



An
Bord
Pleanála

Inspector's Report ABP-318012-23

Development	Demolish existing building and construct 32 no apartments. A Natura Impact Statement was submitted to the planning authority with the application.
Location	Davitt Road, Mountmellick, Co. Laois.
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	22568
Applicant(s)	Carrigeen Building Company Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Mary Coss & others The Board of Management of Scoil Phádraig Naofa National School
Date of Site Inspection	16 th February 2024
Inspector	Dolores McCague

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1.0 Site Location and Description

- 1.1.1. The site is located at Davitt Road, Mountmellick, Co Laois, between a school and a housing estate. The site is rectangular with the narrow axis along the road, and extends in a north-east to south-west direction from the road, to lands and a stream at the rear. Single houses on individual sites front the opposite side of the road. The site is flat for most of its extent, but a drop, in excess of a metre, occurs towards the rear. Lands to the rear are on the bank of a stream. The site is bounded to the north-west and south-east by drains.
- 1.1.2. The site is currently occupied towards the front by an industrial type building set behind an area surfaced in broken stone. To the rear of the building there is rough ground covered by rank grass. The rear of the site has been infilled, and this is referred to in the documents submitted.
- 1.1.3. The site is given as 0.9369ha.

2.0 Proposed Development

- 2.1.1. The proposed development is to (a) demolish existing building; (b) build two bedroom apartments; (c) bin bays and cycle shelters; (d) with parking spaces; (e) site entrance and all associated site works.
- 2.1.2. The application as originally presented to the planning authority, was for the construction of 32 two-bedroom apartments. This was revised to 36 apartments, in response to the Planning Authority's (PA's) further information request; and the proposed 2 storey blocks were substituted by blocks of 3 storeys. The rationale for this alteration was the need to move the development out of the flood zone and onto zoned land.
- 2.1.3. In the application details as originally presented the development comprised 2 x 12 unit blocks and 2 x 4 unit blocks. Each access served a ground floor unit together with the first floor unit overhead, via a stairwell inside the shared front door.
- 2.1.4. In the revised details the development comprises 1 x 18 unit block and 3 x 6 unit blocks of three storeys each; (note that the numbering system on the drawings is inaccurate. The block units should be numbered 1-18, 19-24, 25-30 and 31-36 rather than Unit A 1-18, Unit B 19-22 & 31-36 and Unit B 23-26). In the revised proposal

access to most units is provided via a 'balcony'. This serves as the means of access and is also the private open space associated with the unit.

- 2.1.5. Three of the blocks have their main access parallel to the proposed access road and are oriented parallel to the road, and to the school boundary. The block farthest from the road runs at right angles to the others. All the blocks are positioned close to the school boundary at a distance which narrows to just over a metre at the front of the proposed development. The proposed access road runs along the south-eastern boundary, with front-on parking spaces between the road and the building. Bin storage areas are located to the front of the buildings. For the units which run parallel to the boundary, balconies are to the front or side. Three of the units in the westernmost block have balconies on the elevation facing towards the school, the other three face north east, towards the remainder of the development.

- 2.1.6. The application was accompanied by:

DKA Architectural Technologist:

Drawings

A Design Statement,

Site Statistics, and

Schedule of Accommodation and Housing Quality Assessment,

Kilgallen & Partners Consulting Engineers:

Drawings

Irish Water Infrastructure, and

Surface Water Drainage and Streets.

OPW/RPS

Mountmellick Fluvial Flood Extents

ASD Lighting PLC

Lighting plan.

- 2.1.7. Documents submitted in response to the request for Further Information:

DKA Architectural Technologist:

Drawings

Kilgallen & Partners Consulting Engineers:

Drawings

Report on Civil Engineering Infrastructure

Report on Site-specific Flood Risk Assessment

Quality Audit

Dulra is Dúchas

Screening for Appropriate Assessment

Natura Impact Statement

- 2.1.8. Documents submitted in response to the request for Clarification of Further Information:

DKA Architectural Technologist:

Drawings

Dulra is Dúchas:

Screening for Appropriate Assessment & Natura Impact Statement

Kilgallen & Partners Consulting Engineers:

Drawing

Report on Site-specific Flood Risk Assessment

Report on Civil Engineering Infrastructure

Quality Audit.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission subject to 19 conditions, including:

3) Foul effluent shall be collected and discharged to the public foul sewer. Prior to the commencement of development, the developer shall obtain a Connection Agreement and Confirmation of Feasibility from Uisce Éireann statutory body in this regard and submit them to the planning authority for its written agreement.

5 a) All surface water run-off from roofs, entrances and parking areas shall be collected and disposed of to the surface water drainage network. No such surface water run-off shall be allowed to flow onto the public roadway or adjoining properties.

b) The rate of surface water discharge from the development to the public surface water network shall be regulated taking account of existing discharges from adjacent lands and provision be made for such retention and throttling /flow restriction as necessary to regulate the discharge.

c) The proposed development shall not interfere with existing land or road drainage.

17 e) Specific provision shall be made on the storm water collection system so as to ensure that no hydrocarbons or grits/silts are discharged. A Class 1 oil and petrol interceptor shall be placed upstream of the attenuation systems and be regularly maintained and serviced.

j) No contaminated stormwater shall be discharged to the public sewer, open drain or watercourse. Interceptors shall be provided on the storm water sewer network prior to discharge to the storm water attenuation tank. An inspection manhole shall be provided between the attenuation tank and the point of discharge to the open drain. Interceptors shall be appropriately sized Class 1 interceptors with an appropriate capacity. Class 1 interceptors shall comply with IS EN 858-2:2003. The interceptors to be provided with an appropriate warning device to indicate when required levels for maintenance have been reached and shall be fitted with a sampling chamber, which has easy access.

k) The applicant shall ensure that adequate measures are in place for the construction phase to ensure there is no discharge of polluting matter/sediment laden waters to the open drain or any watercourse. Measures to prevent the discharge of polluting matter to waters shall be adequate to ensure there is no negative impact on waters during the construction phase.

