



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-321879-25

|                                     |  |
|-------------------------------------|--|
| <b>Development</b>                  | Phase one of a proposed three phased housing development consisting of the construction of 28 houses, together with all associated site works. |
| <b>Location</b>                     | Rathmoyle (townland), Ballyroan Road & N77, Abbeyleix, Co. Laois.  |
| <b>Planning Authority</b>           | Laois County Council   |
| <b>Planning Authority Reg. Ref.</b> | 2460001  |
| <b>Applicant(s)</b>                 | Brook Advantage Ltd.   |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Grant Permission with Conditions   |
| <b>Type of Appeal</b>               | Third Party  |
| <b>Appellant(s)</b>                 | Karen Phelan<br><br>Roland and Sharon Tarrant<br><br>The Fairways Residents Association  |
| <b>Observer(s)</b>                  | None   |
| <b>Date of Site Inspection</b>      | 21 <sup>st</sup> July 2025   |
| <b>Inspector</b>                    | Aoife McCarthy   |

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### 1.0 Form 3: Water Framework Assessment

## **2.0 Site Location and Description**

- 2.1. The site has a stated area of 1.46 hectares and is located at Rathmoyle, R425 (Ballyroan Road) and N77 (national secondary road) (Portlaoise Road), Abbeylax, Co. Laois.
- 2.2. The site is located c.1.5km to the north-east of Abbeylax town centre, with low density residential development within the environs of the site.
- 2.3. The site is greenfield in nature and is set within a wider landbank of lands in agricultural use.
- 2.4. The site is bound by the rear boundaries of properties accessed off Ballyroan Road to the east; by The Fairways estate to the south-east; lands in agricultural use to the north and south. Site boundaries consist of mature hedgerows to the north, east and west and open to the south.
- 2.5. The Ballyroan River extends along a field boundary to the north and west of the subject site; located within 55m at it's closest point to the west of the subject site.

## **3.0 Proposed Development**

- 3.1. The proposed development will consist of.  
  
The construction of 28 no. houses (1 no. 4 bed detached, 20 no., 4 bed semi-detached, 7 no. 3 bed terrace dwellings in 2 no. blocks), 1 no. ESB kiosk and all associated site development works including footpaths, parking, fencing, drainage, and landscape /amenity.
- 3.2. Construction access is sought from the N77 to the site via a temporary haul route. Access to the proposed development will be via The Fairways estate to the R425.
- 3.3. From a review of the plans, the subject application was referred to as Phase 1, with Phase 2 to the east and west of the temporary haul route with access to Phase 3 to the south-west of Phase 2.
- 3.4. The scheme was amended in response to a request for Further Information (FI) removing development from a Roads Objective Buffer zone (Map 4.2 (A)) on the northern part of the site, resulting in the omission of a terrace of 21 no. houses; and

replacement with dwellings previously within Phase 2. The haul route to the N77 for the construction phase to the west of the site was also omitted.

- 3.5. The scheme as revised maintained a total of 28 no. houses (1 no. 4 bed detached, 16 no. 4 bed semi-detached, 11 no. 3 bed terrace dwellings in 2 no. blocks), on a reduced site of 1.4 hectares.
- 3.6. The subject phase is referred to as Phase 1; Phase 2 is to the south, with future development pending the roads design objective, identified to the north. A potential future connection point to development on adjoining lands at the south-western corner of the site, is also identified.
- 3.7. There is no indication of the scale of works proposed for the third phase, however the map which forms part of the RSAs (submitted at FI stage) include development within the Roads Objective Buffer Zone to the north of the site. This layout accurately reflects Phases 1 and 2 and has a total of 84 no. units.

## 4.0 Planning Authority Decision

### 4.1. Decision

- 4.1.1. The local authority issued a Notification of Grant Permission on 10<sup>th</sup> January 2025, subject to 23 No. conditions. Condition 1 states the following:

(c) Prior to the commencement of development, the applicant shall submit a revised layout to include revised plans and elevations of the mid-terraced properties indicating access to the rear gardens of same.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area.

- 4.1.2. Condition 18, as cited by The Fairways estate Residents Association, includes the following:

(a) All public open space areas shall be developed for and devoted to the use of the residents/occupiers of the proposed development. They shall be kept free of any development and shall not be enclosed by any means. The developer shall be responsible for satisfactory maintenance and upkeep of all open

spaces in the development until such time as the development is taken in charge by the local authority.

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

4.1.3. Condition 22 states the following:

e) The construction access and associated construction traffic for the proposed development shall be onto the N77 National Secondary Route due west, via the temporary haul road as indicated on the site layout plan received by the Planning Authority on 22/12/2023.

Precise details in this regard shall be agreed in writing with the Planning Authority prior to commencement of development.

## 4.2. Planning Authority Reports

### 4.2.1. Planning Reports (dated 13<sup>th</sup> January 2025)

- The report includes a summary description of development and site context.
- The report includes a summary of the 39 no. third party submissions received on the application (see below).
- The report refers to planning history on the subject site P.A. Reg. Ref.:06/853.
- A Request for FI was made in February 2024, relating to the following:
  - (1) Design and Layout: (a) submission of revised layout, taking account of Roads Objective and Roads Objective Buffer Zone (Map 4.2 (A)); (b) House Type A to be dual fronted; (d) inclusion of front boundary walls to 0.5m; (e) submission of landscape design, pursuant to Policy DM HS 5, (2) indicate provision of childcare facilities for 3 phases; (3) Roads including (a) omission of temporary haul route from the N77 (b) swept path analysis (c) Road Safety Audit (RSA) 1 & 2 to be completed; (e) inclusion of pedestrian crossings; removal of proposed soakaway and outfall of all surface water into the proposed attenuation system; (4) submission of updated preliminary Construction and Environmental Management Plan (CEMP); (5) submission of a pump station survey to determine the capacity of the pumping station. (6) the applicant invited to comment on third party submissions on the application.

- The report notes the following:
  - (1)(a) The layout has been revised removing development from the buffer zone including omission of 56-79 and inclusion of additional units from Phase 2, with associated change to the red line boundary. The planning authority considers this to be acceptable. b) House Type A is acceptable.
  - (2) The provision of a childcare facility to serve the development as part of Phase 2 is acceptable.
  - (3) (a) the haul route is no longer proposed and an alternate transport connection to future development on lands to the immediate south of the site has been identified; a swept path analysis has been completed.
  - (b) A RSA has been completed. A final signed version of the RSA was submitted further to the request for Clarification of FI, along with layout illustrating problem area and accepted recommendation as identified within the audit.
  - (c) Updated locations for Courtesy Pedestrian Crossings are provided.
  - (d) Visitor parking now indicated.
  - (e) Revision of surface water drainage design and report is acceptable.
  - (f) The CEMP as submitted is acceptable.
  - (g) Works to the pump station to bring to Uisce Éireann standard, will be fully agreed further to receipt of a grant of planning permission. The local authority considers this to be acceptable.
- The report includes a summary of submissions as received from 5 no. third parties, subsequent to the erection and publication of statutory notices relating to the submission of Significant Further Information (Please see below).
- The report recommends that, subject to condition, the permission should be granted.

#### 4.2.2. Other Technical Reports

- **Roads Design Office: (21<sup>st</sup> February 2024)** Request FI.  
**10<sup>th</sup> December 2024:** No objection subject to condition.

- **Roads Office, Portlaoise Municipal District (31<sup>st</sup> October 2024):** Request Further Information.

