



An
Coimisiún
Pleanála

Inspector's Addendum Report

PL-500012A-LS

Development	Amendments to previously permitted development with associated development works.
Location	A site at Bishopswood Road , Portarlinton , Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2560255
Applicant(s)	Randelswood Holdings Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Frances Emerson
Observer(s)	None
Date of Site Inspection	19/11/2025
Inspector	Alan Di Lucia

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1.0 Introduction

- 1.1. This is an addendum report to the Inspector's Report relating to PL-500012-LS dated the 7th January 2026.
- 1.2. On the 28th January 2026, the Commission decided to issue a notice under Section 137 of the Planning and Development Act, 2000, as amended, to all parties that the Commission proposed to take into account the following:
 - 1.2.1. *"1. The current application relates to amendments to permission granted under Planning Reg. Ref 19432. The Commission note the final grant date for this parent permission was the 18th day of February 2020. The Commission also note that Planning Ref: 2560422 includes a condition stating that 'This permission for amendments to development, which was granted permission on planning reference 19/432 shall expire on the expiry date of 19/432 which is the 17/02/2025. The Commission may consider that an extant permission under Planning Reg Ref 19/432 and Planning Reg. Ref: 2560422 no longer exists and therefore, that a proposed amendment of same might not be valid."*
 - 1.2.2. *"2. The current application amends the existing layout of the overall housing development by repositioning thirteen housing units from the northeast part of the site to the central/southern end of the layout. This results in a decrease to the open space provision at this central location within the overall development but increases the overall open space provision of the housing scheme to the northeast in place of the relocated houses. This was considered necessary as site investigation works during construction indicated that the lands in the northeast were unsuitable for construction. While the Commission note the engineering challenges emerging during construction, it also had regard to the orientation and boundary treatments of the redesigned adjacent residential dwellings relative to the peripheral northeast open space with little or no active frontage or passive surveillance. Similarly, the absence of high-quality open space design consistent with the provisions of DMHS 4 and DMHS 5 was noted. The Commission may consider that the proposed design amendments do not maximise passive surveillance or provide quality open spaces for active and passive recreation, or pedestrian and cycle connection, and that the proposed amended design of the public open space might not accord with the design*

standards set out in DMHS 4 and DMHS 5 of the Laois County Development Plan 2023-2037.”

- 1.3. The Commission received the applicant’s response to the notice on the 13th March 2026 and an observation from the appellant on the 12th March 2026. No response was received from the Planning Authority.
- 1.4. Both responses were circulated to all parties on the 25th March 2026 in accordance with Section 131 of the Planning and Development Act, 2000 as amended. The Commission received a response from the applicant to the appellants observation on the 30th March 2026 and a further response from the appellant on the 9th April 2026. No response was received from the Planning Authority.

2.0 Response to the Commission’s Decision.

2.1. Applicant’s Response

- 2.1.1. The applicant’s response to the notice submitted on 13th March 2026 includes a planning report detailing all responses to the notice and the following revised documentation:

- Amended site layout plans
- Proposed site contextual elevations
- Proposed Plans and Elevations for House Type E, House Type F and House Type G.
- Revised landscape plan, landscape details, and boundary treatment plans.

- 2.1.2. Response to Item No. 1 of the Section 137 Notice.

An application to extend the duration for a period of 1 year of planning permission Reg. Ref. 19/432 was granted by Laois Couty Council on the 20th February 2025 extending the permission until the 29th May 2026. (Reg. Ref. 24/156). A further application to extend the duration for a period of two years of planning permission Reg. Ref 19/432 was granted by Laois County Council on the 16th February 2026 extending the permission until the 17th May 2028. (Reg. Ref. 25/114)

- 2.1.3. Response to Item No. 2 of the Section 137 Notice.

