



An  
Bord  
Pleanála

## Inspector's Report

**ABP-318535-23**

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<b>Development</b>	195 residential units, a creche and all associated site works.
<b>Location</b>	Dublin Road, Townland of Ballyroan, Portlaoise, Co. Laois
<b>Planning Authority</b>	Laois County Council
<b>Planning Authority Reg. Ref.</b>	2360366
<b>Applicant(s)</b>	Marina Quarter Ltd.
<b>Type of Application</b>	Large-Scale Residential Development
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Shane Lawlor and Karen Lawlor DM Leavy Enda & Marie Kelly
<b>Date of Site Inspection</b>	26 <sup>th</sup> January 2024

**Inspector**

Paul O'Brien

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## 1.0 Site Location and Description

- 1.1. The subject site with a stated area of 5.72 hectares, comprises lands to the north of the Dublin Road Portlaoise, approximately 1.8 km to the east of Portlaoise town centre. N The nearest junction with the M7 Dublin to Limerick motorway is Junction 16 approximately 2.55 km to the north east of the subject site.
- 1.2. The subject site comprises of a number of fields that are located to the rear/ behind existing development. To the south is Willow Court which comprises of a terrace of two storey houses with car parking to the front. A narrow agricultural type of laneway provides access to the lands from the Dublin Road and to the west of this are a pair of semi-detached houses, the unit adjoining the laneway is now in commercial use as the Lawlor Clinic. To the eastern side of the southern boundary are a number of detached houses. Access to the subject site will be through a very narrow strip of land that fronts onto the Dublin Road and will run parallel to the existing laneway.
- 1.3. To the west of the site is Downey's vehicle yard/ repair/ test centre and further north on the western side is Rath Gailine, an established residential development of terraced/ semi-detached two storey houses. The proposed access road from the Dublin Road will connect into an existing cul-de-sac in Rath Gailine. Rath Gailine is a part of a larger residential area that includes Fielbrook and Broomville, but which only have access onto the Dublin Road at present, via a somewhat meandering internal road network.
- 1.4. To the north of the subject site is Hawthorn Drive which consists of a number of cul-de-sacs of detached single-storey houses. Lands to the east are either in agricultural use or form part of the Killeshin Hotel lands. A laneway to the west of the hotel provides access to a farm house/ yard.
- 1.5. Portlaoise train station is approximately 2 km to the west of the subject site with at least one train per hour to Dublin Heuston and an hourly service to Cork Kent with connections to Limerick and Waterford through Limerick Junction. A bus stop outside the Killeshin Hotel serves the 726 Dublin Coach hourly service to Dublin Airport from Portlaoise and via Kildare, Newbridge, Naas, and the Red Cow; this operates 24 hours a day, seven days a week. Route 830 operates 7 times a day between Kilminchy, Portlaoise and Tullamore. Other bus services operate from the centre of Portlaoise and a regular town bus service is planned to operate every 30 minutes along the Dublin

Road providing part of a network of routes within Portlaoise; however, no commencement date for this service is available at present.

## 2.0 Proposed Development

2.1. The proposal, as per the submitted public notices, comprises the demolition and site clearance of a disused farmyard, the construction of 195 residential units, a creche, open space, a new access onto the Dublin Road, Portlaoise and all associated site works.

2.2. The following tables set out some key elements of the proposed development:

**Table 1: Key Figures**

<b>Gross Site Area</b>	5.72 hectares
<b>Net Site Area</b>	5.16 hectares
<b>Site Coverage</b>	50%
<b>Plot Ratio</b>	1.95
<b>No. of Units</b>	195
<b>Apartments</b>	20
<b>Houses</b>	175
<b>Net Density –</b>	38 units per hectare
<b>Open Space Provision</b>	5,459 sq m – 10.6% of Site Area
<b>Car Parking –</b>	
Residential - Houses	279
Residential – Apartments	25
Creche	8
<b>Total Parking</b>	<b>312</b> (Includes 28 accessible spaces)
<b>Non-residential</b>	
Creche	364.5 sq m – 68 no. spaces

**Table 2: Unit Mix**

<b>Houses</b>				
<b>Type</b>	<b>Description</b>	<b>Floors</b>	<b>Bedrooms</b>	<b>Number</b>
E	Mid Terrace	2	3	71
D	End of Terrace	2	3	53

F	End of Terrace	2	3	25
C	Semi-detached	2	3	18
B1	Semi-detached	2	4	8
<b>Total</b>				<b>175</b>
<b>Apartments</b>				
Type A1	One bedroom Maisonette	1	1	10
Type A2	One bedroom Maisonette	1	1	10
<b>Total</b>				<b>20</b>
<b>Total Overall Residential Units</b>				<b>195</b>

2.3. The proposed creche, is located to the western side of the site and has a stated floor area of 364.5 sq m thereby providing capacity for 68 children.

2.4. The primary access to the site will be over a significantly improved laneway onto the Dublin Road and this will run northwards and connect into an existing cul-de-sac in Rath Gailine. The access to the development will be to the east of this route. The connection to the Dublin Road will be in the form of a roundabout, three armed with the existing Dublin Road routed east and west and the connection to the site to the north. The existing roadway and associated cycle lanes and pedestrian pathways to be revised to accommodate this roundabout.

### 3.0 Planning Authority Pre-Application Opinion

3.1. The Planning Authority report that pre-planning consultation in accordance with Section 247 took place on the 29<sup>th</sup> of March 2023 and a Section 32B meeting took place on the 1<sup>st</sup> of June 2023. The Planning Authority report that an LRD Opinion was issued and 'which stated that the proposed development would constitute a reasonable basis for an application for LRD subject to address some issues raised.'

3.2. These issues were addressed in the 'Response to Laois County Council Pre-Application Consultation' dated August 2023. The responses are summarised as follows:

- Phasing of development – Details are provided in Drawing Ref: PLS-SP-00-DR-JFA-AR-P1005 prepared by John Fleming Architects. Two phases are proposed with the creche provided in the first phase.
- Details of house mix - A statement of Housing Mix has been preparing by McCutcheon Halley Planning Consultants.

- Part V - Drawing no. PLS-SP-00\_DR-JFA-AR-P1006 outlines the location of the Part V units and further details have been agreed in principle with Laois County Council.
- Dwelling design & Housing Quality Assessment – Full details of the proposed housing materials are provided in Section 2 of the Design Statement prepared by John Fleming Architects. The HQA has been updated.
- Turning heads on cul-de-sacs - drawing no. 23-PRI-017-P-413 by AOCA Engineering Consultants provides an auto track analysis of vehicles and demonstrates that adequate turning areas are provided for.
- Stage 1 Road Safety Audit – This and a DMURS Quality Audit have been prepared by Bruton Consulting Engineers.
- Open Space – Full details are provided in the Housing Quality Assessment and the Site Layout Plan – Detailed Information (Drawing No. P1003) prepared by John Fleming Architects.
- Boundary Treatments – Full details are provided and demonstrated on the Landscape Design Boundary Treatment Plan (Drawing 1600) prepared by Ilsa Rutgers Landscape Architects.
- Refuse Collection and Bin Storage – Details are provided in the Design Statement. 142 front garden bicycle stores are proposed, and the other units will be provided with rear garden storage. The creche is provided with a suitable bin storage area. Suitable arrangements are made for bin collection, and these are outlined in the Operational Waste Management Plan and Resource and Waste Management Plan.
- Cycle and Car Parking Rationale – This is provided in the Mobility Management Plan and also through the Design Statement.
- Electric Vehicles – Each house can charge two cars overnight whilst also running heat pumps to heat the unit.
- Pedestrian/ Cyclist Permeability and Safety – Details are provided in the ‘Landscape Design Statement’. Traffic calming measures are designed into the scheme. The landscaping design and suitable public lighting have been provided for the proposed development.