#### 4.3. **Prescribed Bodies**

##### **Department of Housing, Local Government and Heritage (7<sup>th</sup> January 2025)**

4.3.1. The submission is noted to take account of the application and information as submitted at FI stage, and outlines the following:

- An Appropriate Assessment (AA) screening should be carried out, having regard to the nearby River Nore SAC and SPA, and direct tributary to this site noted to run through this townland.
- Where possible native hedgerows and trees present on site should be retained. Where it is necessary to remove, this should be done outside the bird nesting season.
- It is recommended that the proposed lawn/grass areas follow guidelines outlined in the All-Ireland Pollinator Plan for gardens.
- The new buildings should incorporate a minimum of 6 no. swift nest boxes and caller, carried under the guidance of a suitably qualified ornithologist.

#### 4.4. **Third Party Observations**

4.4.1. A total of 39 no. third party submissions been received by the authority, the grounds of which are summarised as follows:

- Electricity grid is not adequate.
- Support for the application however, object to use of access through The Fairways during construction and operational phases.
- Suggest use of proposed haul route through N77 as alternate final route rather than through The Fairways estate, currently a cul de sac.
- Traffic safety concerns through use of access to the R425 via Fairways estate, stated to include a steep incline and poor visibility to east and west.

- The Fairways estate layout poses issues for service and emergency vehicles entering/exiting from the R425.
- Current straight alignment The Fairways would promote speeding through the estate.
- Impact on residential amenities including public and semi-private open space (front gardens), safety for children within this play areas.
- The increase in vehicular traffic could lead to the loss of these safe residential amenities for children utilising the childcare facility in the estate and put them at unnecessary risk.
- High risk of collision occurring with use of haul route from N77.
- It is unclear whether construction traffic would pass through The Fairways estate.
- Construction-related traffic, potential pollution, and noise levels.
- Planning permission previously refused due to safety concerns at the entrance to The Fairways estate; this situation has not changed (P.A. Reg. Ref.: 06/853)
- Need for right turn lane from R425 southbound to serve the development.
- Concern with respect to position and screening of site notice positions and omission of reference to The Fairways.
- Support for application, seek to ensure that there is no overlooking to adjoining property.
- All three phases of development should have been assessed, with respect to traffic impacts as they would all be served by access via The Fairways estate.
- Premature pending roads infrastructure to serve lands in the ownership of the Council, on the subject haul route.
- Queries whether construction of haul route requires EIA.
- Design and quality of housing is not sensitive to or consistent with the existing streetscape within Fairways estate.



- The proposal is out of keeping with scale of development and character of Abbeylax.
- Inadequate public lighting assessment.
- During storm events the extension of the access road from The Fairways, would result in flooding within the development. This has not been assessed in the application.
- Non-compliance with DMURS.
- Proposed development better served by orbital route to the north of The Fairways linking the site to the N77 and the R425.
- A Walkability Audit and QA/DMURS Audit should have been undertaken having regard to slope of access road and ice risk.
- No surface water drainage submitted with the application.

4.4.2. A further 5 no. submissions were received by the local authority from residents within The Fairways estate, and can be summarised as follows:

- The applicant has not commented on the third-party submissions made by the residents of The Fairways estate.
- This application seeks to double the number of dwellings on an area a fraction the size of the existing Fairways development, with no connection historically to the development of The Fairways.
- The site and wider lands should be developed with an access from the N77. The use the existing entrance to The Fairways from the R425 is misconceived, with an increased risk to both motorists and pedestrians at the junction of The Fairways and the R425, which has not been given due consideration.
- High level of vehicular manoeuvres in combination with pedestrian movement at this junction.
- Site notices should have been placed at the entrance from the R425.
- The proposed footpath across houses 69-81 would block entrance to lands to the south-west of Phase 2 and cut across an area of open space. These lands are not in ownership of the applicant.

- Reference to proposed development estate entrance outstanding (P.A. Reg. Ref. 06/853), and absence of a right turn lane on the R425 at the estate entrance; the upgrade of which remains outstanding.
- Lack of a masterplan for the lands.
- The haul route is not clear.
- Haul route should be onto the N77 by condition.
- The RSA has not covered the access onto the R425 from the existing estate.
- A Traffic Impact Assessment (TIA) should have been requested.
- A full planning application should be submitted for the 3 phases.
- An EIA screening has not been submitted with the planning application.
- The proposal should link to the proposed orbital route to the north.

## 5.0 Planning History

### 5.1. Subject Site

- 5.1.1. **P.A. Reg. Ref. 06/853:** Permission refused in January 2007 for the construction of 91 no. houses, comprising 8 no. 2-bedroom semi-detached houses, 40 no. 3-bedroom semi-detached houses, 27 no. 2-bedroom terraced houses, 15 no. 3-bedroom terraced houses, 1 no. 3-bedroom detached house, vehicular roadways, pedestrian footpaths, open public spaces, ancillary infrastructure and site development works, services connected to existing sewage pumping station (prev. granted permission ref. 99/294,00/1347,03/1688). Permission was refused for the following 3 no. reasons:
1. Development of the kind proposed on the land would be premature by reference to the following constraint and the period within which the constraint involved may reasonably be expected to cease-
    - (a) An existing deficiency in the provision of sewerage facilities.
  2. In the absence of a satisfactory upgrade of the junction incorporating a right turn lane on the R425 at the estate entrance to the development, it is considered that

the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

3. Having regard to the location and layout of the proposed public open space areas relative to a number of dwellings, it is considered that the proposal, if permitted would have an adverse impact upon the area, would be injurious to the amenities of the area and would therefore be contrary to the proper planning and sustainable development of the area.

5.1.2. Access to the site was via The Fairways estate to the east of this site.

## 5.2. **Adjoining Site, Fairways Estate, Ballyroan Road, Abbeyleix**

5.2.1. These permissions relate to the construction of The Fairways estate to the immediate east of the subject site.

5.2.2. **P.A. Reg. Ref.: 99/294:** Notification of Final Grant issued in November 2001 for the construction of 46 no. houses including domestic garages, sewerage pumping station and ancillary site development works.

5.2.3. This permission relates to the northern side of the estate.

5.2.4. **P.A. Reg. Ref. 00/1347:** Notification of Final Grant issued in November 2001 for the erection of 46 no. houses, ancillary site works, site services connected to sewage pumping station previously granted under (99/294).

5.2.5. Condition 6 required the provision of a creche, as part of a new application. Condition 7 required the omission of a dwelling and the resultant area to provide public open space.

5.2.6. This permission forms the southern side of the estate.

5.2.7. **P.A. Reg. Ref. 02/162:** Notification of Final Grant issued in May 2002, for the omission of house on site No. 44 (previously numbered site 2 (Reg. Ref.: 99/294)) and provision of new access road to facilitate Phase 2 (Reg. Ref. 00/1347).

5.2.8. **P.A. Reg. Ref. 03/1688:** Notification of Final Grant issued in March 2004 to eliminate previously permitted dwelling at plot 44 (Reg. Ref.: 00/1347) and construction of new creche to comply with condition 6 and the Department of Environment Guidelines for Planning Authorities on Childcare Facilities 2001.

## 6.0 Policy Context

### 6.1. Project Ireland 2040 National Planning Framework, First Revision April 2025

- 6.1.1. The first National Strategic Outcome expected of the National Planning Framework is compact growth. Effective densities and consolidation of urban areas is required to minimise urban sprawl and is a top priority. Relevant provisions of the NPF include the following:

**National Policy Objective 7** - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

### 6.1. Childcare Facilities Guidelines for Planning Authorities, 2001

- 6.1.1. The Guidelines include the following relevant provisions with respect to the provision of childcare facilities in new residential areas.
- 6.1.2. In relation to new housing areas, a standard of one childcare facility providing for a minimum 20 childcare places per approximately 75 dwellings may be appropriate. This guideline standard and will depend on the particular circumstances of each individual site.
- 6.1.3. Appendix 2 of the Guidelines sets out that the threshold for provision should be established having had regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas.

