



An  
Bord  
Pleanála

## Inspector's Report ABP-321447-24

<b>Development</b>	Construction of two detached dwellings, boundary treatments, provision of off-street parking and all associated site works.
<b>Location</b>	Bruach na hAbhainn (Plot 19), Killeen, Maganey, Co. Laois
<b>Planning Authority</b>	Laois County Council
<b>Planning Authority Reg. Ref.</b>	2460077
<b>Applicant(s)</b>	PTC Development Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> February 2025
<b>Inspector</b>	John Duffy

## **1.0 Site Location and Description**

- 1.1. The appeal site is located at Plot 19 in the Bruach na hAbhainn residential estate within the small village of Killeen, which itself lies c 2 km west of the Kildare / Laois county boundary. The estate accommodates approximately 44 houses comprising a mix of two storey detached and semi-detached units with driveways. It is accessed off the R429 Regional Road
- 1.2. Plot 19 which is vacant, measures 0.76 hectares and adjoins numbers 18 and 20 Bruach na hAbhainn, both two storey detached houses, at its western and northern sides respectively. The site, which is encompassed by c 1.2 m high wooden fencing, is overgrown and in an unkempt state.
- 1.3. The wastewater treatment plant serving the houses in the estate is located at the south-western part of the overall development and is encompassed by palisade fencing. There was no odour from the plant on the day of the site inspection. The Crompaun River flows along the western boundary of the housing estate.
- 1.4. Killeen village is made up of a church, a graveyard, a primary school, a factory, a community hall, sports ground / courts, two small housing estates, agricultural buildings and some one-off housing.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the following:
  - (i) Construction of 2 no. two and a half storey 3 bedroom houses, each of identical design, measuring 128 sqm, with pitched roof heights of c 8.6 m. External finishes comprise render and grey cladding finish for the external walls and tiled roofs.
  - (ii) House 1 is located south of No. 20 Bruach na hAbhainn and has a stated total garden area of c 130 sqm, while House 2, located east of No. 18 Bruach na hAbhainn has a stated total garden area of c 138 sqm.
  - (iii) Boundary treatment between the new houses and also between existing adjoining houses comprise 2.2 m high plastered and capped walls. Front boundary treatments comprise boundary walls of 0.9 m and 1.2 m in height.
  - (iv) In-curtilage parking to accommodate two cars is proposed for each unit.

- (v) The application form indicates that connections are proposed to the existing public water main, the existing public sewer for wastewater and the existing public drain for surface water disposal.
- (vi) All associated site works

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority refused permission on the 19<sup>th</sup> of November 2024. The Notification of Decision to Refuse Permission states the following:

A material contravention was refused by the Members of Laois County Council on 18/11/2024 for the following reasons:

1. The proposed development is located in an area where the stated zoning in the Laois County Development Plan 2021-2027, is Open Space / Amenity, the objective of which is to preserve, provide for and improve active and passive recreational public and private open space. The purpose of this zone is that 'the areas included in this zoning objective cover both private and public open space and are dispersed throughout urban centres of every size. The Council will not normally permit development that would result in a loss of open space'. The proposed development for two houses, would be contrary to this zoning objective. Accordingly, the proposed development would be contrary to the provisions of the Laois County Development Plan 2021-2027 and the proper planning and sustainable development of the area.
2. Having regard to the impact of the proposed development on the third-party dwellings adjacent, the proposed development would seriously injure the residential amenity of neighbouring properties, would depreciate the value of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

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

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

Three Planning Reports were prepared in respect of the proposed development.