3 No. residential units have been redesigned to directly front onto the north-eastern public open space, enhancing passive surveillance and active frontage along this key amenity area. The amenity space has been redesigned to accommodate a playground for younger children, landscaped areas for passive recreation and a shared pedestrian and cycle route ensuring safe, functional, and visually accessible open space. The amended design of the public open spaces, including the rearrangement of the 3 No. Residential units to directly front onto the northeastern public open space, complies with the development management standards DMHS4 and DMHS5 as set out in the Laois County Development Plan 2023-2027.

2.2. Planning Authority Submission

2.2.1. No submission was received from the planning authority.

2.3. Appellant's Observation

- 2.3.1. The appellant's response to the notice submitted on the 12th of March 2026, highlights that whilst the extension was granted, the scale of the current proposed changes to the original permission warrants a new EIAR. Notes Section 42(8) of the Planning and Development Act 2000 prohibiting the planning authority from extending the duration of a planning permission if EIAR or AA is required.
- 2.3.2. Highlights that the change to the northeast of the site, resulting from the amended layout is an eyesore and has resulted in significant damage to their adjoining property, which has rendered their land unusable, preventing them from gaining any benefit or use of their property. Notes that they do not have financial means to pursue legal action, and appealing to ACP to ensure the developer is accountable for this destruction and requests that the Commission considered the physical and financial impact this development is having on the immediate neighbours before considering the granting of permission.

3.0 Further Submissions

3.1. Both responses were circulated to all parties on the 25th March 2026 in accordance with Section 131 of the Planning and Development Act, 2000 as amended.

3.2. Applicant's Response

3.2.1. The applicant's responded to the appellant's submission on the 30th of March 2026.

3.2.2. The applicant highlights that the subject application does not propose any alterations to the approved drainage strategy, site levels, or watercourse arrangements as permitted under the parent planning permission (reg. Ref. 19432) nor does it introduce any new development works in the vicinity of the appellant's lands.

3.2.3. Outlines provisions made under the previous application to address the issues raised and confirms that no amendments to drainage works were proposed or required and that drainage infrastructure is compliant with planning permission.

3.3. Appellant's Response

3.3.1. The appellant made a further submission on the 9th April 2026.

3.3.2. Draws attention to correspondence dated between the applicant and Laois County Council highlighting that the area where the now proposed public open space is located was deemed unsuitable for construction and questions how the 750ml pipe and manhole is deemed suitable.

3.3.3. Questions safety of green area with poor boundary treatment. The development has resulted in creating a dangerous stream accessible on the boundary between the development and appellants property. Highlights the desecration of the trees and hedgerows contrary to the plans submitted.

3.4. Planning Authority Response

3.4.1. No response was received from the planning authority.

4.0 Assessment

4.1. Expiry Date of Reg. Reference 19/432

- 4.1.1. I note the applicant's response relating to the expiry date of the parent permission reg. ref. 19/432. An application to Extend the Duration of Planning Permission Reference 19/432 was granted by Laois County Council on the 20th February extending the permission by one year until the 29th May 2026. (Planning Reference 24/156). A further application to Extend the Duration of Planning Permission Reference 19/432 was granted by Laois County Council on the 16th February 2026 further extending the permission by two years until the 17th May 2028. (Planning reference 25/114). I note that copies of the order to extend the duration of 19/432 have been submitted as part of the applicants response to the Section 137 notice, I confirm from Laois County Council Website that both planning references 24/156 and 25/114 both extend the duration of the parent planning permission 19/432.
- 4.1.2. I am satisfied that the expiry date of planning application P19/432 has been extended by Laois County Council until the 17th May 2028. I am satisfied that there is no extant permission under Planning Reference 19/432 and that the Commission can consider the application to which the appeal relates as a valid planning application.
- 4.2. **Active frontage or passive surveillance of northeast open space.**
- 4.2.1. In response to the Section 137 notice, the applicant proposes to redesign and re-orientate the 3no. residential units adjoining the northeastern public open space. (Houses No. 96, 97 and 98 as proposed in the amended layout submitted as part of the application.) The applicant proposes new house types (House Type E, F and G) which reorientates the primary entrances and incorporates additional and enlarged windows towards the northeast public open space. I am satisfied the revisions proposed at this location will provide activity, movement, and natural supervision of this open space provision.
- 4.2.2. The applicant also proposes to amend the parking provision arrangements, with parking provided by a designated parking bay adjoining the internal road rather than within the curtilage of the dwellings. I am satisfied the amendments to the parking provision will maintain an active frontage to the public open space provision.
- 4.2.3. I consider that the proposed redesign and reorientation of the 3 no. houses and associated parking will adequately address the concerns raised by the Commission