- Development to Boundaries – The scheme allows for connections to adjoining lands and no ransom strips are included.
- Site Entrance – The access arrangement has been revised, providing for a roundabout with pedestrian/ cycle links as required. Details are provided on Drawing Ref: 23-PRI-017-P-410 'Entrance Junction Layout'. A new access to a private dwelling will also be provided for.
- Roadway – Details are provided on the road layout, cross section, and services.
- Traffic Calming – Additional measures to be provided for and an additional uncontrolled pedestrian crossing is proposed to the west of the roundabout.
- Tactile Paving – Details are provided in accordance with TII standards.
- Cycle Lane – The proposed development includes the incorporation of the existing cycle lanes along the R445 with the proposed junction and internal road layout.
- Creche Parking – Car parking provision is based on the availability of public transport and also to encourage walking/ cycling. 10 covered/ secure bicycle parking spaces are proposed to serve the creche. Eight car parking spaces are proposed, three of which will be accessible. Ducting will be provided for EV charging.
- Open Space Design – Full details on the open space design rationale are provided. Open Space areas OS 4 and OS 5 are intended to partially function as home zones. Final details on play equipment etc. can be agreed with Laois County Council.
- Storm water management – Full details, including the SUDs design, are provided including within the Civil Works Design Report.
- Servicing - Irish Water have provided a Statement of Design Acceptance for the proposed watermain and foul sewer, full details are provided by the applicant.
- Traffic – A Traffic and Transport Assessment have been provided in support of the application.
- Public Lighting – Full details of the proposed public lighting scheme to serve this development have been provided.
- Ecological Impact Assessment – An EclA has been submitted with the application.



- Construction Management Plan – A Construction and Environmental Management Plan has been provided in support of the application.
- Resource and Waste Management Plan - A Resource and Waste Management Plan has been provided in support of the application.
- Hours of Construction – These to be 8.00 hours to 18.00 hours Monday to Friday and 8.00 hours to 14.00 hours on a Saturday with no Sunday/ Bank Holiday working proposed.
- Levels/ Waste – The development has been designed to work with the natural ground levels and full details are provided in the Resource Waste Management Plan and the CEMP.
- Archaeology and Built Heritage – Requests that a condition be included in relation to archaeology assessment prior to the commencement of development on site.
- AA & EIA – An AA Screening Report and an EIA Screening Report have been submitted in support of the application.

## 4.0 Planning Authority Decision

### 4.1. Decision

The Planning Authority decided to grant permission subject to conditions and which are generally standard except for the following:

‘12. (a) Prior to the commencement of the development the Developer shall submit for the written agreement of the Planning Authority a revised Road Layout Design with enlarged turning heads as it is noted that the swept path analysis received on 08/09/23 does not allow a fire tender and refuse truck to adequately negotiate a number of the turning heads. An auto track analysis of the revised Road Layout Design shall also be submitted confirming that all turning facilities are adequately sized.

(b) The revised Road Layout Design shall also include a redesign of the road to the estate and the creche off the link road as the current design is not to specifications of the “Active Travel Guidance Note Junction Tightening Schemes” document.

(c) The revised Road Layout Design shall include pedestrian crossings at all junctions and at all locations where paths come off open spaces. All uncontrolled pedestrian

crossings within the development shall accord with TII publications documents CC-SCD-05136 and CC-SCD-05123.

(d) The revised Road Layout Design shall indicate an impermeable macadam road finish to all roads within the development.'

'24. Prior to the demolition of the existing structures on site the structures shall be surveyed and photographed, and a building record drafted for submission to the Irish Architectural Archive.

Reason: To maintain a record of traditional cultural building and architectural typologies.'

## **4.2. Planning Authority Reports**

### **4.2.1. Planning Reports**

The Planning Report reflects the decision to grant permission for the proposed development subject to conditions. The issue of access was considered under the section 'Transportation Issues' and references the third-party concerns regarding development on their lands. The Planning Authority took the view that the onus was on the applicant to ensure that they had legal consent in relation to carry out the intended development. It was also reported that that the final design of the road junction was to be agreed prior to the commencement of development following consultation with the Laois County Council Road Design Office.

The development of a through road that connects the Rath Gailine to the Dublin Road and also the R445 is a long-standing objective of various Portlaoise Local Area Plans including the current Portlaoise Local Area Plan 2018 – 2024. The proposed development will provide for such a route.

### **4.2.2. Other Technical Reports**

- Municipal District Engineer:
  - Roads and Access: The proposed access enters onto the R445 and for which a 50 kph speed limit applies. Revised details requested in relation to the junction layout/ design. Need for additional pedestrian crossing points within

the site and also a need for additional traffic calming measures within the proposed road network.

- Landscape Design: Revisions to the proposed landscaping plan are required as the narrow grass verges incorporating common oaks is not acceptable as it may give rise to road/ footpath damage through root infiltration. A list of requirements in relation to tree planting is provided.
- Roads Department: No objection subject to recommended conditions. Revisions required in relation to turning areas, provision of EV charging areas for at least 10% of parking spaces, junctions to be designed in accordance with the 'Active Travel Guidance Note Junction Tightening Schemes' document and additional audits to be undertaken for pedestrian, cyclists and also for accessibility.
- Housing Report: No objection to this development, subject to condition in relation to Part V provision.

#### 4.2.3. Prescribed Bodies

- Uisce Éireann: No objection to the proposed development subject to conditions including the need for a connection agreement for water/ wastewater, and development to be in accordance with the requirements of Uisce Éireann.
- Department of Housing, Local Government and Heritage:
  - Archaeology: Due to the large-scale nature of the development, it is recommended that an Archaeological Impact Assessment be undertaken by way of a further information request.
  - Architecture: Request that the farmhouse and associated outbuildings be retained and incorporated into the overall development of this site.
- Transport Infrastructure Ireland: Requests that the Planning Authority has regard to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012) with particular reference to Chapter 3.

#### 4.2.4. Third Party Observations

A total of 15 valid submissions were received from members of the public. Submissions were received from the Rathgailine Residents Association, the Hawthorn Drive

Residents Association, as well as from individual members of the public. The issues raised include the following summarised comments, which I have grouped under appropriate headings:

Principle of development:

- Support for housing in the area.
- The proposed road design is in keeping with the Portlaoise Local Area Plan.
- There was no public consultation about this development.
- Concern about the type of housing in terms of impact on existing bungalows to the north of the subject site.
- The development of two-storey houses within 11 m of the boundary of a bungalow is not in keeping with the character of the area.
- Concern about the proposed density of housing on these lands.

Legal Issues:

- No consent has been given for the developer to include third party lands in their application.
- Some lands are indicated to be in the control of Laois County Council, though they are actually owned by a third party.
- The application should have been invalidated by the Planning Authority.

Impact on traffic in the area:

- Request that suitable traffic calming measures be employed to ensure that traffic speeds are kept low.
- There is a need for upgraded footpaths and cycle paths in the area including in Rath Gailine.
- Need for additional pedestrian crossings in the area.
- Request that Laois County Council introduce a cul-de-sac so as to prevent through traffic through Rath Gailine and the subject lands; it is recognized that that this may not be a matter for the developer of the subject site.
- Concern about the location of the creche and the shortage of car parking, this may give rise to traffic safety and congestion at drop off/ pick up times.
- Query over whether the road is suitable for HGVs and buses.

- Concern that the development of the access road will in turn provide for a through link road that will divide the existing Rathgailine estate in two.
- The proposed roundabout onto the Dublin Road is not a suitable junction and a signal-controlled T-Junction should be provided instead.
- The development will create additional congestion along the Dublin Road.
- There are two very busy bus stops near the entrance to the site.
- Emergency services may be disrupted by the development.
- Reference is made in the Road Safety Audit to a difficulty with an existing access to a house in relation to the proposed junction layout.
- No indication that the applicant took account of a Local Transport Plan that is under preparation for Portlaoise.

Foul drainage and Water supply:

- Too many houses are proposed, and which will cause pressure on the drainage network.

Impact on residential amenity:

- Loss of winter sunlight due to the development of two-storey houses within 11 m of existing boundary. Potential for increased frost and ice to the rear of existing houses.
- Impact on the use of PV and Water Solar Panels through restricted sunlight.
- Potential for increased bills in heating existing houses.
- Potential for overlooking from the two storey houses onto existing bungalows in the area.
- Concern about the impact of the proposed development on the privacy and security of the area.
- The proposed boundary is not adequate and recommend that an eight-foot-high wall be provided instead, whilst also retaining the existing hedgerow.

General Comments:

- Request that existing trees and hedgerows on adjoining lands not be impacted by the proposed development.
- Potential for noise pollution from this development.

- Light pollution from cars exiting the development will impact on existing houses in the area.
- Concern about the loss of trees outside Willow Court on the Dublin Road.

A number of the letters of objection were supported with photographs and plans etc.

## 5.0 Planning History

There are no recent, relevant applications on this site.

