



An
Bord
Pleanála

Inspector's Report

ABP-320221-24

Development	Retain development which consists of the installation of security gates at two existing entrances and all associated site works.
Location	Clonreher, Portlaoise, County Laois.
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2360451
Applicant(s)	Joe and Will Carmody
Type of Application	Permission
Planning Authority Decision	Grant Retention with 3No. conditions
Type of Appeal	Third Party
Appellant(s)	Transportation Infrastructure Ireland
Observer(s)	None.
Date of Site Inspection	16 th of October 2024.
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site, 0.024Ha consist of an access/ entrance with security gates off the N80 north of Portaloise town in Clonreher and Clonsoghey.
- 1.2. There are two separate sites the subject of this appeal. (This is discussed in detail in the assessment section of this report). The second entrance is located directly off the N80 also in the townland of Clonsoghey, circa 1km north of the site in Clonreher.
- 1.2. The gates provide access to land. There are two security metal gates traversing the accesses and security fencing.
- 1.3. The access at Clonreher is a double entrance. The subject site is an access to land. It immediately adjoins another access which serves a dwelling, land, a farmyard associated with appeal reference, ABP 318624-23.

2.0 Development

- 2.1. The development consists of **RETENTION** planning permission for the installation of two existing security gates and all ancillary site works.
- 2.2. Further information was requested by the planning authority on 14/12/2023. A response was received in June 2024 including new public notices:
 - The security gates have prevented unauthorised public access and the volume of traffic entering and leaving the site has been significantly reduced. The risk of dumping has been prevented. The entrances will only be used occasionally and predominately by a security company to access the site once a week at most, which has significantly reduced the traffic using the entrances to enter the land.
 - The access will only be used occasionally most likely by a car which falls within TII specifications.
 - The applicants on foot of the further information request have carried out hedge cutting at the entrance and along the entirety of their land which adjoins the N80 with the objective of improving the sight distances. The entrances will rarely be used and if there is a seasonal requirement for hedge cutting then relevant temporary warning signage can be used for the duration.

3.0 Planning Authority Decision

3.1. Decision

By Manger's Order dated the 24th of June 2024, Laois Co. Co. issued a Decision to Grant Planning Permission subject to 3No. conditions.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- The first report outlined the site, planning policy, submissions and internal reports. A request for Further Information was recommended. The applicant was requested to indicate the purpose of the security gates and whether it is intended to increase/ decrease traffic. The applicant was required to clarify Gate B, and the largest type of vehicle to use the access. They were required to submit adequate sightlines in both directions.
- The description of the development refers to the proposal been located in the townland of Cloneher. Gate B is located in the townland of Clonsoghey. Revised public notices were required.
- The unauthorised development referred to in the TII submission is on lands owned by another party and is completely unrelated to the applicants and this retention application.
- Following receipt of the further information a recommendation to grant planning permission for retention of the development was forwarded.

3.2.2. *Other Technical Reports*

Portlaoise Municipal District Office: (15th of November 2023)

- The access can be viewed on historical OS maps from 1995 aerial imagery.
- The large boulders at the entrance are a traffic hazard and should be removed.

- Gate B is located approximately 5.3 m from the edge of the road carriageway. Section 5.5.2 of TII document DN-GEO-03060 Geometric Design of Junctions states that “entrance gates across a direct access shall be set back to accommodate one vehicle in the access, clear of the carriageway and any adjacent footway/cycle facility. The vehicle to be accommodated should be of the largest type to use the access on a regular basis, (which in the case of agricultural vehicles may include a trailer). Gates shall open away from the road. The applicant shall confirm the largest type of vehicle which will use the access on a regular basis and if required the existing access point and entrance gates shall be redesign and relocated in accordance with TII specification.
- The applicants have not indicated on the drawings submitted that a 215 m sight distance to the North and South of the existing entrances is achievable. From the inspection on site, it would appear that there is excessive vegetation within the visibility envelope at both entrances which would restrict the sight visibility,