regarding active and passive surveillance of the open space provision provided to the northeast of the site.

4.3. Compliance with the provisions of DMHS-4 of the Laois County Development Plan.

- 4.3.1. DMHS-4 of the Laois County Development Plan 2021-2027 (LCDP) states that in greenfield sites *'the minimum area of open space that is acceptable within the site is 10% of the total area.'* The total area of the site is stated as 3.91 hectares. 10% of 3.91ha equates to 0.391 ha. The open space provision provided for within the development is stated as 0.46 ha, which equates to 12% of the total site area. Therefore I am satisfied that the proposed open space provision complies with the minimum open space requirement as set out under DMHS-4 of the LCDP
- 4.3.2. DMHS-4 of the LCDP also states that *'Public open space shall be clearly defined and be of high-quality design and finish which is easily maintained, easy to access from all parts of the development, easy to use including by people with disabilities, has good lighting and natural surveillance and is enjoyable to use, walk and cycle around all year round. These spaces should include informal play spaces, safe well-lit pathways which will facilitate children learning to cycle, adults able to walk safely and encouraging social interaction between local residents.'*
- 4.3.3. The applicant has provided a detailed revised landscaping plan, boundary treatment plan, and landscape details, incorporating planting, seating, and landscaped areas throughout the open space areas. I am satisfied that the revised details ensure that the open space provision is fully accessible from all residential units and is linked by pedestrian and cycle routes providing sufficient connectivity throughout the site, with usability by all and providing social interaction through play areas and public seating. I consider that the details provided for the landscaping scheme enhance the overall attractiveness of the housing scheme and would appear to be designed to be easily maintained.
- 4.3.4. From my review of the details submitted in response to the Section 137 notice I consider that the revised scheme complies with the provisions of DMHS-4 of the LCDP. To avoid repetition, I have provided a more detailed assessment in Section 4.4 of this report in relation to compliance with DMHS-5.

4.4. Compliance with the provisions of DMHS-5 of the Laois County Development Plan.

- 4.4.1. The proposed development comprises of 97 No. Residential Units, which falls within the 26 to 99 Residential Unit Category of DMHS-5. The open space amenities required for this category comprise of a Landscaped Passive Recreational Area (sitting out); an Active Amenity Open Space (Ball Games) and an Area for younger children (Play area/ground min. 100m²) or a Multi-Use Games Area (tennis / basketball).
- 4.4.2. The following open space characteristics are assessed in accordance with the provisions of DMHS-5
- 4.4.3. With regards to the Landscaped Passive Recreational Area (sitting out) The applicant proposes seating areas, hedgerows, and wildflower meadows, which integrate into the landscape providing a visual amenity for users. 4.No. seating areas are provided along a 3.5-metre-wide shared path / cycling route, from the northeast of the site to the southern part of the development. The applicant also proposes a further 2 No. natural wooded play features beneath the tree areas within the eastern and southwestern open space areas.
- 4.4.4. With regards to an Active Amenity Open Space (Ball Games). The applicant proposes that the southwest open space provision provides a suitable area for informal ball games. The space is regular in shape and suitable for such uses. This open space area benefits passive surveillance from 4.no. residential properties adjacent to this open space area.
- 4.4.5. With regard to an area for Younger Children (Play area/ground min. 100m²). The applicant proposes a dedicated play area of 120m² for younger children located within the northeastern public open space provision, adjacent to the shared path/cycle route. The play area benefits from adjacent seating and passive surveillance from the amended residential units on sites 96, 97 and 98. The provision of a playground at this location ensures a safe and accessible recreational facility for younger users.
- 4.4.6. Having examined the details proposed by the applicant, I am satisfied that the public open space provision is clearly defined, easily maintained, is easily accessed from all parts of the development. The open space provision is designed to accommodate

all users, has appropriate lighting, has natural surveillance, and would be usable all year round.