## 6.0 Policy Context

### 6.1. National Policy

#### 6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

#### 6.1.2. Section 28 Ministerial Guidelines

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2023).
- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DHLGH, 2024).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).

**Other Relevant Policy Documents include:**

- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.

## 6.2. Regional Policy

### 6.2.1. Regional Spatial and Economic Strategy for the Eastern & Midland Region

The Eastern & Midland Regional Assembly ‘Regional Spatial & Economic Strategy 2019-2031’ provides for the development of nine counties including County Laois and supports the implementation of the National Development Plan (NDP). Within Table 4.2 – ‘Settlement Hierarchy’ Portlaoise is listed as a Key Town in the Gateway Region category.

The RSES includes a section on Portlaoise and under the heading Residential Development, the following is noted:

‘Over the coming years focus will be on proactively encouraging housing delivery in a sustainable manner that acknowledges economic and market conditions, whilst ensuring housing need is met including the housing needs of younger people, families, private renters and the ageing population. The provision of a mixture of well-designed housing types at appropriate locations will facilitate and contribute to the ongoing regeneration, consolidation and renewal of the town.’

Under Table 6.1 – ‘Retail Hierarchy for the Region’, Portlaoise is listed as a Level 2 town. A Local Transport Plan is proposed for Portlaoise.

### 6.3. Local/ County Policy

#### 6.3.1. Laois County Development Plan

6.3.2. The Laois County Development Plan 2021 - 2027 is the current statutory plan for County Laois. Volume 1 provides the ‘Written Statement and relevant maps. The population of the county was 84,647 in 2016 and has a RSES Target for between 95,500 - 97,500 by 2031. Portlaoise and Graiguecullen are the Key Towns for County Laois.

6.3.3. Volume 2 provides the Settlement Strategy and under heading 2.1 – Portlaoise, it is stated:

‘It is an objective of the Council to make Local Area Plans for Portlaoise. During the Transition period between adoption of this County Development Plan and the adoption of the Local Area Plan for Portlaoise, the objectives (including zoning objectives – Refer to Map 2.1), policies and standards in this County Development Plan shall apply.’

Map 2.1 provides for a similar plan to that of the Portlaoise Local Area Plan 2018 – 2024. Appendix 3 provides the ‘Housing Strategy including Housing Need and Demand Management.’

6.3.4. **The following Development Management Standards as set out in the county development plan are relevant:**

- DM HS 1 – Residential Housing Development
- DM HS 2 – Residential Apartment Development
- DM HS 3 – Density of Residential Development

‘The number of dwellings to be provided on a site should be determined with reference to the document Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009). Within these Guidelines a range of residential densities are prescribed, dependent on location, context, scale and availability of public transport.’

- DM HS 4 – Landscaping and Public Open Space in Residential Developments
- DM HS 5 – Public Open Space Provision for Housing Developments
- DM HS 6 - Private Open Space in Housing Residential Development
- DM HS 8 – Overshadowing of dwellings and open space



- DM HS 9 - Internal space standards in housing developments
- DM HS 10 – Boundary treatments
- DM HS 11 – Refuse / Recycling
- DM HS 12 – Bring Banks
- DM HS 19 – Landscaping and Biodiversity

Section 13.2.6 'Density' sets a density of '35 or Site Specific' for 'Town Centre/ Infill/ Brownfield' development in Key Towns such as Portlaoise.

#### 6.3.5. **Portlaoise Local Area Plan 2018 - 2024**

6.3.6. Section 8.4 of the Plan includes 'Table 1: Population Statistics for County Laois and Portlaoise between 2002 and 2016 (Source: CSO)'. The CSO Population 2011 is given as 20,145 for Portlaoise and the Projected Population 2023 is given as 25,382.

6.3.7. The subject lands are zoned Residential 2 – New Proposed Development with an objective 'To provide for new residential development, residential services and community facilities.' 'Dwelling', 'Apartment' and 'Creche/ Playschool' are listed within the 'Will Normally be Acceptable' category.

A Roads Objective is indicated to the west of the site; the proposed access road follows this alignment. An additional Roads Objective is provided to the north west of Rath Gailine.

#### 6.4. **Natural Heritage Designations**

The Ridge of Portlaoise pNHA is approximately 1.22 km to the south west of the subject site.

### 7.0 **The Appeal**

#### 7.1. **Third Party Appeal:**

Third Party appeals were received from D M Leavy, Enda & Maire Kelly and Shane Lawlor of the Lawlor Clinic. I have summarised the appeals under the appellant's name.

##### 7.1.1. **D M Leavy**

The following points are made:

- The proposed junction onto the Dublin Road, which is designated as a regional road, is not appropriate; it is considered that a fully signalised T-Junction should be put in place here.
- Open space areas OS-4, OS-5 and OS-6 are not compliant with development management standards and should be omitted from the open space calculations.
- The omission of these areas of open space would provide a development that is deficient in terms of open space.
- The proposed development is lacking in architectural merit 'with no sense of place or character.'

#### 7.1.2. **Enda & Maire Kelly**

The following points are made:

- No legal consent has been provided for the applicant to include part of the appellants' lands as part of the subject site.
- Laois County Council were informed of this.
- Details on file indicate that Laois County Council own part of the land and consent will be sought for the development of this area; these lands are not in the ownership of the Planning Authority.
- Concern about the submitted Road Safety Audit and impact on third party lands. The proposed junction was a 'T' junction and not a roundabout as proposed now.
- Concern about the proposed connection of the link road with Rath Gailine, insufficient provision has been made for pedestrians and cyclists.

Requests that permission be refused for this development.

#### 7.1.3. **Shane Lawlor - Lawlor Clinic**

The following points are made:

- Concern about potential traffic and pedestrian safety impact of the new roundabout on their business.
- A T junction was originally proposed but was replaced with the roundabout.
- A signalised junction would be more appropriate in this location having regard to pedestrians and cyclists as well as vehicular traffic along the Dublin Road.

- The proposed link road does not provide for a suitable sense of place, this could be revised in accordance with DMURS.
- Potential impact on their business during the construction phase of this development.
- Request that the development be revised to ensure that it does not impact on pedestrian, cyclists, vehicular traffic, and their existing business including staff and customers.

## 7.2. **Planning Authority Response**

No further comment received.

## 7.3. **Applicants Response to Third Party Appeal**

The applicant outlines the background to the application and the comprehensive documentation submitted in support of the application. The applicant wishes to inform the Board that ‘D.M. Leavy is a serial objector against Marina Quarter Ltd (a subsidiary of Glenveagh Homes Ltd).’ They do not live in the area, they have made numerous submissions/ appeals against the applicant, and significant background work has gone into the preparation of this application. It is requested that the appeal be dismissed under Section 138(1)(a)(ii). Supporting details demonstrating why this appeal should be dismissed are provided in the form of a letter by McCann Fitzgerald with a list of submissions/ appeals by D.M. Leavy in respect of applications lodged on or behalf of Glenveagh Homes Ltd.

In relation to the appeals, the main issues are considered under the following headings as follows:

1. Traffic, Access and the Proposed Link Road: A roundabout junction with the R445 is proposed and this is acceptable to Laois County Council. Full account has been taken of pedestrian/ cyclists in the design/ Road Safety Audits. The proposed development is on lands within the control of the applicant or on Laois County Council lands for which consent can be agreed. The roundabout layout has been agreed with the Laois County Council Roads Department. The provision of the link road will improve road movements and permeability within this part of Portlaoise. Pedestrian and cycle routes are provided

to the eastern side of the link road. The link road is in accordance with the Portlaoise Local Area Plan 2018 – 2024.

2. The Proposed Open Space Areas: The layout and provision of open space was discussed in pre-planning and Laois County Council granted permission for the proposed development subject to conditions as appropriate. Open space areas OS-4, OS-5 and OS-6 are suitably designed and have an adequate area to be useable. A number of the existing hedgerows are to be retained and incorporated into the proposed development.

3. Design and Layout of the proposed development: The proposed development provides for a mix of housing types, thereby creating variety throughout the site layout. High quality residential units are proposed, and two-character areas are proposed within the site. Full regard is had to the integration of the development with the existing adjoining area.

#### 7.4. **Observations**

None received.

