



An  
Bord  
Pleanála

## Inspector's Report PL11.248551.

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<b>Development</b>	39 houses, estate roads, footpaths, infrastructure works, accessed from Lansdowne/. Castlelea Estate.
<b>Location</b>	Cooltederry, Portarlinton, County Laois.
<b>Planning Authority</b>	Laois County Council.
<b>Planning Authority Reg. Ref.</b>	16/463.
<b>Applicant</b>	Pat Moore Partnership.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Permission with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Patrick Paul Tully.</li><li>2. Aidan and Elaine Mullally.</li></ol>
<b>Observer(s)</b>	<ol style="list-style-type: none"><li>1. Tom Mulhall.</li><li>2. Irish Wildlife Trust Laois-Offaly.</li></ol>
<b>Date of Site Inspection</b>	30 <sup>th</sup> August 2017.
<b>Inspector</b>	Derek Daly.

## 1.0 Site Location and Description

- 1.1. The proposed site is located on the southern fringe of the town of Portarlington County Laois.
- 1.2. The is roughly triangular in configuration and has a stated area of 1.128 hectares.
- 1.3. To the north of the site is an existing and unfinished residential area which will provide access to the subject site via an access onto the R419 Portlaoise Road and Ballymorris Road. Currently the Portlaoise Road access to the existing residential area is closed off by fencing and access to the residential estate is from the Ballymorris Road.
- 1.4. The appeal site cannot currently be accessed from the residential area to the north as it is fenced off. The internal road network of the existing residential estate extends into the unfinished estate but it is not possible to clearly and fully determine if it extends to the appeal site boundary though it appears to. It is equally difficult to determine the condition of road and nature of services in the unfinished area leading to the appeal site. There is a road visible but the top course would not appear to be completed, there is a small section of kerbing, an absence of footpaths and underground services cannot be readily determined.
- 1.5. I accessed the appeal site via laneway off Ballymorris Road but at the northern end of the appeal site it was not possible to see a service connection to the lands to the north which are indicated as the means of access for the proposed development.
- 1.6. The unfinished southern area of the estate is fenced off and there is in effect a fallow area south of the unfinished area of the estate and the northern boundary of the appeal site.
- 1.7. To the east of the site is residential development consisting of detached properties on large sites which front onto Ballymorris Road. The rear boundaries of these properties have mature trees along the boundaries with in the case of one site a chainlink fence on the boundary and mature trees inside of the fence. There is a laneway between two sites linking the appeal site and the Ballymorris Road.
- 1.8. To the west are open lands, which adjoin a rail line. At the south of the site is a farm road which runs westward from the Ballymorris Road and continues under the rail

line providing access to lands west of the rail line. Part of this farm road forms the southern boundary of the appeal site.

1.9. The site is currently in agricultural use.

## 2.0 Proposed Development

2.1. The proposal as submitted to the planning authority on the 15<sup>th</sup> of September 2016 was for the following;

- A 39 unit housing development consisting of 20 no 2 storey semi-detached houses, 12 no 2 storey terraced houses, 6 no single storey terraced houses and 1 no single storied detached house. The dwellings are a mix of 2, 3 and 4 bedroomed units.
- It is proposed to access the proposed development from the existing Lansdowne/Castlelea housing estate.
- The layout as initially submitted provides for housing units around the perimeter with private open space of varying depth to the rear of the dwellings with a large area of open space in the centre of the site overlooked by a majority of the dwellings essentially following the triangular configuration of the site. Small areas of front lawns are also provided for the individual units. There are also shared surface areas located in front of a number of units, units 28 to 35 in the north eastern corner of the site and units 11 to 16 in the southern area of the site.
- The provision of associated infrastructure including roads, footpaths, public open space and services.
- The total number of parking spaces provided is indicated as 82 spaces. 42 in shared areas and the remainder on individual sites. In effect the provision of spaces is two per dwelling unit and 4 visitor spaces.
- The boundary treatments range from masonry walls of varying heights post and rail fencing and post and panel fencing along the external boundaries and internally within the site as boundaries for the individual residential sites.

- It is proposed to connect to the public water main, and sewers with provision for attenuation of surface water drainage.
- The stated area of the site is 1.128 hectares.

