to third party objections.

Further information response

4.2.1.2 A formal response to the Further Information request was received on 22/4/25. The response was accompanied by the following:

- Cover letter prepared by K-Design Studio Architecture, Urban Design, Interiors
- Drawing No. 3.1.104 Rev G: *Proposed Site Layout*
- Drawing No. 3.1.104 Rev B: *Demolition Plan*
- Drawing No. 3.1.201 Rev B: *Existing Furniture Store to be demolished Elevations*
- Drawing No. 3.1.301 Rev B: *Proposed Contextual Sections*
- Drawing No. 3.1.702 Rev A: *Proposed Communal Bin Store*
- Drawing No. 3.1.905 Rev A: *HT D+D+D+D+D Plans-Sections-Elevations*
- Drawing No. 3.1.908: *Duplex Block Plans-Elevations-Sections*
- Drawing No. 3.1.910 Rev A: *HT A + A+ A + A + A Plans-Sections-Elevations*
- Drawing No. 3.1.911 Rev A: *HT B+ B+B Plans-Sections-Elevations*
- Drawing 3.1.912 Rev A: *HT C+C Plans-Sections-Elevations*
- Drawing No. 21.128-206: *Autotrack Analysis Fire Appliance and Autotrack Analysis Refuse Vehicle*
- Drawing No. 23.122-206: *Proposed Roads, Signage and Lining Layout. Revised site layout plan*
- Drawing No. S25-011-ES01: *Public Lighting Layout*
- Drawing No. 23.122-210: *Proposed Foul and Storm Drainage Layout*
- A copy of the letter of consent, dated 07 March 2025 with respect to the realignment of the walkway.
- A Refurbishment/Demolition Asbestos Survey Report Phoenix Environmental Safety Ltd.

- Site Investigation Report prepared by site investigations Ltd.
- Road Safety Audit Stage 1 and 2 completed by Roadplan Consulting Engineers.
- Confirmation of feasibility from Uisce Eireann

4.2.2. **Other Technical Reports-Initial assessment**

- **Housing:** Report dated 6/1/25 outlining no objection.
- **Roads Design:** Report dated 30/1/25 recommending that further information be requested in relation to a number of issues.
- **Fire Section:** Report dated 31/12/24 noting that the application was not assessed but that the Fire Authority recommends that the applicants be informed that they are required to comply with all relevant building regulations.

Second planning report

4.2.3 A Second planning officers report 19/5/25 recommends that Clarification of Further Information is requested relating to the need to provide a cross section showing the connection to the existing surface water drain, updated site plan to shown the location of the EV charging car parking spaces, a Road Safety Audit and the need to provide a updated plan showing the proposed junction layout at an increased scale and showing tactile paving.

4.3.2.1 **Other Technical Reports-Post Further Information**

Roads Design Office: Report dated 15/12/25 requesting clarification of Further Information relating to surface water disposal, electric vehicle charging points, road safety audit, and the junction arrangement.

4.3.2.2 A formal response to the Clarification of Further Information request was received on 30/5/25 and included the following:

- Drawing No. 23.122-205 Revision PL03 'Proposed Watermain Layout'
- Drawing No. 23.122-206, Revision PL03 'Proposed Roads, Signage and Lining Layout'
- Drawing No. 23.122-210 Revision PL03 'Proposed Foul and Storm Drainage Layout'

- Drawing No. 23.122-210 Revision PL03 'Proposed Roads, Foul and Storm Sewer Longitudinal Sections'
- Drawing No. S25-011 -ES02 'EV Ducting Layout'
- Road Safety Audit prepared by Roadplan Consulting.

Third planning report

- 4.2.4 A third planning report 24/6/25 considers the clarification of further information response received on 22/4/25 and states that the information provided is deemed significant and that the application should be re-advertised.

Fourth planning report

- 4.2.5 A fourth planning report dated 11/8/25 considers all the information provided at Clarification of Further Information and recommends that planning permission be granted, subject to conditions.

5.0 Planning History

- 5.1 The appeal site is within the town centre of Abbeyleigh and as a result there are a number of planning applications in the area. The most recent and relevant in proximity to the appeal site are set out below:

Appeal Site

Reg. Ref. 072405: Application to construct a mixed use development to include the following; 1/ demolition of existing retail/commercial unit and external storage sheds; 2/ 3 storey block to front of site consisting of 4 no. retail/commercial units on ground floor, 2 no. office units and 1 no. 2-bed apartment and 1 no. 3-bed apartment on first floor, 2 no. 2-bed apartments and 2 no. 3-bed apartments on second floor; 3/ 2 no. duplex style apartment blocks to rear of site consisting of 8 no. 2-bed apartments on ground floor and 8 no. 3-bed apartments on first and second floor; 4/ basement car park; 5/ estate road, footpaths, car-parking, public open space, connections to foul and surface water drainage, external bin storage areas, landscaping and all associated ancillary works on a 0.56 ha site. Permission refused for 6 No reasons relating to capacity of sewerage facilities, design issues, duplex units being out of

character of the area, depreciation of the values of surrounding properties, impact on traffic flows in the area.

Land to the north

Reg. Ref. 2360231. Application to demolish existing shed and construct a single three-bedroom house with garage. The new house will be a detached two storey unit with an adjacent single storey garage. Permission granted, subject to conditions.

6.0 Policy Context

6.1. Development Plan

6.1.1 The *Laois County Development Plan 2021-2027* is the operative plan for the area. The appeal site is located within the Town Centre Zoning. The purpose of the town centre zone is *'to protect and enhance the special physical and social character of the existing town centre and to provide for and improve retailing and commercial activities'*. The following policies and objectives are pertinent:

CS 01A: Which states (inter alia) that following the receipt and consideration of any section 28 Guidelines the Planning Authority will prepare a report detailing consistency with these guidelines and if required prepare a variation to ensure the County Development aligns with same.

CS 05: Which seeks to support the regeneration of underused town centre and brownfield/infill lands along with the delivery of existing zoned and serviced lands to facilitate population growth and achieve sustainable compact growth targets of 30% of all new housing.

CS 11: Which seeks to (inter alia) to ensure that the Laois County Development Plan is consistent with Section 28 Guidelines and support the development of quality residential schemes.

CS 25: Which seeks to (inter alia) promote commensurate population and employment growth in the designated Self-Sustaining towns.

CS 27: Which seeks to (inter alia) ensure that population growth is appropriate in pace and scale and diversity of uses within its identified role in the settlement hierarchy.