### 8.0 **Assessment**

8.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Traffic and Access
- Impact on the Character of the Area
- Density & Scale of Development
- Impact on Residential Amenity
- Infrastructure and Flood Risk
- Other Matters
- Appropriate Assessment (AA)
- Environmental Impact Assessment (EIA)

## 8.2. Principle of Development

- 8.2.1. The subject lands are suitably zoned for residential development and associated facilities such as a creche are also acceptable in accordance with the Portlaoise Local Area Plan and the Laois County Development Plan. The Planning Authority had no issue in relation to the development of this site for residential use as proposed by the applicant. As a designated 'Key Town' the density is within the range of 30 to 50 dwellings per hectare set out in the 'Sustainable and Compact Settlements – guidelines for Planning Authorities'. The Laois County Development Plan tied density back to the 2009 Section 28 Planning Guidelines – 'Sustainable Residential Development in Urban Areas' which have been replaced by the 'Sustainable and Compact Settlements – guidelines for Planning Authorities'. In addition, I note Section 13.2.6 'Density' which sets a density of '35 or Site Specific' for 'Town Centre/ Infill/ Brownfield' development in Key Towns such as Portlaoise, 38 is within this range.
- 8.2.2. I note the comments made by the applicant in relation to the nature of one of the submitted appeals. I accept that there may be a complicated history associated between the applicant and one of the appellants (D.M. Leavy), however I am satisfied that the appeal as submitted does raise valid planning issues that will be considered in my report. I do not recommend dismissing the appeal from D.M. Leavy under Section 138(1)(a)(1).
- 8.2.3. The issue of landownership has been raised in one of the appeals. The applicant has outlined that they own the majority of the lands except for lands within the control of Laois County Council, which form part of the public realm. The Planning Authority refer to Section 34(13) of the Planning and Development Act 2000 as amended, and which states 'a person shall be entitled solely by reason of permission under this section to carry out any development'. The onus is on the developer to ensure that they have full legal consent to carry out this development. This includes any works that may impact on existing hedgerows/ property boundaries.
- 8.2.4. From the available information including the submitted plans, it is possible to provide for this roundabout access without impacting on third party lands, other than those under the control of Laois County Council. The new link road could be provided whilst retaining the access laneway to third party lands. Though in the interest of efficiency and proper planning, it would make more sense to remove the access over the laneway and provide for access over the new link road. I am satisfied that the issue of legal consent does

not impact on the ability of the applicant to construct this development. As outlined by the Planning Authority, the link road has been indicated on the submitted local and county plans for some time. Final details can be agreed with the Planning Authority prior to the commencement of development.

### **8.3. Traffic and Access**

8.3.1. Concern was expressed in the appeals about the means of access to these lands, through the introduction of a roundabout on the Dublin Road. This road is the main access to Portlaoise from the east/ north east, though it must be pointed out that Portlaoise has been by-passed by the M7, with other subsequent road improvements enabling traffic to by-pass the town centre. The Dublin Road from the town boundary at Kilminchy to the junction with the Borris Road at the Church is approximately 2.5 km in length and is noticeable by the relatively straight section of road here. As noted in the observations, there are a number of roundabouts along this stretch of road but there are also a number of standard 'T' junctions.

8.3.2. This important road has changed character to be an urban road/ street and therefore it is appropriate that traffic be calmed/ road speeds be kept low. The access to the site in the form of a roundabout will ensure that road speeds are reduced to an appropriate level within such an urban environment. I noted from the site visit that the roundabout junctions with at Fielbrook/ Dublin Road, Block Road/ Dublin Road and Colliers Lane/ Dublin Road are in the form of a painted on/ reduced sized roundabout that allows for heavy goods vehicles/ buses/ coaches to cross over the painted section. This provides for an efficient solution in restricted areas rather than having to expand the footprint of the road to accommodate a more solid roundabout within the road carriageway.

8.3.3. Laois County Council reported no objection to the proposed junction arrangement and final details can be agreed prior to the commencement of development. I note the findings of the Traffic and Transport Assessment and that there will be an increase in traffic in this area. This is to be expected for a development of this nature, though the volume proposed will not have an adverse impact on traffic flows along this section of the Dublin Road. I note the comments in relation to impact on the adjoining clinic. There will be impact during the construction phase, but this can be managed through standard construction processes and procedures. Whether a roundabout or 'T' junction is provided, there will be some disruption during the construction phase, but that is

outweighed by the long-term benefit of developing the site for much needed housing as well as providing a planned link road to Rath Gailine.

- 8.3.4. The proposed junction and link road will provide a connection to Rath Gailine as proposed in the Portlaoise Local Area Plan and the more recent Laois County Development Plan. In addition to the planned nature of this road, I consider it appropriate that permeability be increased where this is possible. From the site visit, it was clear that the cul-de-sac in Rath Gailine was intended to form a through road at some point in the future. The local road network within this section of Rath Gailine is over engineered for the scale and density of development in place and the provision of this link road is appropriate in terms of the proper planning and sustainable development of the area.
- 8.3.5. I note the comments regarding the limited provision of cycle and pedestrian facilities along the link road with regard to DMURs compliance. Pedestrian and cycleways are provided on the eastern side of the road. Cyclists may use the public road when heading north into the site/ towards Rath Gailine. I am satisfied that the provision of pedestrian pathway on one side of the road is adequate considering the location and scale of the development. Whilst it would be preferable that cycle and pedestrian provision be provided on both sides of this road, the narrowness of this section of the site does not allow for such provision. The applicant has designed a link road that is tree lined and I consider this to be acceptable having regard to the character of the area.
- 8.3.6. A DMURS statement of Consistency has been submitted in support of the application and no issues of concern are raised in this. This has full regard to the four core Design Principles listed under Section 2.2.3 of DMURS providing for connected networks, multi-functional streets, a pedestrian focus and a more integrated street design approach.
- 8.3.7. Generally street frontage is incorporated into the overall design; however, this is more limited on the link road. This is again restricted by the narrowness of this section of the site and also due to the fact that the Willowcourt units' side onto this proposed road. The proposed creche does provide for building frontage. This section of road provides for a much-improved standard of urban design over that in the existing Rath Gailine development.
- 8.3.8. Provision should be conditioned for future links between the site and suitable lands to the eastern side such as the car park to the rear of the Killeshin Hotel and the cul-de-

sacs to the north eastern part of the site which may provide connections to the adjoining lands, especially in the vicinity of House nos. 101 and 102. This can be addressed by way of suitable condition.

8.3.9. Overall, I am satisfied that the proposed junction and road network is acceptable in terms of the local area and county development plan and will provide for adequate infrastructure to safely serve the needs of future/ existing residents. The DMURS' principles have been appropriately incorporated into the overall design and I consider to an acceptable standard.

#### **8.4. Impact on the Character of the Area**

8.4.1. The proposed development primarily provides for a mix of semi-detached and terraced houses on lands to the eastern side of Portlaoise that are currently in agricultural use and are under grass. The overall density is slightly increased through the provision of maisonettes which are referred to as apartments in the documentation. Each of these five blocks provides for four units. The site is somewhat constrained by its location, set back without any roadside frontage and through its layout on a south to north axis.

8.4.2. This is an infill development though on an greenfield site within an established urban part of Portlaoise. The development will integrate with the existing houses in Rath Gailine and in Hawthorn to the north of the site.

8.4.3. Appeal comments referred to the lack of creativity in the character of the development. I disagree with this for a number of reasons. Five types of houses and the maisonettes are proposed, which ensures that there is variety throughout the site. This is added to by the proposed creche and open space areas. The application is accompanied with a Planning and Design Statement, and which reports that two-character areas are to be provided within the site. In addition, a 'LRD Application Design Statement' is provided with the application. I would suggest that the variety and character of the development could be further enhanced through the proposed material finishes of the houses and this can be agreed with the Planning Authority by way of condition. The finishes of the proposed houses are addressed in the design statement.

8.4.4. The design and layout of the houses is appropriate to this site and ensures that passive surveillance of open spaces is provided for. Through the provision of entrances to the side of end terrace houses, active frontages are provided for, which also provides for



good quality passive surveillance throughout the site area. Overall, I consider that the design and layout of this residential development is to a suitably high quality.

## **8.5. Density and Scale of Development**

8.5.1. The proposal is for 195 units on a net site area of 5.16 hectares giving a density of 38 units per hectare. The Planning Authority raised no issue of concern in relation to the density and the scale of development proposed on this site, and as already reported, is in accordance with the 'Sustainable and Compact Settlements Guidelines' and the Laois County Development Plan 2021 - 2027. No issues of concern were raised in relation to the density proposed.

