

An
Coimisiún
Pleanála

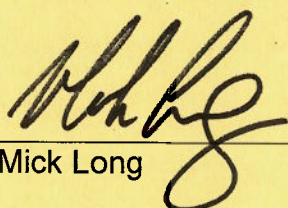
Direction
CD-022512-26
ACP-323606-25

The submissions on this file and the Inspector's report were considered at a meeting held on 29/09/2026.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning

Commissioner:


Mick Long

Date: 30/09/2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Having regard to the location of the site situated within the attendant grounds of Portrane House (Registered Protected Structure no.925), the Commission considered the design and layout of the proposed development has failed to protect the character and setting of the protected structure. The layout of the proposed development which presents the rear elevations of houses to Portrane House has not had regard to the heritage context and further constraints of the site and has provided an insufficient buffer provided to the house and curtilage and therefore does not comply with Development Management Standard DM PS 1 of the Laois County Development Plan 2021-2027. The proposed layout results in the loss of Category A and B trees

on the site (including T10, T12 and 1234) and an unidentified tree which formed part of the parkland setting, which is not referenced in the arboricultural survey, and would therefore adversely affect the setting of Portrane House (RPS no.925) and would be contrary to policies CH2 and BNH 26 of the Laois County Development Plan 2021-2027. Furthermore, the application is not accompanied by up to date appropriate documentation prepared by suitably qualified persons considering the specific impacts of the proposed development on the protected structure which is a requirement under Objective PS 3 of the Laois County Development Plan 2021-2027. The proposed development, therefore, would not comply with proper planning and sustainable development of the area.

2. Having regard to the Natura Impact Statement and other reports submitted, the Commission, having carried out an appropriate assessment, concurs with the Inspector and cannot be satisfied that the proposal would not adversely affect the integrity of the River Barrow and River Nore SAC (002162) in view of the Site's conservation objectives. It is considered there is insufficient information on how the proposed diversion and / or culverting of the Maryborough Stream will be constructed and a comprehensive watercourse diversion plan has not been provided. There is insufficient information on hydromorphological effects as a result of the proposed culverting of the stream and the efficacy of proposed mitigation measures with respect to the protection of water quality. Therefore, sufficient information to remove all reasonable scientific doubt as to the effects of the project on water quality and related conservation objectives for the site integrity of the River Barrow and River Nore SAC, have not been provided.

Furthermore, it has not been demonstrated to the Commission that the proposed development would not give rise to a risk of deterioration in the ecological and/or chemical status of watercourses / bodies in the area. The proposed development would therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003

(S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024 and the proper planning and sustainable development of the area.

3. The Commission was not satisfied that the documentation submitted with the application relating to potential biodiversity impact is adequate for the Commission to reach a determination on the likely significant ecological effects from the proposed development, with insufficient information and surveys regarding the baseline environment, quantitative impacts to habitats and species, and site-specific mitigation measures. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note

The Commission noted the location of the opportunity site on the edge of the designated town centre area proximate to public transport services. The density of the proposed development is 34 dwellings per hectare using the net site area which is marginally below Objective DN 1 under the County Development Plan which states a density of 35 dph (or site specific) for town centre / infill sites within key towns such as Portlaoise and below the potential density of 40 dph in the Stradbally Road masterplan in the Portlaoise Local Area Action Plan 2024-2030. Given the substantive nature of the reasons for refusal the Commission did not seek additional information on the density of the proposed scheme but noted that any future consideration of the design and layout of the scheme should also consider the density to be provided at the opportunity site.