CM BE 1: Which seeks to achieve more compact growth by promoting the development of infill and brownfield/ regeneration sites and the redevelopment of underutilised land within and close to the existing built-up footprint of existing settlements in preference to edge of centre locations.

CM RE 18: Which states that proposals for demolition of any existing building must include a full Whole Life Carbon calculation, which assesses the impact of renovation against proposals for new build.

HPO 3: Which seeks to (inter alia) support the regional Settlement Strategy, taking into consideration the estimated population growth set out within the NPF and RSES.

HPO 8: Which seeks (inter alia) to ensure that an appropriate mix of housing types and sizes is provided in each residential development and within communities.

HPO 9: Which seeks (inter alia) to promote residential densities appropriate to the development's location and surrounding context.

The following Development Management Standards are pertinent to residential development:

DM HS 1, DM HS 2, DM HS 3, DM HS 4 DM HS 5, DM HS6, DM HS7, DM HS8, DM HS 9, DM HS 10, DM HS 11, DM HS 13, DM HS 15, DM HS 17.

Table 10.3 Land Use Parking Space requirements.

Trans 28: Which seeks to ensure (inter alia) that the provision of adequate parking facilities, including disabled parking, shall form part of the assessment of any application for development in accordance with the standards contained in Table10.3: Land Use Parking Space Requirements.

DM Trans 10-Cycle Parking

Trans 34: which seeks to ensure that all developments should provide facilities for the charging of battery-operated cars at a rate of up to 10% of the total car parking spaces.

6.2 Section 28 Ministerial Guidelines

National Planning Framework - Project Ireland 2040-updated in April 2025 sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential

development within existing built-up areas; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (January 2024). These Guidelines set national planning policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements.

Sustainable Urban Housing: Design Standards for New Apartments, (2025) These guidelines were originally issued in 2018 and were updated in 2023 and 2025.

Quality Housing for Sustainable Communities (2007) These guidelines identify principles and criteria that are important in the design of housing and to highlight specific design features, requirements and standards that have been found, from experience, to be particularly relevant.

6.2.1 Other Relevant Guidance

- Design Manual for Urban Roads and Streets, 2013.

6.3 Water Framework Directive

6.3.1 The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.

6.3.2 An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a deterioration in water quality.

6.3.3 The appeal site is located c. 340 m to the south-east of the BALLYROAN_020 River Waterbody IE_SE_15B010200. This waterbody is classified as at-risk ecological status in proximity to this appeal site. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/agriculture>).

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

6.4 Natural Heritage Designations

6.4.1 The subject site is not located within or adjacent to a European Site. The nearest designated site is the River Barrow and River Nore SAC (Site Code: 002162) which is located c.2.4km to the west of the site. In addition to this the River Nore SPA (Site Code: 004233) is located c.2.5km to the west of the site.

6.4.3 In addition to this, the appeal site is located c.2.5km to the east of the River Nore/Abbeyleix Woods Complex (Site Code: 002076) pNHA.

6.4.4 A screening exercise for Appropriate Assessment will be undertaken in Section 8 below.

6.5 EIA Screening

6.5.1 See completed Form 2 attached by way of appendix to this report. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

7 The Appeal

7.4 Grounds of Appeal

A third-party appeal has been received from Ethel Burke. The third-party appeal is substantial, and I recommend that the Coimisiún read the document in full. The appeal

considers the housing crisis, the role of the *Laois County Development Plan 2021-2027* (including strategic aims, core and settlement strategy, housing strategy, housing need demand assessment, Abbeyleix in the context of the Laois County Development Plan 2021-2027, Abbeyleix Settlement Designation) and Plan lead approach. The third-party concerns with respect to the proposed development can be summarised as follows:

Pre-planning and planning reports

- Preplanning notes make no reference to evidence that the consideration of the existing function of the site would be a part of the assessment.
- The first planners report makes no connection between the overall objective of town centre locations and the proposed development. There is no consideration of the incongruence, no assessment or rationale offered.
- No consideration of the function of the existing site.
- In the second planners report there is no reference to the existing function of the objective of the Town Centre Zoning.
- In the third planners report there is reference to a report dated 18/1/25, there is no such report on the public file. There is no assessment with regard to the loss of the existing function.
- There is no evidence in the planning reports that the social and retail function of the current site has been considered or assessed in the context of the stated Objective and purpose of the Town Centre Zones. There is no consideration or direction as to how the community pedestrian Right of Way will be protected during the construction phase, or safety considerations of its users. In these circumstances the planning assessment of the Development is incomplete and unreliable.

Transport and roads

- The entrance to the site is only 110m from the junction to the N77. A pinch point starts at 15m and ends at 23m from the N77 junction.

- Traffic congestion at this junction is severe and is a single land lane pinch point, which measures 3.2m wide and extends for 8m. The presence of a yellow box at part of the junction does minimal to mitigate congestion.
- There are compounding issues when large goods vehicles attempt to traverse the junction, when people have not observed the yellow box larger vehicles cannot egress leading to traffic congestion in the town centre.
- This junction is unsafe, and cars regularly drive onto the footpath which is unsafe for those using the footpath.
- The proposal has the potential for 50 cars with no separate service access; this represents a material intensification of the use of the already congested street.
- Road networks are critical to the town.
- The proposed development is only 110m from the N77, new row is the primary vehicular connection between the development site and the national road network. TII highlights the need to protect national roads from capacity degradation or safety risk due to development pressure at connecting junctions.
- Scoping of traffic impacts should be undertaken on access within 300m of a national route. The potential for mitigations at this junction is limited due to the Architectural Conservation Area and restricted road width. The single land of the N77 junction suggests a prima facie basis for scoping.
- In recent approval process for Planning Application Ref. 2460167 both the Planning Authority and An Coimisiún Pleanála gave detailed consideration to the capacity of the local road network, with specific reference to junction performance and cumulative traffic volumes.
- No evidence that the Local Authority referred the application to TII and no explanation for this.
- No evidence of the need to scope the proposed development in the pre-planning notes.
- No reference to the N77 whatsoever in the first planning officers report. A Traffic Audit is mentioned at point 14. There is no evidence that the N77 was considered in the assessment of the Development and there is no evidence that

the developments proximity to the N77 has been considered or assessed of that scoping has been contemplated.

- There is no reference to the N77 or any traffic assessment in the second or third planning report. All mention of traffic and safety audits are deflected to the audit of internal aspects.
- In conclusion there is no evidence in any of the planning reports that the increased traffic from the development site has been considered or assessed. This is no evidence that the increased traffic impact has been scoped, of the TII guidelines for a TAA have been applied. There is no evidence that a referral to the TII has been considered or deemed necessary. In these circumstances the planning assessment of the development is incomplete and unreliable.