3.1.2. The decision was in accordance with the planning recommendation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are three planning reports on the file. The first, dated 7/11/2022, recommending a request for further information, includes:

- Noting the change in zoning which affects roughly half of the site.
- Noting the flood risk to 30% of the site, and the flood risk guidelines.
- Noting the apartment guidelines and that the proposed development complies with SPPR 1, SPPR 2, SPPR 3, SPPR 4, SPPR 5 and SPPR 6.
- The density is 33.22 houses per hectare or 13.45 per acre, which the PA considers to be acceptable having regard to the zoning, location, the prevailing densities in the vicinity and the density of the original proposal under ref 20/620.
- Private open space standards are met. Public open space exceeds the development plan standards.

3.2.3. Other Technical Reports

3.2.4. Roads Design – 3/11/2022 – further information.

3.2.5. Waste Management and Environmental Protection – further information.

3.3. Prescribed Bodies

3.3.1. Uisce Éireann, to the applicant, 30th January 2023 – re wastewater connection – feasible subject to upgrades. Due to restrictions in the existing network, the existing sewer will need to be upsized from the 225mm to 300mm (approx. 125m long from roundabout to Connolly PS) to cater for the new development, with the cost fully borne on the developer.

3.3.2. Dept of Culture, Heritage and the Gaeltacht – 28/10/02022 – prior to decision archaeological investigation.

3.4. Third Party Observations

3.4.1. Third party observations have been read and noted.

3.5. Further Information

3.5.1. A further Information request issued 4th November 2022 on 10 points:

1) The zoning has been materially changed in the Laois County Development Plan 2021-2027 which supercedes the local area plan. In the County Development Plan the front, north eastern half is zoned residential 2, the remainder is zoned strategic reserve. Applicant is requested to remove the south-western block containing 12 units impacted by the changed zoning.

2) the Irish Water correspondence submitted refers to 23 units, not 32 as proposed.

3) re. the proposed piping of the drain on the NW boundary with a 600mm diameter pipework, Road Design Section has concerns relating to the 2017 flood event and the potential issue of the pipework being obstructed with flood debris and of flood water backing up. Applicant is requested to submit details including increasing pipe diameter, and locations and details of access chambers along the pipework to allow for maintenance.

re. the proposal to locate attenuation system in a flood zone, it should be located outside the flood zone. A class 1 petrol interceptor should be located up-stream.

Undertake a detailed survey and report of the existing surface water drain to the rear, (i.e. the proposed outfall), from the development site to the outfall of this stream into the Owenass River, to ensure that the proposed development does not cause an exceedance in the capacity of the stream of the existing drainage network in the area and does not overload or negatively affect existing drains.

A suitably qualified company with professional indemnity insurance to carry out the survey, and report, taking account of all existing developments that may be using the drain.

Submit a revised site layout plan to suitable scale indicating all aspect of the proposed development relative to the Laois County Council Strategic Flood Risk Assessment of the Development Plan.

4) Liaise with Active Travel of Laois County Council (LCC) re providing a combined footpath cycleway of 3 metres at the front of the development.

Review the NTA Active Travel Guidance notes for Junction Tightening Scheme document and incorporate these required changes into the proposed access junction.

Submit details of the type and size of bollards proposed to be installed along the footpath adjacent to the primary school, the location and type to be agreed with the Active Travel Section.

It is clear from reviewing, that the Road Safety Audit recommendations have been accepted but the modifications have not been applied to the plans.

Show entrance layout changes and proposals for a 3m cycle footpath, a quality audit to cover road safety, mobility and cycle requirements and modifications marking the locations where problems were identified and necessary changes made, taking account of the public road and footpath.

5) the layout showing EV charging points does not show location of ducting.

6) re. archaeology.

7) waste management plan; construction waste; design report with calculations demonstrating that the proposed external refuse storage facilities for the apartments are suitably sized and designed.

8) submit comprehensive comments and proposals to satisfactorily address the previous refusal reason re. landfilling.

9) NIS deficiencies.

10) comments invited re. observations received.

3.5.2. A response to the further Information request was received 20th March 2023.

3.6. Further Reports

3.6.1. Roads Design – 12/04/2023 – clarification of further information.

3.6.2. Waste Management and Environmental Protection, noting the items in the further information request not submitted, and recommending refusal.

3.6.3. The second planning report dated 13/04/2023, recommending a request for clarification of further information, includes:

Itemising responses which need clarification.

3.7. Prescribed Bodies

- 3.7.1. Dept of Housing, Local Government and Heritage – 4/4/2023 – conditions - predevelopment testing.

3.8. Clarification of Further Information

- 3.8.1. A clarification of Further Information request, issued 13/04/2023 on 6 points:

1) re. item no. 3 Surface Water Drainage and Flood Risk

The output from the hydraulic studies & associated modelling undertaken on behalf of Laois County Council for the scheme development stage of the Mountmellick Flood Relief Scheme indicates an increased flood extent for the respective site and proposed access point over that shown by the applicant (CFRAMS) in their flood risk assessment. Applicant to revise their flood risk assessment in light of the more detailed studies and consider the impacts on the site.

Gullies were requested by the Active Travel Section of LCC at the entrance; these have not been provided. Applicant shall propose new road gullies.

The applicant has proposed an attenuation trench near the entrance, this is not acceptable. Applicant shall propose that all surface water drainage on the site and at the entrance be directed to the petrol interceptor and the attenuation area.

Applicant has moved the attenuation area as requested and subsequently dropped the volumetric capacity of the attenuation system. Applicant shall revise attenuation calculations for the entire site and revise the drawings, ensuring the attenuation design is in line with current SUDS manual.