The **first report** dated 11<sup>th</sup> of April 2024 notes the site's planning history, the policy context, reports received and summarises the third party submissions made. The design and layout of the proposed development are considered acceptable. The quantum of private open space is sufficient, while the existing public open space within the development would cater for the proposed units. There is satisfactory visibility at the entrances, noting that the site is located within a cul-de-sac. This report notes however that the proposed development is contrary to the Open Space / Amenity zoning objective; it considers that the site is within a sustainable location and that a Material Contravention of the Laois County Development Plan would be required to facilitate the development. The report recommends that Further Information (FI) is sought in relation to the following matters, which are summarised as follows:

**Item 1 – Zoning:** The site is zoned Open Space and the proposed development would contravene materially the Laois County Development Plan 2021-2027. The land use zoning matrix of the Plan indicates that dwellings will not normally be acceptable on lands zoned Open Space. As such a material contravention of the Plan in accordance with Section 34(6) of the Planning and Development Act 2000 is required to allow for the development to be permitted. The applicant will be aware that there is a financial burden involved with the procedure of obtaining a material contravention to which the planning authority considers the applicant should contribute towards. The applicant is therefore requested to submit proposals to address the financial implications of the material contravention process.

**Item 2 – Uisce Eireann (UÉ):** To assess the feasibility of upgrading connection to public water / wastewater infrastructure the applicant is requested to engage with UÉ to determine feasibility of connection to the public water / wastewater infrastructure. The Confirmation of Feasibility (COF) is to be provided in response to the FI request.

**Item 3 – Third-party submission:** The applicant is invited to comment on the submission received.

The **second report** dated 16<sup>th</sup> September 2024 assesses the responses received following the FI request. The following is noted:

- In terms of Item 1, the applicant has confirmed they will meet the costs associated with publishing the newspaper notice for the material contravention process.
- In terms of Item 2, the applicant has provided correspondence from UÉ confirming that water and wastewater connections would be feasible without infrastructure upgrade by UÉ. The correspondence also notes that the existing water and wastewater network in Bruach na hAbhainn is not taken in charge by UÉ, that the applicant will be required to obtain permission from the third party owner of this infrastructure to connect to the network and confirm that the infrastructure has capacity to cater for the proposed development. These matters would need to be addressed prior to commencement of development.
- In terms of Item 3, the applicant considers that the proposed development would improve the visual amenity of the area, given the derelict and unmaintained nature of the site.

This report recommends that a material contravention in accordance with Section 34(6) of the Planning and Development Act 2000, as amended, is initiated and it includes a notice of the proposed material contravention of the Laois County Development Plan 2021-2027.

The **third report** dated 18<sup>th</sup> November 2024 notes that a material contravention process was initiated, that a public notice was placed in the Irish Independent newspaper on 25<sup>th</sup> September 2024 and that all relevant prescribed bodies were notified. It is noted that one submission was received in relation to the proposed material contravention within the statutory 4 week period following publication of the notice. This report confirms that the material contravention was refused by the members of Laois County Council on 18<sup>th</sup> November 2024 for the reasons set out in Section 3.1 of this report.

### 3.2.2. Other Technical Report

Water Services: Further Information recommended in relation to additional demands on existing water infrastructure and noting the requirement of the Pre-Connection Enquiry (PCE) process to be commenced.

### 3.3. Prescribed Bodies

Uisce Éireann – Report received on 22<sup>nd</sup> March 2024 recommends that FI is requested. Specifically, the applicant is requested to engage with Irish Water (now Uisce Éireann) to determine feasibility of connection to the public water / wastewater infrastructure. The Confirmation of Feasibility (COF) is to be provided in response to the FI request.

I note that An Bord Pleanála sought the views of An Taisce, the Development Applications Unit and The Heritage Council under Article 28(1)(n) of the Planning and Development Regulations 2001 as amended. No responses were received.

### 3.4. Third Party Observations

An adjoining landowner made a submission on the proposed development which was received by the planning authority on the 24<sup>th</sup> March 2024. The main issues raised may be summarised as follows:

- Proposed development contrary to zoning objective, which relates to open space / amenity uses.
- Current water treatment and waste management issues in the estate.
- Negative impact on the observer's residential amenities arising from the proposed development. Overlooking and overshadowing impacts.
- Dominant nature of the proposal including 2.2 m high boundary walls.
- Transportation concerns raised including likelihood of vehicles parking on the road, potential for accidents due to lack of visibility of vulnerable persons.
- No objection to provision of one house on the site.

A further submission was received from this observer on 23<sup>rd</sup> October 2024 on foot of the public notice relating to the proposed material contravention process. The main issues raised are summarised as follows:

- Loss of green area used by local children.
- Traffic / transport implications.

