



An  
Bord  
Pleanála

## Inspector's Report ABP-318624-23

<b>Development</b>	Retention permission of a house and associated site works.
<b>Location</b>	Clonreher, Portlaoise, Co. Laois.
<b>Planning Authority</b>	Laois County Council
<b>Planning Authority Reg. Ref.</b>	2360386
<b>Applicant(s)</b>	Jason Murphy
<b>Type of Application</b>	Retention Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Jason Murphy.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> of July 2024.
<b>Inspector</b>	Caryn Coogan

## **1.0 Site Location and Description**

- 1.1. The subject site is located 2km north of Portlaoise town on the N80, the main Portlaoise -Mountmellick Road, National Secondary Route.
- 1.2. The entrance to the site is shared with an agricultural entrance, one serving a farmyard, and the other providing access to a field and the dwelling. There is an security gate across the access to the site. The site has a flat/ level configuration. The site is a cut out raised bog. The dwelling the subject of this appeal, is a log cabin located centrally on the site (129sq.m.). The site/ log cabin is accessed by a gravel road running along the eastern site boundary.
- 1.3. The log cabin is orientated to the north. The site has an eastern orientation, i.e. towards the N80. There is a bog drain running along the eastern site boundary that also runs under the main entrance to the site.
- 1.4. The dwelling is setback from the main road and screened behind a dense natural planting that runs the full length of the roadside boundary.
- 1.5. The stated site area is 0.755ha. There is a timber outhouse to the north of the timber dwelling house. The field to the north of the site, grazes horses. There is a caravan in the field to the west of the site. The site boundaries are open apart from the roadside hedge which screens the development from public view.

## **2.0 Development**

- 2.1 The development is for the Retention of a log cabin (which is a three-bedroom structure). The dimensions are 8.3m x 17.4m. There is a wastewater treatment system to the east of the log cabin.
- 2.2 Access to the log cabin is from a gravel laneway which has direct access onto the National Route (N80).
- 2.3 The site is served by the private well, and a new wastewater sewage treatment system. The applicant is not the landowners. The applicant has the written consent of the landowner to make the planning application.

## 3.0 Planning Authority Decision

### 3.1. Decision

Laois County Council REFUSED retention of the development by Manager's Order dated 10/11/2023 for four reasons:

1. The subject site is located in an area designated as an Area Under Strong Urban Influence as per Table 4.4 of the Laois County Development Plan (CDP) 2021-2027. As such the onus is on the applicant to demonstrate that they comply with the rural housing policy of the Laois County development Plan 2021-2027. The applicant has not demonstrated compliance with the local need criteria as set out in Table 4.4 of the Plan. Accordingly, the proposed development would materially contravene the policies and objectives of the Laois CDP and would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to the rural design principles outlined in Policy RH 10, Policy DM RH I and Appendix 7 'Rural Design Guidelines' of the Laois CDP, it is considered the proposed development does not adhere to these standards and provisions. Furthermore, it is considered that the proposed log cabin style development, if granted permission, have a detrimental impact on the visual amenity of the area and set an undesirable precedent for the construction of other such developments in the area. Accordingly, the proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. The proposed development is located on the N80, a National Secondary Road where the 100kmh speed limit applies and where it is the policy of the Laois CDP as set out under Policy Trans 17 to avoid the creation of any new direct access points from the development or the generation of increased traffic from existing direct access/ egress points to the national road network to which speed limits greater than 60kmph apply. The proposed development would materially contravene the policies and objectives of the Laois CDP. Furthermore the proposed development, located on a National Secondary Road, by itself, or by the precedent which the grant of permission would

represent, could lead to a proliferation of similar type developments, would reduce the capacity of the said road, would interfere with the safety and free-flowing nature of traffic on the road and would therefore be contrary to the proper planning and sustainable development of the area.