2.2. Further information was submitted on the 9<sup>th</sup> of February 2017.

2.2.1. Matters addressed include;

- Part V.
- An ecological report which addresses flow direction of streams and frog spawning.
- A revised layout with details relating to water and services connections.
- The containment of hydrocarbons and silts.
- Revised parking provision and layout with a reduction to 36 dwelling units providing for increased depth of rear gardens and revisions in relation to parking of dwellings in particular in the north of the site, units 27 to 36.
- Revised details in relation to boundary treatments.
- The report refers to the submissions received.
- Drawings relating to the details refer to in relation to layout, parking, and services are also submitted.

Further information was submitted on the 5<sup>th</sup> of April 2017 increasing the storage size of the attenuation tank, further details in relation to Part V and details relating to the depth of rear gardens.

## 3.0 Planning Authority Decision

### 3.1. Decision

The decision of the planning authority was to grant planning permission subject to 21 conditions.

Conditions of note;

- 3.1.1. Condition no. 10 relates to Part V. Given the nature and scale of the development; the methodology of construction; the test results and the mitigation measures

outlined it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the River Barrow and River Nore SAC (Site Code: 002162), in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

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- Condition no. 15 relates to the payment of a bond.
- Condition no. 21 relates to the implementation of ecological management measures.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The planning report dated the 3<sup>rd</sup> of November 2016 refers to;

- Planning history.
- Submissions received.
- Provisions of the LAP.
- Reports from other departments including an F/I request from Road Design.
- The development accords with the zoning for the site.
- The development complies with the provisions of the plan but a number of units do not have sufficient garden depth.
- Additional information was necessary in relation boundary treatment and landscaping details relating to Part V, the need for an ecological report with specific reference to frogs and issues relating to AA.
- Further information was recommended.

The planning report dated the 2<sup>nd</sup> of March 2017 refers to the further information submitted and requests further clarification on water attenuation, Part V and rear garden depths.

The planning report dated the 26<sup>th</sup> of April 2017 refers to the further clarification submitted by the applicant and the proposed development reduced to 36 units is acceptable. A revised AA screening report was also prepared. The report recommends permission.

### 3.2.2. Other Technical Reports

Transportation report recommended further information be submitted in relation to parking and surface water attenuation.

Inland Fisheries Ireland in the initial submission refers to establishing capacity of public services to accommodate the development and conditions to be included in the event of a grant of permission. A subsequent submission dated the 27<sup>th</sup> of February 2017 has no objections to the development and recommends conditions to be considered.

The HSE in a submission received by the planning authority on the 19<sup>th</sup> of November 2015 indicates no objections to the development.

Irish Water in a submission refers to connection agreements and confirmation of supply.

### 3.3. **Third Party Observations**

A number of third party submissions were received outlining objection in relation to

- Boundary treatments.
- Impacts on residential amenities.
- Flooding issues and means of addressing this.
- Issues of drainage in the area.
- Impact of development on adjoining residential areas in relation to traffic.
- Inadequate provision of open space.
- Prematurity of development pending completion of the residential area to the north.
- Impact on wildlife and protected species.

## 4.0 Planning History

ABP Ref PL.11.219122 / P.A. Ref 06/103

Permission granted for 35 houses and a crèche on the subject site on the 27<sup>th</sup> of July 2007 but was never enacted.

P.A. Ref 03/1665

Permission granted for a residential development of 250 units and ancillary services.

P.A. Ref 09/315

Permission granted for a two and half year extension of the permission granted to 03/1665.

P.A. Ref 12/6

Permission granted for a five year extension of the permission granted to 03/1665.

## 5.0 Policy Context

### 5.1. Development Plans

5.2. The operative plans are the Laois County Development Plan 2011-2017 and the Portarlington Local Area Plan 2012-2018.

5.3. In relation to the Laois County Development Plan 2011-2017 the relevant provisions for consideration include chapters 3 relating to strategy, 13 on natural heritage and 17 on development management.

5.3.1. Portarlington is identified as a Key Service Town in the plan.

5.3.2. In relation to development management standards are outlined in relation to development including provision of services and site standards. In relation to public open space, DCS2 requires in the order of 10% to be provided. In relation to private open space, DCS4 in suburban areas requires 20m<sup>2</sup> per bedroom.