Core Strategy

- Objectives of the core strategy are realised through a cascade of zoning and settlement strategies-all wrapped up in climate change concerns and environmental ideals. All objectives are subject to the winds of change.
- The housing demand for the county (HNDA) conducted according to the NPF, NDP and RSES guidelines is set out in Appendix 3 of the Laois County Development Plan and is informed and informs the settlement strategy as set out in Appendix 2. The quantitative allocation of housing allocation to each settlement is set out in Volume 1, specifically Table 2.16 on page 39.
- Abbeyleix is identified as a Self-Sustaining Town.
- There is no evidence in the planning reports that the characteristics of self-sustaining towns and their respective settlement strategies and policy objectives have been considered or assessed in relation to this development. In these circumstances the planning assessment of the development is incomplete and unreliable.
- There is no evidence in the planning reports that the Overarching and Self-Sustaining Towns Core Strategy Objectives have been considered or assessed in relation to this development. In these circumstances the planning assessment of the development is incomplete and unreliable.

- There is a notable difference between the Draft version and adopted version of the Laois County development Plan. The original draft volume 2 remained unchanged between iterations, and the narrative of 241 housing units for Abbeyleix was never changed.
- It appears that Laois County Council Planning Department consider that target housing allocation for the current development plan to be 241 units rather than 80. An Coimisiún Pleanála has also adopted erroneous figures from Table 2.16, most recently extracting the number 270 from a 'potential' column, rather than the 'Housing Allocation based on ESRI projections 2021-2027' which clearly enumerates the target to be 80 units over the plan period.
- The development plan allocates Abbeyleix a modest growth trajectory, rising from 1,770 people in 2016 to approximately 1,970 by 2027, an 11.3% growth which is consistent to the overall county growth of 11.8%, this target was to be supported by the delivery of 80 housing units.
- Actual planning approvals in Abbeyleix are 157 units in Abbeyleix (424 people) or 23.9% population increase-more than double the originally planned number.
- If available greenfield units (270) are delivered the population could surge to 2,923 or 65.1% increase, four times the planned growth and would outstrip that of large growth centres identified through the NPF and RSES frameworks.
- If the current rate of growth continues, the population in Abbeyleix population in 2027 will significantly overshoot the County Development Plan target, placing Abbeyleix firmly outside the intended settlement hierarchy and into unsustainable overdevelopment.
- There is no evidence in the planning reports that the conflicting population and housing targets within the LCDP have been considered or referred to the relevant oversight department. In these circumstances the planning assessment of the Development is incomplete and unreliable.

Land Use Zoning Acceptability

- There is no evidence in the planning reports that the detailed assessments required by the LCDP for land uses designated O in Town / Village Centre Zones

have been considered or conducted. In these circumstances the planning assessment of the Development is incomplete and unreliable.

Density considerations

- During the lifetime of the LCDP relevant Section 28 government Sustainable Residential Development and Compact Settlement guidelines changed in 2024, adding a new dynamic to the consideration of densities, but retaining fundamental principles of tailoring density to settlement context.
- The new guidelines promote a 'plan led' approach and envisage the intensification of densities to apply predominantly to larger urban areas.
- The recently revised NPF copper fastens the intended application of revised densities to urban areas. The RSES further states that there should be a graded reduction of residential densities for Self-Sustaining Growth Towns.
- The LCDP classifies Abbeyleix as a Self-Sustaining Town but elsewhere it is included within the rural housing policy area, this is a conundrum.
- The designation is a significant factor in ascribing density parameters to a settlement. The 2024 guidelines have reset the population for the definition of a town to a band between 1,500 -5,000. The population of Abbeyleix at 1,700 is only 270 persons into a band that is 3,500 persons wide. This should be considered a weighting factor in proper detailed assessment of densities relevant to the town as a whole.
- Abbeyleix does not have an LAP or a masterplan. The changed Urban and Rural guidelines have amended the population parameters of 'town' to a population of 1,500, this is a material change in the context of Abbeyleix which knock effects for planning decisions. The backstop was supposed to be a plan led approach, but it appears that the only consideration has been the new density intensification.
- Without an LAP or town wide masterplan, the development proposal proceeds in isolation-undermining heritage continuity, climate resilience and public realm planning, this approach is fundamentally at odds with both national and regional planning policy. The NPF and Urban Development and Building Height Guidelines (2021) clearly states that higher densities and reduced private

amenity standards may only be considered in the context of a coordinated LAP, Masterplan or Urban Framework Plan, particularly where sites are within or adjacent to ACAs.

- There is no evidence in the planning reports that the Density Refinement demanded by the 2024 Guidelines has been considered or conducted. In these circumstances the planning assessment of the development is incomplete and unreliable.

Design and Unit sizes

- The design of the development cannot be isolated from the receiving environment. It is against proper planning and sustainable development.
- ACA Context- The development is opposite an ACA; the heavily edited photomontage supplied on the application does an injustice to the architecture and vernacular of the town. The proposed design fails to take account of the architectural context and streetscape. The introduction of urban balconies into an essentially rural outlook is entirely inconsistent with the local vernacular.
- Materials and finish- The introduction of modern brick facades that fail to reference the essential character of Abbeyleix is puzzling.
- Design changes-Although some changes were made to balconies, the overall scheme still lacks integration with Abbeyleix established townscape-including residential streets near the site. There is evidence in the planning reports of the absence of detailed assessments and contextual refinement of the proposed unit sizes and garden spaces in the development. In these circumstances the planning assessment of the development is incomplete and unreliable.

Supporting infrastructure

- At the current inflated level of approved development, Abbeyleix lacks the educational infrastructure to support its residents. Any further population growth will deepen this gap, compounding pressure on transport, roads, and the environmental repercussions therein.
- Abbeyleix has no programme of economic development or job creation under the current plan horizon. There is no evidence of identified strategic employment sites or investment programmes in Abbeyleix.

- The current job-to-resident-worker ration for Abbeyleix is 0.71. If the current planning approvals proceeds, this ratio will fall further to 0.59, placing Abbeyleix significantly below the county's own policy objectives for balanced growth. This would entrench Abbeyleix as a commuter tow, rather than supporting the LCDP's stated aim of developing self-sustaining settlements.
- There is no evidence in the planning reports of any consideration of supporting infrastructure or infrastructural assessment being undertaken to inform the decision on development. In these circumstances the planning assessment of the development is incomplete and unreliable.