4. Having regard to the proposed vehicular access to the site which is located on the N80, a National Secondary Road where a 100kmph speed limit applies and the absence of adequate sightlines of 3m x 215m, as required under the provisions of the Laois CDP, to comply with the Roads and Parking Standards 2007, the proposed development would endanger public safety by reason of a traffic hazard, the obstruction of road users and would therefore be contrary to the proper planning and sustainable development in the area.

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

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

- Table 4.4 Rural Housing Need. There has been no information submitted to support the applicant's case of meeting with the Local Housing Needs Policy. The proposal would materially contravene the development plan in this regard.
- The design and specification of the log cabin are not acceptable. It is like an 'off the shelf design. It has low aesthetic value and would seriously injure the visual amenities of the area.
- Policy RH 10, Policy DM RH 1 and Appendix 7 'Rural Design Guidance' of the Laois CDP, the development does not adhere to the standards, and would set an undesirable principle.
- The development materially contravenes Policy TRANS 17 of the County Development Plan because it is located on a National Route.
- The sightlines are inadequate because a sightline of 215m in both directions is required.
- Recommendation to Refuse.

### 3.2.2. **Other Technical Reports**

- Portlaoise Municipal Offices: The access is from an existing access off the N80 where the maximum speed limit of 100km/h applies. National Roads Policy in the Laois CDP under TRANS 17 states '*To avoid the creation of any new direct access points from the development or the generation of increased traffic from existing direct points from development or the generation of increased traffic from existing/ direct access / egress points to the national road network to which speed limits great than 60 km/hour apply.*' The proposal would result increased traffic from the development the existing entrance and contrary o development plan policy. The sight distance are inadequate and would cause a traffic hazard.

### 3.3. **Prescribed Bodies**

**Transport Infrastructure Ireland:** The development is at variance with DOECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

### 3.4. **Third Party Observations**

A third-party observation was submitted stating a landowner had no objection to the development but part of the site was indicated on lands in their ownership, and a revised site layout and maps should be provided to exclude their landholding before any decision is made.

## 4.0 **Planning History**

### 4.1 **ABP 320221-24 (Planning App. Ref. 2360451)**

Joe and Will Carmody applied for, and were granted planning permission, to retain the installation of security gates at two existing entrances and all associated site works at the subject site. A new appeal was lodged on 19/07/2024. The third party appellant is Transport Infrastructure Ireland. The appeal is currently under review by the Board.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1 Laois County Development Plan 2021-2027

The site located is within an *Area of Strong Urban Influence*. In this rural area the following Rural Housing policy applies as outlined in Table 4.4 of the development plan:

It is an objective to recognise the individual housing needs of people intrinsic to the rural areas located within the areas defined as 'rural areas under strong urban influence'. Such needs may be accommodated on lands within the rural area under strong urban influence, subject to the availability of a suitable site and normal proper planning and sustainable development criteria. It is an objective of the Council only to permit single houses in the area under strong urban influence to facilitate those with a local rural housing need<sup>20</sup> in the area, in particular those that have lived in a rural area. In order to demonstrate a genuine rural housing need, any of the following criteria shall be met:

- a) the application is being made by a long term landowner or his/her son or daughter seeking to build their first home on the family lands; or*
- b) the applicant is engaged in working the family farm and the house is for that persons own use; or*
- c) the applicant is working in rural activities and for this reason needs to be accommodated near their place of work; or*
- d) the application is being made by a local rural person(s) who have spent a substantial period of their life living in the local rural area, and, who for family and/or work reasons need to live in the rural area.*

#### 5.1.2 Objectives Relevant to the current proposal:

**RH 10** Promote good rural design through the implementation of Rural House Design Guidelines prepared by Laois County Council in Appendix 7.

**RH 17** Control the level of piecemeal and haphazard development of rural areas close to. urban centres and settlements having regard to potential impacts on: (i) The

orderly and efficient development of newly developing areas on the edges of towns and villages; (ii) The future provision of infrastructure such as roads and electricity lines; and (iii) The potential to undermine the viability of urban public transport due to low density development.