5.3.3. In addition to the above standard, the Council will require 15m rear garden depths and 30m back to back separation distances in conventional housing layouts. In all cases, amenity space in new residential development should be of a usable and

practical configuration; be of an appropriate scale to ensure usability and result in an acceptable relationship between buildings

- 5.4. In relation to the Portarlington Local Area Plan 2012-2018, which is a joint plan between Laois and Offaly County Councils, Portarlington in the wider policy context is identified as key service town and the LAP indicates that it *“will prioritise economic growth and employment generation in an area that is comparatively remote from the main population centres in the region. There is a presumption against additional large scale residential development of the type that occurred in the town during the last two intercensal periods in particular. However, where appropriate [for example on lands close to the railway station], higher density development will be considered. The location of new development will be guided by the sequential approach”*.
- 5.4.1. Section 13 relates to natural heritage and indicates policies and objectives in relation to protection and conservation. Map 7 outlines designated conservation areas.
- 5.4.2. Section 14: Housing and Urban Design with the overall aim *“to facilitate the provision of high quality residential developments at appropriate locations in line with the settlement strategy in Section 4. To ensure the provision of appropriate densities at suitable locations in accordance with the Sequential Approach; to include an appropriate mix of house sizes, types and tenures in order to meet different household needs; and to promote balanced and integrated communities”*.
- 5.4.3. Section 16 of the LAP outlines land use zoning objectives for the various zonings.
- The site is within an area zoned residential 2 in the plan as indicated in map 8 relating to zoning with the objective *“To provide for new residential development, residential services and community facilities within the Plan period 2012-2018”*
- It is indicated that “this zone is intended primarily for housing development but may include a range of other uses particularly those that have the potential to foster the development of new residential communities such as schools, crèches, small shops, doctor’s surgeries, playing fields etc. It is an objective, on land zoned for residential 2 to promote development mainly for housing, associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area.*
- Within this zoning category the improved quality of residential areas and the servicing of orderly development will be the Council’s priority. New housing and infill*



*developments should be of sensitive design, which are complimentary to their surroundings. No piecemeal development can take place unless it does not conflict with the possible future development of the reserved development areas of the town. Adequate undeveloped lands have been zoned in the Plan for residential use to meet the requirements for both public and private house building over the Plan period”.*

- 5.4.4. Section 17 of the LAP outlines standards in relation to residential development on a range of matters including parking, open space and design matters. In relation to private amenity open space it is indicated that in suburban areas focus must be placed on the quality of private open space rather than quantity alone. Table 9 outlines private open space standards and in relation to suburban areas and for dwellings (3 or more Bedrooms) a requirement of 60-75m<sup>2</sup> is outlined.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. Aidan and Elaine Mullally and Michael and Mai Scully c/o Ger Fahy Planning in the grounds of appeal refer to;
- The proposed development will alter the character of the area and impact on amenities currently enjoyed.
  - It is wholly inappropriate to access the proposed development from an unfinished residential development.
  - Reference is made to the Residential 2 zoning of the site and to the requirement for orderly development and avoidance of piecemeal development.
  - The development is not complementary to its surroundings and residential pattern as the appellants' dwellings are single storied.
  - Reference is made to heritage and the significance of a drain adjoining the appellants' boundary with the appeal site for the spawning of frogs a protected species.

- A report on ecology is submitted by the appellants outlining the negative ecological impact arising from the proposed development and that the measures proposed as mitigation are inadequate.
- Reference is made to hydrogeological links to the River Barrow SAC and a stage 2 AA should have been carried out. In the absence of such assessment a detrimental impact on protected species cannot be ruled out.
- The overall design is poor and unimaginative and there is no regard for adjoining properties and the level of private open space provided in particular units 32-39 is questioned.
- It is considered that the development does not comply with standards and requirements set out in the LAP in relation to density, layout, the completion of existing housing schemes and provision of private and public amenity open space.
- The overall impact of the development on residential amenity is raised.
- The issue of drainage in the area is raised.
- The development should be considered premature pending the completion of the adjoining housing development.

6.1.2. Patrick Paul Tully in the grounds of appeal refers to:

- The 1.8 metre high masonry proposed at the rear of his property is not sufficient. There is a requirement for a 2.4 metre high wall.
- The western boundary of the site should not should not be interfered with.
- The two storey dwellings at the rear of his property should be single storied.
- There is a requirement for additional drainage and construction of a pipe to address drainage issues arising at the rear of his property.
- The laneway at the southern boundary of his property should not be used for access to the proposed development.

