



An
Bord
Pleanála

Inspector's Report

ABP-304669-19

Development	Construction of 39 dwelling units and all associated site works.
Location	Abbeyleix Road, Portlaoise, Co. Laois.
Planning Authority	Laois County Council
Applicant(s)	Laois County Council
Type of Application	Article 120 (3) EIA Direction
Referrer	D. Phelan
Date of Site Inspection	12 th July 2019
Inspector	Ciara Kellett

1.0 Introduction

- 1.1. I have read the contents of file ABP-304669-19 and inspected the site on 12th July 2019. The purpose of this report is to advise the Board on whether it should issue a direction to Laois County Council that the proposed development of 39 no. dwellings and associated site works on the site at Curriersbog, Abbeyleix Road, Portlaoise, Co. Laois should be subject to Environmental Impact Assessment (EIA). The request for a direction has been made by D. Phelan under Art. 120(3) of the Planning and Development Regulations 2001 (as amended).

2.0 Site Location and Description

- 2.1. The site is located on the southern outskirts of Portlaoise, Co. Laois, off the N77 Abbeyleix Road, within the 50 kph zone. It is bounded by Abbey Court housing estate to the north, the N77 road and a row of dwellings to the east, and agricultural lands to the west and south. Other uses in the vicinity include the ESB training school and Portlaoise golf club, both to the east of the N77, and O'Moore Park stadium nearby to the north west. Portlaoise town centre is c. 1.3 km to the north of the site. The N77 road meets the M7 motorway at junction 17, Togher interchange, c. 1km to the south, after which it continues southwards towards Abbeyleix and on to Kilkenny. The area is served by the public sewer and water supply.
- 2.2. The site has a stated area of 1.385 ha. It comprises a strip of land providing access to the N77 between the aforementioned row of dwellings, and two fields divided by a hedgerow and a stream running east to west across the site. The site is generally flat. The site was overgrown and unkempt at the time of my site inspection.
- 2.3. The site is c.9km west and north of the River Barrow and River Nore SAC (Site Code 002162) and c.9km east of the Slieve Blooms SAC (Site Code 000412) and SPA (Site Code 004160).
- 2.4. Appendix A includes maps and photos.

3.0 Proposed Development

- 3.1. It is proposed to develop a residential scheme comprising of 39 dwellings consisting of 24 houses (including 12 bungalows), 15 apartments and one community facility on the 1.385Ha site. The dwellings are for social housing purposes.
- 3.2. The stated residential mix is as follows:

- 2 no. 4-bed 2 storey semi-detached dwellings
- 4 no. 3-bed 2 storey terraced dwellings
- 6 no. 3-bed semi-detached with dormer to rear
- 12 no. 2-bed bungalows
- 15 no. apartments in 4 no. 2 storey blocks comprising 13 no. 2 bed units and 2 no. 1 bed units.

3.3. In addition, the development also includes the following:

- 1 no. community facility of 92.4sq.m
- Foul and surface water drainage works
- Surface water attenuation tank
- Culverting of unnamed stream
- Footpaths
- Landscaped open space, kickabout space, community allotment garden and play area
- 73 car parking spaces including 66 on street and 7 within curtilage
- 26 bicycle parking spaces in 3 covered bicycle shelters
- All associated site works and boundary treatments.

4.0 **Legislation and Guidelines**

4.1. **Planning and Development Act 2000 (as amended)**

4.1.1. Section 172(1) states that an EIA shall be carried out in respect of certain applications for consent for proposed development. This includes applications for 'sub threshold' developments namely those which are of a Class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 but do not exceed the relevant quantity, area or other limit specified and the competent authority determines that the proposed development would be likely to have significant effects on the environment. Section 172(1A) specifies that the above is relevant to development that may be carried out by the local authority under Part X.

4.2. **Planning and Development Regulations 2001 (as amended)**

4.2.1. **Article 120(3)(b)** states that any person at any time before the expiration of 4 weeks beginning on the date of publication of the notice may apply to the Board for a screening determination as to whether a development would be likely to have such significant effects.

4.2.2. **Article 120(3)(c)** indicates that such applications for a screening determination shall state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.