**RH 21** Log cabins and pods or wooden structures are not vernacular typologies for County Laois and will only be permitted in certain cases where they are integrated into the landscape or where there is a unique siting.

**RH 22** In addition to complying with the most up-to-date EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses, proposals for development in rural nodes shall include an assessment undertaken by a qualified hydrologist, that demonstrates that the outfall from the septic tank will not, in combination with other septic tanks within the node and wider area, contribute towards any surface or ground water body not meeting the objective of good status under the Water Framework Directive.

### 5.1.3 Relevant Roads Policy

The development is accessed off a National Route (n80) therefore the following objectives and policies are applicable:

**TRANS 4** Prevent inappropriate development on lands adjacent to the existing road network, including the intensification of the use which would adversely affect the safety, current and future capacity and function of national roads and having regard to possible future upgrades of the national roads and junctions.

In terms of road transport, some of the country's most significant sections of national route network traverse County Laois and important connectors of the eastern and southern ends of the County to the wider regional and national communications network. These include:

- N80 Rosslare–Carlow-Moate National Secondary Route.
- N77 linking Portlaoise to Kilkenny via Durrow and Ballyragget.
- N78 from Athy to Castlecomer passing through Ballylynan and Newtown Doonane.

National Routes Policy

**Objectives TRANS 17** Avoid the creation of any new direct access points from development or the generation of increased traffic from existing direct access/egress points to the national road network to which speed limits greater than 60kmph apply.

#### 5.1.5 **MAP 11.3 Natural Heritage Areas**

**The site is located within Site 002357.**

#### **11.4.3 NATURAL HERITAGE AREA (NHAS)**

To date, only a selection of raised and blanket bog NHAs have been given formal legal protection. In County Laois, these sites are:

- 000652-Monaincha Bog / Ballaghmore Bog NHA
- 002357-Clonreher Bog NHA.

**BNH 4** Protect and maintain the conservation value of all existing and future Natural Heritage Areas, Nature Reserves, Ramsar Sites, Wildfowl Sanctuaries and Biogenetic Reserves in the county.

**BNH 7** Protect Natural Heritage Areas (NHA) from developments that would adversely affect their special interests.

#### 5.1.5 **National Planning Framework**

**National Policy Objective 19** Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere: In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements

#### 5.2. **Natural Heritage Designations**

- 5.2 The site is located within  
CLONREHER BOG Natural Heritage Area.  
SITE CODE: 002357



The site is located 4.2km southeast of the River Barrow and River Nore SAC.

### **5.3. EIA Screening**

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the PDR's, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 refers.

## **6.0 The Appeal**

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

On appeal the applicant has submitted the following grounds of appeal to the planning authority's decision to refuse permission for the development for 4No. reasons:

6.1.1 The applicant has agricultural and domestic connections to the subject site. He has provided Department testing data for his cattle back as far as 2005 through to 2023. He has been engaged in farming for 18years.

This is the applicants first dwelling. His family home place is 2.9km form the site, and this is now within the town plan zoning due to the sprawl of Portlaoise since 2000.

6.1.2 The applicant is proposing to clad the exterior of the building with external insulation and a cement board finished with an acrylic render. The dwelling is screened by a mature roadside hedgerow. The remainder of the boundaries will be planted with whitethorn hedging supplemented with hardwood trees.

6.1.3 The building is:

- A contemporary design;
- A simple deisgn solution;

- The front elevation is flat-fronted
- Limited range of building materials;
- Natural materials, timber and slate
- Neutral hues

The site:

- Avoided excessive cut and fill;
- Benefits from solar gain
- Incorporates renewable energy
- Excellent proportions
- No overlooking or loss of privacy
- Setback from the road
- Careened from public road

Therefore Appendix 7 has been adhered to.