## 6.2. Applicant Response

The applicant c/o David Mulcahy Planning Consultants in response to the grounds of appeal refers to;

- The scheme is very similar to a previously granted development on the site.
- Reference is made to the site's planning history where permission was granted for 27 residential units and a crèche. There is no requirement now for a crèche.
- The road of the adjoining permitted residential development of 250 units although not completed has a road constructed up to the appeal site boundary. The absence of a completion of the adjoining residential development does not preclude permitting the proposed development.
- The site complies with national targets to increase housing supply.
- The site complies with zoning.
- The entrance onto Ballymorris Road is not part of the development.
- The development complies with Part V and has a mix of units.
- There is established infrastructure to serve the development.
- There are agreements with the adjoining landowners in relation to connection to services.
- The development will not impact on adjoining residences owing to separation distances.
- Ecological mitigation measures are proposed.
- There is no proposed felling of trees on the site and the trees housing the red squirrel are not within the appeal site.
- There is a reduction in the area used by frogs but the main area will remain unaffected by the development and mitigation measures outlined will be implemented.

- Stage 1 AA screening was carried out in relation to likely significant effects. There is no risk to the seasonally dry drain and effluent is discharged to sewers and storm water drains and therefore no threat to habitats.
- There is no reason to justify why single storey dwellings should only be located on the eastern boundary and the separation distances from the proposed rear elevation of the proposed dwellings to the appellants' dwellings is 52.96 and 53.92 metres.
- The internal road layout complies with national guidance.
- Private open space is considered adequate by the planning authority and reference is made to national standards in this regard.
- Drainage is designed to capture surface water within the proposed site to drain to the storm water system and rear gardens are grassed and enclosed within a solid masonry wall to prevent overland flows.

### 6.3. Planning Authority Response

No response received.

### 6.4. Third Party Response

Aidan and Elaine Mullally and Michael and Mai Scully c/o Ger Fahy Planning in a response to the first party response to the grounds of appeal, dated the 24<sup>th</sup> of August 2017, refer to;

- The applicant appears to justify the development on the basis of a previous grant of permission by the Board but avoid the principle issue that the proposal is the construction of what was phase 3 of the scheme but phase 2 has not yet commenced and therefore is not completed.
- It is not a repeat application as the previous proposal provided for single storied dwellings at the rear of the third party appellants properties which are single storied.
- The concerns relating to surface water remain and based on problems arising from an existing development, the Ballymorris Estate, where flooding has

occurred and there is no confidence that surface water issues and flooding will be addressed in the proposed development.

- The issue regarding the red squirrel remain as there will be a loss of rural character.
- There remain concerns in relation to the trees along their boundary surviving with the construction of a wall arising from loss and damage of the root system.
- There is an admission of loss of frog habitat.
- In relation to the proposed dwellings by not having single storied houses similar to the appellants the character of the area is altered and it would not have been insurmountable to address concerns by proposing single storey houses adjoining the appellants' boundary.
- The applicant has failed to show how the development complies with DMURS.
- The applicants have failed to comply with the requirement for 15 metre rear gardens.
- The appellants reiterate their views in relation to leapfrogging past an unfinished estate and working on the proposed development.
- Aerial photographs are submitted which indicate that the roads are not completed up to the appeal site boundary.
- There is a failure to indicate and clarify that services are in situ to the site boundary.
- Details relating to the deed of transfer does not include a map or names.

## 6.5. Observations

### 6.5.1. Tom Mulhall in the submission refers to;

The access to the site is from the adjoining Lansdowne development and this form of access is unsuitable. Reference is also made to wildlife on the site.

### 6.5.2. Irish Wildlife Trust Laois Offaly Branch Brian Byrne in the submission refers to;

- The site is beside an important habitat.

- There is concern in relation to the impact of the development on habitats and associated species.
- Concern is expressed in relation to impact on the River Barrow.
- Concern is expressed in relation to impact on the frog population.

## 7.0 Assessment

7.1. The main issues relating to this appeal are I consider the following:

- Principle of the development.
- Layout and impact on residential amenities.
- Services.
- Ecology.

7.2. Principle of the development.

7.2.1. The appropriateness of permitting the development is raised in the context that the lands to north are part of a residential development that is not yet completed and that prior to permitting the current proposal existing partly completed development should be completed before further residential development is commenced. The appellants in the grounds of appeal therefore consider the development as proposed piecemeal and premature.