4.2.3. **Schedule 5** – Development for the purposes of Part 10

Part 1 – Development classes subject to EIA.

Part 2 – Development classes subject to EIA where they exceed a certain threshold in terms of scale or where the development would give rise to significant effects on the environment.

Under the Part 2 heading of Infrastructure Projects, the following is relevant to this case:

Class 10(b)(i): Construction of more than 500 dwellings.

Class 10(b)(iv): Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

Class 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

4.2.4. **Schedule 7** – Criteria for determining whether a development would or would not be likely to have significant effects on the environment, under three headings-

(a) Characteristics of the Proposed Development.

(b) Location of the Proposed Development.

(c) Characteristics of Potential Impacts.

5.0 Request for Direction and Submitted Documents

5.1. By letter received by the Board on the 12th June 2019, D. Phelan submitted a request for a determination by the Board as to whether the development would be

likely to have significant effects on the environment and whether an EIA is required. The following is a summary of the main points raised in the submission received:

- There is a stream as identified on the GeoPortal website maintained by the EPA which connects to the River Barrow.
- The River Barrow and River Nore are a designated SAC and are protected under the EU Habitats Directive.
- It is proposed to culvert the stream to facilitate the development and the Council state that given the distance involved in connecting to the SAC, there will be no likely significant effect on the European site. There is no evidence to back up this assertion.
- There is no scientific analysis as to potential effects on the environment from a site that has direct connectivity - the site is c.6.3 miles from where the River Triogue joins the River Barrow and is a tributary of the River Barrow SAC. The potential for in-combination effects with the site characteristics must be noted also.
- There is a secondary stream not listed on the Geo Portal website which runs parallel to the road and connects to the River Triogue further down Abbeyleix Road which also connects the development to the SAC.
- There are regular sightings of bats in the area and it is referrer's understanding that there are roosts located on the proposed site. There is no analysis or surveys as to the proposed effects on their habitat.

5.2. By letter dated 17th June 2019, the referrer was requested by the Board to submit further information in relation to the request. Specifically, the referrer was requested to submit the following:

- A statement indicating what class of development as set out at Schedule 5 of the Planning and Development Regulations the proposed development is considered to come within

5.3. In response to the above request, the referrer made a submission received on the 18th June 2019. The referrer considers that the proposal falls within Class 15 of Schedule 5, Part 2:

Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but

which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.4. On foot of a request from the Board, the Planning Authority submitted the following documents in relation to the proposed development:

- Drawings
- Reports including:
 - Engineering Services Report
 - EIA Screening Determination
 - Traffic & Transport Assessment
- Schedule 7A information

5.5. **Schedule 7A Information**

5.5.1. Schedule 7A of the Planning and Development Regulations, 2001 (as amended), relates to information to be provided for the screening of sub-threshold development for the purposes of EIA. The requirement for the submission of this information in the case of requests to the Board for a determination under Art.120(3) of the Regulations arises on foot of revisions to Art.120(3) introduced by the EU (Planning and Development) (Environmental Impact Assessment) Regulations, 2018 (SI No.296 of 2018). The changes to Art.120(3) introduced by these regulations came into effect on 1st September 2018.

5.5.2. As noted above the Planning Authority submitted Schedule 7A information which is summarised as follows:

1. Description of the Proposed Development, including in particular:

a) A description of the physical characteristics of the whole proposed development and where relevant, of demolition works.

The Planning Authority detailed the information as identified in Section 3 of this Report.

b) A description of the location of the proposed development with particular regard to the environmental sensitivity of geographical areas likely to be affected.

The Planning Authority provided a description of the location of the development and noted the nearest Natura 2000 sites which include the River Barrow and River Nore SAC and the Slieve Bloom SAC and SPA.

2. A description of the aspects of the environment likely to be significantly affected by the proposed development.

The Planning Authority consider that subject to appropriate conditions in relation to traffic movements, noise and dust emissions mostly during construction, the potential for significant impacts on the environment from cumulative effects will not arise. In addition, the development has no discharges as it will be connected to the foul and surface water public sewers. It is concluded that there will be no significant impacts.