6.1.4 The applicant has lived at the location for 8years and farmed the land for 18years.

The entrance was previously used by locals to access the bog for turf. The dwelling does not increase traffic movements. It has been used for 18 years. It has public lighting and is well defined.

6.1.5 The 215m sightline is achievable.

6.1.6 The applicant is aware of his mistake of building the dwelling without planning permission. There are many mitigating circumstances, family needs, an derelict mobile home, no alternative accommodation, farm needs and a requirement to live on the site. The applicant has no other home or a means to get one. His life savings have been put into the dwelling. To remove the dwelling would destroy his life, his children's homestead and family unit. The applicant asks the Board to make a positive decision and show compassion for the family involved.

6.1.7 The applicants states he has been on the site in a mobile home for 8years. He keeps livestock, cattle and horses (Herd No. K1080894). The house is 2.9km from

the kids school and the family home. The land has been used by his family for over 50years. He is a member of Portlaoise AFC for over 20years (letter provided).

A letter from a Mr. Gary Holohan stating he is the owner of the yard at Conreher and the applicant has been residing there for over 8 years.

Letter form Dept. of Ag. Indicating the test history of their herd.

## 7.0 Assessment

7.1. I have visited the site and considered the appeal file. The issues to be assessed are as follows:

- Access onto a National Route
- Compliance with Rural Housing Policy
- Principle of log cabin on the subject site
- Other Matters

## 7.2 Access onto a National Route

7.2.1 The subject development has a direct access onto a National Secondary Route – N80, at a point where the maximum speed limit applies. The applicant maintains the access has existed for a long period, originally providing access to the bog for turf cutting. According to the appeal file, it has been used by the applicant for over eight years to provide access to the site. There has been no planning reference offered on appeal associated with the access. The applicant has submitted the access is used less now and generating less traffic compared to previous use for turf cutting.

7.2.2 I note there is no planning history associated with the existing double access providing access to the dwelling and a farmyard. However, there is a currently a new appeal with the Board (**ABP 320221-24**) relating to the two existing entrances at the subject location. The first entrance provides access to the dwelling the subject of this appeal and a field, the other access which is side by side to the subject access, provides access to a farmyard. Both accesses have security gates, as per my photographs from the site inspection. Under planning reference 2360451 Laois Co. Co. granted planning permission to Joe and Will Carmody (applicant's name Jason Murphy) for retention of the two entrances. This decision is currently under appeal,

as per Section 4 of this report. The appeal has been taken by a third party, Transport Infrastructure Ireland.

- 7.2.3 According to the Department of Environment's publication, *Spatial Planning and National Roads Guidelines for Planning Authorities (Jan 2012)* Section 2.5 states, it should be the policy of the planning authority to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits of greater than 60kmphour apply. The subject access is within a 100km per hour speed limit. As there is no pre-existing planning history associated with the entrance for use associated with a domestic dwelling, the entrance will be examined de novo.
- 7.2.4 The direct access onto the N80 is along a straight section of the route which is heavily trafficked, excludes road verges and in close proximity to a no overtaking section of the road. The national speed limit of 100kmph applies. Turning movements into and out of the site, are in my opinion, a traffic hazard. The entrance is not clearly defined. The approach from both sides is overgrown. The splayed section onto the N80, is narrow and defined by boulders. There is extra vigilance required along this section of the road due to its limitations, and the subject access arrangement would endanger public safety by reason of a traffic hazard due to the location and restrictive nature of the access onto the N80 at the site entrance.
- 7.2.5 Furthermore, the Laois County Development Plan 2021-2027 has objectives relating to the national routes. Under **TRANS 4** it is an objective to *Prevent inappropriate development on lands adjacent to the existing road network, including the intensification of the use which would adversely affect the safety, current and future capacity and function of national roads and having regard to possible future upgrades of the national roads and junctions.* In addition, under objective **TRANS 17** the policy is to *avoid the creation of any new direct access points from development or the generation of increased traffic from existing direct access/egress points to the national road network to which speed limits greater than 60kmph apply.* The development clearly materially contravenes policy Trans 17 in that the entrance was originally a field entrance and it now serves a domestic dwelling, generating increased traffic onto the national road where the speed limit exceeds 60mpkm. The issue of the former of the former use as an access to a bog has not been supported by any technical or historical data. There is no evidence submitted when the former

