

An  
Bord  
Pleanála

**Board Direction**  
**BD-015525-24**  
**ABP-313962-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/02/2024.

The Board decided, by a 2:1 vote, to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the nature and extent of development, the zoning applicable to the site and the material submitted with the application and appeal, including the response to the Section 137 notice issued to the parties, the board considered that, subject to the below conditions, the proposed development would be compliant with the provisions of the Laois County Development Plan 2021-2027 and the Portlaoise Local Area Plan 2018-2024 and would be in accordance with the proper planning and sustainable development of the area. In deciding not to agree with the inspector's recommendation to refuse permission, the Board considered carefully the material on file and the applicant's response to the Board's request for additional information. The Board noted the contents of the 'Planning System and Flood Risk Management - Guidelines for Planning Authorities (Nov 09)' but did not agree with the inspector that the proposed development should be considered a 'potentially significant source of pollution' in the event of flooding as described in the guidelines. As such the Board considered the development to be 'less vulnerable development', and therefore that it does not require a justification test. In coming to this conclusion, the Board had regard to – inter alia - S.I. No. 630/2019 - Dangerous Substances (Flammable Liquids and Fuels Retail Stores) Regulations, 2019, and considered that a flood event of the scale considered under the CFRAMS 0.1% AEP depth would not result in any likelihood of significant pollution.

### **Conditions.**

1. The development shall be carried out in accordance with the plans and particulars received by the Planning Authority on 16/2/2022 and the revised plans and particulars received by the Planning Authority on 16/05/2022 except as may otherwise be required in order to comply with the following conditions.  
Reason: in the interests of the proper planning and sustainable development of the area.
2. The development shall incorporate the flood resistance measures indicated in the material received by the Board dated November 2023, to include all recommended measures as outlined.  
Reason: in the interests of public health and safety.
3. The development shall comply with the requirements of the Chief Fire Officer, Laois County Council and Principal Environmental Health Officer and the Health Services Executive with whom the developer shall liaise prior to first opening.  
Reason: in the interests of public health and safety.
4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.  
Reason: In the interest of visual amenity.
5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
  - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
  - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
  - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

6. 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 where prior written approval has been received from the planning authority.

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

7. All service cables associated with the proposed development shall be located underground.

Reason: In the interests of visual and residential amenity.

8. Water supply and drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties at [specify locations] during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of public safety and residential amenity.

10. Car and Bicycle parking facilities shall be provided in accordance with the requirements of the local authority, to include secure bicycle parking stands.

Reason: in the interests of safe and sustainable transport.

11. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected (on the building/within the curtilage of the site) unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

12. (a) The tie-in of the proposed access and egress points to the public road shall be to the satisfaction of the Road Design Section with whom precise details shall be submitted to and agreed in writing prior to the commencement of development.

(b) any damage caused to the adjoining public thoroughfare shall be made good at the developer's expense to the satisfaction of the planning authority.

(c) a Stage 3 Road Safety Audit including Final Audit Report for the proposed development shall be prepared in accordance with the requirements of the TII publication GE-STY\_01024 shall be submitted for the written agreement of the planning authority prior to the opening of the scheme.

(d) All road and pavement interfaces with the public realm shall comply with the requirements of DMURS; to include a continuous footpath at the main site entrance and exit (there should be no change in level to the pedestrian footway).

Reason: in the interest of road and pedestrian safety.

13. The Applicant shall liaise with the Roads Department of Laois County Council regarding the delivery of a new roundabout at the junction of the Dublin Road and

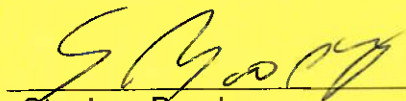
Collier's Lane. This liaison shall be completed to the satisfaction of the local authority prior to the opening of the development.

Reason: in the interest of road safety and proper planning.

14. 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.

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

Board Member

  
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Stephen Brophy

Date: 22/02/2024