Opportunity costs

- Abbeyleix is not a typical rural town, it is nationally recognised for heritage-led renewal and has become a flagship for climate-resilient town centre regeneration.
- Neither the applicant nor the planning authority engaged with the local community regarding this centrally located infill development.
- The approved development reflects a dated, car-centric design model with near maximum car parking provision, limited modal shift infrastructure and no clear sustainability narrative. By approving this development, the planning authority has positioned itself out of step with national climate change targets, EU transport and housing directives and the lived sustainability leadership already underway in Abbeyleix.
- The development would permanently exclude highly appropriate land for mixed use / community use.
- As town centre / infill housing targets have already been exceeded in planning grants and house completions, the potential for mixed and social development of Dunnes Hardware town centre site could be alternatively considered.

7.5 Applicant Response

- 7.2.1 A response has been received form SCA Planning and Development Consultants on behalf of the first party. I make the Coimisiún aware that the response provided by the first party id detailed and I recommend that the Coimisiún read the response in its

entirety. The first party response states that their response commences at page 44 of the first party appeal. This response can be summarised as follows:

- The grounds of appeal misrepresent the development proposal, its location in the centre of the town and the priorities given at a National, Regional and county level to compact the growth of towns, to exploitation of urban footprint brownfield lands for residential development, where town centres can be accessed by foot, not necessarily by cars.
- The grounds of appeal are out of date and not reflective of current Government strategy and Section 28 Guidelines to update development plans to reflect revised growth figures and government concern around the failure to deliver adequate housing, particularly in towns in the past decades.
- The grounds of appeal conflate planning permissions for houses with delivery of housing related to the Core Strategy and County Development Plan allocations targets to all towns and cities. These are now considered to be too low and only a small percentage were actually put into effect, for a variety of reasons. Therefore, the appeal allegations of overprovision and material contravention of the Laois County Development Plan 2021-2027 are incorrect.
- The planning application submitted to Laois County Council was the subject of rigorous assessment, including further information and clarification of further information.
- Since the submission of the planning application to Laois County Council, Government policy has strengthened in relation to population allocation and growth and the recent iteration of the National Planning Framework, has tasked planning authorities with urgent variation of the statutory County Development Plans to increase population allocation.
- Guidelines for Planning Authorities (July 2025) indicate that population increase alone is not the only parameter to be considered. Other matters include environmental sustainability. The subject site is in a location that complies with all of the parameters relating to compact growth, accessibility, modal shift, concentric and sequential development, town centre renewal and priority for town centre development and redevelopment of serviced urban land.

- The appeal site is not within an ACA and the interface with the Abbeylax ACA is minimal.
- The National Planning Framework is the Government's high-level strategic plan for shaping the future growth and development of the country up to 2040. Between 2022 and 2040 it is expected that the population will grow by approximately 1 million people to 6.1m. The ESRI have a slightly different model and predict a population of 6.3m by 2040.
- County Laois is within the Eastern and Midland Region which has an allocation of 470,000 additional people between 2022 and 2040.
- The National Planning Framework Implementation Housing Growth Requirements-Guidelines for Planning Authorities were prepared under Section 28 of the Planning and Development Act 2000 (as amended). Section 2 deals with implementation noting that planning authorities are required to assess adopted plans (city and county) against the requirement to provide the capacity to develop housing to the extent identified in the guidelines, including a review of the core and settlement strategy with identification of development potential and zoning objectives where necessary.
- Section 3 deals with development plan variations and states that planning authorities should assess the current adopted development plan and review the core strategy and zoning objectives against the new guidelines. In addition, potential for additional provision should be assessed.
- It is evident that there is a significant additional housing allocation to Laois in the National Planning Framework Implementation Housing Growth Requirements-Guidelines for Planning Authorities with the housing supply target to increase from 666 units per annum in the current housing strategy to 1,244 per annum to 2034. This uplift is reflected in a Variation of the Laois County Development Plan 2021-2027.
- All small to medium towns are considered to be peripheral towns in terms of access to/ availability of public transport services and the maximum allocation of car parking per unit recommended in the Compact Settlement Guidelines is 2 spaces per unit.

- The initial proposal included 50 car parking spaces for 26 houses, less than two per dwelling. This provision does not make the proposed development car dominated. The number of units was reduced to 26 by way of response to further information.
- The reduction in the number of units was due to density concerns, ACP can reconsider whether it was appropriate to request a reduced density, when the original development proposed a good mix of units.
- The subject site is located on Town Centre Zoned, brownfield land in the core urban area of Abbeylax.
- The development location is sequentially central, 1st priority and Tier 1, being serviced urban land with capacity to accommodate the development.
- The site could not be better placed to access all urban services by means other than car. The location is not peripheral in the Abbeylax context.
- The revised site layout submitted with the Further Information response shows pedestrian and cycle (active) access adjacent to the GAA club grounds along with a diverted right of way. The diversion is supported by the Trustees of the Father Breen GAA club and is a community gain for the town sports community, providing safer, overlooked access via a DMURS compliant foot and cycle path.
- In the amended scheme there is only terrace of 3 No.2 storey dwellings facing New Row which may or may not have brick in the front elevations (depending on ACP determination). Only one of these houses would be visible from the public realm on New Row.
- Dwellings within the Knocknamoe Lane housing scheme comprise large, detached, red-brick houses.
- A set out in the Spatial Planning and National Roads Guidelines 2012, TII do not apply to regional roads within town centres subject to urban speed limits- exactly the traffic control situation which applies at this location at Abbeylax.
- The vast majority of residential permission outlined in the first party appeal are for single unit developments. This one-off pattern does not support sustainable, compact urban development in Abbeylax.

- The subject lands are Tier 1, town centre zoned, serviced lands within the built-up footprint of Abbeyleix, for which servicing feasibility has been confirmed by Uisce Eireann.
- In the employment ration indicated in the Laois County Development Plan 2016, if the ratio has fallen back, as suggested by the appellant, this may be reflective of insufficient population to sustain town services, businesses, and associated employment. Added population will better sustain jobs and businesses and can improve the ratio.
- Dealing with the application *de novo* An Coimisiún Pleanála can grant permission for 28 units as requested in the application public notices.
- A layout has been prepared by the architects to show the duplex layout reverted to the original and the parking for units fronting to New Row to the rear as per the RFI layout.
- This reversion is available to An Coimisiún Pleanála as the numbers are the same as notified in the application, the duplex arrangement is as per the original layout and the front parking is as per the RFI layout that was published as significant further information for further public consultation which the 3rd party appellant availed of.