While residential units have been relocated from the flood risk zone, a large number of ancillary parking spaces remain. This is unacceptable in the context of the advice and guidance contained in the guidance the Planning System and Flood Risk Management, Guidelines for Planning Authorities. Submit revised plans.

2) re. item no. 4, the original road safety audit is provided. As part of the quality audit, it should have an accessibility audit that is site specific; it is general in nature. It should have included a cycle and pedestrian audit specific to the site. Where

problems were identified drawings should be marked to show problem locations and modifications, in line with auditor's recommendations.

Applicant to carry out a new road safety audit, a new accessibility audit and a new cycle and pedestrian audit that are site specific. On completion applicant shall modify the plans, marking the locations where problems were identified and necessary changes were made; taking account of the public road and footpath.

3) re. item no. 9, the NIS remains deficient.

4) re. item no. 10, comments were invited re observations received, this is unanswered.

5) re. item no. 5 - filling, this is not answered to the satisfaction of the PA. Submit suitably accredited laboratory tested analysis of material.

6) amend plan legends to reference the change from 32 units to 36 units.

3.8.2. A response to the Clarification of Further Information request, was received 20/06/2023.

In relation to the landfill and removal of the existing building (Report of Civil Engineering Infrastructure, pgs 11 and 12), it includes:

Trial holes were excavated at locations shown, on 25th May 2022, the material was subject to a RILTA suite test. The test found the landfill waste acceptance criteria (WAC) for the material to be stable, non-reactive hazardous waste in non-hazardous landfill; and it will be disposed of to an appropriate landfill in accordance with this criterion. A copy of the test results is provided. Other pockets of made ground/ imported material may be encountered and these will be subject to WAC testing to determine the appropriate methodology for excavation and disposal in accordance with EPA guidelines.

The buildings to be demolished must first be inspected for asbestos elements by an approved asbestos surveyor; should asbestos elements be found, subsequent handling and disposal to be carried out in accordance with a method statement prepared by an appropriately qualified specialist.

All disposal of material off the site must be recorded and receipted to ensure evidence of compliance with Waste Management Regulations is verifiable.

Excavated material will otherwise be re-used insofar as it is suitable for incorporation into the works.

- 3.8.3. Notification of Significant Further Information, was given and submitted to the PA 19/07/2023.

3.9. Further Reports

- 3.9.1. Roads Design – 21/08/2023 – conditions.

- 3.9.2. The second planning report dated 24/08/2023, recommending permission, includes:

- Generally satisfied with responses.
- Density 37.38 units per ha / 15 per ac.

3.10. Prescribed Bodies

- 3.10.1. Dept of Housing, Local Government and Heritage – 13/4/02023 – conditions re. nature conservation.

4.0 Planning History

311526-21, PA Reg Ref 20620 The Board refused planning permission for: a) Demolish existing building, b) build 36 two bedroom apartment in eight, two storey blocks, c) Bin bay and cycle shelters, d) site entrance and all associated site works, on foot of the planning authority's decision to grant for three reasons:

1) in the absence of a NIS the Board cannot be satisfied that the proposed development would not be likely to have a significant effect on the River Barrow and River Nore SAC.

2) re. the proposal to connect the proposed development to the public sewer in an area where the sewerage network is constrained, the Board is not satisfied on, the basis of the information submitted, as to the capability of the network to accommodate the sewage generated.

3) it appears that landfilling has occurred on the site, from the information available on the file the Board cannot be satisfied that the nature of the fill material would not

impact on the environment or that the altering of land levels would not impact on flood risk by displacement of floodplain storage.

5.0 Policy Context

5.1. RSES

Regional Spatial & Economic Strategy, Eastern & Midlands Regional Assembly.

Mountmellick is a Self-Sustaining Town in the Gateway region.

(4.7) Self-Sustaining Growth Towns and Self-Sustaining Towns Supporting the regional driver role of Key Towns, Self-Sustaining Growth Towns and Self Sustaining Towns, are settlements that act as regionally important local drivers providing a range of functions for their resident population and their surrounding catchments including housing, local employment, services, retail and leisure opportunities. It is important to acknowledge the variation of function that exists at this settlement level, with some towns operating as commuter towns whilst others function more sustainably.

5.2. Development Plan

- 5.2.1. The Laois County Development Plan 2021-2027 is the operative plan. Relevant provisions include:

Mountmellick is designated a self sustaining town with a 2016 population of 4777.

Self-Sustaining Towns are towns with high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services and which require targeted 'catch up' investment to become more self-sustaining.

Two zonings apply to the site:

Land use zoning - Residential 2

Objective - To provide for new residential development, residential services and community facilities.

Land use zoning - Strategic Reserve

Objective - To provide lands for future development in line with national and regional targets over the next Plan period 2021-2027.

DM HS 8 Overshadowing of Dwellings and Open Space - High buildings or when new buildings are located close to adjoining structures may significantly overshadow dwellings and open space. Daylight and shadow projection diagrams should be submitted for such proposals. The recommendations of 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', (B.R.E. 1991) or B.S. 8026 'Lighting for Buildings, Part 2 1992: Code of Practice for Day lighting' should be followed in this regard.

DM HS 17 There is the potential in appropriate circumstances to integrate new residential development into backland areas to produce a high quality residential environment. Development proposals should:

Be of a form and scale which respects the scale and density of existing development. In general the scale and massing of new housing in backland areas should not exceed that of the existing dwellings fronting the surrounding streets;

Transportation Development Management Standard

DM TRANS 1 - In towns, villages and settlements new developments access arrangements shall have regard to the Design Manual for Urban Roads and Streets, DTTS and DHPLG (2019) (DMURS) and TII Publication DN-GEO-03060.

5.3. Mountmellick Local Area Plan 2018-2024

- 5.3.1. The plan applies to this site. The zoning provisions, wherein the entire site is zoned residential 1 – existing residential, have been superceded by the County Development Plan 2021-2027.