3.3. Prescribed Bodies

3.3.1 A submission from ***Transportation Infrastructure Ireland*** date stamped 10/11/2023 indicated the following:

- Official Policy is included in DoECLG Spatial Planning and National Road Guidance for Planning Authorities 2012 under section 2.5 planning authorities must avoid the creation of additional entrances onto national roads where a speed limit above 60kmh applies. The proposal is contrary to official policy.
- Insufficient data has been submitted with the application to demonstrate the proposal will not have a detrimental impact on the capacity, safety and operational efficiency of the national road network in the vicinity of the site.
- Inappropriate standards are not in accordance with those set out in the DoECLG Spatial Planning and National Road Guidance for Planning Authorities 2012.

- Inappropriate standards are not in accordance with TII publications.
- The proposed development because of its location where particular vigilance is required, would endanger public safety by reason of a traffic hazard due to the nature and character of access arrangements at the location.

3.3.2 Following receipt of the Further Information the TII made another submission received by the planning authority on the 10/06/2024. The TII was not satisfied with the further submissions made by the applicant. It claimed insufficient data was submitted to determine the development would not have a detrimental impact on the capacity, safety and operational efficiency of the national road network. It also appears there are conflicting statements and information with regard to the access onto the N80.

3.4. **Third Party Observations**

None

4.0 **Planning History**

4.1 ***UD 23-37***

Alleged unauthorised entrance serving a dwelling, outbuildings, structures, access gate, fencing, mobile home and storage of materials.

4.2 ***Planning Reference 2360386 An Bord Pleanála (ABP 318624-23)***

Jason Murphy **refused** planning permission to retain dwelling house and associated site works. Permission is also sought for new septic tank treatment system, percolation area and all associated site works.

5.0 **Policy Context**

5.1. **Development Plan**

Laois County Development Plan 2021-2027

Chapter 10 Infrastructure

Transportation Policy Objectives

TRANS 1 Maintain, improve and protect the safety, capacity and efficiency of Laois's roads network and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, DECLG, (2012) and the Trans-European Networks (TEN-T) Regulations.

10.1.3.2 National Routes

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.

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.

5.2. Natural Heritage Designations

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

6.1.1 Transportation Infrastructure Ireland (TII) has taken this appeal against the notification to grant planning permission made by Laois Co. Co. The development relates to gating and entrance arrangements of two accesses onto the N80 national secondary road where the maximum 100 kph limit applies. TII consider the development has the potential to compromise the safety and efficiency of the national road network. The appeal has been presented under a number of headings which I will summarise.

6.1.2 *Subject Development Context*

The two entrances are located on the western side of the N80, and are described by the applicant as 'Gate A' (subject of appeal ABP 318624-23) and Gate B in the townland of Clonsoghey about 1km north of Gate A.

In the interests of clarification, the planning authority clarified the location of each entrance in a separate townland. The appeal will reference Gate A and Gate B only.

6.1.3 *Planning Application Forms*

There was further information requested and information was provided by the applicant. There are three planning reports on file, 14/12/2023, 28/05/2024 and 21/06/2024. There are two submissions on file from TII, 10/11/2023 and 10/06/2024.

Although the Municipal District Engineer was asked for comment on the proposal, there was no report received after the initial report received in November 2023.

6.1.4 *Site Context*

TII's submission stated the proposal was at variance with official policy and would adversely impact on the operation and safety of the national road network. It also stated the proposal contravened Spatial Planning and National Roads Guidelines for Planning Authorities DOELG 2012. It also indicated insufficient information had been submitted to determine the impact on the national road.

The applicant replied to 6No. items of further information requested on 3rd of May 2024. There were no updated maps or drawings submitted. The response did not address the concerns of the TII. The submission contained conflicting statements.