## **8.6. Impact on Residential Amenity**

8.6.1. Laois County Council did not raise any issues of concern in relation to existing and proposed residential amenity. Some comment was made in the original observations on the application regarding potential overlooking leading to a loss of privacy and loss of light, especially in the case of single-storey units to the north of the site. As the rear gardens of the proposed houses are in excess of 11 m, I have no concern regarding the protection of privacy. Similarly, any loss of sunlight/ daylight would not be significant.

8.6.2. Residential Standards: The proposed development provides for a mix of houses and also smaller one-bedroom maisonette units, and I consider this mix to be acceptable as it would meet a range of tenure types. The applicant has provided a breakdown of the floor areas for each of the unit types. All units meet/ exceed the minimum requirements and adequate storage space is proposed to appropriately serve the needs of the future residents of these units. Adequate private amenity space is allocated to each unit.

8.6.3. The maisonettes have individual front doors and their own outdoor amenity spaces. Visually these appear as houses similar in external appearance to the other units except that they have an additional front door. Each block contains four units, two on the ground floor and two on the upper floor. I consider it clever that the architect has proposed that the door serving the upper floors faces to the side and therefore it appears that these are houses with a front door and a projecting annexe to the front.

8.6.4. Public Open Space: The public open space is located throughout the site area and this dispersal allows for easy access to an area of space for the residents of this development. OS-1 and OS-3 are the larger areas of open space, and these are located

towards the centre of the site with OS-1 to the north and OS-3 in the centre. OS-2 is to the east and provides for 818 sq m. Three other areas OS-4, 5, and 6 are located throughout the southern parts of the site and these are small areas ranging in size from 607 sq m (OS-4) to only 239 sq m (OS-6).

8.6.5. Concern was expressed about these smaller areas of open space and their useability. I am satisfied that OS-4 and OS-5 have a function in the form of part provision of a home zone in the area of Houses 07 – 14 and a passive amenity function in the case of OS-4. A larger area of open space may be provided in addition to OS-6 through the removal of House number 47 and perhaps 48, turning this space into additional open space. I would suggest that the removal of House no. 47 would provide for approximately 100 sq m of additional open space, thereby increasing OS-6 to 339 sq m. The additional amenity would be enjoyed by the houses in the area as well as providing for an alternative play area for the adjoining creche. The Board may decide that one or more houses shall be removed, or they may decide that there is no requirement for additional open space. I am satisfied that the provision of open space is acceptable even in the absence of the recommended condition that removes a unit and provides for additional open space.

8.6.6. **Childcare Provision:** The proposed development includes the provision of a childcare facility with a stated floor area of 364.5 sq m and which can accommodate 68 children, though the number of children that may be accommodated depends on age etc. The applicant has provided a ‘Childcare Demand Report’ in support of the application. In the interest of clarity, I have summarised the requirements for childcare provision for this development.

	<b>2001 Childcare Guidelines</b>	<b>2020 Apartment Guidelines – without 1 bed</b>	<b>2022 Apartment Guidelines – without 1 bed and only 50% of 2 beds</b>
Number of proposed Units	195	175	140
1 Facility with capacity for 20	52	47	37

children for every 75 units			
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8.6.7. The Planning Authority reported that the proposed facility would meet the requirements of childcare provision of the subject site and the wider area. This is to be welcomed and will encourage the integration of this development into the area. The Childcare Demand Report identifies other such facilities in the area and calculates that there is capacity for 36 children within these, though contact could not be made with all service providers and the availability may be far greater. I consider the nature and location of the childcare facility on the subject site to be acceptable.

8.6.8. Car Parking: The proposed development provides for adequate car parking to serve the needs of the residents of this development. The majority of the houses are provided with in-curtilage parking for two cars per three/ four-bedroom unit. I have no objection to the proposed car parking provision, and I consider it to be acceptable in terms of compliance with the requirements of the Laois County Development Plan 2021 – 2027.

8.6.9. **Conclusion on Residential Amenity:** I am satisfied that the proposed development will provide for a high quality of residential amenity as the housing is of a high quality with a good mix of types and each unit is provided with good floor space/ private amenity. The site layout is acceptable and will ensure integration with adjoining residential developments. I am satisfied that the proposed development will not impact on existing residential areas in terms of loss of privacy through overlooking and loss of daylight through overshadowing. Adequate separation distances are provided to ensure the protection of residential amenity. I have no objection to the development in terms of residential amenity and I consider it to be acceptable in terms of compliance with the requirements of the Laois County Development Plan 2021 – 2027.

## 8.7. Infrastructure and Flood Risk

8.7.1. Water supply and foul drainage: Uisce Éireann reported no objection to the connection of the proposed development to the public foul drainage and public water supply systems.

8.7.2. Surface Water Drainage: Laois County Council did not raise any issues of concern in relation to surface water drainage. A suitable surface water drainage is proposed to serve this development/ the subject site.

8.7.3. Flooding: A 'Flood Risk Assessment. dated August 2023 – prepared by AOCA Consulting Engineers has been included with the application. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009' and the Laois County Development Plan 2021 – 2027 including the Strategic Flood Risk Assessment. Full regard is had to climate change in this submitted assessment. Section 4.1 details 'Past Flood Events' and none were within or immediately adjacent to the subject site.

8.7.4. The submitted report has regard to the following forms of potential flooding:

- Pluvial: The site is not located in an area at risk of pluvial flooding. Suitable SUDs measures will be deployed to ensure that surface water is managed on site.
- Fluvial: The assessment indicates that fluvial flooding does not extend to these lands, and the site is therefore not at risk of such flooding.
- Groundwater: The site does not contain any Karst features and the site is therefore not at risk from groundwater flooding.
- Tidal: There is no risk as the site is over 80 km from the coast.

8.7.5. The subject site is therefore located in Flood Zone C and is suitable for residential development. There is no requirement for a detailed flood risk assessment of the proposed development.

8.7.6. From the submitted information and the available information, I am satisfied that the risk of flooding on site is low and that that the proposed development will not adversely affect adjoining lands. The subject lands are located within Flood Zone C and Laois County Council did not raise any issues of concern regarding the proposed surface water drainage and flood measures.

8.8. **Other Issues:**

8.8.1. **Ecological Impact Assessment (EclA):** The applicant engaged Coiscéim Consulting to prepare an Ecological Impact Assessment (EclA), dated August 2023, and this was included in support of the application. Baseline data that was considered in the preparation of the EclA is provided in Section 3.8 and the 'Ecological Baseline Conditions' under Section 4. Section 3.9 details the 'Zone of Influence' and is assessed as 5 km in this case. Details of designated sites within the Zol are outlined in Table 4 of the EclA. Habitat surveys were carried out on the 26/04/2023, 31/05/2023 and

01/06/2023. A bat transect survey was undertaken on the 31st of May 2023. Details of the survey methods are provided under Section 3.10.

- 8.8.2. I am satisfied that the information provided is acceptable. The submitted report is comprehensive and I am satisfied that the 'Zone of Influence (ZOI)' considered/ used by the applicant is appropriate to ascertain the impact of the development on the ecology of the area. The Ridge of Portlaoise pNHA and the River Barrow and River Nore SAC are hydrologically connected. A number of other pNHAs and the Ballyprior Grassland SAC and the Slieve Bloom Mountains SAC are identified within the ZOI but there is no connectivity between the subject site and these designated sites.
- 8.8.3. As per Section 5.2.1.6 of the EclA, the majority of the site area is described as Agricultural Grassland (Improved)(GA1) and Dry calcareous and neutral grassland, and these habitats have a local importance (lower value). Also found on site are Tree Line (WL2) with a Local Importance (higher value) rating and Hedgerow with a Regional importance. Buildings are also located on site. No Annex II flora were identified within the vicinity of the subject site. No invasive species in terms of Flora and fauna were recorded, though records indicate that red-eared terrapin and European rabbit may be found in the area, and which are listed as invasive species. A badger set was located on site, though there was no sign of recent activity here. A camera was set up but only recorded foxes, domestic cats, and birds. Although badgers are not expected here, suitable mitigation measures will be provided and are listed in Section 6 of the EclA.
- 8.8.4. A bat survey was undertaken, and details are provided in Table 6. Bats observed were Pipistrelle, Soprano pipistrelle, and Leisler's bat. These are valued as of local importance (higher value) and suitable mitigation measures are provided in Section 6 of the EclA. Birds observed/ recorded are considered to be of local importance (higher value) and details of surveyed birds are provided in Table 7 of the EclA.
- 8.8.5. The potential impact of the development on ecology is provided in section 5 of the EclA. The construction phase does not have the potential to affect the conservation interests/ objectives of any designated sites within its vicinity. It is recommended that as much as possible of the hedgerows on site be retained/ preserved. The treeline is not impacted by the development and will be retained. Suitable measures will be provided in relation to fauna including bats, badgers, and birds. No concern is raised about the impact of the development during the operational phase. Approximately 310 m of hedgerow will

be removed to facilitate this development. The completed development will provide for opportunities for new habitats through the proposed landscaping etc. of the site. Potentials sources of cumulative impacts are considered under section 5.5.