use ceased, or the relationship to the contiguous access to the farmyard. I am not satisfied the applicant has provided sufficient evidence to regarding the original or former use of the entrance. The development can only be assessed against the information provided on the appeal file. In my opinion, the access is contrary to national and local transportation planning policy relating to national routes and it should be refused on this basis.

#### 7.2.6 Compliance with Rural Housing Policy

The subject site is located north of the built of area of Portlaoise town, within 3km of the town's development boundary. The site is located within an Area of Strong Urban Influence. The current Laois County Development requires an applicant applying in a rural area to satisfy certain criteria in terms of a need to reside in a rural area. I note the applicant did not provide information with the planning application in order to comply with the criteria. This absence of relevant information determined the first reason for refusal of the planning application.

According to Table 4.4 of the development plan, the following criteria must be complied with for all new housing in an Area Under Strong Urban Influence:

- a) the application is being made by a long term landowner or his/her son or daughter seeking to build their first home on the family lands; or*
- b) the applicant is engaged in working the family farm and the house is for that persons own use; or*
- c) the applicant is working in rural activities and for this reason needs to be accommodated near their place of work; or*
- d) the application is being made by a local rural person(s) who have spent a substantial period of their life living in the local rural area, and, who for family and/or work reasons need to live in the rural area.*

The applicant has not provided any details of the family landholding. I note from the planning application, the applicant does not own the site. The application form states the legal owner of the site is Mr. John Murphy. It is not clear if the landowner is a relative of the applicant. In addition, the current appeal with the Board, **ABP 320221-24**, the applicants are Joe and William Carmody which relates to the access

to the subject site. I note from the original planning application documentation, that Mr. Joe Carmody submitted an observation within the statutory period stating that the application boundaries included a portion of land in his ownership. He had no objection to the development, but they had not given consent for part of the site boundaries to be on his lands. On appeal, the applicant has submitted the subject site is 2.9km from the family homeplace. It does not state whether the family homestead is a farm. The appeal documentation states the applicant's original home is now within town zoning. Therefore, the applicant has not provided sufficient evidence to comply with Criteria A of Table 4.4.

7.2.7 The applicant has stated on appeal that he has resided on the site/ land in a mobile home for the preceding 8 years. He has provided a herd number, and states he keeps cattle and horses, and farms the land. There is no indication what land he farms or if the family own the land he farms. He has submitted a TB testing history associated with the herd number which is in joint names, John and Jason Murphy. I have noted, a John Murphy is the landowner of the site. There is no indication in the application what is the relationship between the applicant and the landowner. The appeal is further complicated by submissions from :

i) Mr. Kevin Ring who is the land agent of Will and Joe Carmody who states they own the hedge adjoining the N80 field in front of the subject site.

ii) Mr. Gary Holohan who states he is the owner of the yard in Clonreher, and that Jason Murphy has been residing there for the past number of years.

It is not clear the relevancy of these two submissions to the planning application, because they have not been supported by any technical data. It is further complicated by the fact Gary Holohan's submission contradicts the applicants submission as to where the applicant has resided over the preceding years. Given the content of item b) *the applicant is engaged in working the family farm and the house is for that persons own use*, the information supplied on appeal does not support that criteria. The information supplied merely demonstrates that the applicant has a herd number and has been testing cattle since 2005, but it is not clear where the cattle are and his family landholding. In the same vein, the applicant has not provided clear and unambiguous information in order to support his

compliance with item c) of the rural housing policy outlined in table 4.4 of the county development.