The Planning Report on 14th of December 2023 refers to a planning application associated with Gate A, 2360386, which was applied for under the name Jason Murphy. It was refused by the planning authority then appealed to An Bord Pleanala, (ABP-318624-23). There were four reasons for refusal. On both of these applications it was stated the subject site is owned by the applicants, Joe and Will Carmody. However, upon closer examination of the mapping on both applications, there is overlapping of the ownerships. The ownership and control of access to Gate A on the N80 is unclear. The planning authority refused 2360386 for traffic safety grounds and the decision to grant permission under the current proposal, conflicts with the previous decision.

6.1.5 Relevant National and Regional Policy

The following policy is cited in the submission as been relevant to the current development:

- Project Ireland, National Development Plan 2021-2030 sets out key priorities to maintain the existing national road network. The National Strategic Outcome 2 (NSO2) objective is to maintain the capacity of the existing roads. The N80 provides an important regional and interregional connectivity to within and throughout the midlands.
- Section 28 Ministerial Guidelines Spatial Planning and National Roads Guidelines for Planning Authorities state additional accesses are to be avoided on national roads on speeds over 60kmh
- The Regional Spatial and Economic Strategy (RSES) of the Eastern and Midland Region in Chapter 8 Connectivity includes Regional Policy Objectives 8.1 to promote the management and enhancement of strategic transport networks.
- RSA: Our Journey Towards Vision Zero Ireland's Government Road Safety Strategy 2021-2030 indicates the emphasis needs to focus on all elements of the road traffic system

- The Roads Act 1993 (as amended) , Section 19 (1) provides TII authority to design, construct and maintain works to a national road. There are standards to be complied with.

TII noted the further information did not properly address the original TII observations on the case. The grant of permission was issued without the relevant engineering departments reporting back on the further information received. There has been no exceptional reason provided by the planning authority to depart from official policy relating to national routes.

6.1.5 Local Development Plan Policy

The grant of permission is contrary to the provisions of the *Laois County Development Plan 2021-2027*, Chapter 10.

TRANS 1: Maintain, improve and protect safety, capacity and efficiency of Laois's roads network and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities.

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

TRANS 6: Discourage the proliferation of access points onto public roads, particularly in areas where the maximum speed limit applies or where road safety is of concern.

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.

The development does not comply with the above policies.

There were no revised maps submitted by way of further information to clarify ownership and sightline issues. The permitting of both entrances onto a national road where the 100kpm applies is inconsistent with the provisions of the development plan. The proposal would set an undesirable precedent for similar

developments along the national routes, and a departure from the policy is not justified in this instance.

6.1.6 Roads Safety Considerations

TII is not aware of any documentation submitted by the applicant that indicates any analysis of road safety matters associated with the entrance arrangements. TII would highlight that neither vehicular entrance arrangements have demonstrated compliance with TII Publications from a technical or standards perspective, no transport or road safety development policy or objectives of the Laois County Development Plan. The Planning Report recommending a grant of permission on the planning application file, negates an opportunity to improve road safety in the area, and the further information received did not include updated maps or drawings. . The decision to grant permission with 3No. conditions does not reflect matters raised by TII.

TII had no option but to appeal the decision because :

- No evidence of assessment has been undertaken by the applicant in respect to arrangements associated with the interaction with national road nor road safety. This is expected on national roads where the 100kph applies.
- No evidence of assessment of the existence and interaction of unauthorised development, including those associated with Gate A the subject of appeal reference ABP-318624-23
- It is unclear how the Planning Report on file sought to address critical road safety issues in the absence of advice from the municipal engineer and failing to regard TII's submission. It would be expected that appropriate evidence for such evaluation would need to be provided to demonstrate road user and public safety prior to a decision being made. This evidence would be critical due to the existing access arrangements in close proximity, high speed location, road markings and existing access arrangements in close proximity.

6.1.7 Precedence

There have been no exceptional reasons outlined to grant this permission to justify a significant departure from planning and transportation policy. The proposal would

set an undesirable precedent for other similar developments impacting on the strategic road network.