7.6 Planning Authority Response

7.3.1 There is no response from the Planning Authority on file.

7.7 Observations

7.4.1 There are no observations on file.

7.8 Further Responses

7.5.1 There are no further responses on file.

8 Assessment

8.1 I make the Coimisiún aware that this assessment is based on the initial planning application material, the applicant's response to the further information request and the applicant's response to the request for Clarification of Further Information. Having examined the appeal details and all other documentation on file, including submissions and responses, the report of the local authority and inspected the site. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Demolition
- Status of Abbeyleix
- Density/ Layout/ Design
- Quality of the proposed units
- Residential Amenity of surrounding properties
- Traffic
- Appropriate Assessment Screening

8.2 Principle of Development

8.2.1 The appeal site is zoned Town / Village Centre Zone. The purpose of the town centre zone is *'enhance the vitality and viability of town and village centres through the development of under-utilised land and brownfield sites and by encouraging a mix of uses to make the town and village centres an attractive place to visit, shop and live in. The character of the town and village centres shall be protected and enhanced.* 'Apartments' are permissible in the Town / Village Centre Zone, while 'dwellings' are open for consideration.

8.2.2 The proposed development comprises of both houses and duplex apartments, and I am satisfied that the proposed uses are in accordance with the sites zoning objective and that the proposed development is acceptable in principle, subject to a full assessment.

8.3 Demolition

- 8.3.1 The proposed development includes the demolition of the existing, vacant building on site. The building has a floor area of 938m² and has a maximum height of c.8.8m.
- 8.3.2 I note the third-party concerns that the architecture of building defines the streetscape along New Row and is adjacent to and opposite an Architectural Conservation Area. However, the building is not within the Architectural Conservation Area and is not a Protected Structure.
- 8.3.3 The building has been identified as having Asbestos. In light of this, the application material includes an Asbestos Survey Report prepared by Phoenix Environmental Safety Limited. This report states that Asbestos cement roof sheeting was identified on the main roof, rear and side lean-to roof areas with an area of c.400 m². In addition to this, Asbestos cement external wall cladding was identified around the external store at the rear of the building (c.20 linear meters).
- 8.3.4 Given the poor state of the building and national, regional and local policy which promote greater density on serviced land within proximity to town centre including social infrastructure and public transport, I am satisfied that the demolition of the existing buildings on site is acceptable, subject to a condition which ensures that the asbestos is removed in a safe manner.

8.4 Status of Abbeyleix

- 8.4.1 The third party first party has outlined detailed concern with respect to the classification of Abbeyleix in the settlement hierarchy of Laois and the resultant housing allocation of the town. In addition to these concerns are outlined that a number of housing developments which have been granted in the Abbeyleix area in the past number of years. These concerns relate to the fact that the planning approvals in Abbeyleix which adds up to 157 units or 424 people and that this would more than double the originally planned number and that if available greenfield units (270) are delivered the population could surge four times the planned growth and would outstrip that of large growth centres identified through the NPF and RSES frameworks.
- 8.4.2 The first party response notes that the grounds of appeal are out of date and not reflective of current Government strategy and Section 28 Guidelines to update

development plans to reflect revised growth figures and government concern around the failure to deliver adequate housing, particularly in towns in the past decades.

- 8.4.3 I note the concerns of the third-party appellants in this case; I further note the first party appeal response. The key consideration is the housing allocation for County Laois and how this would filter down to towns identified as ‘Self-Sustaining’ in the Core Strategy.
- 8.4.4 Abbeyleix is identified as a Self-Sustaining town in Table 2.4 (Settlement Hierarchy for Laois) in the *Laois County Development Plan 2021-2027*. Such settlements are described as ‘*high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services, and which require targeted ‘catch up’ investment to become more self-sustaining.*’ In addition to this, Table 2.16 of the *Laois County Development Plan 2021-2027* sets out the housing allocation per settlement for 2016 to 2027 for each settlement in the County, including Abbeyleix which has an allocation of 80 houses.
- 8.4.5 However, it is noted that Section 4.2.2.1 of Appendix 2 ‘Settlement Strategy’ of the Laois County Development Plan provides a housing allocation figure of 241 units over the plan period or 4% of the housing allocation of the County. The housing allocation figure in Section 4.2.2.1 of Appendix 2 is consistent with the figures given in the Draft Laois County Development Plan 2021-2027.
- 8.4.6 There is a clear discrepancy between the Settlement Hierarchy as set out in Table 2.4 and the figures given in Section 4.2.2.1 of Appendix 2 of the *Laois County Development Plan 2021-2027*. I make the Coimisiún aware that I am unable to find a reason for this discrepancy.
- 8.4.7 Notwithstanding this, since the adoption of the *Laois County Development Plan 2021-2027*, the Government has approved the revised National Planning Framework. Broadly, the Revised National Planning Framework introduces the need to plan for a population of between 6.1 to 6.3 million people by 2040, and plan for approximately 50,000 units per annum over that period, to meet additional population and employment growth over and above the original 2018 National Planning Framework projections. This reflects the latest research and modelling by the Economic and Social Research Institute (ESRI), which forecasts substantial population growth over the next decade.

- 8.4.8 Table 2.16 of the current *Laois County Development Plan 2022-2027* based its housing allocation projections on ESRI figures derived from the 2016 Census. The Revised National Planning Framework, with the subsequent provision of updated planned housing requirements at local authority level, aims to ensure that housing supply meets both new demand and addresses existing need, creating a sustainable future for housing in Ireland. According to the Department of Housing, Local Government and Heritage, there is a need to plan for a significant increase in the capacity to deliver housing across the country to meet population projections and associated housing requirements.
- 8.4.9 I refer the Coimisiún to the National Planning Framework Implementation: Housing Growth Requirements-Guidelines for Planning Authorities July 2025. Under these Guidelines, Planning Authorities must review or vary their current Development Plans to align with the new National Planning Framework derived housing growth requirements and crucially in the context of the development currently being considered compare the existing Core Strategy (including settlement strategy / zoned land/capacity analyses) against the new targets and assess whether allocations are sufficient.
- 8.4.10 Appendix 1 of this document sets out an annual housing growth requirement of 1,244 units for Laois County Council per year up to 2034. Given that Abbeyleix has an overall allocation of 4% of housing in the county, this would lead to an annual housing supply figure of 50 units or 400 units up to 2034 which is the timeframe set out in the National Planning Framework Implementation: Housing Growth Requirements-Guidelines for Planning Authorities July 2025.
- 8.4.11 In addition to this, it is noted that Section 2 of the Housing Growth Requirements-Guidelines for Planning Authorities July 2025 require that Planning Authorities to prepare a Core Strategy and to ensure that the development plan is consistent with the national and regional objectives specified in the National Planning Framework and the relevant regional spatial and economic strategy. Therefore, Laois County Council will be required to vary their development plan to take account of the amended housing allocation.
- 8.4.12 While I note the concerns of the third party with respect to the housing supply allocation for Abbeyleix as set out in Table 2.16 of the *Laois County Development Plan 2021-*

2027, I am satisfied that the proposed development would not be inconsistent with the government direction with regard to housing supply set out in the Housing Growth Requirements-Guidelines for Planning Authorities July 2025 and the National Planning Framework Implementation: Housing Growth Requirements-Guidelines for Planning Authorities July 2025.