### 6.2. Sustainable Residential and Compact Settlement Guidelines for Planning Authorities, 2024

- 6.3. The Sustainable Residential and Compact Settlement Guidelines for Planning Authorities, 2024 (the Compact Settlement Guidelines) set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements.
- 6.3.1. Development standards for housing are set out in Chapter 5, including SPPR 1 in relation to separation distances (16m between opposing windows serving habitable rooms above ground floor level), SPPR 2 in relation to private open space (3 bed 40

m<sup>2</sup>, 4 bed 50 m<sup>2</sup>), SPPR 3 in relation to car parking and SPPR 4 in relation to cycle parking and storage.

**6.4. Delivering Homes, Sustaining Communities and accompanying best Practice Guidelines – Quality Housing for Sustainable Communities, 2007**

- 6.4.1. The purpose of these Guidelines is to assist in achieving the objectives for delivering homes, sustaining communities contained in the Government statement on housing policy which focuses on creating sustainable communities that are socially inclusive.
- 6.4.2. Development standards for housing are set out in Table 5.1 and include target overall gross floor area (92m<sup>2</sup>); min. space requirements for main living room (13m<sup>2</sup>), aggregate living area (34m<sup>2</sup>), aggregate bedroom area (32m<sup>2</sup>), internal storage (5m<sup>2</sup>) for 3 bed/5 person 2 storey dwellings.

**6.5. Climate and Low Carbon Development Act 2015 (as amended)**

- 6.5.1. The Acts, to be read in conjunction with Climate Action Plan 2025 with reference to CAP2024, outline measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. They include budgets appropriate across a range of sectors. Of relevance to residential development is the built environment sector. The Commission must be consistent with the Plan in its decision making.

**6.6. National Biodiversity Action Plan (NBAP) 2023-2030**

- 6.6.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss.
- 6.6.2. Section 59B (1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

## 6.7. Laois County Development Plan 2021-2027

### 6.8. Land Use Zoning

- 6.8.1. At the time of lodgement, the subject site was subject to two zoning objectives as identified on the Abbeyleix Zoning Map (Map 4.2A). The eastern section of the site is subject to Residential 2 which seeks “To provide for new residential development, residential services and community facilities.”
- 6.8.2. A western section of the site adjacent to the N77 was subject to Enterprise and Employment zoning objective, which seeks “to provide lands for enterprise and employment use, more specifically low input and emission manufacturing, campus-style offices, storage uses, wholesaling and distribution, commercial services with high space and parking requirements that may not be suitable for town centre locations.”
- 6.8.3. The scheme was amended at RFI stage, omitting a proposed access to the N77, removing development from lands subject to the Enterprise and Employment zoning objective.
- 6.8.4. The scheme was also partly located within a Roads Objective Buffer Zone of the Development Plan and amended, through the removal of development from this area.

### 6.9. Development Plan/Core and Settlement Strategy

- 6.9.1. Abbeyleix is a Self-Sustaining Town under the Development Plan, defined as a town with high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services and which require targeted ‘catch up’ investment to become more self-sustaining.

### 6.10. Development Plan/Housing Strategy

- 6.10.1. The Development Plan includes the following relevant objectives:

**HPO 6** To plan for future housing needs and housing allocation within the County in accordance with the estimated population targets and the Core and Settlement Strategy, in order to facilitate the expansion of existing settlements in a planned, sequential and coordinated manner, which ensures development is built alongside the necessary infrastructure including works with Irish Water, and to consolidate the

built-up area within the existing settlements. This ensures the creation of sustainable communities in line with national policy.

**HPO 8** To ensure that an appropriate mix of housing types and sizes is provided in each residential development and within communities in keeping with Development Plan standards. All new housing development is expected to be of a high-quality design in compliance with the relevant standards.

**HPO 9** To promote residential densities appropriate to the development's location and surrounding context, having due regard to Government policy relating to sustainable development, which aims to reduce the demand for travel within existing settlements, and the need to respect and reflect the established character of rural areas.

**HPO 15** Encourage and ensure high standards of energy efficiency in existing and new residential developments in line with good architectural conservation practice and promote energy efficiency and conservation in the design and development of new residential units, encouraging improved environmental performance of building stock. Improving environmental performance may include measures to reduce carbon emissions, improve resource use efficiency and minimise pollution and waste.

**HPO 20** Apply flexibility in the application of development management standards with the consideration of performance-based criteria appropriate to general location, which will provide high-quality design outcomes, where appropriate. This more dynamic performance-based approach, applicable to town centre, infill and brownfield locations, will facilitate flexible design solutions in instances where a proposal fulfils specific planning requirements.

## **6.11. Development Management Standard for Residential Development**

### **6.11.1. The Development Plan includes the following relevant standards:**

**DM HS 1 Residential Housing Development** - Applications for residential development will be assessed against the design criteria set out in Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009) and the companion Urban Design Manual: A Best Practice Guide (2009).

**DM HS 3 Density of Residential Development** - The number of dwellings to be provided on a site should be determined with reference to the document Sustainable

Residential Development in Urban Areas – Guidelines for Planning Authorities (2009). Within these Guidelines a range of residential densities are prescribed, dependent on location, context, scale and availability of public transport.

#### **DM HS 4 Landscaping and Public Open Space in Residential Developments**

Public open space shall be clearly defined and be of high quality design and finish which is easily maintained, easy to access from all parts of the development, easy to use including by people with disabilities, has good lighting and natural surveillance and is enjoyable to use, walk and cycle around all year round. These spaces should include informal play spaces, safe well-lit pathways which will facilitate children learning to cycle, adults able to walk safely and encouraging social interaction between local residents.

A detailed plan for hard and soft landscaping should be submitted for each development. It should propose planting in public and private areas. Landscaping should contribute to the overall attractiveness of the development and be easily maintained.

Public open space shall comprise of the following:

- In large infill sites or brown field sites public open space should generally be provided at a minimum rate of 10% of the total site area.
- In greenfield sites, the minimum area of open space that is acceptable within the site is 10% of the total site area.
- In all other cases, public open space should be provided at the rate of 10% of the total site area.
- Where a public space is not fully usable due to the presence of infrastructure or occurrence of repeated flooding, the Council will require this to be offset by provision at another location, or addressed through a financial contribution in lieu of the shortfall arising, in accordance with the Council's Development Contribution Scheme.

SuDS are not generally acceptable as a form of public open space provision, except where they contribute in a significant and positive way to the design and quality of open space. Where the Council considers that this is the case, in general a maximum of 10% of the open space provision shall be taken up by SuDS.



**DMHS 5** relates to **Public Open Space Provision for Housing Developments** and specifies that for the following amenity requirements to serve schemes comprising 26-99 no. dwellings.

- Landscaped passive recreational area (sitting out)
- Active amenity open space (ball games)
- Areas for younger children (play area/ground)
- Multi-use games area
- Grass sports pitch / playing fields or
- Multi-use gamers area – tennis/basketball.

**MHS 5 Boundary Treatments** - The side boundaries of rear gardens shall be 1.8m-2m in height and shall be formed by high quality boundary treatments such as concrete block walls or concrete post and rail fencing.

Two-metre-high concrete walls shall be provided between all areas of public open space and gardens to the rear of dwellings. The walls shall be suitably rendered and capped in a manner acceptable to the Council. Concrete screen walls along public spaces should be avoided through quality design but where it is not possible to do this, they should be suitably rendered and capped. Proposals for planting along the public side of the wall shall be included on a landscaping plan. An additional inner grass verge shall be provided at the footpath to facilitate this if necessary.