6.2. Applicant Response

The applicant submitted a response to the appeal. The following is a summary of their submission:

6.2.1 The existing entrances at Clonreher and Clonsoghey bogs have existed for generations and are visible on historical OSI aerial photography including 1995 imagery.

6.2.2 The security gates were installed to prevent unauthorised access to lands via the entrances with the N80. Prior to the erection of the gates, the lands were accessed by members of the public. There were issues with anti-social behaviour, illegal dumping and squatting. The gates have resulted in a significant deintensification of traffic entering the lands.

Laois Co. Co. requested the gates be erected to prevent illegal dumping. The installation of the gates was also required for insurance purposes and to protect the lands which are designated as a natural heritage area, Clonreher Bog NHA 002357 Order 2005.

The security gates A and B and CCTV cameras were installed by the applicants at two long established and existing access points to comply with the request of the local authority, to protect the site and reduce the volume of traffic. CCTV footage between 01/01/2024 and 16/08/2024 recorded only 13No. vehicles through the entrance.

6.2.3 There appears to be confusion over the unauthorised development adjacent to the applicant's entrance. The applicant owns the access area associated with Gate A as per Folio LS25959F. The planning agent for Planning ref. 2360386 (ABP 318624-23) erroneously included land in the ownership of Will and Joe Carmody, without their consent. Will and Joe Carmody made a submission to the planning application to that effect. The planning agent did not adjust the maps with planning application, and planning ref. 2360386 is an entirely separate application to the current proposal. It is unreasonable to conflate both planning applications.

6.2.7 Planning application 236045 is solely for retention of the gates at a long established existing access point to their lands. The other planning application relates to an entrance and lands owned by a different landowner. It is not fair to take issue with the current applicants on the basis of a mapping error on a different planning application. There should be no overlapping of the access boundaries, as per the submitted drawings on the current application.

6.2.8 Appended are copies of notices from Laois Co.Co. to various persons regarding illegal dumping at Clonreher and Clonsoghey. Also details from CCTV coverage of traffic at the gates.

6.3. Planning Authority Response

There was no further comment from the planning authority to the appeal.

7.0 Assessment

7.1. Following the consideration of the appeal documentation and inspection of the site, I will consider the appeal under the following headings:

- Development Description/ Site Location
- Planning History
- Development Plan Policy
- Traffic Safety

7.2. Development Description/ Site Location

7.2.1 The first public notices submitted with the original submission documents (25th of October 2023) stated, the development at Clonreher consisted of retention of '*the installation of security gates at two existing entrances and all associated sites works.*' The second public notices submitted to Laois Co. Co. 4th of June 2023 related to the advertisement of significant further information associated with file reference 23/60451 at Clonreher.

7.2.2 The submission drawings indicate the following:

- The site location map, scale 1: 10560 refers to one site at Clonreher

- The site layout, site location and elevation Drawing No. 2303-OLA-KIL-101 refers to two separate sites, one at Clonreher and one at Clonsoghey.
- There is a second site location map, scale 1: 10560 referring to a site at Clonsoghey.
- I note from the Executive Technician Report, Roads Office, Laois Co. Co. dated 15th of November 2023, there were site notices observed at both entrances on the date of inspection. The report refers to the entrance Gate B at Clonsoghey, and the report expressed concern regarding the restricted 5.3m setback from the public road, and the largest vehicle to be accommodated at the entrance.

7.2.3 The planning authority informed the applicant the description of the development referred to the public notices has been within the townland of Clonhreher only. However Gate B is in the townland of Clonsoghey, and is located 1km north of Gate A. The applicant's further information response on the 3rd of May 2024, stated that the two entrances were so close to each other, the applicants were unaware of the townland change.

7.2.4 This is completely unacceptable. The applicant submitted two different site location maps for both sites. It was clear the distance between the two sites is significant, circa 1km. Furthermore, the two maps submitted by the applicant actually state two different townlands, Clonhreher and Clonsoghey. The revised public notices requested by the planning authority to reflect the two different townlands were not submitted. The revised public notices submitted on 4th of June 2024 refer only to one townland, Clonreher.