Finally, I refer to item d) of criteria which states *'the application is being made by a local rural person(s) who have spent a substantial period of their life living in the local rural area, and, who for family and/or work reasons need to live in the rural area'*.

The applicant has stated that he has been living on the site for the past 8 years in a mobile home. He has stated the site is 2.9km from Scoil Bhride N.S. where his children attend and his family home in Portlaoise town. He has also stated he is a member of Portlaoise football club for 20 years and has a letter of support from the club. He states the land has been used by his family for over fifty years. In the first instance the family home, the school and the football club appear to be located in the urban area of Portlaoise. Their location relative to the site in a rural area has not been clarified on appeal. This does not demonstrate the applicant has spent a substantial period of their life living in a rural area. The claim that he has lived in a mobile home on the land for 8 years, cannot be accepted without planning permission for the stated mobile home, which has not been provided. There is no map indicating the land his family has worked for the past 50 years. I accept the applicant has demonstrated a herd number and testing results, but he has not established how this information relates to the site and land in question, especially since there are other submissions on appeal claiming to own the entrance/ hedgerow of the site, and another individual owning the yard, which may be the adjoining yard to the north of the site.

7.2.8 On balance I find the information supplied on appeal to support the applicant's case that he meets the local needs criteria set out in Table 4.4 of the Laois County Development Plan for Areas under Strong urban influence, to be vague, confusing, contradictory and unsubstantiated. I would accept the applicant has cattle and tests the cattle from the documentation supplied. However, the applicant has not clearly demonstrated that he meets with one of the four criteria, which is required under the development plan policy. It would set an undesirable precedent to accept the information presented to support his case, which has been unsubstantiated with any landholding maps or location of the family homestead.

### 7.2.9 Principle of Log Cabin on the subject site

7.2.10 The second reason for refusal relates to the design and log cabin style of the dwelling. It is the opinion of the planning authority the development has a detrimental impact on the visual amenity of the area and will set an undesirable precedent for construction of other such developments in the area.

7.2.11 The subject dwelling is a standard 8.3m x17.4m log cabin. It is positioned on an exposed site with no boundary treatment or landscaping. I would accept the structure is screened from public view by the mature hedgerow along the N80. The relevant objective in the current development plan is:

**RH 21** Log cabins and pods or wooden structures are not vernacular typologies for County Laois and will only be permitted in certain cases where they are integrated into the landscape or where there is a unique siting.

In this instance this is not a unique setting and the structure is not integrated into the landscape. It does not meet with the relevant policy for log cabins. On appeal the applicant has proposed to clad the structure with external insulation and cement board finished with acrylic render. However, this may structurally or mechanically impact on the longevity of the log cabin. There is no technical evidence or drawings to support the proposed alterations, and the structure would remain technically a log cabin.

7.2.12 The design issue is a subjective issue. In my opinion, the existing log cabin looks out of place on the site in terms of its orientation, proportions, siting and finish. It does not comply with relevant objective in the current development plan. In addition, I am concerned the subject site is located within a Natural Heritage Area. The issue of the Natural Heritage Area was not assessed by the planning authority. The site is located within Clonreher Bog NHA (Site Code: 002357) (Details of same appended to this report). The relevant map in the Laois Dounty Development Plan 2021-2027 **MAP 11.3 Natural Heritage Areas, Site 002357**. To date, only a selection of raised and blanket bog NHAs have been given formal legal protection. In County Laois, these sites are:

- 000652-Monaincha Bog / Ballaghmore Bog NHA
- 002357-Clonreher Bog NHA.



The relevant objectives include:

**BNH 4** Protect and maintain the conservation value of all existing and future Natural Heritage Areas, Nature Reserves, Ramsar Sites, Wildfowl Sanctuaries and Biogenetic Reserves in the county.