- Water treatment plant would not function if two more houses are connected to it.
- Devaluation of property in the area.
- Flooding would occur more frequently.

## 4.0 Planning History

### Subject site and adjoining lands

**Planning Authority Reference 04/1378** refers to a May 2005 decision to grant permission for 45 dwellings and 14 individual serviced plots, car parking spaces, access to the R429, estate roads, footpaths, public open space, sewage treatment plant, boundary treatment, landscaping and all associated works / services on c 5.48 ha at Killeen, Maganey. The appeal site is indicated as Service Plot 19 on the site layout drawing submitted with this application.

### Subject site

**Planning Authority Reference 22/379** refers to an August 2022 decision to refuse permission for 2 no. two storey, detached dwellings, connection to onsite services, boundary treatments and parking and all associated site works. The two refusal reasons are very similar to those relating to the application, the subject of this appeal, and relate to non-compliance with the Open Space / Amenity zoning objective of the subject site, injury to the residential amenity of No.18 Bruach na hAbhainn and depreciation of the value of property in the vicinity.

**Planning Authority Reference 09/514** refers to a January 2010 decision to grant permission for 2 no. two-storey houses in lieu of previously approved two storey house (Reg. Ref. 07/832 refers). The duration of this permission was extended in April 2015 under Reg. Ref. 15/70 for a further 5 year period. These permissions were not implemented.

**Planning Authority Reference 07/832** refers to a March 2007 decision to grant permission for a two storey dwelling and all associated works.

### Lands adjoining Bruach na hAbhainn housing estate to the east

An Bord Pleanála Reference PL11.302659 / Planning Authority Reference 17499 refers to a February 2019 decision to grant permission for 20 houses and 8 serviced sites at Killeen Village, Maganey, Co. Laois. Site to be accessed from Bruach na hAbhainn estate and off the L3992 county road.

## **5.0 Policy Context**

### **5.1. Laois County Development Plan 2021 - 2027**

The subject site is located on lands zoned Open space / Amenity on Map 7.5 (A) – Killeen in Volume 2 of the Laois County Development Plan 2021-2027.

Table 13.2 sets out Zoning Objectives and Purposes. The Zoning Objective for Open Space and Amenity is ‘To preserve, provide for and improve active and passive recreational public and private open space.’

The purpose of this land-use zoning states the following: ‘The areas included in this zoning objective cover both private and public open space and are dispersed throughout urban centres of every size. The Council will not normally permit development that would result in a loss of open space.’

The Land Use Zoning Matrix at Table 13.3 indicates that housing would not normally be considered an appropriate or acceptable use on lands zoned Open Space / Amenity.

The extreme southern part of the site is located approximately 99 metres from the existing wastewater treatment plant.

Table 2.4 – Settlement Hierarchy for Laois indicates that Killeen falls within the ‘Rural Remainder’ category which includes villages with a population <500.

Rural Areas Policy Objectives

CS 30 Support housing at an appropriate scale and repopulation taking place within villages in a consolidated, sustainable and sequential manner, priority will be given to



refurbishment of existing houses or appropriate replacement to current building standards within the existing footprint.

CS 31 Promote the provision of serviced sites in line with investment opportunities by Irish Water in order to attract people to build their own homes and live in villages.

CS 32 Facilitate the expansion of villages and small towns to provide for employment, retail and social opportunities at an appropriate scale subject to normal planning requirements.

CS 33 Support the servicing of rural villages (serviced sites) to provide an alternative to one-off housing in the countryside, in line with RSES Objective RPO 4.78.

CS 34 Within the designated development limits of the rural villages in Volume 2, development will be permitted where it involves infilling, conversion, single site housing development, or the use of derelict or underused land or premises, subject to siting, design, protection of residential amenities and normal development management criteria.

## **5.2. National Planning Policy**

The following are considered to be of relevance to the proposed development:

- The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. Relevant policy for rural towns include:

- National Policy Objective 16: Target the reversal of rural decline in the core of small towns and villages through sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.