7.2.5 The Board is precluded from considering this case any further for the following reasons:

- (i) The public notices do not comply with Article 18(1) of the Planning and Development Regulations 2001 (as amended) because the notices fail to identify the exact location/ townland of the development.
- (ii) The application documentation does not comply with Article 22(e) because it does not clearly state the location, townland or postal address of the land or structure concerned

(iii) The proposed developments refer to two separate sites in two different townlands.

In my opinion, the public notices are invalid, misleading and do not comply with the relevant planning legislation. Furthermore, both entrances and sites should have been applied for separately, in two separate planning application. They are two completely different sites. There does appear to be an overlap on the landownership's maps associated with both sites, meaning, both sites have common landowners, but the entrances are independent of each other.

7.2.6 Another confusing issue arises in the Planning Report were Gate A and Gate B is referred to as Gate 1 and Gate 2 from time to time. I have included in the appendix of this report, an aerial photograph indicating the location of Gate A and Gate B off the N80 between Mountmellick and Portlaoise.

7.2.7 The application documentation is not acceptable and the Board is precluded from making a decision on the appeal. Notwithstanding that, I will briefly examine the concerns raised in the grounds of the third party appeal by Transportation Ireland and the response from the applicant.

7.3 Planning History

7.3.1 At the site of Gate A in Clonreher, there was a recent planning appeal, ABP318624-23 (planning reference 2360386). This was a planning application to retain a dwelling house and all associated site development works. The entrance to the dwelling is directly off the N80 at the same location as a subject site of Gate A. The current applicant, Joe and Will Carmody had made a submission on the planning application relating to the dwelling house, planning reference 2360386, stating they had no objection to the development but they had not given their consent to a portion of their landholding to be included within the site boundaries.

7.3.2 The planning authority and An Bord Pleanála refused planning permission for retention of the dwellinghouse at Clonreher. The Board's decision was made on the 2nd of September 2024. The development was refused for three reasons. The first reason for Refusal is as follows:

It is considered that the proposed development to be retained and 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. Furthermore, the development proposed to be retained and the proposed development would also contravene the objectives of the planning authority, as set out in the Laois County Development Plan 2021-2027 Objective TRNS 17, 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 proposed to be retained and the proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

7.3.3 The applicant in the above case was Jason Murphy. Joe and Will Carmody's site relates to the retention of security gates at an existing entrance and access point to their lands. The development appealed under ABP318624-23 is separate to the current application/ appeal.

7.3.4 Notwithstanding the clarification regarding the landownership associated with both planning applications at Clonreher, it is obvious both parties share the direct access off the N80. The access is not clearly defined or of sufficient width to cater for two separate entrances. There is a communal area between the edge of the public carriageway and the access points, that is shared between both users. Please refer to Photograph 1 of my site inspections photographs.

7.4 Development Plan Policy

7.4.1 The subject development has a direct access onto a National Secondary Route – N80, at a point where the maximum speed of 100kph limit applies. The applicant maintains the access has existed for a long period, originally providing access to the bog for turf cutting. It is stated on appeal that both accesses have existed for generations and are visible on historical aerial photography from 1995. There has been no evidence submitted to support these claims.

7.4.2 According to the appeal file, the security gates were installed to prevent unauthorised access to the lands and illegal dumping. Correspondence from Laois Co. Co. to the applicants has been submitted on appeal to provide justification for

the installation of the security gates. It is also claimed by the applicants, the installation of the security gates has reduced the traffic utilising both gates.