8.4.13 The third-party appeal highlights a number of housing developments which have been granted in the Abbeyleix area in the past number of years. These concerns relate to the fact that the planning approvals in Abbeyleix which adds up to 157 units or 424 people and that this would more than double the originally planned number and that if available greenfield units (270) are delivered the population could surge four times the planned growth and would outstrip that of large growth centres identified through the NPF and RSES frameworks.

8.4.14 I have considered that list of planning approvals as set out in the third-party appeal, and I note that the list contains 159 units, of which the majority are for one off housing. In addition to this, the list includes the 26 units proposed as part of the application currently being considered. While I note the concerns of the third-party, I am of the opinion that the majority of units identified are one-off houses both within and in proximity to Abbeyleix. This pattern of development would not support compact development as envisaged in National, Regional and Local policy. In any case, I am satisfied that the housing allocation for Laois will be increased as a result of the required variation of the Laois County Development Plan as required by Housing Growth Requirements-Guidelines for Planning Authorities July 2025 and the National Planning Framework Implementation: Housing Growth Requirements-Guidelines for Planning Authorities July 2025.

8.5 Density/ Layout / Design

8.5.1 I make the Coimisiún aware that this assessment is based on the updated plans and particulars submitted at Further Information stage and clarification of further information stage.

Density

8.5.2 The number of units proposed as part of this application has been reduced from 28 to 26 as a result of the applicant's response to further information. The proposed density of the scheme is now proposed to be 36 units per hectare.

- 8.5.3 I note the concerns of the third-party appellant with respect to the density of the proposed development and that it warrants refinement due to the lack of frequency public transport, location adjacent to an Architectural Conservation Area, is in proximity to low density, heritage-protected housing / landscapes and the site meets the definition of peripheral.
- 8.5.4 The third-party appellant has outlined concerns that the 2024 Guidelines envisage that the intensification of densities applies predominantly to larger urban areas. In addition to this, the guidelines are implemented through the hierarchy of plans (including LAP's) and while Abbeylax does not have an LAP in place that the proposed development proceeds in isolation at odds with both national and regional planning policy.
- 8.5.5 In response the first party state that Table 3.6 of the Compact Settlement Guidelines allocate density ranges to small and medium sized towns, such as Abbeylax.
- 8.5.6 I note the concerns of the third party. I refer the Coimisiún to the Sustainable Residential Development and Compact Settlement Guidelines 2024. Section 3.3.4 outlines a strategy for small and medium sized towns (1,500-5,000) population which is applicable to Abbeylax and states that when considering density, the planning authority should differentiate between self-sustaining towns that have a good employment and services base and can accommodate development of greater scale, commuter towns that have a more limited employment and services base and smaller towns that are at the lower end of the population range.
- 8.5.7 In this regard, I refer the Coimisiún to Appendix 2 of the National Planning Framework First Revision 2025 which shows that Abbeylax has an employment ratio of 0.71. While I note that this ratio has dropped from 0.77 as set out in the *Laois County Development Plan 2011-2027*, I am satisfied that Abbeylax has a reasonable employment and services base and can accommodate development of greater scale.
- 8.5.8 Table 3.6 relates to densities for small and medium sized towns and states that, with respect to small and medium town centres that It is a policy and objective of the Guidelines that the scale of new development in the central areas of small to medium sized towns should respond positively to the scale, form and character of existing development, and to the capacity of services and infrastructure (including public transport and water services infrastructure).

8.5.9 Having regard to the foregoing, I am satisfied that the proposed density at 36 units per hectare is acceptable in this case having regard to the infill / backland town centre location of the appeal site, in proximity to services and public transport is acceptable. I also note the direction provided in the National Planning Framework (First Revision) in terms of the promotion of compact growth and the need to deliver a greater proportion of residential development within the existing built-up areas of our cities, towns, and villages. In addition to this, I note that the proposal would comply with Policy CS05 of the *Laois County Development Plan 2021-2027* which seeks to support the regeneration of underused town centre and brownfield/infill lands along with the delivery of existing zoned and serviced lands to facilitate population growth and achieve sustainable compact growth targets of 30% of all new housing to be built within the existing urban footprint of targeted settlements in the County and Policy CM BE 1 which seeks to Achieve more compact growth by promoting the development of infill and brownfield/ regeneration sites and the redevelopment of underutilised land within and close to the existing built up footprint of existing settlements in preference to edge of centre locations.

8.5.10 I note that the first party has requested that the Coimisiún consider granting permission for 28 units as was originally applied for. This would increase the density of the development to 39.4 units per hectare. I am satisfied that the layout as submitted as a response to Further Information which shows 26 units is acceptable and the density responds in an acceptable manner to the existing development within Abbeyleix.

Layout

8.5.11 The proposed development comprises of 26 dwellings set out in a mixture of terraces of single storey dwellings, terraces of two storey dwellings and duplex apartments. Section 13.3.1 of the *Laois County Development Plan 2021-2027* set out a number of criteria against which residential layout will be considered. These considerations include layout and permeability, pedestrians and cyclists, buildings, and the public realm.

8.5.12 I have considered the site layout plans submitted with both the initial application and the response to further information and in broad terms, I am satisfied that the layout of the proposed development is acceptable. The layout provides a good level of permeability with a pedestrian and cycle path that connects from Knocknamoe Lane

(at the rear of the site) to the front of the site at New Row. In addition to this, I note that all of the houses are dual aspect, and a central area of open space is provided. I am broadly satisfied that the layout of the proposed development is acceptable, and it successfully integrates with the surrounding streetscape which is mixed use in character (including residential and commercial)

Design

8.5.13 The proposed houses would have are a mixture of one and two storeys' houses and a two-storey block of Duplex Apartments and would have maximum heights of between c.5.6m and c. 8.6m and would be finished with a mixture of light render and brick. Having considered the plans and elevations submitted with the initial application, I am satisfied that the design of the proposed dwellings are acceptable.