3. A description of any likely significant effects to the extent of the information available on such effects, of the proposed development on the environment resulting from:

a) The expected residues and emissions and the preproduction of waste, where relevant

The Planning Authority consider that the proposal will not generate significant quantities of waste. Construction waste will be managed by a site-specific construction and demolition waste management plan. During the operational phase there will be non-hazardous waste and packaging waste, WEEE, empty containers and landscaping waste.

b) The use of natural resources, in particular soil, land, water and biodiversity

The Planning Authority note that natural resources on the site and surrounding areas include waterbodies. It is proposed to culvert a small stream to facilitate the development. It is considered that ultimately this stream connects to the River Barrow and River Nore SAC. Given the distance involved in connecting to the SAC, it is considered there is no likely significant effect on the European site. The proposed development has no discharges of note and is connected to the foul and surface water public sewers, therefore it is considered there is no potential for significant impacts on watercourses, soils or flora and fauna. Soil excavated for construction will be reused onsite or removed off-site for reuse elsewhere. Any vegetation removed during construction will be replaced as part of the landscaping plan for the site.

4. The above information was assessed in relation to Schedule 7 of the Planning and Development Regulations

6.0 Planning Policy

6.1. The Portlaoise Local Area Plan 2018 – 2024 (LAP)

- 6.1.1. The LAP came into effect on 19th November 2018. The site is zoned *Residential 2 – New Proposed Residential*. The objective for this zoning is ‘*To provide for new residential development, residential services and community facilities*’.
- 6.1.2. Section 8.5.1 of the LAP notes that approximately 82ha of undeveloped residentially zoned land, is located within and adjacent to established residential areas within the town. The housing capacity of these lands is estimated to be approximately 2,870 residential units, based on a density of 35 units per hectare. Over the lifetime of the LAP, priority for residential development should be given to the development of these lands to consolidate the built-up area of the town.
- 6.1.3. Chapter 13 specifically refers to Housing. A number of objectives are relevant including **Objective H03** which seeks to:

Facilitate the provision of housing in a range of locations to meet the needs of the population, with particular emphasis on facilitating access to housing to suit different household and tenure needs, in a sustainable manner.

Objective H012 seeks:

To ensure an appropriate and sustainable mix of dwelling types, sizes and tenures to cater for all members of society, including homeless persons, the elderly, disabled and travellers.

Objective H017 states:

It is an objective of Laois County Council that proposals for the delivery of social housing by Approved Housing Bodies or other approved housing agencies, be brought through the planning process under Part XI “Development by Local and State Authorities” of the Planning and Development Act 2000 (as amended) and Part 8 “Requirements in respect of Specified Development by, on behalf of, or in Partnership with Local Authorities” of the Planning and Development Regulations 2001 (as amended).

6.2. Natural Heritage Designations

6.2.1. The site is not located within or immediately adjacent to any designated sites. The following Natura 2000 sites are located within c. 15km of the development:

Site Name (site code)	Distance from development site
Slieve Bloom Mountains SPA (004160)	c. 7.5km
River Nore SPA (004233)	c. 13 km
Slieve Bloom Mountains SAC (000412)	c. 9 km
River Barrow and River Nore SAC (002162)	c. 9 km
Ballyprior Grassland SAC (002256)	c. 13 km
Knockacoller Bog SAC (002333)	c. 15 km
Mountmellick SAC (002141)	c. 12 km

7.0 Planning History

There are a number of Planning Applications associated with this site.

- **ABP Ref: 247723:** Permission was refused by the Board for 24 houses and 15 apartments in April 2017 for two reasons. This was an application by the Respond Housing Association. At the time the site had been de-zoned as part of the previous LAP. As such the Board refused permission for two reasons summarised:
 - a. Sustainable Residential Development Guidelines recommend a sequential and co-ordinated approach to residential development whereby zoned lands should be developed – the subject site is not zoned for residential development.
 - b. Sustainable Residential Development Guidelines require a high-quality approach to the design of new housing. The proposed development would have an adverse impact on the residential amenities of properties on Abbeyleix Road to the immediate east.
- **Reg. Ref. 08/1152:** Permission was granted in December 2008 to Respond Housing Association to construct 42 no. residential units (31 no. houses and 11 no. apartments) and a community building on the subject site.
- **Reg. Ref. 08/619:** Permission was refused in July 2008 to Respond Housing Association for 47 no. residential units (all houses of varying types), a community building with multi-function space for use as meeting or training

rooms, and childcare facilities with some office space for ancillary uses, for 3 no. reasons relating to the following:

- a. Development would materially contravene section 6.2 of the Portlaoise LAP 2006-2012, which seeks to ensure a high standard in design, layout and provision of private and public open space and landscaping etc. in new residential developments. The development, by reason of its design and character and the inadequacy of the private open space provided, would represent a considerable and unacceptable overdevelopment of the site.
 - b. Development would set a precedent for other substandard developments in the vicinity.
 - c. Development would materially contravene section 6.12 of the Portlaoise LAP 2006-2012, due to inadequate parking provision. Traffic hazard due to lack of safe car parking provision.
- **Reg. Ref. 02/1239:** Permission granted in October 2003 to Respond Housing Association for changes to the development permitted under Reg. Ref. 99/870, to provide 10 additional dwellings to the 35 dwellings already approved (45 dwellings in total), comprising 25 no. houses of varying types and a community building with a multi-functional room and ancillary spaces/offices.
 - **Reg. Ref. 99/870:** Permission was granted in December to construct 38 no. dwellings (20 no. 2 storey houses, 6 ground floor apartments and 12 no. duplex apartments above). The number of dwellings was reduced to 35 at Further Information stage.

8.0 Assessment

- 8.1. The referrer seeks a direction with respect to the need for an EIAR for the subject proposal. However, the referrer raises concerns with issues more appropriately addressed under the Habitats Directive. Notwithstanding this, the EIA Directive (2014/52/EU) specifically requires that particular attention is paid to the Habitats Directive and I intend to address Biodiversity and the Habitats Directive herein.
- 8.2. The following issues are considered relevant in the assessment of the requirement for the submission of an EIAR in this case:

- Assessment of Project Types under Schedule 5 of the Planning and Development Regulations, 2001 (as amended) relevant to the Proposed Development;
- Relevant Threshold under Schedule 5 of the Planning and Development Regulations, 2001 (as amended); and
- Assessment under Criteria as set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended) / Annex III of the EIA Directive 2014/52/EU.

9.0 Project Type under Schedule 5

- 9.1.1. Following a request by the Board, the referrer considered that the proposed development falls into category Class 15 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended. Class 15 is *Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.*
- 9.1.2. The project type is infrastructure development comprising the construction of dwelling units and also urban development given the location of the site within a developed area and on zoned lands within an identified development boundary, as set out in the Portlaoise Local Area Plan 2018 - 2024. Therefore, I consider that the relevant project is Class 10 'Infrastructural Project' and in particular either Class 10(b)(i) Construction of more than 500 dwellings, or Class 10(b)(iv) urban development involving an area of greater than 10 Hectares.
- 9.1.3. It is therefore my opinion that the proposed project involves development that is of a class for the purposes of Environmental Impact Assessment.

10.0 Relevant Thresholds

- 10.1. **Relevant Threshold under Class 10(b)(i)** of Part II of Schedule 5 of the Planning and Development Regulations, 2001 (as amended).
- 10.1.1. The threshold cited in the regulations is the 'construction of more than 500 dwellings'. The proposed development involves the construction of 39 no. residential units comprising a mixture of houses and apartment units. The proposed

development is therefore listed in Part 2 of Schedule 5 and is of a class but sub threshold for the purposes of mandatory EIA comprising fewer than 500 dwellings. An assessment as to whether the project should be the subject of EIA having regard to the criteria referred to in Schedule 7 of the Planning and Development Regulations, 2001 (as amended) is set out below.

10.2. Relevant Threshold under Class 10(b)(iv) of Part II of the Schedule 5 of the Planning and Development Regulations, 2001 (as amended).

10.2.1. The threshold cited in the regulations is the ‘urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area and 20 hectares elsewhere’. The proposed development involves the construction of 39 no. residential units on a site that is located on zoned lands within the boundary of an identified settlement which is covered by the Portlaoise LAP 2018 - 2024. The environs of the subject site comprise an area on the edge of the urban area, however the out of centre location is such that it does not, in my opinion comprise a business district. The stated area of the subject site is 1.385 ha.