5.4. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020.

Of note:

- Children's Play (4.13) The recreational needs of children must be considered as part of communal amenity space within apartment schemes. Their safety needs to be taken into consideration and protected throughout the entire site, particularly in terms of safe access to larger communal play spaces. Children's play needs around the apartment building should be catered for:

- within the private open space associated with individual apartments;
- within small play spaces (about 85 – 100 sq. metres) for the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building, in a scheme that includes 25 or more units with two or more bedrooms; and
- within play areas (200–400 sq. metres) for older children and young teenagers, in a scheme that includes 100 or more apartments with two or more bedrooms.

The perimeter block with a central communal open space is particularly appropriate for children's play, especially if access from the street is controlled.

- Cycling provides a flexible, efficient and attractive transport option for urban living and these guidelines require that this transport mode is fully integrated into the design and operation of all new apartment development schemes. Planning authorities must ensure that new development proposals in central urban and public transport accessible locations and which otherwise feature appropriate reductions in car parking provision are at the same time comprehensively equipped with high quality cycle parking and storage facilities for residents and visitors.(4.16).

Cycle storage to be provided at a rate of 1 space per bedroom and 1 visitor space per two units.

- Refuse Storage (4.8) - Waste storage areas should not be on the public street and should not be visible to or accessible by the general public. Appropriate visual screening should be provided, particularly in the vicinity of apartment buildings.

5.5. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities

- 5.5.1. Although these guidelines do not refer to the subject development, which is a development of apartments, they modify the policy context for own door units. The previous Inspector's report (311526) noted that own door units were not feasible having regard to the standards then applying.
- 5.5.2. The guidelines issued 12 January 2024 set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on

sustainable residential development and the creation of compact settlements. The guidelines promote an alternative 'mid-rise medium density housing' with more compact 'own-door' housing offering a broader range of housing options' and 'addressing viability constraints'. They have the stated aim of encouraging mid-rise medium density residential development and include extensive descriptions of the type of compact 'own-door' housing that is being promoted. They do not replace the Apartments Guidelines.

Mountmellick is defined as a Key Town / Large Town

The densities should generally be within the ranges set out:

Density Ranges for Key Towns and Large Towns (5,000+ population) for the Centre and Urban Neighbourhood - The centre comprises the town centre and the surrounding streets. Residential densities in the range 40 dph-100 (dwellings per hectare)-dph (net) shall generally be applied in the centres and urban neighbourhoods.

SPPR 1 – refers to separation distances between opposing windows, generally reducing the required distances.

SPPR 2 - refers to minimum private open space standards for houses: 2 bed house 30 sq.m, with up to 50% being provided as semi-private space..

SPPR 3 - refers to minimising car parking, the maximum rate of car parking provision, where it can be justified, shall be 1.5 spaces per dwelling.

SPPR 4 - refers to cycle parking and storage:

- (i) Quantity – 1 cycle storage space per bedroom, visitor cycle parking should also be provided. It will be important to make provision for a mix of bicycle parking types including larger/heavier cargo and electric bikes and for individual lockers.
- (ii) Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage / compound or preferably locker facilities are provided.

Daylight - In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme

and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development. Poor performance may arise due to design constraints associated with the site or location and there is a need to balance that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.

5.6. Natural Heritage Designations

- 5.6.1. The nearest Natura site is the River Barrow and River Nore SAC (site code 002162), located less than 200m downstream.

5.7. EIA Screening

- 5.7.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Two third party appeals against the planning authority's decision to grant permission have been submitted.
- 6.1.2. Mary Coss on behalf of residents of Davitt Road, Acragar, Davitt Road, Brockview and Acragar Environmental Awareness Group has submitted a third party appeal. It includes:
- Change without notice from 32 x 2 bedroom apartments in 4 x 2 storey blocks to 36 x 2 bedroom apartments in 4 x 3 storey blocks.
 - The Mountmellick flood relief scheme has not been considered by the applicant, as requested.

- The Board's refusal reasons still apply.
- The garage for demolition has a corrugated asbestos roof which oversails an existing dwelling, no one approached the residents as regards a method statement for its removal.
- No consideration of change from 2 storey to 3 storey on residences of primary school or its playgrounds. It is an invasion of privacy.
- Davitt Road sewage is dependent on discharge of untreated sewage into the River Owenass when the sewage pumping station at Connolly Street is overwhelmed during heavy downpours and when the river and storm drain network becomes backed up during normal flood situations. Ireland's response to environmental change and management was announced on 4th September and it is not meeting required targets.
- It is questionable if the NIS has been provided in its entirety. There would be serious consequences for nature and wildlife should this build be approved.

6.1.3. Fitzgibbon McGinley Architects have submitted a third party appeal on behalf of the Board of Management of Scoil Phádraig Naofa National School, against the decision to grant permission. It includes:

- Concern from a child safety point of view to proximity to the school and overlooking of the school grounds.
- child protection obligations
- notices are inadequate.
- The changes should have been the subject of a new application.
- The rationale for the re-design, to achieve a minimum number of units for the scheme to be viable, is not a viable planning basis.
- The site plan submitted with the FI is misleading.
- Disappointed that the re-design they suggested, having the access road on the school side of the site, was not taken up.
- Set-back distances from the school boundary are not given.