In the interest of passive surveillance, where side boundary walls adjoin the public footpath, the walls shall be a maximum of 1 metre in height as far as the rear building line of the dwelling (beyond which a 2m wall may be provided).

Landscaping along boundary walls is also encouraged to promote biodiversity and green infrastructure.

Open plan front gardens will generally be discouraged and will only be acceptable.

## **6.12. Development Plan/ Childcare Facilities Policy Objectives**

6.12.1. The Development Plan includes the following relevant objective:

**CCPO 1** Encourage, promote and facilitate the provision of childcare facilities in accordance with national policy and the Department of the Environment, Heritage

and Local Government Planning Guidelines on Childcare Facilities: Guidelines for Planning Authorities (DoEHLG, 2001) and any other relevant statutory guidelines which may issue during the period of this Plan

### 6.13. **Development Management Standards for Creche / Childcare Facilities**

6.13.1. The Development Plan includes the following relevant design standard:

**DM CC 1 Childcare Facilities** Require the provision of childcare facilities of an appropriate type and scale in suitable locations throughout the County and comply with the Section 28 Guidelines on Childcare Facilities, 2001 (and any subsequent update). In particular, the development of childcare facilities at the following locations will normally be required:

- areas of concentrated employment and business parks;
- neighbourhood centres;
- integrated into large retail developments and retail warehouse parks;
- in, or in the vicinity of, schools or major educational facilities;
- adjacent to public transport nodes;
- in, or adjacent to, community centres and
- within new and existing residential development.

### 6.14. **Development Plan Transport Objectives**

6.14.1. The Development Plan includes the following relevant objectives:

**TRANS 18** Facilitate a limited level of new accesses or the intensified use of existing accesses to the national road network on the approaches to or exit from urban centres that are subject to a speed limit zone between 50kmph and 60kmph otherwise known as the transition zone. Such accesses will be considered where they facilitate orderly urban development and would not result in a proliferation of such entrances, leading to a diminution in the role of these transitional zones. A Road Safety Audit, prepared in accordance with TII Publications: GE-STY-01024 Road Safety Audit shall be submitted where appropriate.

Proposals shall have regard to the TII Publication 'The Treatment of Transition Zones to Towns and Villages on National Roads' (TII Publications DN-GEO03084).

**TRANS 21** Carry out a carrying capacity review of all strategic regional routes and regional routes to inform future policy on protection if required.

**TRANS 26** Require the submission of a Traffic and Transport Assessment including mobility management plans in accordance with the guidelines in the Traffic and Transport Assessment Guidelines 2014, for developments with the potential to create significant additional demands on the traffic network by virtue of the nature of their activity, the number of employees, their location or a combination of these factors and for significant developments affecting the national and non-national road Network.

**TRANS 34** All developments should provide facilities for the charging of battery-operated cars at a rate of up to 10% of the total car parking spaces. The remainder of the parking spaces should be constructed so as to be capable of accommodating future charging points, as required.

**TRANS 35** New residential development should accommodate at least one car parking space equipped with an EV charging points for every ten car parking spaces being provided for the associated development.

#### **6.15. Development Plan Car Parking Standards**

- 6.15.1. Car parking standards are set out in Table 10.3 of the Development Plan, which includes a requirement of 2 no. on-site spaces per house.

#### **6.16. Natural Heritage Designations**

- 6.16.1. There are no European sites within the subject site.
- 6.16.2. The closest European site to the subject site is the River Nore and River Barrow SAC (Site Code: 002162), located c.2.91km to the south-west of the site.
- 6.16.3. The closest designated site is the River Nore/Abbeyleix Woods pNHA (Site Code: 002076), located c.2.95km to the south-west of the site.

#### **6.17. Water Framework Assessment**

- 6.17.1. The proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any

water body in reaching its WFD objectives and consequently can be excluded from further assessment. (Appendix 3 refers).

## **6.18. EIA Screening**

- 6.18.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

- 7.1.1. The grounds of appeal of the three appeals are summarised separately below:

#### **1. Richard and Sharon Tarrant**

- Failure by the PA and/or applicant to consult with TII with respect to access from the N77.
- Endangerment of public safety through creation of additional hazards within The Fairways estate.
- Inappropriate use of Fairways access road, with design issues, including sharp incline and insufficient sightlines to the R425.
- Significant adverse impacts to established residential and open space amenities through the use of this access.
- Reference to an application on the subject site, refused permission partly in the absence of a satisfactory junction incorporating a right turn lane onto the R425 at the estate entrance (P.A. Reg. Ref. 06/0683 refers.)
- To facilitate development, in the absence of the junction upgrade would constitute a traffic hazard and obstruction to road users.

- No assessment or consideration of public lighting on N77 or at access of the estate to the R425.
- The public lighting on the N77 stops short of the proposed haul route and does not cover the sightline distance on the N77 approach from the north, with insufficient lighting of the carriageway at this junction.
- The public lighting on the R425 in proximity to the access to The Fairways is substandard.
- The gradient of access road and sightlines at the R425 are non-compliant.
- No proposals have been submitted pedestrians and vulnerable users in crossing this junction.
- Hedgerow growth on the town side of the entrance restricts sightlines in this direction.
- Cumulative traffic impact to the R425 should be assessed.
- A TTA should have been submitted.
- Failure to provide EIA Screening Report.
- Failure to assess the cumulative effect of the potential three phases of development, project splitting, and potential circumvention of the 2014/52/EU Directive.
- All three phases should be assessed at this stage.
- Development should be configured to link to the orbital route to the north of Fairways and subject site linking the N77 and R425. Access via the orbital route would allow prospective residents to avoid the R425 in the vicinity of Scoil Mhuire.
- The grant of permission is premature pending the preparation of the masterplan for lands including the subject site, an etender for which was issued, subsequent to the Council issuing a Notification to Grant Permission for the subject proposal.

## **2. Karen Phelan**

- The existing access through The Fairways was not designed as a through route to serve an additional residential development. The use of this route would

result in significant adverse impacts with respect to traffic and road design safety within the estate and at the R425.

- Significant adverse impact on three areas of public open space and childcare facility within the estate.
- The access route through The Fairways should not be used to serve additional future phases of development to the north and south of the subject site.
- The timing of lodgement and position of the site notices are considered to have impeded interested parties to the disclosure of the application.
- Reference to precedent on the subject site (P.A. Reg. Ref. 06/853).

### **3. The Fairways Residents Association**

- The proposed development would endanger public safety by reason of traffic hazard.
- Reference to precedent on the subject site (P.A. Reg. Ref. 06/853).
- As there has been no upgrade of this junction to incorporate a right turn lane on the R425, the proposed development would constitute a traffic hazard and obstruction to road users.
- The RSA did not include an assessment of the main access road through The Fairways.
- The RSAs have not adequately considered TII Guidance GE-STY-01024 Guidance on Stage F Road Safety Audits relating to which requires comparative assessment of access options from a Road Safety Point of View. The use of the Fairways for the construction phase, in isolation, is not an informed decision.
- There is a lack of clarity around the decision of the PA with respect to the haul route to the N77.
- The application should have been accompanied by a TTA.
- The decision is premature pending the completion of a carrying capacity review of all strategic routes and roads (Policy Objective TRANS 21 refers).