- 7.4.3 The planning application does not demonstrate how long there has been double access, or the existence of the access the subject of this appeal at Clonreher. There has been no case presented for the access at Clonsoghey. This is a material consideration because there is no pre-existing planning history associated with the entrances. The submissions of notices from the planning authority regarding illegal dumping is noted. However, there is no mapping, no evidence submitted regarding the pre-existence of the entrances. Therefore, the accesses onto the N80 form a material issue to be considered in the assessment of the case.
- 7.4.5 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 60kph apply. The subject access is within a 100km per hour speed limit.
- 7.4.6 The direct accesses onto the N80 are along straight sections of the N80 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 at both entrances. Turning movements into and out of the sites, are in my opinion, a traffic hazard. The entrances are not clearly defined. The entrance at Clonsoghey is set back only 5metres from the edge of the public carriageway. The approach from both sides is overgrown. The splayed sections onto the N80, is narrow and defined by boulders.
- 7.4.7 The Laois County Development Plan 2021-2027 has objectives relating to the national routes. 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 issue 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. The development can only be assessed against the information provided on the appeal file. In my opinion, the accesses are

contrary to national and local transportation planning policy relating to national routes and it should be refused on this basis.

7.5 Traffic Safety

7.5.1 The development does not comply with the appropriate standards set out in *Spatial Planning and National Roads Guidelines for Planning authorities (DOECLG 2012)* or Transportation Infrastructure Ireland publications. The application should include data to demonstrate the proposal will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network on the general area. The design and specification of both entrances does not meet appropriate standards set out in *Spatial Planning and National Roads Guidelines for Planning authorities (DOECLG 2012)* or Transportation Infrastructure Ireland publications.

7.5.2 It is important to note The Portlaoise Municipal Offices on 15th of November 2023, indicated the entrances were not technically acceptable and asked for additional information on provisions of sightlines and setbacks in particular Section 5.5.2 of the TII Document DN-GEO-03060 Geometric Design of Junctions was cited. The response received on 03/05/2023 did not address the concerns expressed by the Municipal Office Report or the TII submissions. Basically, it was stated if the hedges were cut back so the required sightlines could be achieved, and the entrances are rarely used. There was no further report from the Roads Design Office or the Municipal office. The conditions attached to the Decisions to Grant Permission for the Development did not reflect the technical concerns raised in earlier technical reports and third-party submissions.

7.5.3 The subject entrances are traffic hazards. The traffic turning movements into and out of the access points along straight stretched of the national secondary road, where the national speed limit applies will endanger public safety by reason of a traffic hazard. The required sightlines of 215metres in both directions has not been provided and this is a critical issue in terms of traffic safety along the N80.

8.0 AA Screening

8.1. I have considered the security gates in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject sites are 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, Clonreher Bog. No nature conservation concerns were raised in the planning appeal.

8.2. 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

8.3. 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 Board refuse retention of the development. As I consider the application/ appeal to be invalid due to the public notices and the fact these are two separate sites which may require individual planning applications, I have not included the following reason for refusal which is consistent with the adjoining site, ABP 318624, as follows:

It is considered that the proposed development to be retained and 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. Furthermore, the development proposed to be retained and the proposed development would also contravene the objectives of the planning authority, as set out in the Laois County Development Plan 2021-2027 Objective TRNS 17, 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 proposed to be retained and the proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

10.0 Reasons and Considerations

Having regard Article 18(1) of the Planning and Development Regulations 2001 (as amended), the public notices fail to identify the exact location/ townlands of the development the subject of application for permission for retention. Furthermore the application documentation does not comply with Article 22(e) of the Planning and Development Regulations 2001 (as amended). The development for which permission for retention is sought relates to two different sites located within two different townlands, and only one townland has been referenced in the public notices. The Board therefore is precluded from considering the appeal any further in this instance.

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.

Caryn Coogan
Planning Inspector

21st of November 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320221-24		
Proposed Development Summary	Retention Permission for development of the installation of two existing entrances and all associated site works		
Development Address	Clonreher, Portlaoise, Co. Laois		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Tick if relevant and proceed to Q2.
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank	State the Class here.	Proceed to Q3.
No	Tick or leave blank		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

No	Tick/or leave blank		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: Caryn Coogan

Date: 21/11/2024