- There should be no overlooking of the school playground from a child protection point of view.
- This is a concern for parents as well as school authorities.
- Re DM HS 06 22m separation between opposing first floor windows, the first and second floor windows are 2m from the school playground.
- They respond to the examples referred to by the applicant where schools are adjoined by residential development. Notre Dame Churchtown is 20m between apartments and the playground. Differences between this site and the Dalkey development are also stated.
- Traffic – the traffic issues in respect of this site and location are well known to the Local Authority and the school authorities and offer very little options in terms of conditions which could mitigate this.
- Draft Traffic Safety Audit – risks – resulting in pedestrians having to enter the carriageway where they would be at greater risk of being struck by passing vehicles and other risks resulting in side or rear end collisions, the solutions presented in the form of double yellow lines and carefully placed bollards are not sufficient to address this.
- Accessing the scheme via Davitt Court should be considered. The proximity of the entrance to the school entrance will compromise the safety of school users.
- The road safety audit makes no reference to school hours, the school pedestrian or vehicular movements or to the highly pedestrianised walk to the school which will have to traverse the site entrance to a development where 64 cars are proposed. There is significant traffic congestion at peak times, with many families walking and cycling to school.
- The statement, in response to the request for a quality audit, that ‘we note the concerns regarding traffic movements at the school entrance and site. We are of the opinion that whether this planning application is granted or not, traffic congestion will increase during school collections and drop offs. This is the nature of school zones in every town and village. New layouts at the entrance to the site have been submitted and we are satisfied that Kilgallen and

Partners have taken into account and made all necessary precautions with their design.’ This is an unacceptable response.

- Density and over-development – The Mountmellick Local Area Plan 2018-2024 identifies approx. 18ha of undeveloped residentially zoned land which at 14 units per hectare would yield 252 units. The current proposal equates to 37.3 units per hectare. There is no justification for this over-development.
- Mountmellick has been identified as a self sustaining town in the Laois County Development Plan 2021-2027 where a density of 15-30 units per hectare has been identified. The current proposal equates to 37.3 units per hectare.
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), are referenced.
- Section DM HM 17 of the CDP is referenced. Development should be of a form and scale which respects the scale and density of existing development. In general the scale and massing of new housing in backland areas should not exceed that of the existing dwellings fronting the surrounding streets; the form, scale and massing of this new three storey apartment development does not respect any scale, density or massing of existing development in this area.
- These units will not cater for a range of people, being entirely 2 bedroom apartments. The 2016 census shows that couples with children and single parent families account for 74% of households.
- A key aim of this LAP is to promote compact, connected neighbourhoods, apartments may be considered as part of a mix of housing types in a given housing development at any urban location. The current application has not taken this into account. The Davitt Court form of development would be more appropriate.
- Drainage/flooding concerns – there is an ongoing flood relief project, in conjunction with LCC, the OPW, JBA and JP Barry Consulting Engineers, with the aim of developing an appropriate, cost-effective and sustainable flood relief scheme which aims to reduce flood risk to Mountmellick. They are concerned that the pumping station at Connolly Street is designed, during

heavy downpours, to discharge excess sewage/water into the Owenass River within the catchment of the Barrow and Nore SAC.

- Protection of trees on the site boundary – no information on how this mature planted boundary is to be protected. Concerned with practicality given proximity.
- Development Plan compliance – an updated design statement has not been submitted. Based on the original application, units 1, 2, 31 and 32 are 4 person apartments and not 3 person as stated. They do not meet the minimum standards for storage and room sizes.
- Communal Open Space – DM HS 4 – the design of the open space does not comply with minimum standards.
- Private open space – the upper levels of Block A are accessed via an external escape stairs where one has then to walk immediately past the private open space ‘balcony’ of different apartments to get to individual apartments.
- Overlooking – section 3.35 of the plan – the extent of overlooking has increased.
- Storage – every storage area is in excess of the maximum size: 3.5 sq m.
- Bin/refuse storage – sec 4.9 of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) states – waste storage areas should not be visible to or accessible by the general public; appropriate screening should be provided. The current design has 2 large bin storage areas located directly in the public realm. Apart from the visual intrusion this impacts directly on the active street frontage of the apartments. This is an exceptionally poor design response and conflicts with all design guidance on integration of refuse facilities into proposed apartment developments.
- Open external escape stairs – access to the first and second floors of Block A is via an external stairs. Although relatively sheltered, it is nonetheless an external staircase. This is a substandard design response in a modern apartment development.

- Technical Guidance Document B sec 1.3.9 external escape stairways – ‘in limited situations (see 1.2.6) external stairways are acceptable as forming part of an escape route.’ 1.2.6) ‘If more than one escape route is required from a storey, or part of a building, one of those routes may be by way of an external escape stairway provided that a) in the case of an assembly and recreation building, the route is not intended for use by members of the public, or b) in the case of a residential institutional building the route serves only office or residential staff accommodation. There are no scenarios where an external escape stairway is listed as being acceptable for apartment development.

6.2. Applicant Response

6.2.1. DKA Architectural Technologist has responded on behalf of the applicant to the grounds of the appeals. The response includes:

- Under the headings of architectural harmony, community enhancement, traffic impact, economic benefits and environmental considerations, the applicant is satisfied with the success of the scheme.
- The principle of development:
 - The applicant has responded to the previous refusal reasons with a NIS, Uisce Éireann’s advice that connection is acceptable subject to upgrades, and laboratory testing of the legacy waste.
 - The change of zoning is referred to.
 - The NPF emphasis on compact development, and Rebuilding Ireland – Action Plan for Housing and Homelessness, are referenced.
- Third party appeals:
 - Notification of significant further information follows the Planning and Development Regulations.
 - The planning authority found the proposal to be in compliance with Urban Development and Building Heights Guidelines, and Sustainable Urban Housing – Design Standards for new Apartments, Guidelines for Planning Authorities.

- Board decisions regarding apartment developments in the vicinity of schools are referenced.
- Infrastructure and flood risk – Uisce Éireann’s agreement – a condition is that the applicant/developer replaces the pipe network in agreement with Uisce Éireann that will result in the network pipe system being upgraded with a pipe of greater diameter that will allow any additional load on the system to be facilitated. This would be a major investment and a cost borne by the developer.
- The local authority identified specific flood risks during the application stage and requested amendments through a request for further information. This resulted in a re-design. As agreed with the LA a 297 cubic metre attenuation tank will be provided for surface water runoff. Levels to be achieved on site – above the 1% AEP with appropriate allowance for freeboard.
- Proposed buildings and streets are in areas of the site above 0.1% AEP water levels and do not encroach on floodplain storage within these zones.
- The proposed unit mix is in accordance with SPPR4.

