



An
Bord
Pleanála

Board Order
ABP-314827-22

Planning and Development Acts 2000 to 2022

Planning Authority: Laois County Council

Planning Register Reference Number: 22/232

Appeal by Siobhan Connolly and others of Spa Street, Portarlinton, County Laois against the decision made on the 22nd day of September, 2022 by Laois County Council to grant subject to conditions a permission to Ormonde Homes Market Square Limited care of Brian Dunlop Architects of 15 Patrick Street, Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construct two number houses specifically designed to suit to older person accommodation comprising of two number two-bed, semi-detached, single storey houses, provision of two number car parking spaces, alterations to the existing site boundaries, and all associated site development works. The site is located within an archaeological significance zone, adjacent to previously permitted planning reference 20/346. All at Market Square/Spa Street, Portarlinton, County Laois.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of the Laois County Development Plan 2021 - 2027 and the Portarlinton Local Area Plan 2018 - 2024, to the Town Centre zoning objective for these lands, to the planning history of the site and to the parent permission for the overall scheme permitted under planning register reference number 20/346, to the location of the subject site within the town centre of Portarlinton, and to the existing pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of properties in the vicinity, would not be detrimental to the character and amenity of the area, would not result in a risk of flooding to the site and adjoining properties, would be acceptable in terms of pedestrian and traffic safety and would constitute an acceptable form of residential development at this zoned and serviced urban location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



Appropriate Assessment

The Board considered the Natura Impact Statement, and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for the River Barrow and River Nore Special Area of Conservation European Site (Site Code: 002162), in view of the Site's conservation objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using best available scientific knowledge in the field.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development, both individually and in combination with other plans or projects;
- (ii) the mitigation measures that are included as part of the current proposal; and
- (iii) the Conservation Objectives for the European Site.

In completing the Appropriate Assessment, the Board, noted the Natura Impact Assessment submitted by the applicant, the assessment completed by the planning authority, and the assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board is satisfied that the proposed development, either by itself, or in combination with other plans or projects, would not adversely affect the integrity of the European sites, in view of the sites' Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

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 submitted on the 29th day of August, 2022, 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. The proposed development shall be completed and serviced in accordance with the terms and conditions of the parent permission granted under planning register reference number 20/346.

Reason: In the interest of clarity.

3. All mitigation measures, as set out in the Natura Impact Statement and the Construction and Environmental Management Plan, and other particulars submitted with the application, shall be implemented by the developer, except as may otherwise be required in order to comply with the conditions of this Order.



Reason: In the interests of clarity and the protection of the environment during the construction and operational phases of the development.

4. A revised and 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; and
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

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

Reason: In the interests of visual and residential amenity.

5. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of amenity and public safety.

7. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

8. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

9. The construction of the development shall be managed in accordance with a Construction and Traffic 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 compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;
- (b) 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; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland. 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 interest of amenities, public health and safety.

- 10. One of the two proposed carparking spaces shall be provided with functioning electric vehicle (EV) charging stations/points and ducting shall be provided for all remaining car parking spaces to facilitate the installation of electric vehicle charging points/stations at a later date.



Reason: In the interest of sustainable transport.

11. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the planning authority a detailed surface water design proposal that incorporates an element of Sustainable Urban Drainage System measures if feasible, and such a report and/or drawings shall be submitted to the planning authority for written agreement.

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

12. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann prior to commencement of development.

Reason: In the interests of clarity and public health.

13. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground throughout the site.

Reason: In the interests of visual and residential amenity.

14. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:



- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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.

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.



Chris McGarry

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 8th day of May 2024.