- Lack of clarity with respect to the approved construction route serving the development.
- An EIA Screening has not been undertaken by the PA; noting the proposal constituting project splitting in order to obviate cumulative assessment.
- Significant adverse impact on residential amenity of the established Fairways estate, with limited assessment of same.
- The provision of a creche facility within Phase 2 has not been assessed against and contravenes DM SC 2 of the Development Plan.
- There is a creche in The Fairways estate, which has not been considered in the Construction and Waste Management Plan (CWMP) or in the RSA.
- The addition of an estate adjacent to an established estate of 90 no. units, will have a significant negative impact on the character of the area and the transport networks.
- The Council issued an e-tender on the 29<sup>th</sup> January 2025 for the preparation of a masterplan for an area which includes the subject site; and may therefore be premature pending the completion of this process.
- Condition 18 (a) is unenforceable and would have a negative impact on the character of the Fairways estate.

## **7.2. Applicant Response**

7.2.1. The First Party Response to the third-party appeals notes the following:

- The application is phase 1 of a 3 phase development.
- Lands are zoned Residential 2 (New Residential) in the Laois County Development Plan.
- The proposal is compliant with all national, regional and local planning policy.

### **Traffic & Transportation**

- Proposed development to be accessed via an existing residential development, The Fairways, off the R425 (Ballyroan Road).
- All roads have been thoroughly assessed by the Council.

- The planning authority have included a condition permitting a temporary access for construction traffic from the N77 for Phase 1 only (subject development only).
- The applicant is required to submit an updated Stage 1 and a Stage 2 Road Safety Audit prior to commencement of development. A Stage 4 Audit is also required, (submitted 6 months following occupation of the development).
- The Roads Section is satisfied that the access from the N77 and R425 are adequate. LCC would have taken TII requirements into consideration with respect to access to the N77.
- Issues that residents of Fairways encounter on the R425 are matters for the Council to manage, noting that they have an annual programme of works to this effect.
- There will be an increase in traffic movements, however this is an urban area where growth is expected in accordance with national and regional estimates, with a focus on sustainable transport modes; noting that the site is within walking distance of the town centre comprising commercial, community facilities, including schools.

### **EIA Screening**

- Item 10(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the construction of more than 500 units of dwellings.
- There is no intentional motive to project split but a logical step to facilitate different phases of development, submitted separately based on budgetary and other programme and planning requirements.
- The overall site would still fall under the threshold of 500 units and any potential future applications be assessed under Stage 1 Appropriate Assessment, which would highlight a requirement for NIS or EIA.
- As it stands this is not a large scale project and there are no apparent characteristics or elements of design that are likely to cause significant effects on the environment.



### **7.3. Planning Authority Response**

7.3.1. None received.

### **7.4. Observations**

7.4.1. None received.

### **7.5. Further Responses**

7.5.1. None received.

## 8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including the report of the local authority, having inspected the site and having regard to the relevant local and national policies and guidance, I consider the substantive issues in this appeal are as follows:

- Principle of Development
- Creche / Childcare Facility
- Traffic and Transportation
- EIA
- Other Issues

### 8.2. **Principle of Proposed Development**

- 8.2.1. At the time of lodgement, the application related to the provision of a residential development of 28 no. houses, 1 no. ESB kiosk, and all associated site development works. Access to the proposed development will be from the R425 via The Fairways estate, with an access to the N77, for the construction phase.
- 8.2.2. At this stage, the site was subject to two zoning objectives as identified on the Abbeyleigh Zoning Map (Map 4.2A) of the Laois County Development Plan 2021-2027 (the Development Plan). The eastern section of the site is subject to Residential 2 (New Residential) which seeks “To provide for new residential development, residential services and community facilities.” Residential use will normally be acceptable under this zoning objective.
- 8.2.3. A western section adjacent to the N77 was subject to Enterprise and Employment zoning objective. The scheme was amended at FI stage, the proposed access to the N77, on lands subject to the Enterprise and Employment objective.
- 8.2.4. The layout was also amended to take account of a Roads Objective Buffer Zone of the Development Plan to the north of the subject site, through the removal of development from this area.

- 8.2.5. The scheme as revised maintained a total of 28 no. units within a site of 1.4 hectares, with access for both construction and operational phases from the R425 through The Fairways estate.
- 8.2.6. The appellants consider that the grant of permission is premature pending the preparation of the masterplan for lands including the subject site. The appellants state that an e-tender had been issued, subsequent to the Council issuing a Notification to Grant Permission, in this context.
- 8.2.7. The planning authority have not commented directly on this matter. There are no policies or objectives in the Development Plan requiring the preparation of a masterplan. As a result, I am satisfied that the timing of the application is not premature pending the preparation of a masterplan.
- 8.2.8. Having regard to the above, I consider the proposal to be acceptable in principle, subject to assessment with respect to issues as raised within the grounds of appeal as addressed below.

### **8.3. Creche / Childcare Facility**

- 8.3.1. The Fairways Residents Association considers that the crèche facility within Phase 2 has not been assessed by the local authority, with reference to Development Management Standard DM CC1 of the Development Plan.
- 8.3.2. This standard requires the provision of childcare facilities “of an appropriate type and scale in suitable locations throughout the County” and in compliance with the Guidelines for Planning Authorities on Childcare Facilities, 2001 (the Childcare Guidelines).
- 8.3.3. DM CC1 identifies that childcare facility would normally be required within new or existing residential development; and that the provision of one childcare facility for approximately 75 dwellings may be appropriate, depending on the circumstances of each site. Appendix 2 sets out that the threshold for provision should have regard to the “existing geographical distribution of childcare facilities” and the emerging demographic profile of areas.
- 8.3.4. I also refer the Commission to Pol Obj. CCPO 1 of the Development Plan, which seeks to encourage the provision of childcare facilities in accordance with national policy and the Childcare Guidelines.

- 8.3.5. The Planner's Report includes the response of the applicant to Item 2 of the FI request, which required the applicant to indicate proposals for the provision of creche/childcare facilities for the three phases of the development. At the time, the application related to an initial phase of 28 no. units and overall provision of 84 no. dwellings. The FI request has regard to the Childcare Guidelines.
- 8.3.6. The response sets that a childcare facility with associated parking would be provided at Site 42 within phase 2 of the development. The Planner's Report deems this to be acceptable.
- 8.3.7. As detailed above, the layout of the subject scheme was amended at FI stage, with the third phase on lands to the north of the site, pending the resolution of the Abbeyleix Roads Design objective.
- 8.3.8. The housing mix for Phases 1 and 2 consist of a mix of -3- and -4-bed houses, and as such, all large enough to accommodate families, as referenced within the Childcare Guidelines.
- 8.3.9. From a review of the plans, a 'Creche Site', has been identified at the western end of the site within Phase 2, on lands within the ownership of the applicant, with indicative provision of 6 no. car parking spaces. The site abuts an area of public open space (Phase 1) within the south-eastern corner of the site. The block backs onto lands in agricultural use to the west.
- 8.3.10. The application was not accompanied by supporting information with respect to the extent of childcare facilities currently serving the site. There is a childcare facility located at the eastern end of Fairways estate, serving 92 no. houses.
- 8.3.11. Having regard to the Childcare Guidelines, the subject application of 28 no. units does not exceed the threshold for the provision of a childcare facility. This is also the case with the second phase, with a collective total of 56 no. units. As such, the requirement may only arise with the delivery of the final phase is confirmed.
- 8.3.12. From a review of the plans, I consider the indicative location to be acceptable, in terms of accessibility to dwellings within phases 1 and 2, taking account of the existing childcare facility within The Fairways at the eastern of that estate.