10.3. The proposed development is therefore listed in Part 2 of Schedule 5 and is of a class but sub threshold for the purposes of mandatory EIA having an area of less than the 10 hectare threshold applicable in a built up area. An assessment as to whether the project should be the subject of EIA having regard to the criteria referred to in Schedule 7 of the Planning and Development Regulations, 2001 (as amended) is set out below.

11.0 Assessment under Criteria as set out in Schedule 7 of the Regulations / Annex III of the EIA Directive.

11.1.1. It is noted that the headings as set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended) are generally consistent with those given at Annex III of the 2014 EIA Directive (2014/52/EU).

11.1.2. The following sections assess the proposed development against the criteria listed in the Directive and Planning and Development Regulations under the following general headings:

- Characteristics of proposed development
- Location of proposed development, and

- Characteristics of potential impact

11.2. Characteristics of the Proposed Development

The size and design of the whole of the proposed development:

- 11.2.1. The proposed development comprises a development of 39 no. residential units on a site of c. 1.385 ha. In terms of both the number of units and size of site, the proposed development is not of a particularly large scale and is very significantly below the thresholds set down in Part 2 of the Schedule 5 of the Regulations. The development essentially comprises an infill residential development on the edge of the urban area. There is no aspect of the proposed design or layout that is considered to be particularly unusual or which would be at significant variance with the suburban location and established suburban context of the site.
- 11.2.2. As noted in section 2 above, the site is surrounded by residential development to the north and east, as well as the ESB Training Centre and engineering works to the south-east. The proposal is for a maximum of two storeys in height and is fully in keeping with the surrounding developments.

Cumulation with Other Existing and/or Approved Projects

- 11.2.3. Existing development in the surrounding area predominantly comprises residential uses with an ESB Training Centre to the south-east, a number of smaller scale commercial units to the north and sporting centres comprising a golf club to the east and GAA grounds to the north. From a review of the Laois County Council Planning Department website, most planning applications in the immediate vicinity of the site relate to small scale domestic extensions. Further afield, there are permissions for change of uses and developments at the GAA facility. Some cumulative impacts in terms of traffic during construction may arise however these impacts are considered to be low or negligible and are not considered such as to justify the need for EIA.

Demolition Works

- 11.2.4. There are no demolition works proposed. The site is currently an overgrown and unkempt greenfield.

Use of Natural Resources / Production of Waste / Pollution / Nuisances / Accident Risk and Risks on Human Health

- 11.2.5. Natural resources include the waterbodies – there is a small stream which ultimately connects to the River Nore and River Barrow SAC via the River Triogue. Of note,

having regard to concerns expressed by the referrer the water course already runs through a concrete pipe. According to the Engineering Services Report, the water course is currently fed through a 300mm diameter concrete pipe on the west side of the site and discharges through a 225mm diameter pipe at the east side of the site. It is proposed that this will be diverted in a pair of 500mm diameter concrete drain pipes which will run through the site, along the road verge before ultimately connecting to the existing large concrete culvert adjacent to the Clonminam River which feeds into the River Triogue to the north of the site. I have reviewed the EPA GeoPortal site as referred to by the referrer and note the significant distance of c.9km and the significant number of streams in the general area which ultimately feed into the River Barrow. Using best practice construction methods, I am satisfied that there will not be a significant adverse impact on the River Triogue or ultimately the River Nore and River Barrow SAC, such as would require the carrying out of an EIA.

- 11.2.6. It is proposed to connect the site to existing foul and water services as detailed in the Engineering Services Report. There will be no discharges of note and therefore no impact on the stream during the operational phase.
- 11.2.7. Surface water is proposed to be attenuated on site and construction activities would be undertaken subject to best construction practices and subject to the requirements of a construction and environmental management plan.
- 11.2.8. The overall environmental impact under these headings is therefore considered to be low.
- 11.2.9. The site is considered to be an infill type of site located on the edge of an urban area. There is unlikely to be a significant impact on soil or flora and fauna. Any soil excavated will be reused on site or taken off site for reuse elsewhere. Any vegetation removed will be replaced.
- 11.2.10. Waste produced during the construction phase will be managed by a site-specific construction and demolition waste management plan.
- 11.2.11. Potential pollution and nuisances in the area during the construction phase due to dust and noise will be dealt with by using best practice construction methods and the production of a Construction Management Plan. Soil and water pollution impacts are considered insignificant and will not result in pollution or nuisance. Subject to the implementation of the best practice measures identified as part of the proposed development, it is considered that these impacts would not be significant.