8.6 Quality of the proposed units

Houses

8.6.1 Having considered the Housing Quality Assessment submitted with the initial application I am satisfied that the floor areas proposed exceed the standards set out in Table 5.1 of the Quality Housing for Sustainable Communities: Design Guidelines.

8.6.2 Private open space to serve each of the dwellings is proposed by way of back gardens with the relevant areas range between c. 30m² and 64m². I am satisfied that the back gardens would comply with the minimum area standards set out in SPPR2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024.

Landscaping

8.6.3 The landscaping plan shows that an area of 760m² is proposed to the southern end of the site. This would equate to c.10.7% of the overall area of the site and would comply with Policy and Objective 5.1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024. In addition to this, the public open space area includes an area of 100m² for play space. This is considered to be acceptable.

Apartments

8.6.4 The proposal as modified by the applicants at further information stage also includes duplex apartments within a building to the south-east of the site. The Duplex

apartments are 1 bed 2 person units with areas of between 50m² and 51m². Having regard to the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025, I am satisfied that the floor areas of the apartments are acceptable.

8.6.5 The apartments provide a private open space areas by way of back gardens with areas of between 46.6m² and 47m² for the ground floor duplex apartments and balconies of c. 6.3m² for the first-floor duplex apartments. This is considered to be acceptable.

8.6.6 The landscape plan submitted with the application does not show an area of communal space. While this is not ideal, the overall site does include a high quality public open space area which includes a play area for children. The area of the public open space is greater than 10% of the overall site and is the appeal site is adjacent to the local GAA grounds; I am satisfied that this is adequate compensation for the lack of communal open space.

8.7 Residential Amenity of surrounding properties

8.7.1 Policy DM HS 15 of the *Laois County Development Plan 2021-2027* states that infill development is encouraged in principal where it does not adversely affect neighbouring residential amenity (for example privacy, sunlight, and daylight), the general character of the area and the functioning of transport networks.

Overlooking

8.7.2 With regard to overlooking the residential development to east of the site and also to the south-east (within Knocknamoe Drive) would have the greatest potential for overlooking. However, I note that the dwellings along the north-eastern and eastern side of the proposed development which are proximate to the eastern boundary of the land are all single storeys.

8.7.3 In addition to this I note that, due to the layouts of Knocknamoe Drive there would be no directly opposing windows. I am satisfied that the proposed development would not have any impact on the residential amenity of Knocknamoe Drive by way of overlooking.

8.7.4 It is noted that the rear elevations of units 17-20 in the north-western corner of the site face towards the rear elevations of dwellings which front onto New Row. I note that the set back of the proposed dwellings would be 29 and 30m. I am satisfied that these separation distances are generally greater than 16m as set out in SPPR1 of the

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 and as such are acceptable.

Overshadowing / Overbearing

8.7.5 Overall, having regard to the modest height of the proposed development, which includes single storey and two storey houses and a two storey duplex apartment block, I am satisfied that the proposed development would not have an undue impact on the residential amenity of surrounding properties by way of overshadowing or overbearing development. In coming to this conclusion, I have had regard to layout of the proposed development, the separation distances from established residential to the south-east and the north-west which comply with the SPPR1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024.

8.8 Architectural Conservation Area

8.8.1 The third-party appeal outlines concerns with respect to the impact the proposed development would have on the Abbeyleix Architectural Conservation Area and that the heavily edited photomontage supplied on the application does an injustice to the architecture and vernacular of the town. In addition to this, the appellant outlines concerns that the proposed design fails to take account of the architectural context and streetscape and that the introduction of urban balconies into an essentially rural outlook is entirely inconsistent with the local vernacular and that the introduction of modern brick facades that fail to reference the essential character of Abbeyleix is puzzling.

8.8.2 I refer the Coimisiún to Volume 2 (Settlement Plans) of the *Laois County Development Plan 2021-2027*. The map of Abbeyleix shows that the appeal site is not within the Architectural Conservation Area. Notwithstanding this, part of the Architectural Conservation Area is on the opposite side of New Row from the appeal site.

8.8.3 In broad terms I note that, while the purpose of an ACA designation is to protect and enhance the special character of an area, it does not necessarily prohibit new development. New development should be sympathetic to the special character of the ACA. Therefore, a balance needs to be struck between protecting the character of the area and allowing development on appropriately zoned land.

- 8.8.4 In this case, the appeal site is within the Town / Village Centre Zone which is a mixed-use zone which includes residential development. I note that the proposed units to the north and east of the site are single storey units (Unit Type C would be dormer style dwellings and Unit type D are bungalows). The two storey dwellings within Blocks A, B and DP-A are to the central and western side of the site.
- 8.8.5 In my opinion, the key interface between the proposed development and the Architectural Conservation Area are the semi-detached dwellings adjacent to the northern boundary of the land fronting New Row (Unit No's 1 and 2). I make Coimisiún aware that Units 1 and 2 proposed as part of the Further Information have been altered from two storey semi-detached dwellings to dormer style dwellings. The dwellings include front facing metal clad windows and porches with a select brick finish. While I note that the houses proposed as part of the further information response are lower in height than the initially proposed dwellings at this location, I would have concerns with the location and finish of the proposed dormer elements. In my opinion the dormer should be relocated to the rear of the dwellings. In addition to this, the proposed brick work to the front of the dwelling should be a muted colour to ensure appropriate integration with the Architectural conservation area. This matter could be dealt with by way of condition, should the Coimisiún be of a mind to grant planning permission.
- 8.8.6 In addition to this, I am satisfied that the two storey dwellings and duplex apartment blocks are sufficiently set back from the Architectural Conservation Area to ensure that there would be no impact on the Architectural Conservation Area. While I note the concerns of the first party with respect to the balconies to the front of the duplex units within Block DP-A, I am satisfied that these would be set back a sufficient distance to ensure that there would be no significant impact on the character of the Architectural Conservation Area.

8.9 Traffic

- 8.9.1 The third-party objector has outlined concerns with respect to the impact that the proposed development has the potential for 50 cars to service the development within only one entrance and this would exacerbate traffic congestion in Abbeylisle. The objector's states that the entrance to the proposed development is only 110m from the junction to the N77. A pinch point starts at 15m and ends at 23m from the N77 junction

and that traffic congestion at this junction is severe and is a single land lane pinch point, which measures 3.2m wide and extends for 8m.