- National Policy Objective 18a: Support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

- National Policy Objective 18b: Develop a programme for 'new homes in small towns and villages' with local authorities, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

Section 3.3.5 relates to rural towns and villages with a population of <1,500.

This section notes that planning authorities should seek to promote and support housing that would offer an alternative, including serviced sites, to persons who might otherwise construct one off housing in the surrounding countryside in rural towns and villages. Section 3.3.5 states the following:

'The key priorities for compact growth in Rural Towns and Villages in order of priority are to:

- (a) strengthen the existing urban core through the adaptation, re-use and intensification of existing building stock,
- (b) realise opportunities for infill and backland development, and
- (c) provide for sequential and sustainable housing development at the edge of the settlement at suitable locations that are closest to the urban core and are integrated into, or can be integrated into the existing built up footprint of the settlement and can be serviced by necessary supporting infrastructure.'

- Quality Housing for Sustainable Communities: Design Guidelines (2007). These Guidelines set out target floor areas for a range of different dwelling types, as well as providing guidance on quantitative and qualitative standards.
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009).

### **5.3. EIA Screening**

See completed Forms 1 and 2 below. Having regard to the nature of the proposed development comprising two houses, connections to services, new vehicular entrances and associated works, in an established housing estate in the rural village of Killeen and where infrastructural services are available, 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.

### **5.4 Natural Heritage Designations**

The appeal site is not located within or in the immediate vicinity of any European site. The site is located c 1.8 km west (as the crow flies) of the River Barrow and Nore SAC (Site Code 002162). The Crompaun River flows along the western boundary of the Bruach na hAbhainn housing estate and it is connected with the River Barrow and River Nore SAC, located c 2.75 km downstream from Killeen WWTP. The separation distance between the subject site and the Crompaun River is approximately 40 m.

## **6.0 The Appeal**

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

This is a first-party appeal against the decision of Laois County Council to refuse permission for the proposed development. The grounds of appeal are summarised as follows;

- The use of the site has always been residential.
- The zoning of the site was changed to Open Space / Amenity on account of a clerical error which was made in the county development plan 2021 – 2027.
- The site is boarded up for 10 years or more. It negatively impacts on neighbouring houses and the entire housing estate.
- The site has never been used as open space / amenity and would not be compliant with county guidelines for provision of open space.

- Permission has been granted previously for housing on the site.
- The design of the proposed development was altered to minimise potential impacts on adjoining housing. The proposal complies with all planning requirements in terms of size, parking and private open space.

## **6.2. Planning Authority Response**

None.

## **6.3. Observations**

None.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Land-use and nature of proposed development
- Impact on the amenities of the area
- Other issues
- Appropriate Assessment

## **7.2. Land-use and nature of proposed development**

7.2.1 The proposed development involves the construction of 2 no. two and a half storey houses, provision of in-curtilage parking, connection to services and all associated site works.

7.2.2 The appeal site is zoned 'Open Space / Amenity' on Zoning Map 7.5 (A) for Killeen, which is contained in Volume 2 of the Laois County Development Plan 2021-2027. The Objective for the 'Open Space / Amenity' zoning is set out in Table 13.2 of

the County Development Plan and states the following: 'To preserve, provide for and improve active and passive recreational public and private open space.' Table 13.2 also notes that the Council will not normally permit development that would result in a loss of open space. In this regard, I note that the Land Use Zoning Matrix (Table 13.3) confirms that housing would not normally be considered an appropriate or acceptable use on lands zoned Open Space / Amenity.

7.2.3 The first planning report notes that while the proposed development is contrary to the Open Space / Amenity zoning objective, the site is considered to be within a sustainable location, given its position within a residential estate. The report notes that a Material Contravention of the Laois County Development Plan 2021-2027 would be required to facilitate the proposed development.

7.2.4 A Special Meeting of Laois County Council was held on 18<sup>th</sup> November 2024 in connection with the proposed Material Contravention of the Laois County Development Plan to allow the proposed development. The majority of the Members voted against the proposed Material Contravention, and therefore, the zoning objective relating to the subject site remains unchanged.