- 8.3.13. The facility would be assessed in greater detail, as appropriate, as part of a subsequent planning application, taking account of a relevant future phases of development, in accordance with Childcare Guidelines.
- 8.3.14. Having reviewed the location for an indicative future childcare facility, I note that the both the local authority and I have come to the same conclusion, that the indicative provision and location is acceptable, is in accordance with the Childcare Guidelines for Planning Authorities 2001 and DM CC1 of the Development Plan. I note that this is also in accordance with CCPO 1 of the Development Plan.
- 8.3.15. In this context, I do not consider it necessary to include a specific condition relating to the provision of this facility, as it does not form part of the subject application but is and is otherwise covered by Condition 1, relating to the plans and particulars as lodged with the PA over the course of the application.

#### **8.4. Traffic and Transportation**

- 8.4.1. The grounds of appeal relate of appeal relate primarily to issues of traffic and transportation, including potential affects to the residential amenities of residents within The Fairways estate, as addressed within this section.

##### **Site Accesses**

- 8.4.2. The appellants all object on the grounds that The Fairways estate was never designed to accommodate additional phases of development; noting the access road includes a section with a steep incline, with insufficient sightlines to the R425. They state that hedgerow growth at the entrance restricts sightlines in the town side direction.
- 8.4.3. As outlined above, the subject application relates to the provision of a residential development of 28 no. units with access via The Fairways estate to the R425 to the east, and with a proposed access to the N77 during the construction phase.
- 8.4.4. The scheme was amended to take account of Roads Objective Buffer Zone of the Development Plan, to the north of the subject site, through the removal of development (comprising 21 no. houses); and preserving this area for future development pending the Roads Design Objective. The construction phase access to the N77 was also omitted.

- 8.4.5. From a review of the plans and a site inspection, access route to the R425 is through an established residential estate of 92 no. houses to the R425. From a site inspection I consider the sightlines at this established junction to in both directions to be acceptable.
- 8.4.6. The Appellants refer to the application for 91 no. units on the subject site, refused in part on the grounds that in the absence of a satisfactory upgrade of the junction incorporating a right turn lane on the R425, the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users (P.A Reg. Ref.: 06/853 refers). The appellants outline that a right-hand lane has not been incorporated to date; and as such the proposal would constitute a traffic hazard and obstruction to road users.
- 8.4.7. I note that each application must be assessed on its own merits.
- 8.4.8. In this case, the subject application relates to the provision of residential development of 28 no. units via the established Fairways estate to the R425. Upgrade works to include a right-hand turning lane to access the Fairways estate from the R425 have not been undertaken by or on behalf of the Council.
- 8.4.9. As set out above, I am satisfied that sightlines to and from the established estate to the R425 are acceptable.
- 8.4.10. Having regard to the limited quantum of development as part of the subject application and access route through this established estate, I consider that the proposal would not result in the creation of a traffic hazard and/or obstruction of road users at the entrance to the estate from the R425.
- 8.4.11. The Roads Design Office has no objection to the use of this access as part of the subject application, in the absence of this right-hand turning lane. As such, I am satisfied that this precedent can be set aside in this instance.
- 8.4.12. The Fairways Residents Association considers that the RSAs have not adequately considered TII Guidance GE-STY-01024 Guidance on Stage F Road Safety Audits, which I note relate to a comparative assessment of access options from a Road Safety perspective, and referenced in Policy Objective Trans 18 of the Development Plan. In this context, the policy seeks to limit new accesses or the intensified use of

existing access points to the national road network to which speed limits greater than 60kmph apply.

- 8.4.13. From a review of the plans, I note that the temporary haul road would egress onto the N77, a National Secondary Road where a speed limit of 80 kmph applies; and would therefore be contrary to TRANS 18 of the Development Plan, as identified also by the local authority.
- 8.4.14. As noted above, the scheme was amended at RFI stage, omitting this construction phase route, to the west of the site, with construction traffic provided through The Fairways estate to the R425, to take account of this CDP Objective.
- 8.4.15. The Fairways Residents Association considers that a Stage F Audit, as referenced within TII Guidance GE-STY-01024 should have been undertaken by the applicant, when there is a choice of routes or options available. The TII Guidelines outline that Audit F is normally completed at a preliminary stage, prior to route selection. It includes a comparative assessment of both options from a road safety perspective. In my opinion, a Stage F is not applicable in this case.
- 8.4.16. As noted by the appellants, the Planning Authority included a condition (Condition 20(e), which requires the construction access should be onto the N77, via a temporary haul road, as per the plans as submitted in the first instance. There is no reference in the Planner's Reports to support it's inclusion. It is possible that this was included in error.
- 8.4.17. The Preliminary CEMP was submitted with the application at FI stage included a Traffic Management Plan for the development including during the construction phase. It is proposed that construction phase traffic would utilise the R425 to the east of the site. A one-way system would be implemented, entering the site via the southern access road, and exiting along the northern route.
- 8.4.18. The document requires updating to take account of the layout as revised at FI stage. I consider the implementation of this strategy would reduce unnecessary traffic manoeuvres during the construction phase. As such, in the event the Commission decide to grant permission I recommend the inclusion of condition requiring the CEMP to be updated to take account of the scheme as revised at FI stage.

8.4.19. The appellants consider that the local authority has not consulted sufficiently with the TII with respect to this access.

8.4.20. Whilst outside the remit of this appeal, I note that TII did not make a submission, to the application and appeal processes, and as such this matter can be set aside.

#### **RSAs/ Road Safety**

8.4.21. The Fairways Residents Association object on the grounds that an RSA of the main access road through The Fairways has not been undertaken.

8.4.22. The appellants all state that the estate was not designed to take additional phases of development and refer to a steep incline within the road network.

8.4.23. As outlined above, the subject application seeks to extend established access roads from the Fairways estate west, catering for a total of 28 no. houses, a relatively limited scale of development. A Traffic Management Plan has been prepared to address traffic safety through the estate, during both construction and operational phases to the R425. As a result, I do not consider that the proposal would result in significant adverse impacts with respect to traffic safety for dwellings within The Fairways estate and the proposed development. I note that matters relating to the road infrastructure and traffic safety within the estate are, otherwise for the Council to manage to address.

8.4.24. Whilst not raised within the grounds of appeal, the application was accompanied Stage 1 and Stage 2 RSAs as requested by the Planning Authority at FI stage. From a review of the RSAs, I note that all recommendations of the RSAs have been incorporated into the layout. The mapping as attached to the RSA, reflects the scheme as revised as FI stage; however, it includes development within Roads Design Objective buffer zone.

8.4.25. As such, in the event that the Commission decide to grant permission, I recommend the inclusion of condition requiring the submission of updated RSAs to the planning authority prior to the commencement of development, taking account of the removal of development from the north of the site.

8.4.26. The appellants all identify that public lighting on the R425 and the N77 is substandard, and requires upgrade, to cater for the subject development. As noted above access to the site is via The Fairways estate only to the R425. As such, the



maintenance and upgrade are matters only for the local authority to manage and upgrade, as appropriate.

8.4.27. From a review of the documentation, The Fairways estate has a single access from the R425, which extend west providing access through the estate on two parallel access roads forming cul-de-sacs at No. 69 on the northern access road and No.s 23 and 24 on the southern one. The subject application includes opening up of both cul-de-sacs, extending both routes west on parallel access roads, and with a connecting access road at the western end of the site.

#### **Traffic and Transportation Assessment**

8.4.28. The appellants all consider that the application should have been accompanied by a Traffic and Transport Assessment (TTA), as required under Trans 26 of the Development Plan. The policy requires the submission of a TTA for developments with the potential to create significant additional demands on the traffic network and for developments affecting national and non-national road network, and for significant developments affecting the national and non-national road network” in accordance with the Traffic and Transport Assessment Guidelines, 2014.

8.4.29. By way of reference, Table 2.1 of the Traffic and Transport Assessment Guidelines identifies that residential development in excess of 200 no. dwellings onto the national road network would require a TTA. There is no specific reference in this document to the use of a regional road.