- 8.9.2 I make the Coimisiún aware the neither the initial application material nor the further information / clarification of further information responses included a Traffic Impact Assessment. However, I note that, upon receipt of Further Information, that the Roads Department of Laois County Council outlined no objection subject to conditions.
- 8.9.3 The proposed access road within the development would be wide enough for cars to enter and egress simultaneously, and sightlines of 50m at both sides of the access can be achieved (I refer the Coimisiún to drawing No. 23.122-206 Rev PL-03 '*Proposed Roads, Signage and Lining Layout*') submitted at further information stage which demonstrates this. I am satisfied that the access to the appeal site is acceptable and would comply with the requirement of Table 4.2 of the Design Manual for Urban Roads and Streets.

New Row

- 8.9.4 The appeal site would be serviced by a single access / egress onto New Road. New Row is a two-way street which narrows to a single lane to the east of the site, at its intersection with Market Square / Main Street.
- 8.9.5 I acknowledge that queuing for cars travelling into Abbeyleix via New Row may occur. I further acknowledge that the junction between New Row/ Market Square/ Main Street is a pinch point and narrows to one lane. On the day of my site visit I noted a number of trucks using this junction. Notwithstanding the fact that this junction would appear to be challenging for trucks, I note the junction is controlled by traffic lights and road markings (yellow box). I am satisfied that the issue with respect of the pinch point and only one lane being available is appropriately managed.
- 8.9.6 Further to this, I would note that the appeal site is zoned for Town / Village Centre Zone, which is a mixed-use zone which includes residential. I am satisfied that that the relatively small number of traffic movements generated by the proposed development would not have an undue impact on traffic movements within Abbeyleix in general and therefore the proposed development is acceptable in this regard.

8.10 Flooding

8.10.1 I have consulted the flood mapping system (www.floodinfo.ie) and I note that the subject land is within Flood Zone 'C'.

8.10.2 Having considered all the foregoing; I consider the proposed development would not result increase the risk of flood either within the site itself or the surrounding area. The proposal is acceptable from a flood risk perspective.

9 AA Screening

9.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The application is for the demolition of part of an existing building and a residential development comprising of 26 units on a brownfield site within Abbeyleix Town Centre.

9.2 The subject site is not located within or adjacent to a European Site. The nearest designated site is the River Barrow and River Nore SAC (Site Code: 002162) which is located c.2.4km to the east of the site.

9.3 In addition to this, the appeal site is located c.2.5km to the east of the River Nore/Abbeyleix Woods Complex (Site Code: 002076) pNHA.

9.4 There is no hydrological link between the subject site and the European sites.

9.5 Having considered the nature, scale, and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

10 Recommendation

10.1 I recommend that planning permission be granted.

11 Reasons and Considerations

11.1 Having regard to the provisions of the *Laois County Development Plan 2021-2027*, its location within the existing town of Abbeyleix and to the nature and scale of the proposed development and the prevailing pattern and character of development in the area it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the

residential or visual amenities of the area or of property in the vicinity, would not negatively impact on the built heritage of Abbeyleix and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12 Conditions

1. The proposed development shall be carried out and completed in accordance with the documentation and particulars lodged with the Planning Application on 17/12/24 as revised by Further Information received on 22/4/25 and Clarification of Further Information on 30/5/25 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 conducted and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows: -

- (a) The dormer structure to the front of units 1 and 2 fronting New Row shall be relocated to the rear of the dwellings.
- (b) The brick finish to the front of Units 1 and 2 shall be amended to a more muted tone.

Reason: In the interests of protection of the amenity of the Architectural Conservation Area

3. No development shall commence on the site until such time as the following have been agreed and complied with:

- (a) A storm water drainage plan and storm water management plan are agreed to in writing with the planning authority.
- (b) Requirements of Laois County Council's Roads Design Office, Water Services Section, Environment (Water Protection) Section and Chief Fire Officer.
- (c) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.
- (d) Details for the safe removal and disposal of the identified asbestos within the existing building on site are provided to and agreed with the planning authority.

Full details shall be agreed with the Planning Authority prior to commencement of development, and all works shall be completed by the applicant, to the satisfaction of the Planning Authority prior to the occupation of any house within the proposed development.

Reason: In the interests of roads and traffic safety, protection of the natural environment, public health and the proper planning and sustainable development of the area.

4. Prior to commencement of development and/ or occupation of the residential units, as applicable, a final Road Safety Audit(s) and/ or Quality Audit(s) of the development, including the main entrance, internal road, and path layouts, shall be submitted to, and agreed in writing with the planning authority.

Reason: In the interest of sustainable transportation, and traffic and pedestrian safety.

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

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

6. The area shown as public open space on the lodged plans shall be reserved for such use. The public open space shall be completed and fully landscaped before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer.

Reason: In the interest of the amenities of the occupants of the proposed housing

7. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

8. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding

the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

9. The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health

10. 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.

Reason: In the interests of visual and residential amenity

11. Site development and building works shall be carried out only between the hours of 0700 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.

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

12. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction

Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:

- (i) collection and disposal of construction waste including Asbestos,
- (ii) surface water run-off from the site,
- (iii) on-site road construction, and
- (iv) environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures.

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

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

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects,' published by the Environmental Protection Agency in 2021

Reason: In the interest of sustainable waste management

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

Reason: In the interest of sustainable transport and safety.

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

16. **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.

17. 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.

Reason: To ensure the satisfactory completion of the development

18. 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.

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.

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.

Ronan Murphy
Planning Inspector

12 January 2026

Form 1 - EIA Pre-Screening

Case Reference	ACP-323593-25
Proposed Development Summary	Demolition of an existing building and construction of 26 residential units
Development Address	Dunnes Hardware, New Row, 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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2, Class 10(b)(i) Infrastructure – dwelling units – 500 units. Proposal is for 26 no. dwelling units. Part 2, Class 10(b)(iv) - Urban development – 10 hectares (built-up area). Site is 0.71ha

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-323593-25
Proposed Development Summary	Demolition of an existing building and construction of 26 residential units
Development Address	Dunnes Hardware, New Row, 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).	The development is for 26no. housing units and associated site works, comes forward as a standalone project, and it does not involve the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks 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).	<p>The development is situated on a brownfield site and surrounded with in a mixed-use area in the Town Centre of Abbeyleix. The development site is landlocked but is proposed to be accessed from New Row.</p> <p>There is no direct hydrological links to any European sites. The development is removed from sensitive natural habitats, dense centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	Having regard to the nature of the proposed development, its location removed from sensitive habitats/ features; likely limited magnitude and spatial extent of effects; and absence of in combination effects, there is no potential for significant effects on the environmental factors.

cumulative effects and opportunities for mitigation).	
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.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)