7.2.2. The applicant refers to the zoning of the site; the site history, the availability of services and that the development will meet the current and ongoing need to meet residential demand.

7.2.3. The site is zoned residential 2 in the current LAP for Portarlinton. The zoning is intended primarily for housing development and provides for new housing and infill developments which should be of sensitive design, which are complimentary to their surroundings. It is also stated in relation to this zoning that *“no piecemeal development can take place unless it does not conflict with the possible future development of the reserved development areas of the town. Adequate undeveloped lands have been zoned in the Plan for residential use to meet the requirements for both public and private house building over the Plan period”*.

- 7.2.4. The current proposal is for housing which complies with the zoning for the site and therefore the principle of the use is not I consider at issue. The site can it is indicated be accessed from existing residential development and the site has a planning history of permitted residential development. In the context of the history of the site and the current zoning provisions of the LAP the principle of permitting residential development is I consider reasonable. I would therefore have no objections to the principle of the use of the site for this development.
- 7.2.5. I would, however, have concerns in relation to whether it is appropriate to consider the current proposal pending the completion of the adjoining lands to the north which form part of an unfinished housing estate. There are a number of matters to consider in this regard. It would be preferable if residential development occurred in an orderly and incremental manner and that the next phase of development to occur was the unfinished estate rather than a residential development which requires access through unfinished lands. In phasing terms, the current proposal should follow the completion or ongoing to completion of the residential development of the lands to the north.
- 7.2.6. There is an insufficient information submitted in relation to nature and standard of services on the intervening lands. From observation the services deteriorate with kerbs only immediately for a short duration within the unfinished area; the road surface and construction is difficult to determine in relation the level of works necessary but it would appear to require more than a top course, the provision of underground services is difficult to determine but there was a visible absence of gullies.
- 7.2.7. Drawing number 15-298-120 Revision PL02 would appear in this regard to confirm that a significant length of underground piping is required to be laid to reach the actual boundary of the appeal site.
- 7.2.8. In addition, although part of a deed of transfer is submitted and there is reference to easements and privileges on retained lands and reference to free and uninterrupted passage in relation to utilities, vehicles and right to complete infrastructural works, the parties by name are not referred to in the documentation and the current legal status of the unfinished areas is not clarified.

7.2.9. In this context I would refer to the provisions relating to the zoning residential 2 of the current LAP and that new housing and infill developments should be of sensitive design, which are complimentary to their surroundings and that no piecemeal development can take place unless it does not conflict with the possible future development of the reserved development areas of the town. Although the proposal would not necessarily conflict with the lands to the north I would regard the proposed development as piecemeal and premature in the context of the orderly and incremental development of the town.

7.3. Layout and impact on residential amenities.

7.3.1. For the purpose of considering the layout and impact on residential development this assessment will focus on and consider the revised layout submitted on the 9<sup>th</sup> of February 2017 and clarifications submitted on the 5<sup>th</sup> of April 2017 in which there is a reduction in the number of residential units from 39 to 36 providing for increased depth of rear gardens and revisions in relation to parking of dwellings in particular in the north of the site for units 27 to 36. The revised proposals also indicate clarification in relation to boundary treatments.

7.3.2. In submissions on the proposal as submitted to the planning authority and in the grounds of appeal reference is made to the relationship to existing development, that single storey units should have been provided adjoining existing single storey development as occurred in previous proposals, the provision of public and private amenity open space and boundary treatments.

7.3.3. I would have no objection in principle to the overall layout which is largely determined by the configuration of the site. The site is zoned serviceable land and in this context the density as part of the urban expansion of the town is reasonable. I would note that two storied units are proposed units 14 to 26 along the eastern boundary and that the dwellings adjoining to these units are single storied. There is no reason in the context of urban related residential development to preclude the provision of two storied dwelling units as proposed, if the amenities of the adjoining existing residents are not significantly impacted upon.

7.3.4. Reference is made to a requirement of a depth of 15 metres in relation to private open space which is set out in the county plan. There are standards in relation to development management specifically outlined in the LAP. The standards in the LAP



in table 9 of the LAP which indicates in suburban areas that dwellings with 3 bedrooms should provide between 60m<sup>2</sup> and 75m<sup>2</sup> of private open space with reference to quality rather than quantity of area provided. The area of open space provided exceeds the areas outlined for all 36 units.