7.2.5 While I note that the site was previously zoned for residential development, that it was permitted as a serviced site under the parent permission for this housing development (Reg. Ref. 04/1378 refers), and that housing was subsequently permitted on this site (Reg. Ref. 07/832 and Reg. Ref. 09/514 refer), it is the case that the lands are now zoned as Open Space / Amenity in the Laois County Development Plan 2021-2027.

7.2.6 It is clear that the proposed development of two houses would be contrary to the Open Space / Amenity zoning objective and, therefore, the provisions of the Laois County Development Plan 2021-2027. As such, I recommend that the proposed development is refused for this reason.

### **7.3. Impact on the amenities of the area**

7.3.1. Having regard to the character of the Bruach na hAbhainn estate and its environs, I am of the view that the nature of the proposed development and the design of the new dwellings would not be out of keeping with the pattern of development in the

area or have a detrimental impact on the amenities currently enjoyed by occupants of this residential area.

- 7.3.2. External finishes comprising mainly render for the external walls and roof tiles would accord with the external finishes of the existing houses in the estate. The proposed houses would be of two and a half storey design with roof ridge heights of c 8.6 m. I consider that the design of the proposed houses would be appropriate in the context of the receiving housing estate.
- 7.3.3. 130 sqm and 138 sqm of garden space is proposed in respect of House 1 and House 2 respectively. These figures relate to the total quantum of external space available. Notwithstanding, having considered the site layout drawing, it is apparent that rear private amenity spaces are in excess of the minimum specified in the Development Plan under Objective DM HS 6 (75 sqm for 3+ bedroom houses). In terms of the quantitative standards of the units, having reviewed the floor plans of both House 1 and 2, I note they accord with the requirements as set out in Quality Standards for Sustainable Communities (2007), other than for storage provision, which is not indicated on the floor plans.
- 7.3.4. The planning authority's second refusal reason states that the proposed development would seriously injure the residential amenity of neighbouring properties, would depreciate the value of property in the vicinity, and would, therefore, be contrary to the proper planning and sustainable development of the area.
- 7.3.5. Given the orientation of the proposed houses relative to the existing adjoining units at No.18 and No.20 Bruach na hAbhainn, there is no possibility of direct overlooking into the opposing first floor windows of these existing properties. While some overlooking impacts onto adjoining gardens would occur, I would not consider this to be significant and it would not be over and above what one would expect in the context of a residential estate. I note that rooflights are proposed in the rear roof plane of the units rather than dormer windows; as such no undue overlooking impacts from the bedrooms at attic level would arise.
- 7.3.6. Having regard to the design and position of the proposed houses on the site I do not anticipate that overbearing impacts would arise. Given the separation distance of c

4.7 m at the closest point between proposed House 1 and the existing unit at No.20, I do not consider that overbearing impacts would result. Similarly, having regard to the separation distance between House 2 and unit No.18, which is in excess of 10 m at the nearest point, I conclude that no overbearing impacts would arise.

7.3.7. Given the orientation of the site relative to the path of the sun and having regard to the design and position of the proposed houses on the site, I do not anticipate undue overshadowing impacts to arise from the proposed development. Notwithstanding, given the location of the proposed development within a housing estate, some degree of overshadowing is inevitable and unavoidable.

7.3.8. Having regard to the assessment set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.3.9. To conclude, having regard to the above assessment, I recommend that the second refusal reason as set out in the planning authority's Notification of Decision is not required.

#### **7.4 Other issues**

##### Wastewater Capacity

7.4.1 The proposed development would connect into the existing Killeen WWTP, located in the vicinity of the proposed development. I note the comments of the third-party observer questioning the capacity of the WWTP and its effectiveness.

7.4.2 Having examined the Uisce Éireann Wastewater Treatment Capacity published in December 2024 for the Killeen WWTP (Ref. A0153) it has a Green Status. Green status means 'spare capacity available.' In my opinion there is a viable wastewater connection available in proximity to the site and it is clear that the WWTP has sufficient capacity to cater for the proposed development.