**BNH 7** Protect Natural Heritage Areas (NHA) from developments that would adversely affect their special interests.

From my observation, the subject site forms a portion of a former raised bog. It is clear from the drainage along the site boundary and the drop in ground levels from the road to the site, the bog has been cut out, there is a loss of habitat, and the subject site is no longer forms part of an existing a raised bog. The original habitat for which the site was included into the NHA has been lost completely, however the designation exists on the site, and there is raised bog areas of ecological value still in situ within the designation at Clonreher. I do not envisage any negative or material impact to the habitat as a result of the proposed development. However, the subject dwelling in terms of its siting and specification, is out of character and represents an inappropriate form of development on this former bog landscape. Log cabins are not associated with this landscape setting, and subject dwelling looks incompatible with the surrounding rural environment. I agree with the second reason for refusal and I consider the reason for refusal should be upheld by the Board.

#### **7.2.13 Other Matters**

- Having regard to the Site Suitability report submitted with the planning application and the proposals for sewage treatment and disposal, which includes a secondary treatment system and soil polishing filter with an invert pipe at 0.35m, it is considered the proposal complies with the EPA's Code of Practice for Domestic Wastewater Treatment Systems for Single Houses.

## **8.0 AA Screening – Screening the need for Appropriate Assessment Screening**

- 8.1. I have considered the log cabin in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately

4.2km south east of the River Nore and River Special Area of Conservation (SAC) (Site Code: 2162), in the area of a former raised bog. The proposed development comprises the retention of a log cabin house and a sewage treatment system. No nature conservation concerns were raised in the planning appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The small scale and nature of the development
- Location-distance from nearest European site and lack of hydrological connections

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

I recommend the planning authority's decision to refuse planning be upheld by the Board.

## **10.0 Reasons and Considerations**

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because the site is located alongside the heavily-trafficked National Secondary Road N80 at a point where a speed limit of 100 km/h applies and the traffic turning movements generated by the development would interfere with the safety and free flow of traffic on the public road.

The proposed development would also contravene the objectives of the planning authority in the Laois County Development Plan 2021-2027 to avoid the creation of any new direct access points from development or the

generation of increased traffic from existing direct access/egress points to the national road network to which speed limits greater than 60kmph apply.

2. Having regard to the location of the site within an Area Under Strong Urban Influence as identified in the Laois County Development Plan 2021-2027 and in an area where housing is restricted to persons demonstrating local need in accordance with Table 4.4 of the development plan, it is considered that the applicant has not sufficiently demonstrated that he complies with the housing need criteria as set out in the development plan for a house at this location. The development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that, by reason of its uncharacteristic design, site and specification/ finishes, and the subject site located within a Natural Heritage Area designated site, Clonreher Bog NHA, which has a particular landscape characteristics and habitat, the development would materially and adversely affect the character of the landscape, and be contrary to an objective in the current development plan for the area, whereby log cabins and pods or wooden structures will only be permitted in certain cases where they are integrated into the landscape or where there is a unique siting. The development, therefore, would seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area

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

**Please Note:** The issue of the Natural Heritage Designation is a **New Issue** and did not form part of the planning authority's reason for refusal or assessment. However, the planning authority did refuse the development because the log cabin if granted permission would have a detrimental impact on the visual amenity of the area. I concur with this reason for refusal. However, I do consider that the log cabin design, specification and siting is also relevant to policy **RH 21** relating to log cabins on the landscape, (*Log cabins and pods or wooden structures are not vernacular typologies for County Laois and will only be permitted in certain cases where they are integrated into the landscape or where there is a unique siting.*) and the site locations within a designated Natural Heritage Area and the impact on the wider landscape.

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Caryn Coogan  
Planning Inspector

12<sup>th</sup> of August 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	318624-23			
<b>Proposed Development Summary</b>	Retain dwelling house and associated site works			
<b>Development Address</b>	Clonreher, Portlaoise, Co. Laois			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>		
		<b>No</b> 	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>			Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....		Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_