- 4.4.7. From my site inspection, I confirm that all open space areas are generally flat and suitable for active and passive recreation. No narrow tracts of land or residual 'leftover' spaces are proposed as part of the public open space provision. I am satisfied that the proposed open space provision is innovative and designed to be functionally accessible to the maximum number of residential units. (noting the site characteristics which resulted in the amended layout.)
- 4.4.8. I am satisfied that the revised layout ensures that the public open space is overlooked by as many dwelling houses as possible. The two smaller pockets of open space are directly overlooked by fronting dwellings, with the northeastern provision overlooked by the re-orientation and redesign of 3.No. Residential units. I also note the overall design has minimised the number of rear garden boundaries backing directly onto the public open spaces.
- 4.4.9. I am satisfied with the provisions of the revised landscaping scheme which includes measures for the protection and retention of existing trees and hedgerows on site and to progress a selective mowing regime in accordance with the 'All Ireland Pollinator Plan and areas of wild grass meadow will be planted to maximise biodiversity and visual amenity.
- 4.4.10. I am satisfied that the revised landscape proposal provides for a shared pedestrian and cycle path, linking the bicycle parking areas and providing permeability within the open space, with an extended footpath along the central internal road connecting the two main open spaces to the east and west. Thereby ensuring that existing and proposed areas of open space are linked where possible.
- 4.4.11. From my review of the details submitted in response to the Section 137 notice I consider that the revised scheme complies with the provisions of DMHS-5 of the LCDP.

4.5. Other Matters

- 4.5.1. For the Commission's clarity, I confirm that the screenings undertaken for EIAR, AA and WFD included in my original report remain valid.

- 4.5.2. I note the appellant response to the Section 137 notice, in relation to the requirement for a revised EIAR. I reference my EIAR screening undertaken in my original report which concluded an EIAR was not required. Therefore, I consider that Section 42(8) of the Planning and Development Act, 2000 (as amended) relating to extending the duration of a planning permission is not relevant in this instance.
- 4.5.3. I note the appellants response to the Section 137 notice, highlights that the amended changes have resulted in significant damage to their property. I note the applicant's response stating that the subject application does not propose any alterations to the drainage strategy, site levels of water course arrangements as permitted under the parent planning permission (reg. Ref 19432) and notes that drainage infrastructure is compliant with planning permission.
- 4.5.4. As detailed in my original report, I do not consider that it is within the scope of this appeal to determine the adequacy of issues permitted under the 'parent permission' as no amendments to drainage infrastructure is proposed. I conclude that this is an issue that should be addressed between the appellant and Laois County Council as it relates to compliance issues with the 'parent permission.'
- 4.5.5. I note the submission from the appellant dated 9th April 2026, relating to the unsuitability and usability of the open space provision which currently has inadequate boundary treatment along the boundary to the appellants lands. I note that the location of the proposed development is an active construction site and final boundary treatments are not currently in place. Therefore, any deviation from the permitted development when completed is a compliance issue between the appellant and Laois County Council

4.6. **Conclusion**

- 4.6.1. I consider, based on my assessment above that the detail submitted by the applicant addresses the issues raised by the Commission in the 137 Section Notice. Therefore, I recommend that permission be granted subject to the conditions attached to my original report, with amendments to incorporate the information submitted by the applicant on the 13th March 2026.

5.0 Recommendation

- 5.1.1. Having regard to the foregoing, I recommend that permission is granted subject to conditions hereunder.