##### Flood Risk

7.4.3 Zoning map 7.5 (A) and Map 8.19 of the County Laois Strategic Flood Risk Assessment indicate the most northern corner of the site is within the confines of Flood Zone A and B. The site layout plan indicates this area forms part of open

space proximate to the proposed driveway of House 1. It is apparent that proposed House 1 lies outside the confines of the Flood Zones.

- 7.4.4 I note that Section 3.5 of The Planning System and Flood Risk Management Guidelines 2008 states that amenity open space would be considered appropriate in Flood Zones A and B. As such, I am satisfied that the proposed development would be acceptable from a flood risk perspective.

## **8.0 Appropriate Assessment**

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended.

The subject site is located on an area of disused land zoned Open Space / Amenity within an established residential estate in Killeen, Co Laois.

No nature conservation concerns were raised in the planning appeal.

The appeal site is not located within or in the immediate vicinity of any European site. The site is located c 1.8 km west (as the crow flies) of the River Barrow and Nore SAC (Site Code 002162). The site has no direct connections to the SAC. The Crompaun River which is connected with the River Barrow and River Nore SAC, is located approximately 2.75 km downstream from the WWTP serving the Bruach na hAbhainn development.

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:

- Relatively small scale and nature of the proposed development.
- Separation distance from the site to the Crompaun River.
- Location-distance from nearest European site and lack of connections.
- Taking into account the determination by the Planning Authority.

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.

## **8.0 Recommendation**

I recommend that planning permission be refused for the proposed development for the reason and considerations set out below.

## **9.0 Reasons and Considerations**

The appeal site is located on lands zoned Open Space / Amenity under the provisions of the Laois County Development Plan 2021-2027 where the stated objective is 'to preserve, provide for and improve active and passive recreational public and private open space.' The proposed development of two houses would be contrary to the Open Space / Amenity zoning objective and policy set out in the County Development Plan and would be contrary to the proper planning and sustainable development of the area.

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

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John Duffy

Planning Inspector

20<sup>th</sup> February 2025

**Form 1**  
**EIA Pre-Screening**

<b>An Bord Pleanála Case Reference</b>	ABP-321447-24			
<b>Proposed Development Summary</b>	Construction of 2 no. two and a half storey detached houses, connection to onsite services, boundary treatments, off-street parking and all associated site works.			
<b>Development Address</b>	Bruach na hAbhainn (Plot 19), Killeen, Maganey, 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>	X
			<b>No</b>	
<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).</b>				
<b>Yes</b>	X	Class 10 (b) (i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended.		Proceed to Q3.
<b>No</b>				Tick if relevant. No further action required.
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>				
<b>Yes</b>				EIA Mandatory EIAR required
<b>No</b>	X			Proceed to Q.4

<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>
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Yes	X		Preliminary Examination Required (Form 2)
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5. Has Schedule 7A information been submitted?			
No	X	Screening determination remains as above (Q1 to Q4)	
Yes		Screening Determination required	

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

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-321447-24</b>
<b>Proposed Development Summary</b>	Construction of 2 no. two and a half storey detached houses, connection to onsite services, boundary treatments, off-street parking and all associated site works.
<b>Development Address</b>	Bruach na hAbhainn (Plot 19), Killeen, Maganey, Co. Laois
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Site size is c 0.76 sqm.  The proposal involves the construction of 2 no. dwellings, connection to services, provision of off-street parking and associated site works. The development would not result in the production of significant waste, emissions or pollutants. It is considered that the proposal would not result in accidents / disasters or impacts on human health.</p>
<p><b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European</p>	<p>The site is zoned Open Space / Amenity and it is located within an established housing estate in the rural village of Killeen and where infrastructural services are available. The Crompaun River flows along the western boundary of the Bruach na</p>

sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		hAbhainn housing estate. The separation distance between the subject site and the Crompaun River is approximately 40 m.	
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		There are no other locally sensitive environmental sensitivities in the vicinity of relevance.	
<b>Conclusion</b>			
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>	
There is no real likelihood of significant effects on the environment.	EIA is not required.	YES	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	NO	
There is a real likelihood of significant effects on the environment.	EIAR required.	NO	

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

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

**DP/ADP:** \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)