- 7.3.5. All the rear garden depths along the eastern boundaries exceed 11 metres in depth and there is more than adequate separation distances between properties in large measure arising from the extensive rear garden depths of the existing residential development fronting onto Ballymorris Road. The separation distance is therefore sufficient to address concerns of residential amenity.
- 7.3.6. A capped masonry wall 2 metres in height is also proposed along the boundaries adjoining existing and proposed residential development. I note that in one of the grounds of appeal submissions there is reference to a proposal for a 1.8m wall and that a wall of 2.4m was necessary but I consider that 2 metres is reasonable and sufficient.
- 7.3.7. It is noted that trees are located within the boundary of the existing dwelling sites fronting onto Ballymorris Road.
- 7.3.8. The level of parking is adequate to meet the scale of development and the provision of public open space meets requirements, is useable and overlooked by the residential development.
- 7.4. Services.
  - 7.4.1. It is proposed to connect to public services in relation to water supply and drainage both storm and foul. Revised details were submitted including provision of an attenuation area. I would have no objections to the details submitted. I note reference to flooding but the site with refer to CFRAM drawings is not within a flood plain or flood zone. There are drains in the area but the details submitted with attenuation are sized to replicate current discharges and avoid a quicker rate of run off from hard areas.
- 7.5. Ecology
  - 7.5.1. The issue of ecology is raised in a number of submissions and the issue of AA and impact on frogs arising from the proposed development arise in submissions.

- 7.5.2. The site is not within a Natura site. The nearest site is the River Barrow and River Nore (Site Code: 002162) and the site is not immediate or proximate to the SAC. The SAC is largely a linear site following the course of the rivers, and their tributaries and also includes coastal tidal estuaries at the mouth of the river system with a diverse range of qualifying habitats. No habitat is directly impacted by the proposed development and there is therefore no loss of habitat.
- 7.5.3. Indirect effects on qualifying species would largely arise from discharges to the river from the site but the site has piped services which drain into the public system. Any indirect through existing drains through increased levels of solids entering the drains from ground disturbance and spillages the site but as indicated the site is not proximate to the SAC or major watercourse entering the river Barrow though any drainage would migrate eventually to the Barrow and the risk or impact to the SAC is not I consider significant.
- 7.5.4. In relation to the issue of frogs; the species is a protected species but is not a listed species in relation to the SAC. The applicant has submitted a report in relation to ecology and has examined in particular the issue of frogs.
- 7.5.5. It is acknowledged that in particular the area near the railway embankment which is seasonally wet and marshy is suited as a habitat for frogs. It is acknowledged that arising from the development there will be a loss of habitat supporting the frog population.
- 7.5.6. Mitigation measures are outlined in relation to supporting the population and these proposals are incorporated in the revised site layout map 15.298-104 Revision PL102 submitted to the planning authority on the 9<sup>th</sup> of February 2017.
- 7.5.7. The main concern in relation to the conservation of frogs is the ongoing maintaining of a habitat in which they can breed and feed. Ongoing drainage of lands and development is the main threat to their habitats. In relation to the current proposal it is acknowledged that there is a risk of loss and reduction of habitat.
- 7.5.8. Measures are outlined which I consider provide for the maintenance of the population, albeit possibly reduced, in a managed sustainable manner. In this context I consider that the proposals in relation to mitigation are reasonable.
- 7.5.9. Reference is made to the issue of AA in grounds of appeal. As previously indicated given the location of the site and the distance to the nearest SAC; the conservation

objectives in relation to habitats and species of the SAC; the absence of a strongly defined source pathway receptor route; the methodology of construction; it is reasonable to conclude that the proposal would not be likely to have a significant effect on the River Barrow and River Nore SAC (Site Code: 002162), in view of the site's Conservation Objectives.

## **8.0 Recommendation**

8.1. In view of the above assessment refusal is recommended.

## **9.0 Reasons and Considerations**

Having regard to the nature of the proposed development; and having regard to the existing pattern of development in the area in particular that the lands to the north form part of an unfinished residential development and the means of access and provision of services is by way of this unfinished estate, it is considered that the proposal notwithstanding the current zoning of the lands would constitute haphazard piecemeal development at variance with an orderly and incremental growth of the town of Portarlinton. It is therefore considered that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Derek Daly  
Planning Inspector

27<sup>th</sup> September 2017