8.4.30. The application included the use of the N77 for the construction phase; however, this has been removed at FI stage in order to comply with Trans 18 of the Development Plan.

8.4.31. The application relates to provision of 28 no. houses as part of the first phase of development, egress through an established residential estate to the R425, a regional road. I note that sightlines at this egress point are acceptable.

8.4.32. As detailed above, the proposal includes the extension of a pair of parallel access roads west within the Fairways estate through the subject site with a connecting access road at the western end of the site, facilitating development of the subject application and the subsequent phase.

- 8.4.33. Having regard to the nature of the subject proposal, in my opinion, the proposed development would not result in the creation of significant additional demands on the traffic network, and as such, does not require the preparation of a TTA. Any subsequent phases would need to re- assess the potential impact on the road network.
- 8.4.34. The appellants all consider that development should be configured to link to the orbital route to the north of Fairways and subject site linking the N77 and R425. The Fairways Residents Association consider that access via this route would allow prospective residents to avoid the R425 in the vicinity of Scoil Mhuire.
- 8.4.35. Whilst this commentary is noted, the development was amended at FI stage to amend the application to take account of lands within this roads design objective buffer zone. The local authority has not commenced a process to deliver this orbital route at this stage. As a result the application would not impact the delivery of this roads objective.
- 8.4.36. The Fairways Residents Association considers that the application is premature pending the completion of a Carrying Capacity Audit all strategic regional routes (Trans 21 of the Development Plan refers.) There has been no indication from the planning authority with respect to the kick off of this audit by the local authority. This issue was also not raised by the Roads Design Office of the local authority.

### **Residential Amenity**

- 8.4.37. The appellants all consider that the use of the principal access through The Fairways estate would result in significant adverse impacts to established residential and open space amenities.
- 8.4.38. I note that the maintenance and management of the public open space and access roads within The Fairways estate is within the remit of the local authority, noting that the estate has been taken in charge.
- 8.4.39. The application includes a preliminary CEMP which includes measures to protect the amenities of properties within the estate during the construction phase, including with respect to dust minimisation, measures to address potential noise and vibration impacts.

- 8.4.40. Dust minimisation measures include the stabilisation of disturbed areas as soon as practicable, utilisation of a water tanker to dampen work areas and exposed soils and the covering of trucks transporting material from the site.
- 8.4.41. In order to reduce noise impacts the report recommends that maximum ambient noise levels (Mon-Friday (75dBA), Saturday (70dBA) and when work is permitted outside normal working hours (60dBA), in accordance with BS5228: Noise Control on Construction and Open Sites. Other measures include requiring all vehicles and mechanical plant to be fitted with effective exhaust silencers.
- 8.4.42. The measures also note recommend that any plant such as generators and pumps, required to work outside of normal working hours should be surrounded by an acoustic enclosure to further reduce potential noise impacts.
- 8.4.43. With respect to vibration effects, the report notes that Method Statements should be prepared to ensure that, through the selection of appropriate compaction plant and methods, that there is no damage to structures.
- 8.4.44. The construction phase is noted to have a duration of 18 months, and I consider that the impacts would be temporary and therefore acceptable.
- 8.4.45. Having regard to the above, I recommend the inclusion of conditions, requiring that all measures as outlined within the Preliminary CEMP are undertaken; and that the document is updated to take account of the scheme as revised at FI stage of this application.

#### **Auto-track analysis**

- 8.4.46. Whilst not raised in the grounds of appeal, from a review of the auto track analysis, HGV vehicles cannot turn in the turning areas proposed without mounting the footpaths or driving beyond the site boundary (Drawing No.: 23030-DR-0103 refers). I also consider that turning heads should be revised to ensure adequate turning areas.
- 8.4.47. As such, in the event the Commission decide to grant permission I recommend the inclusion of a condition requiring the submission of revised autotrack analysis as identified by the Roads Design Office.

#### **EV Charging Points/Car Parking Spaces**

8.4.48. Whilst not raised within the grounds of appeal, from a review of the plans, it is not clear which if any spaces have been identified as EV spaces. The Development Plan includes two standards for the provision of EV charging points/ car parking spaces:

8.4.49. Two standards of the Development Plan apply:

TRANS 34 relates to “all developments” and requires that facilities for charging battery-operated cars should be provided at a rate of up to 10% of the total car parking spaces. The remainder of the parking spaces should be constructed so as to be capable of accommodating future charging points, as required.

TRANS 35 states that new residential developments should accommodate at least one car parking space equipped with an EV charging point for every 10 car parking spaces provided.

8.4.50. Car parking provision within the scheme accords with the Development Plan standard of 2 no. on-site spaces per dwelling. This provision also accords with the maximum standard as set out in the Sustainable Communities Guidelines for Planning Authorities, 2024. The scheme also includes 12 no. visitor car parking spaces; a total 68 no. spaces.

8.4.51. Based on the implementation of TRANS 34, the scheme requires the provision of 7 no. car parking spaces with facilities for charging battery-operated cars. The scheme includes a total of 68 no. spaces, and as such identification of these spaces should be readily met.

8.4.52. As such, in the event the Commission decide to grant permission, I recommend the inclusion of a condition requiring that 10% of all car parking spaces shall be provided with functioning electrical vehicle charging stations/points. Ducting in place for the remainder of the spaces.

## 8.5. EIA

8.5.1. The appellants state that an EIA Screening has not been undertaken by the local authority. They also consider that the proposed phasing would constitute ‘project splitting’ to avoid cumulative assessment.

8.5.2. I note the response of the applicant, stating that there is no intentional motive to project split, but has been broken into phases, taking account of budgetary and other programme and planning requirements.

- 8.5.3. The response includes reference to Item 10(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended), which provides that mandatory EIA is required for the construction of more than 500 units of dwellings.
- 8.5.4. The report notes that the scheme would still fall below this threshold, and any future applications would be assessed under a Stage 1 Appropriate Assessment (AA), which could indicate the need for NIS or EIA.
- 8.5.5. The report concludes that there are no apparent characteristics or elements of design that are likely to cause significant effects on the environment, and that EIA is not required.
- 8.5.6. The PA have included a summary EIA Screening within the text of the report, which inaccurately, notes that the proposed development is not specified in Part 2 of Schedule 5 of the Regulations. The assessment refers to the nature, size and location of the project, concluding that the proposed development would not be likely to have significant effects on the environment, and as a result, EIA is not required.
- 8.5.7. In this context, having reviewed the scheme, I note that the proposal to split the development into phases is standard practice, and any future application would need to be assessed with respect to both AA and EIA.
- 8.5.8. For clarity, the requirement for AA, based on the Habitats Directive (92/43/EEC), requires an assessment of the potential impacts of a project on any European Site; based on whether the proposal would adversely affect the integrity of a site's conservation objectives.
- 8.5.9. The requirement for EIA is based on the EIA Directive have been transposed into the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended). It requires an assessment of the likely significant effects that a project would have on the environment.
- 8.5.10. As detailed in Section 6.18 above, I have undertaken an EIA Screening of the project, which has had regard to the characteristics and location of the proposed development, the types and characteristics of potential impacts, and concludes that there is no real likelihood of significant effects on the environment, and as such EIA is not required.

**8.6. Other Issues**

### **Procedural Matters**

- 8.6.1. I note procedural matters as raised by the appellants relating to the timing of the application and position of site notices are matters for the local authority to consider and assess on receipt of the application, in order to comply with, inter alia, the Planning and Development Act 2000 (as amended) and the Regulations 2001, thereunder.