8.8.6. Mitigation measures for both the construction and operational phases are outlined under Section 6. Residual impacts are outlined under Section 7 and potential Enhancement under Section 8. Table 9. provides a 'Summary of Ecological Impacts and Mitigation'. Under Section 10 'Conclusion' it is stated:

'Based upon the information supplied regarding the site layout, construction methodology and drainage; and provided that the large-scale residential development is constructed in accordance with the mitigation measures outlined above, no significant impact in combination with other projects and plans, is predicted as result of the development and associated works on the ecology of the area or on any nature conservation sites within its vicinity.'

8.8.7. Comment on EclA and supporting reports: The submitted report and details are noted and it is clear that there will be change in the character of this landscape from mostly agricultural lands to a permanent residential development. The land is zoned for such uses, and it has been reported that the lands can be serviced for such development. The suitability of the zoning applied to these lands has been considered through the Strategic Environmental Assessment (SEA) process. No issues of concern are raised. I note that there will be loss of hedgerow, but again considering the zoned nature of the site through the Portlaoise LAP and Laois Development Plan, the SEA would have determined these lands to be suitable for such a development. The provision of open space and street tree planting will provide for a range of new habitats on these lands.

8.8.8. I therefore consider that the EclA demonstrates that the proposed development would not have a significant impact on flora and fauna that is/ may be located on these lands. The appropriate landscaping of this site, the provision of such measures as bat friendly lighting and provision of street trees will ensure that such species continue to inhabit these lands.

8.8.9. Archaeology: An Archaeological and Built Heritage Assessment by John Cronin & Associates reports that there are no known features on the subject site. Two archaeological sites are within 500 m of the site. As the site has been in agricultural use over a long period of time, the site does have a moderate archaeological potential.

It is recommended that the site be subjected to a programme of archaeological assessment through (a) a archaeological geophysical survey AND (b) archaeological testing of potential archaeological remains identified during the planned geophysical survey. I consider that this can be addressed by way of condition.

8.8.10. In relation to Architectural Heritage, it is recommended that a historic building record be undertaken of the semi-derelict/ vacant farmstead on site. I again agree with this, and this can be undertaken by way of condition. I note the report of the Department of Housing, Local Government and Heritage, but I consider it somewhat difficult to incorporate the remains of this house into the proposed development. From the site visit, it appears that the house is in poor condition and significant work would be required to modernise it to an acceptable standard. A suitable survey would ensure that it is properly recorded.

## **9.0 Appropriate Assessment (AA)**

### **Stage 1 – Appropriate Assessment Screening**

9.1 The applicant has engaged the services of Coiscéim Consulting, to prepare an appropriate assessment screening; the submitted report is dated August 2023. I have had regard to the contents of same.

9.2 The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 as amended are considered fully in this section.

9.2.1 The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

### **9.3 Compliance with Article 6(3) of the EU Habitats Directive**

9.3.1 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

9.3.2 The subject site is located to the north eastern side of Portlaoise on lands to the north of the Dublin Road/ R445, though these are mostly located behind an existing building line along this section of the Dublin Road. The site area is 5.72 hectares, and the lands are currently in agricultural use/ under grass and associated uses. The proposed development is for 195 residential units in the form of houses and apartments. Also proposed as part of this development are a creche, open space, road network, and all associated infrastructure works.

9.3.3 Field surveys were undertaken on the 26<sup>th</sup> and 27<sup>th</sup> of April 2023, these informed the Ecological Impact Assessment (EclA) as well as the AA Screening Report. The zone



of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

9.3.4 Two European Sites have been identified as located within the potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
<p><b>River Barrow and Nore SAC</b>  <b>Conservation Objectives:</b>            To maintain the favourable conservation condition of the following QIs in the River Barrow and River Nore SAC.</p> <p><b>Qualifying Interests:</b>            Estuaries [1130]            Mudflats and sandflats not covered by seawater at low tide [1140]            Reefs [1170]            Salicornia and other annuals colonising mud and sand [1310]            Atlantic salt meadows [1330]            Mediterranean salt meadows [1410]            Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation [3260]            European dry heaths [4030]            Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]            Petrifying springs with tufa formation [7220]            Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]            Alluvial forests with Alnus glutinosa and Fraxinus excelsior [91E0]            Desmoulin's Whorl Snail [1016]</p>	<p>(002162)</p>	<p>8.4 km to the north west.</p>

Freshwater Pearl Mussel [1029] White-clawed Crayfish [1092] Sea Lamprey [1095] Brook Lamprey [1096] River Lamprey [1099] Twaite Shad [1103] Salmon [1106] Otter [1355] Killarney Fern [1421] Nore Pearl Mussel [1990]		
<b>Slieve Bloom Mountains SPA</b> <b>Conservation Objectives:</b> To restore the favourable conservation condition of hen harrier in Slieve Bloom Mountains SPA.  <b>Qualifying Interests:</b> Hen Harrier [A082]	(004160)	9.7 km to the west

9.3.5 Under Section 4.2.1 of the report details are provided on the habitats found on site. Much of the site consists of improved agricultural grassland, which is a species-poor habitat. Hedgerows are found within and bordering the site and a treeline was located to the south west and north eastern edges of the site. A stream is located approximately 315 m to the north east of the site and runs into the River Barrow some 10.3 km to the north of the subject site.

No rare or protected species were found during the site survey in the preparation of this AA Screening Report. In addition, no invasive species were identified on site. The site is underlain by a regionally important aquifer, and which is described as ‘bedrock which is generally unproductive except for local zones’. The groundwater vulnerability rating for beneath this site is “M” – with a moderate vulnerability of potential contaminants passing through the bedrock and into the groundwater.

#### **9.4 Assessment of Likely Significant Effects:**

9.4.1 The submitted AA Screening Report, through section 5, considers the potential impacts on European Sites from the proposed development. No direct habitat loss will occur and there will be no direct impact to any Natura 2000 sites due to the distance between them and the subject site. Distance will again ensure that there is no impact on watercourses during the construction phase. Surface water will flow by gravity into the existing stormwater network in Rath Gailine. Attenuation and suitable surface water drainage provision will be provided on site. There will be no measurable effects on water quality. Foul drainage will be discharged to the public system and will be treated in the Portlaoise WWTP, which has capacity for this development. No impacts to any conservation objectives of designated sites will occur as a result of hydrogeological effects. In-combination affects are ruled out in the AA Screening Report.

#### **9.5 AA Screening Conclusion:**

The applicant in carrying out the AA screening, has not taken into account any specific mitigation measures. The River Barrow and Nore SAC and the Slieve Bloom Mountain SPA are screened out due to distance from the subject site, and the development will not affect the conservation objectives of these sites. There is no requirement to progress to Stage 2 and carry out an Appropriate Assessment. Table 4.4 provides a 'Summary of Analysis of Likely Significant Effects on European sites' and no issues arise.

#### **9.6 Screening Assessment**

9.6.1 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a direct result of the proposed development.

9.6.2 No issues arise that would impact on designated sites at the River Barrow and Nore SAC and the Slieve Bloom Mountain SPA due to their distance from the subject site. In terms of In-Combination or Cumulative Effects, the site is located within an established urban area, the land is suitably zoned for residential development and will be serviced by public water/ foul drainage. Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Portlaoise Wastewater Treatment Plant. I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

### **9.7 Appropriate Assessment Screening Conclusion:**

9.7.1 It is reasonable to conclude that on the basis of the information provided on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on River Barrow and Nore SAC and the Slieve Bloom Mountain SPA, or any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

9.7.2 In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment (and for the submission of a Natura Impact Statement - NIS).