6.3. Planning Authority Response

6.3.1. The Planning Authority (PA) have responded to the grounds of appeal. The response includes:

- The revised public notices are compliant with the provisions of Article 35 of the Planning and Development Regulations, 2001 as amended.
- Flood risk - the PA was ultimately satisfied that this issue had been suitably addressed. All units are now located clear of the flood risk zone on residential zoned land.
- Foul drainage - Uisce Éireann’s correspondence refers.
- Condition 17 refers to asbestos.
- The PA did consider the potential impacts (including overlooking) of a change from a two storey to a three storey build.

- The PA was ultimately satisfied that the issue of NIS had been suitably addressed.
- Adequate public and private open space is provided.
- The density is 37.38 units per hectare which by today's evolving density standards and advice and guidance would not be unduly excessive.

6.4. Further Responses

- 6.4.1. Mary Coss & others have responded to the other appeal by e-mail, enclosing photographs and videos of flooding in the area, a copy of a letter from a public representative to the Head of Engineering Section of Irish Water in 2015 referring to the identification of the problem as far back as 2004, information flyers for Mountmellick Flood Relief Scheme, Clontygar Stream and Davitt Road, and a newspaper article from 2015.
- 6.4.2. The submission has been printed from the e-mail and attached to the file.

7.0 Assessment

- 7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, refusal reasons 311526, residential amenity, impact on the school, and other issues and the following assessment is dealt with under those headings.

7.2. Appropriate Assessment

- 7.2.1. In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment.

7.3. Description of Development

- 7.3.1. The proposed development is the demolition of an existing building; the erection of 36 two bedroom apartments in four three storey blocks; bin bays and cycle shelters; parking spaces (numbering 78); site entrance and all associated site works.
- 7.3.2. The nearest Natura site is the River Barrow and River Nore SAC (site code 002162), located less than 200m downstream.
- 7.3.3. Screening Summary of Potential Impacts on the Identified Sites:

European Site	Site Code	Relevant QI & SCI	Potential for Impact
River Barrow and Nore SAC	002162	<p>Estuaries</p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Salicornia and other annuals colonizing mud and sand</p> <p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachium</i> vegetation</p> <p>European dry heaths</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>Petrifying springs with tufa formation</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i>.</p> <p>Desmoulin's Whorl Snail</p> <p>Freshwater Pearl Mussel*</p> <p>White-clawed Crayfish</p> <p>Sea Lamprey</p>	<p>200m downstream</p> <p>Potential impacts may arise from inappropriate surface water management at the site during construction or operation; also from wastewater, the wastewater collection system between the site and the Connolly St pumping station overflows to the Owenass River which is part of the SAC.</p> <p>There is potential for significant effects on the QIs of this SAC.</p>

		Brook Lamprey River Lamprey Allis Shad Twaite Shad Salmon Otter Killarney Fern Nore Pearl Mussel (<i>Margaritifera</i> <i>durrovensis</i>)	
Mountmellick SAC	002141	Desmoulin's Whorl Snail	C3.5km to the north east and not hydrologically connected. No possibility of impact.
Slieve Bloom Mountains SAC	000412	Northern Atlantic wet heaths with <i>Erica tetralix</i> Blanket bogs (* if active bog) Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i>	6km no meaningful ecological connectivity. No possibility of impact.
Slieve Bloom Mountains SPA	004160	Hen Harrier	9km (Breeding pairs predominantly use the area within 5km of their nest site or centre of territory) no meaningful ecological connectivity. No possibility of impact.

*Freshwater Pearl Mussel - The status of the freshwater pearl mussel (*Margaritifera margaritifera*) as a qualifying Annex II species for the River Barrow and River Nore SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this species. (The Nore freshwater pearl mussel (*Margaritifera durrovensis*) remains a qualifying species for this SAC).

7.3.14. Mountmellick SAC occupies a disused stretch of the Grand Canal between Dangan's Bridge and Skeagh Bridge, east of Mountmellick; with no hydrological connectivity there is no possibility of impact.

7.3.15. A Screening for Appropriate Assessment and a Natura Impact Statement (NIS) have been submitted with the application.

The only Natura site identified as likely to be impacted was the River Barrow and River Nore SAC (site code 002162). The screening concluded that the presence of the invasive species Japanese knotweed on the site could lead to an impact on the Natura site and that stage 2 AA was required.

The proposed development will not be undertaking instream works on the Owenass River. Water connection will not lead to abstraction from surface or groundwater sources. Wastewater generated will discharge to the public sewer for treatment. Implementation of the mitigation measures will ensure that a robust flood relief plan is in place and that Japanese knotweed is eradicated from the site. The installation of non-return valves by Laois County Council is providing protection to houses. It is proposed that the development will discharge treated surface water to the drain on the north-eastern boundary of the site. It is proposed to install an infiltration trench, to the north of the proposed development site, to collect surface water from the gullies on the junction with Davitt Road. It is proposed that surface water will be discharged to surface water and to ground, but not to the combined sewer. The proposed development will not have an impact on the habitats downstream of the proposed development.

Construction will be confined to the northeast of the site and piping the drain on the north-eastern boundary. Installation of a headwall at the confluence of the drain along the western boundary and the watercourse to the southwest will minimise the impact on the bank of the watercourse. There will be no pouring of concrete adjacent to the watercourse.

The Construction Management Plan outlines measures to protect the local environment during construction, (a Construction Management Plan has not been included with the application but it is proposed to provided one prior to commencement).