- 11.2.12. Having regard to the nature of the project no risks of major accidents arise.
- 11.2.13. Subject to the implementation of the mitigation and best practice measures identified as part of the proposed development, it is considered that risks to human health would not be significant.

11.3. Location of the Proposed Development

Existing and approved land use

- 11.3.1. The site is an appropriately zoned and serviced site within the town boundary, and boundary of the Portlaoise Local Area Plan. The existing use of the site is vacant lands which are currently overgrown and not accessible or laid out for recreational use. The site is not a public amenity. There are some mature trees and hedgerows on the site that will need to be removed to enable the development progress. However detailed landscape proposals have been submitted and include measures for the protection of existing trees during construction. Overall, I do not consider that what is proposed would have a significant adverse impact in terms of land use.

Relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground

- 11.3.2. The referrer referred to the Habitat's Directive. Development is not likely to have significant effect on any Natura 2000 site owing to the separation distance, the lack of discharges and the proposed connection to the public sewer network.
- 11.3.3. The nature of the proposed development is such that the natural resources used in its development are limited and there would be minimal ongoing use of natural resources from the proposed use of the site for residential purposes.
- 11.3.4. Overall, while the development would result in the loss of an undeveloped site that has a biodiversity benefit for the area having regard to the existing trees and hedgerows, the site comprises zoned residential lands within a suburban area where there is an onus on the council to ensure development in a sustainable manner. Detailed proposals for the landscaping of the site have been submitted, and a detailed pre-construction survey of existing trees can be carried out prior to felling of trees to avoid any impact on bats as referred to by the referrer.

Absorption Capacity of the Natural Environment

- 11.3.5. While the site is undeveloped, it is located within a suburban area and is surrounded by suburban type development albeit lands to the west appear to be in agricultural use. The nature of the proposed residential use is such that it is consistent with surrounding land uses and the scale and design of development proposed is also considered to be compatible with the existing environs of the site.
- 7.5.3.6 There are no features of significance in terms of wetlands, nature reserves, parks or areas protected under national or European legislation, including the Habitats Directive as referred to by the referrer, that could be impacted by the proposed development. As set out above, the site does currently have a beneficial biodiversity use, however there is no indication that the site is a habitat for any protected or rare species. I am satisfied that with appropriate conditions and mitigation measures that there will not be a significant adverse effect on the natural environment.
- 11.3.6. The site comprises scrubland which has been set aside for a number of years for a development of the type proposed. The site is not located in any upland, wetland area, or densely populated area and there are no landscapes or sites of historical, cultural or archaeological significance on or in the vicinity of the application site.

11.4. **Type and Characteristics of Potential Impacts**

Magnitude and Extent of the Impact

- 11.4.1. From the assessment above, it is my opinion that the extent of the impact in terms of geographical area impacted, 1.385Ha, and the size of the population potentially impacted is limited. During construction, there will be some impacts arising on local populations and environments arising from construction traffic, noise and dust. These impacts will however be short term and will be mitigated by good construction practices.

Nature of the impact

- 11.4.2. Having regard to Section 171A(b)(i) (I) to (V) of the Act, the nature of the impact can be considered as follows:

Population and Human Health

Having regard to the limited extent of the geographical area and the size of the population in the area, as well as the nature of the proposed development, I do not consider that there will be a significant adverse impact on population and human health.

Biodiversity with particular attention to the Habitats Directive

The referrer seeks a direction with respect to the need for an EIA for the subject proposal. However, as noted above the referrer raises concerns with issues more appropriately addressed under the Habitats Directive. Notwithstanding this, the EIA Directive (2014/52/EU) specifically requires that particular attention is paid to the Habitats Directive under the heading of Biodiversity.