## **10.0 Environmental Impact Assessment (EIA)**

- 10.1 This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 10.2 The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report, including Schedule 7 information, and which has been prepared by McCutcheon Halley dated August 2023, and I have had regard to same. The submitted report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size at 5.16 hectares, number of residential units (195) and the fact that the proposal is unlikely to give rise to significant environment effects, a formal EIAR is not required.
- 10.3 Further consideration is required by Schedule 5, Part 2 (10)(b) of the Regulations for development which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. Class 15 refers to '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.'
- 10.4 Sub-threshold development is considered under Section 2.2. and 'Physical Characteristics of the whole project and demolition works' are provided under Section 4.1 of the EIAR Screening Report and the project description of the development under Section 4.2.
- 10.5 Section 4.3 considers 'Cumulation with other Existing &/ or Approved Plans and Projects' and planning applications within the vicinity of the subject site'. The Laois WWTP is reported to be currently compliant with regard to licensed emissions and the discharge has no observable negative impact on water quality or Water Framework Directive status of the River Suir, which is a SAC. In combination/ cumulative effects of the proposed development have been considered in the submitted AA Screening Report and which concludes that the development will not result in in-combination effects. A submitted EclA concludes that the development will not have a significant effect on any

habitats or species for any Natura 2000 sites. The application is supported with a Construction Environmental Management Plan (CEMP), a Traffic and Transport Impact Assessment, and a Construction Traffic Management Plan. No issues of concern have been raised.

10.6 The report considers a number of areas in further detail as follows:

Nature of any demolition works: A dwelling unit and a number of agricultural buildings are to be demolished to facilitate this development. A list of measures to be employed during this process are provided and are further detailed in the CEMP.

Use of natural resources: Removal of topsoil and excavation will take place, material to be disposed in a suitable manner. Units to be built will be low energy consuming and waste production will be minimised as much as possible. Water and foul drainage will be provided through the public system. Overall, the development will not have a significant effect on natural resources during the construction and operational phases.

The Production of Waste: Construction works to be in accordance with the Resource and Waste Management Plan prepared in support of the application. The CEMP identifies potential waste generated from the development and how it will be stored and removed from the site in accordance with best practice. Each unit will be provided with three bins for the operational phase of the development. Wastewater will be discharged to the public system and treated in the Portlaoise WWTP. No significant impacts as a result of the development of waste are expected during the construction and operational phases of this development.

Pollution and Nuisances: The site is located in an established urban area some 2 km to the east of Portlaoise Town Centre. Full details of suitable measures to prevent pollution etc. are provided in the CEMP. Dust will be generated during the construction phase, but the overall impact on air and climate during the operational phase will be imperceptible. The CEMP will outline measures in relation to potential pollution risks from fuel/ lubricants and concrete use on site. Temporary noise and vibration can be expected during the construction phase of this development. Additional traffic during the construction phase will only be for a temporary period. A Road Safety Audit and DMURS Quality Audit have been prepared and identified issues have resulted in modifications to the proposed development.

**Air Quality:** Air quality according to EPA sources is good, rated 3 in this part of Portlaoise. Standard dust mitigation measures will be employed during the construction phase of the development.

**Noise and Vibration:** An increase in noise and vibrations levels can be expected during the construction phase. This is not expected to be significant and will be temporary in nature. The CEMP provides the operating hours during the construction phase of the development.

**Operational:** The subject lands are a greenfield site and do not form any conservation area or area of designated historical importance. An Archaeological and Built Heritage Assessment has been prepared in support of the application and no recorded archaeological sites were identified on the subject development lands.

- 10.7 Section 4.8 provides an assessment of ‘The risk of accidents, having regard to substances or technology uses.’ The site is not located in an area of high sensitivity or regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e., a SEVESO site. A flood risk assessment is provided in support of the application and no issues of concern arise. Surface water will be at greenfield rates and will not impact upstream or downstream of the subject site. An Appropriate Assessment Screening has found that the development will not cause direct or indirect impacts on any designated sites. A CEMP is provided in support of the application.
- 10.8 Section 4.9 provides an assessment of the ‘Risk to Human Health’ and no specific issues of concern arise subject to the implementation of best practice and appropriate measures during the construction phase of the development. A number of relevant documents have been provided such as DMURS and the CEMP that ensure that human health is protected during the construction/ operational phases as relevant.
- 10.9 Section 4.10 considers the ‘Location of the Project, with regard to Environmental Sensitivities of Geographical Areas Likely to be affected’. No issues of concern are raised. The site is well separated from designated sites and there no direct impacts on such are foreseen. The site is located within an established urban area and the nature of development is such as to integrate with its surroundings. Under section 4.11 – ‘Cultural Heritage and Archaeology’ an assessment was undertaken and no particular constraints were identified.

10.10 The Characteristics of Potential Impacts is considered under Section 5.1 and Table 4 supports this section of the EIAR Screening Report. Under 'Residual Effects' it is reported that once the proposed mitigation measures are implemented, no significant residual impacts are foreseen. In the Conclusion, it is identified that dust, noise and traffic associated with the construction phase and impacts to the local amenity/ potential risk to pedestrians/ road users are the most likely impacts but suitable mitigation measures will be employed to address these.

10.11 EIA Screening Assessment: Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- 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. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

10.12 Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "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."

10.13 Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

10.14 The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening



sub-threshold development for an Environmental Impact Assessment. Laois County Council raised no issues in relation to this.

10.15 The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Planning and Design Statement – McCutcheon Haley Chartered Planning Consultants
- Statement of Consistency For Development at Dublin Road, Ballyroan (townland), Portlaoise, Co. Laois - McCutcheon Haley Chartered Planning Consultants
- LRD Application Design Statement – John Fleming Architects
- Civil Works Design Report – AOCA Engineering Consultants
- Flood Risk Assessment – AOCA Engineering Consultants
- Construction Environmental Management Plan - AOCA Engineering Consultants
- School Demand Report – McCutcheon Haley Chartered Planning Consultants
- DMURS Statement of Consistency – AOCA Engineering Consultants
- Mobility Management Plan - AOCA Engineering Consultants
- Traffic and Transport Assessment – Kilgallen & Partners – Consulting Engineers
- Road Safety Audit – Bruton Consulting Engineers
- Operational Waste Management Plan - AOCA Engineering Consultants
- Resource and Waste Management Plan - AOCA Engineering Consultants
- Screening for Appropriate Assessment – Coiscéim Consulting

- Ecological Impact Assessment – Coiscéim Consulting
- Landscape Design Statement – Ilsa Rutgers LANDSCAPE Architecture
- Arboricultural Report – Charles McCorkell Arboricultural Consultancy
- Archaeological and Built Heritage Assessment - John Cronin & Associates

10.16 The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

10.17 I have completed an EIA screening assessment as set out in Appendix A of this report.

10.18 I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. The impact of the development in combination with other developments in the area has also been considered and no significant effects on the environment arise.

10.19 In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

10.20 A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## **10.0 Recommendation**

Having regard to the above assessment, I recommend that permission is GRANTED for the Large-Scale Residential Development (LRD) at Dublin Road, Portlaoise, Co. Laois as proposed for the reasons and considerations set out below.

## **11.0 Reasons and Considerations**

Having regard to the provisions of the Laois County Development Plan 2021 - 2027, and the site zoning for residential purposes, to the location of the site in an established urban area and to the nature, form, scale, and design of the proposed development, it is considered, that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **12.0 Recommended Draft Order**

### **12.1 Application:**

For permission under the Planning and Development Act 2000 as amended, in accordance with plans and particulars, lodged with Laois County Council on the 8<sup>th</sup> of September 2023 and appealed to An Bord Pleanála on the 27<sup>th</sup> of November 2023.

### **Proposed Development:**

- The provision of 195 residential units in the form of 71 x two-bedroom houses, 96 x three-bedroom houses, 8 x four-bedroom house and 20 x one-bedroom apartments/ maisonettes. Also includes a creche, car/ bicycle parking, open space, internal road network, a junction with the public road network onto the R455/ Dublin Road, a connection to the adjoining Rath Gailine residential development, and all associated site works.
- The application contains a statement setting out how the proposal will be consistent with the objectives of the Laois County Development Plan 2021 - 2027
- It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2023 and a Housing Quality Assessment is submitted which provides details on

compliance with all relevant standards including private open space, room sizes, storage, and residential amenity areas.

- An Appropriate Assessment Screening Report, and an Environmental Impact Assessment Screening Report have been included with the application.