6.0 Reasons and Considerations

Having regard to the location of the appeal site within a permitted residential development, currently at an advanced stage of construction, the provisions of the Loais County Development Plan 2021-2027 and the Portarlington Joint Local Area Plan 2025-2031, it is considered that, subject to compliance with conditions set out below, the revisions to the permitted development, that the design and layout are appropriate and to the particular characteristics of the appeal site would integrate appropriately with the development permitted and that that no adverse impact upon European sites would arise. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

7.0 Conditions

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18th day of August 2025 and the revised plans and documentation submitted to An Coimisiún Pleanála on the 13th March 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2	Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference 19/432 (as amended by planning permission Register Reference 24/46) unless the conditions set out hereunder specify

	otherwise. Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).
3	(a)The site shall be landscaped in accordance with the Site Layout Plan Landscaping Plans and details submitted to An Coimisiún Pleanála on the 13th March 2026 (b) All new planting shall be of suitable species as outlined in the Laois County Development Plan 2021-2027. (c)All front and rear garden spaces shall be soiled and seeded. (d)All public open spaces shall be developed for public use and shall be in kept free from any development and shall not be enclosed, except where otherwise agreed. When the development is being taken in charge, the open space shall be vested to the Planning Authority as public open space (e)All public and private open spaces shall be treated with a 300mm minimum cover of consolidated topsoil and shall be grassed. No mounding of such spaces shall be permitted and all shall be level with the road. (f)All landscaping works shall be carried out prior to occupation of the proposed units. Reason: In the interests of visual and residential amenity.
4	Boundary screening shall be generally in accordance with the Boundary Treatment Plan submitted to the An Coimisiún Pleanála on the 13th March 2026. Details of boundary treatment along the open space provision along the northeast boundary of the site shall be submitted to the Planning Authority for agreement. Reason: In the interests of visual and residential amenity.
5	Prior to commencement of any development for which this permission relates the applicant shall submit an EV ducting layout for the site to the Planning Authority for agreement Reason: in the interests of traffic and pedestrian safety.

6	Prior to commencement of any development for which this permission relates the applicant shall submit a public lighting design and report, to the Planning Authority for agreement. Reason: In the interests of proper planning and traffic safety
7	(a) The developer shall carry out a detailed Stage 3 Road Safety Audit (RSA) by an independent approved and certified auditor, for the proposed development. The developer shall submit to the Planning Authority a copy of the RSA Stage 3 report and shall complete all of the remedial measures identified in the RSA Stage 3 report, prior to opening the scheme to traffic. The developer shall be liable for all costs associated with these works. (b) Six months following occupation of the development hereby approved, a Stage 4 Road Safety Audit (RSA) shall be completed by an independent Road Safety Audit Team comprised of TII approved auditors and submitted to the Planning Authority for approval. Recommendations arising from the Audit shall be agreed with the Planning Authority, and implemented, as appropriate, at the sole expense of the developer. (c) The developer shall submit a traffic management plan to the Planning Authority for agreement. (d) Prior to the occupation of the development, any damage caused to the adjoining public thoroughfare shall be made good at the developer's expense, to the satisfaction of the Planning Authority Reason: In the interests of traffic safety
8	(a) All surface water run-off from roofs, entrances and parking areas shall be collected and disposed of within the site to the surface water sewer. In particular, no such surface water run-off shall be allowed to flow onto the public roadway, public foul sewer, or adjacent properties. (b) The proposed development shall not interfere with existing land or road drainage (c) The developer shall submit details for written agreement with the Planning Authority demonstrating compliance with (a) and (b) above.

	Reason: To prevent flooding and in the interests of traffic safety
9	(a) No part of the proposed development shall encroach, over sail or otherwise physically impinge upon any adjoining property save with the prior written agreement of the owner(s) thereof (b) All public and private property shall be adequately protected at all times particularly during site clearance, demolition and construction works Reason: In the interests of public safety.

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.

Alan Di Lucia

30th April 2026