Post construction – there will be no water abstraction. Wastewater will discharge to the public sewer. Surface water will discharge to a piped drain on the north-western boundary and to ground. Japanese knotweed will be eradicated from the site.

Implementation of the mitigation measures will ensure that the proposed development will not affect the integrity of the River Barrow and River Nore SAC

- 7.3.16. One of the appellants in their grounds of appeal questions if the NIS has been provided in its entirety, stating that there would be serious consequences for nature and wildlife should this build be approved.
- 7.3.17. I am satisfied that the Board has before it sufficient information to enable it to carry out screening for appropriate assessment.
- 7.3.18. Based on the nature of the proposed development and on lack of connectivity, other than the River Barrow and Nore SAC, no further consideration of the remaining Natura sites is required.
- 7.3.19. I am satisfied that no other protected sites need to be considered.

7.4. Potential Impacts of the Proposed Development

Effects of Construction

- 7.4.1. There is potential for contaminants to enter surface water and to impact the protected downstream site.
- 7.4.2. The impact of filling of the site by waste - The material in question was subject to a RILTA suite test. The test found the landfill waste acceptance criteria (WAC) for the material to be stable, non-reactive hazardous waste in non-hazardous landfill. The material will be disposed of to an appropriate landfill in accordance with this criterion, or if suitable the material will be re-used on the site. This will ensure that there will be no significant effect on the QIs of this SAC, from the infill material.

- 7.4.3. The implementation of the foregoing mitigation and best practice construction measures, which it is intended will be outlined in a Construction Management Plan, will ensure that there will be no significant effect on the QIs of this SAC, from the construction works.

Effects of Operation

- 7.4.4. There is potential for contaminants to enter surface water and to impact protected downstream site. There is potential for wastewater surcharge to enter surface water and to impact protected downstream site.
- 7.4.5. Surface water and wastewater – it is proposed to discharge surface water via a petrol interceptor and attenuation to outfalls which flow to the SAC. There will be no significant effect on the QIs of this SAC, from surface water discharge.
- 7.4.6. The wastewater will discharge to the public sewerage system. The applicant has submitted a letter from Uisce Éireann confirming that connection is feasible subject to network upgrades. Due to restrictions in the existing network, the existing sewer will need to be upsized from the 225mm to 300mm (approx. 125m long from roundabout to Connolly Pumping Station) to cater for the new development, with the cost fully borne on the developer. This will ensure that there will be no significant effect on the QIs of this SAC, from wastewater.
- 7.4.7. The proposed development has been designed to take account of flood risk. This will ensure that there will be no significant effect on the QIs of this SAC, from flooding of the proposed development.

7.5. Cumulative Impact

- 7.5.1. The proposed development is not likely to impact on the protected site and is not likely therefore to operate in combination with other plans or projects to impact on the protected site.

7.6. Conclusion

The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the proposed development, it was concluded that it would be likely to have a significant effect on

the River Barrow and Nore SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of that site in light of its conservation objectives.

Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No 002162, or any other European site, 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 doubt as to the absence of adverse effects.

7.7. Refusal Reasons 311526

- 7.7.1. The first refusal reason referred to the need for Appropriate Assessment. A NIS has been provided with the subject application and Appropriate Assessment has been carried out under the foregoing heading. This reason has been acceptably addressed.
- 7.7.2. The second refusal reason referred to the capacity of the public sewer in an area. The applicant has submitted a letter from Uisce Éireann confirming that connection is feasible subject to network upgrades which are required to be undertaken at the expense of the developer. This reason has been acceptably addressed.
- 7.7.3. The third refusal reason referred to landfilling on the site and its potential implications. Details submitted in the current application include that the material was subject to a RILTA suite test. The test found the landfill waste acceptance criteria (WAC) for the material to be stable, non-reactive hazardous waste in non-hazardous landfill; and it will be disposed of to an appropriate landfill in accordance with this criterion. Other pockets of made ground/ imported material may be encountered and these will be subject to WAC testing to determine the appropriate methodology for excavation and disposal in accordance with EPA guidelines. Regarding the impact on floodplain storage a flood impact has been provided. This reason has been acceptably addressed.
- 7.7.4. All of the issues which led to the Board's previous decision to refuse have been addressed satisfactorily.

7.8. Residential Amenity and the Standard of Development

- 7.8.1. In the proposed development, in the revisions in response to the need to move the development out of the flood zone and to contain it within suitably zoned land, the development comprises 4 blocks of three storeys each. These blocks are to be placed in an elongated, 90 degree rotated, L shape, backing to the school and fronting the access road, comprising 1 x 18 unit block and 3 x 6 unit blocks.
- 7.8.2. Access to most units is provided via a 'balcony'. This serves as the means of access and is also the open space associated with the unit.
- 7.8.3. Three of the blocks have their main access parallel to the proposed access road and are oriented parallel to the road, and to the school boundary. The block farthest from the road runs at right angles to the others. The proposed access road runs along the south-eastern boundary with front-on parking spaces between the road and the building. Bin storage areas are located to the front of the buildings. For the units which run parallel to the boundary, balconies are to the front or side. In the westernmost block three of the units have balconies on the elevation facing towards the school, the other three face north east, towards the remainder of the development. All the blocks are positioned close to the school boundary. The building closest to the road is the 18 unit building.
- 7.8.4. The grounds of appeal states that set-back distances from the school boundary are not given¹. This is the case, but the distance on the layout plan measures just over a metre at the front of the proposed development.
- 7.8.5. It is proposed to pipe the adjoining drain using a 900mm pipe. The drain is to be provided with inspection chambers.
- 7.8.6. It does not appear to me to be feasible to erect a building as close as is proposed to the drain.
- 7.8.7. Nor does it appear feasible to erect a building as close as is proposed to the boundary. Scaffolding, a ladder or a MEWP (mobile elevating work platforms) would

¹ Article 32 (1) (f) of the Planning and Development Regulations 2001 plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and site or layout plans shall indicate the distances of any such structure from the boundaries of the site,

be required to maintain a three storey building and none of these could be operated safely in such a confined space.