### **Appeal:**

Third party appeals from D.M Leavy, Enda & Maire Kelly and Shane Lawlor & Karen Lawlor have been received against the decision of Laois County Council to grant permission for this development.

### **12.2 Decision:**

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below. One house (number 47) to be removed in order to provide for additional public open space.

### **12.3 Matters Considered:**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any observations received by it in accordance with statutory provisions.

In coming to its decision, the Board had regard to the following:

- (i) the provisions and policies of the Laois County Development Plan 2021 - 2027,
- (ii) the provisions and policies of the Portlaoise Local Area Plan 2018 – 2024,
- (iii) The zoning objective Residential 2 – New Proposed Development with an objective ‘To provide for new residential development, residential services and community facilities.’
- (iv) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021,

(v) the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage, January 2024,

(vi) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing and Planning and Local Government, July 2023,

(vii) the availability in the area of a wide range of social and transport infrastructure,

(viii) to the pattern of existing and permitted development in the area, and

(ix) Submissions received, and

(x) the Inspectors Report

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **12.4 Appropriate Assessment (AA) – Stage 1:**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within an established town centre location and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites. In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment (and for the submission of a Natura Impact Statement - NIS).

## 12.5 Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by zoning objective Residential 2 – New Development in the Laois County Development Plan 2021 – 2027 and the Portlaoise Local Area Plan 2018 – 2024, and the results of the strategic environmental assessment of these plans undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

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 would not, therefore, be required.

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of

property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is, compliant with the current Laois County Development Plan 2021 - 2027, and the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

### **13.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The number of residential units permitted by this grant of permission is 194 residential units in the form of 174 no. houses and 20 no. apartments/ maisonettes.

**Reason:** In the interests of clarity.

3. The proposed development shall be amended as follows:  
(a) House no. 47 shall be omitted with no 46. Attached to no. 48. The space in lieu of no. 47 shall provide for additional open space forming OS-6.

(b) Provision to be made for a future vehicular and pedestrian access to the lands to the west of the site off the cul-de-sac adjacent to House nos. 101 and 102. The road and footpaths to continue to the boundary.

(c) Provision to be made for a future pedestrian connection to the lands to the east of OS-4.

**Reason:** In the interests of residential amenity and to ensure that future permeability be provided for.

4. The developer shall enter into water and waste water connection agreement(s) with Uisce Éireann, prior to commencement of development.

**Reason:** In the interest of public health.

5. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

**Reason:** In the interest of public health and surface water management

6. The operating hours of the childcare facility shall be agreed in writing with the Planning Authority prior its first operation.

**Reason:** In the interest of clarity and to ensure the protection of residential amenity.

7. Details of the materials, colours, and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity.

8. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to



commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit and shall comply with the recommendations of the Ecological Impact Assessment (EclA) with reference to bats.

**Reason:** In the interests of amenity and public safety, and to ensure the protection of bats.

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

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

The assessment shall address the following issues:

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

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

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

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

11. A full architectural and photographic survey of all buildings and outhouses proposed for demolition shall be carried out, and drawings and photographs indicating details of these buildings, to a scale acceptable to the Planning Authority, shall be submitted to the Planning Authority prior to the commencement of development.

**Reason:** In order to facilitate the preservation by record and recording of the architectural heritage of the site.

12. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

13. The road network serving the proposed development, including turning bays, junction with the public road, connections to the adjoining Rath Gailine development, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

14. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the

residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

15. A minimum of 10% of all car parking spaces serving the apartments shall be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

16. The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity.

17. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/ particulars

describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

18. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for

the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

20. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

**Reason:** In the interest of amenities, public health and safety.

21. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

22. Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred

by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and development Act 2000, as amended, and of the housing strategy in the development plan of the area.

24. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

25. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

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Paul O'Brien  
Inspectorate  
8<sup>th</sup> February 2024



## EIA Screening Determination:

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>	318535-23	
<b>Development Summary</b>	<p>The provision of 195 residential units in the form of 120 x two-bedroom houses, 107 x three-bedroom houses, 15 x four-bedroom houses and 28 x one-bedroom apartments/ maisonettes. Also includes a creche, car/ bicycle parking, open space, internal road network, a junction with the public road network onto the Dublin Road and the provision of a link road to Rath Gailine to the north west of the site.</p> <p>Note: It is recommended that a Type E – 2-bedroom house be omitted to provide for additional open space. This has no impact on this EIA Screening Determination.</p>	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1.</b> Was a Screening Determination carried out by the PA?	Yes	
<b>2.</b> Has Schedule 7A information been submitted?	Yes	
<b>3.</b> Has an AA screening report or NIS been submitted?	Yes	AA Screening has been submitted.
<b>4.</b> Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on	No	

the need for an EIAR?		
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Ecological Impact Assessment has been submitted.
<b>B. EXAMINATION</b>	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	The development proposes the provision of mostly two and three storey houses and is in keeping with the predominately residential nature of the	<b>No.</b>

	eastern side of Portlaoise.	
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	The proposed development will result in an existing greenfield site been developed for residential use in accordance with the residential zoning that applies to these lands.	<b>No.</b>
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.	<b>No.</b>
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in	<b>No.</b>

	<p>nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	
<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a</p>	<p><b>No.</b></p>

	Waste Management Plan. Significant operational impacts are not anticipated.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No significant risk identified subject to the implementation of appropriate mitigation measures. The operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.	<b>No.</b>
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be	<b>No.</b>

	<p>localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	
<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No.</b></p>
<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No significant risk having regard to the nature and scale of development. Any risk</p>	<p><b>No.</b></p>

	<p>arising from construction will be localised and temporary in nature. The site is not at risk of flooding.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	
<p><b>1.10</b> Will the project affect the social environment (population, employment)</p>	<p>The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, which are characterised by residential development.</p>	<p><b>No.</b></p>
<p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>There are other similar developments in the area, these have already been granted planning permission. In terms of good planning, a vehicular/ pedestrian connection is proposed between the subject</p>	<p><b>No</b></p>

	site and the existing Rath Gailine residential development.	
<b>2. Location of proposed development</b>		
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <p>a) European site (SAC/ SPA/ pSAC/ pSPA)</p> <p>b) NHA/ pNHA</p> <p>c) Designated Nature Reserve</p> <p>d) Designated refuge for flora or fauna</p> <p>e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>	<p>No European sites located on or adjacent to the site. An Appropriate Assessment Screening was provided in support of the application.</p>	<b>No.</b>
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>The submitted EclA and AA Screening, supported by other documents on file did not raise any issues of concern in relation to impact on any sensitive flora or fauna on or adjacent to the subject site, during the construction and/ or the operational phases of the development.</p> <p>The site is limited as a bat and bird habitat.</p>	<b>No.</b>



<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>None identified.</p>	<p><b>No.</b></p>
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>There are no such features that arise in this location.</p>	<p><b>No.</b></p>
<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>None on site. A site-specific flood risk assessment was prepared, and no issues of concern were identified. The site is located within Flood Zone C.</p>	<p><b>No.</b></p>
<p><b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No such impacts are foreseen.</p>	<p><b>No.</b></p>
<p><b>2.7</b> Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>Access to and from the site will be via the Dublin Road, but the development will not adversely impact on traffic capacity in the area.</p>	<p><b>No.</b></p>
<p><b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>The Midland Regional Hospital, Portlaoise is approximately 35 m to the south west of the subject site. It is not expected that the development will impact on the operation</p>	<p><b>No.</b></p>

	of this hospital and no significant effects are foreseen during the construction and operational phases of the development.	
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**3. Any other factors that should be considered which could lead to environmental impacts**

<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No such issues arise.	<b>No.</b>
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No trans-boundary effects arise as a result of the proposed development.	<b>No.</b>
<b>3.3</b> Are there any other relevant considerations?	<b>No.</b>	<b>No.</b>

**C. CONCLUSION**

<b>No real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Not Required
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Required

**D. MAIN REASONS AND CONSIDERATIONS**

Having regard to: -  
a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) the location of the site on lands governed by zoning objective Residential 2 – New Development in the Laois County Development Plan 2021 – 2027, and the Portlaoise Local Area Plan 2018 – 2024,
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services, facilitated by a temporary wastewater treatment plant, to serve the proposed development,
- g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- h) 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 (2003),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction and Environmental Management Plan (CEMP),

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 would not therefore be required.

**Inspector** \_\_\_\_\_

**Date** \_\_\_\_\_