I note that the referrer considers that no evidence or scientific analysis has been submitted to back up the Local Authority's assertions that there will be no significant effect. There would be a localised impact on ecology due to loss of habitat, however there is no indication that the habitats to be lost are of particular significance or importance. Moreover, the site is not the subject of any ecological designations and there is no indication or evidence that the site is a habitat for any protected or rare species including bats as specifically referred to.

The referrer raises the Habitats Directive in the submission, however as noted above, I am satisfied that the diversion of the stream into 2 no.500mm diameter concrete pipes, will not have a significant impact on the River Barrow and River Nore SAC which is located c.9km downstream.

Land, Soil, Water, Air and Climate/Material Assets

The nature of the site and the development is such that the impact on land and soils is likely to be negligible. The development is considered not to give rise to a significant risk to **water quality**. Under the headings of **air and climate**, and **noise and vibration**, there is the potential for impacts during the construction phase however given the nature and scale of the proposed development, it is considered that subject to construction mitigation and the use of good construction practices, environmental impacts under these headings will not be significant.

Given these limited impacts, and the design and layout of the proposed development and relationship to surrounding properties and lands, it is not considered that the proposed development would have a significant negative impact in terms of **material assets**.

The existing visual quality of the site is limited, and it is considered that the proposed development would have an overall limited negative effect on **landscape** quality and visual amenity. The development is not located near any Protected Structures or sites of archaeological or **cultural heritage** potential.

Interactions

Interactions could arise between construction phase traffic, noise and dust and on population and human health. However, having regard to the small extent of development and the short-term nature of the construction works of 12 – 15 months, subject to best practice mitigation measures, significant interactions are not considered likely.

Transboundary nature

11.4.3. There will be no transfrontier impacts arising.

Probability, Intensity and Complexity of Impacts

11.4.4. The nature of the development is such that the existing habitat will be substantially lost or modified. The predicted impacts are therefore considered likely. As set out above, the nature of the environmental impacts is not particularly complex or intense.

Onset, duration, frequency and reversibility of impacts

11.4.5. Duration is expected to be only 12-15 months. The nature of the proposed development, of an existing undeveloped site for residential use, is that the predicted impacts will be long term, ongoing and not readily reversible. These characteristics have to be seen in the context of the limited scope and extent of environmental impacts predicted.

It is concluded that the proposed development does not require an Environmental Impact Assessment as it is not likely to have significant effects on the environment by virtue, inter alia, of its nature, size or location.

12.0 Recommendation

12.1. Having regard to my assessment above, I consider that the proposed development of 39 no. residential units and all associated site development works would not be likely to have significant effects on the environment. I, therefore, recommend that the Board does NOT direct the local authority to prepare an environmental impact assessment report in respect of the development the subject of this report based on the reasons and considerations set out below.

13.0 Reasons and Considerations

Having regard to:

- (a) the nature and scale of the proposed development, which is significantly sub threshold in respect of Class 10(b)(i) (Infrastructure – Dwelling Units) and Class 10(b)(iv) (Infrastructure – Urban Development), or Class 15 of the *Planning and Development Regulations, 2001* (as amended),
- (b) the location of the site on lands that are zoned for residential use under the provisions of the Portlaoise Local Area Plan 2018 – 2024, and the results of the strategic environmental assessment of this plan undertaken in accordance with the requirements of the SEA Directive,
- (c) the location of the site in an established residential area served by public infrastructure and the existing pattern of development in the vicinity,
- (d) the location of the site outside of any sensitive location specified in article 109(4)(a) of *the Planning and Development Regulations, 2001* and the absence of any relevant connectivity to any sensitive location,
- (e) the detailed landscaping proposals for the site including replacement tree planting,
- (f) the Schedule 7A submission of Laois County Council,
- (g) the guidance set out in the ‘*Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development*’ issued by the Department of the Environment, Heritage and Local Government,
- (h) to the criteria set out in Schedule 7 of the *Planning and Development Regulations 2001* (as amended), and
- (i) to the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

Ciara Kellett
Senior Planning Inspector

12th August 2019