- 7.8.8. The grounds of appeal states that the open external escape stairs is a substandard design response in a modern apartment development. I am inclined to agree. I noticed no other apartment development with deck access in either Mountmellick or any nearby town.
- 7.8.9. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020, requires the provision of a play area for toddlers and children up to the age of six, in a development of this size. It notes that a perimeter block with a central communal open space is particularly appropriate for children's play, especially if access from the street is controlled. A children's play area has not been included in the proposed development and there is no defensible space in the layout as proposed which would be suitable for children's play.
- 7.8.10. The grounds of appeal states that the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) states that waste storage areas should not be visible to or accessible by the general public, pointing out that the layout has 2 large bin storage areas located directly in the public realm and that apart from the visual intrusion this impacts directly on the active street frontage of the apartments.
- 7.8.11. The guidelines (sec 4.8) are correctly quoted. The proposal to place the bin storage in two 12m wide bays, prominently located at the front of the blocks, would present a poor point of arrival to the development and would negatively impact on the amenities of future residents and the public in general.
- 7.8.12. The Laois County Development Plan 2021-2027 states that access arrangements for new developments shall have regard to the Design Manual for Urban Roads and Streets (DMURS). That document (DMURS) recommends reducing the impact of private vehicles and promoting road use by pedestrians and cyclists. Shared surfaces of not greater than 4.8m width are considered suitable for residential areas. The proposed development is a relatively small residential development and it is not clear why a 5.5m wide roadway and a 2.5m wide footpath is being proposed, especially since the site is relatively confined.

- 7.8.13. It is not clear how the proposed parking provision was arrived at. The Laois County Development Plan 2021-2027, at Table 10.3, requires the provision of 1.26 – 2 spaces per apartment. Guidelines in general advocate less parking and the application of maximum standards. The provision of 78 spaces is indicated in the proposed development, which would make for excessive provision, even allowing for the development plan standards.
- 7.8.14. The grounds of appeal objects to the overlooking of the school. In this regard there is disagreement between the parties as to the relevance of permissions granted in other contexts, for apartment developments in proximity to schools. I do not consider overlooking windows an issue of concern, but I would have some concern regarding balconies which face the school at such proximity, and where the provision of a screen might be necessary, which would impact adversely on the amenities of residents.
- 7.8.15. The grounds of appeal objects to the overshadowing of the school grounds. In the context of the increase in height, in such proximity to the school grounds, it would be reasonable to require the applicant to examine this issue by producing evidence of the extent / degree of overshadowing involved.
- 7.8.16. The grounds of appeal objects to the density, which equates to 37.3 units per hectare. It references Section DM HM 17 of the development plan which states that development should be of a form and scale which respects the scale and density of existing development. In my opinion the density is not excessive.
- 7.8.17. I note that the development is of three storeys in an area characterised by single storey and two storey detached and semi-detached housing and the school which is one and two storeys high. I also note that the buildings, in particular the building at the front, are of greater bulk than residential buildings in the area. Nevertheless I do not think that the increase in height and bulk are, in themselves, reasons to refuse permission. I am concerned however at the manner in which the development responds to the site constraints.
- 7.8.18. I consider that the blocks could have been of a more ambitious architectural design / style, that the layout is not an appropriate response to the site constraints, that, as proposed the development would impact unduly on adjoining properties, and that the

proposed development would provide future residents which inadequate residential amenities. This is a reason to refuse permission.

7.9. Other Issues

7.10. Traffic

- 7.10.1. The traffic which the proposed development will generate has been raised as a concern. In the context of a zoned site within a town and a development which will not generate exceptional volumes of traffic, it is considered that the traffic which will be generated is capable of being accommodated on the road network. Traffic should not be a reason to refuse or modify the proposed development.

7.11. Child protection

- 7.11.1. Child protection issues have been raised in the grounds, in relation to the proximity to the school. Schools are frequently located in residential areas and the uses are normally good neighbours. In my opinion child protection should not be a reason to refuse or modify the proposed development.

7.12. Validity

- 7.12.1. The change to the proposed development, which arose from the further information request, is raised in the grounds of appeal. It is stated that the notice was not adequate and that a new application should have been made.
- 7.12.2. It is a normal aspect of the processing of planning applications that changes may be necessary or may arise during the course of the application. Where considered to warrant it, the process includes giving notice of significant further information. This occurred in the subject case and the notification given accords with the regulations.

8.0 Recommendation

- 8.1.1. In accordance with the foregoing I recommend that the planning application be refused for the following reason and considerations.

9.0 Reasons and Considerations

The proposed development by virtue of the design and layout of the site and buildings, the poor quality open space provision, and the impact on adjoining properties, would result in a substandard form of development that fails to integrate with the surrounding area, would negatively impact on the amenities of future residents and the public in general, would be contrary to the provisions of the Laois County Development Plan 2021-2027 not to affect the general character of the area and to produce high quality residential environment, and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Planning Inspector

4th March 2024

Appendices

Appendix 1 Photographs

Appendix 2 Laois County Development Plan 2021-2027, extracts

Appendix 3 Mountmellick Local Area Plan 2018-2024, extracts

Appendix 4 Sustainable Urban Housing: Design Standards for New Apartments
Guidelines for Planning Authorities, 2020, extracts

Appendix 5 Sustainable Residential Development and Compact Settlements
Guidelines for Planning Authorities, extracts

Appendix 6 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	311526		
Proposed Development Summary	build 36 two bedroom apartments, bin bays and cycle shelters, parking spaces, site entrance and all associated site works.		
Development Address	Davitt Road, Mountmellick, Co Laois		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	/
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	/		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	/	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	/	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____