### **Access to rear gardens**

- 8.6.2. From a review of the Site Layout Plan, house plans and elevations, access to the rear gardens of the mid-terraced properties has not provided.
- 8.6.3. As such, in the event the Commission decide to grant permission I recommend the inclusion of a condition requiring revised layout to include revised plans and elevations indicating access to the rear gardens of same.

### **Surface Water Drainage**

- 8.6.4. Whilst not raised within the grounds of appeal, the applicant proposes to install an underground storage area within the public open space within the south-western area of the site.
- 8.6.5. SuDS measures also include the use of sumps in gullies and manholes and filter drains. It is also proposed to install a Class 1 discharge bypass separator to treat surface water for hydrocarbons run-off prior to discharge to the storage area. All run-off would also discharge to an isolator row located within the storage system.
- 8.6.6. Having reviewed the documentation, I am satisfied that the surface water drainage measures would not result in adverse effects to public health.
- 8.6.7. As such, in the event the Commission decide to grant permission, I recommend the inclusion of conditions as recommended by the local authority with respect to surface water drainage.

## 9.0 AA Screening

- 9.1. I have considered the proposed residential development of 28 no. houses internal access roads, including access road for construction phase from the N77 and all associated works, in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The closest European site to the subject site is the River Nore and River Barrow SAC (Site Code: 002162), located c.2.91km to the south-west of the site.
- 9.3. No nature conservation concerns were raised in the planning appeal.
- 9.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.5. The reason for this conclusion is as follows:
- The relatively small scale and nature of the subject proposal.
  - The distance from nearest European site.
- 9.6. I conclude, 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.
- 9.7. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

- 10.1. I recommend that Permission is granted, subject to conditions, for the reasons and considerations as set out below.

## 11.0 Reasons and Considerations

Having regard to the nature, extent and location of the proposed development, pattern of development in the area, the New Residential land use zoning objective relating to this site, policies and objectives and design standards of the Laois County Development Plan 2021-2027, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health, and would therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 22<sup>nd</sup> December 2023 and further information received by Planning Authority on 23<sup>rd</sup> August 2024, 19<sup>th</sup> November 2024, 17<sup>th</sup> December 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

- 2 Prior to the commencement of development, the applicant shall submit a revised layout to include revised plans and elevations of the mid-terraced properties indicating access to the rear gardens of same.

**Reason:** In interest of clarity.



- 3
- a) Where the developer proposes to connect to a public water wastewater network operated by Uisce Éireann. The developer must Sign a Connection agreement Uisce Éireann prior to the commencement of the development and as per the standards and conditions set out in that agreement.
  - b) Any proposals by the developer to divert or build over any existing water or wastewater services must be submitted to Uisce Éireann written approval to works Uisce Éireann request the developer to submit details to Uisce Éireann for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Uisce Éireann prior to connection agreement and or works commencing.
  - c) All development shall be out in compliance with Uisce Éireann Standards Codes and practices.
  - d) The developer shall ensure that a clean potable water supply is provided prior to first occupation which complies with the E.U. (Drinking Water) Regulations, 122 of 2014 as amended.
  - e) Foul effluent shall be collected and discharged to the public foul sewer.

**Reason:** In interests of public health, residential amenity and proper planning.

- 4
- (a) All surface water run-off from entrances and parking shall be collected and disposed of within the site to the surface water waste line. In particular, no such surface water run-off shall be allowed to flow onto public roadway, public wastewater line or adjacent properties.
  - (b) The proposed development shall not interfere with existing land road drainage.
  - (c) No contaminated storm water shall be discharged to any public wastewater line, drain soakaway. Interceptors shall be provided on the storm water wastewater network prior to discharge to the water source. Inspection manhole chambers shall be provided between each interceptor and the point of discharge.
  - (d) Prior to commencement of development, the developer shall submit revised stormwater drainage proposals to Planning Authority for written

approval Proposals shall be revised to cater for a maximum outflow of 3.6 l/s as outlined in the surface water drainage SUDS report submitted in response to the request of Clarification of Further Information received by the Planning Authority on 19<sup>th</sup> November 2024.

**Reason:** To prevent flooding of the public road, in the interests of traffic safety and in the interests of public health.

- 5 a) The Developer shall comply with the requirements of the Waste Management Act 1996 as amended in relation to waste stored/generated/moved as a result of any activity at this site. The Developer shall ensure that all waste hauliers hold a valid Waste Collection Permit for the waste material collected from the site and that the waste material is delivered to authorised waste recovery/disposal facilities.
- (b) All residential housing units shall have sufficient external space within the curtilage of each site to store 3 wheelie bins. The bin storage space provided shall be in accordance with Article 2.3 'Location for Container Storage' of Laois County Council's Waste (Storage, Presentation and Segregation of Household & Commercial Waste) Bye-Laws 2018.

**Reason:** In the interests of public health, pollution control and traffic safety.

- 6 (a) Developer is required to consult with ESB regarding any overhead power line prior to the commencement of any work on this development.
- (b) Any external lighting shall be cowled and directed away from the public roadway and adjoining properties.

**Reason:** In the interests of traffic safety and residential amenity.

- 7 (a) During the construction stage of the proposed development, the developer shall comply with the document titled "Best Practice Guidelines for the Preparation of Resource & Waste Management Plans for Construction and Demolition Projects" published by the Environmental Protection Agency.
- (b) During the development works, the developer is not to permit any material from the site to be spread or deposited along the public roadway.

The developer shall be responsible for maintaining the adjoining public thoroughfare and properties in a neat, tidy and safe condition.

**Reason:** In the interests of the reduction and best practice management of construction waste from the proposed development, public health, pollution control and traffic safety.

- 8 A naming and numbering scheme shall be provided by the developer. The scheme shall have local and/or historical relevance. Precise details shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

**Reason:** In interests of residential amenity and proper planning.

- 9 10% of all car parking spaces shall be provided with functioning electrical charging stations/points.

**Reason:** In the Interests of proper planning and traffic safety.

- 10 All public and private open spaces shall be treated with a 300 mm minimum cover of consolidated topsoil and shall be grassed. No mounding of such spaces shall be permitted, all spaces shall be level with the road. All such works shall be carried out prior to first occupation of the proposed units.

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

- 11 Public lighting in the development shall be LED technology luminaires with minimum 10 year warranty. Design and specifications shall be in accordance with IS EN 13201 for public lighting.

**Reason:** in the interests of proper planning and traffic safety.

- 12 (a) Prior to the commencement of the development, a finalised Construction Management Plan shall be submitted to the Planning Authority for written approval. This plan shall provide details of intended construction practice for the development, including measures to prevent and mitigate spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures, dust

mitigation measures etc. and off-site disposal of construction/demolition waste.

(b) Prior to commencement of development, shall submit a revised Stage 1 & Stage 2 Road Safety Audit to the Planning Authority for written approval. The revised Stage 1 & Stage 2 Road Safety Audits shall be updated to take account of the revised layout hereby approved.

(c) The developer shall carry out a detailed Stage 3 Road Safety Audit (RSA) by an independent approved and certified auditor, for the proposed development. The developer shall submit to the Planning Authority a copy of the RSA Stage 3 report and shall complete all of the remedial measures identified in the RSA Stage 3 report, prior to opening the scheme to traffic. The developer shall be liable for all costs associated with these works.

(d) Six months following completion of the development hereby approved, a Stage 4 Road Safety Audit (RSA) shall be completed by an independent Road Safety Audit Team comprised of TII approved auditors and submitted to the Planning Authority for approval. Recommendations arising from the Audit shall be agreed with the Planning Authority, and implemented, as appropriate, at the sole expense of the applicant.

(e) prior to commencement of the development, the developer shall submit revised autotrack analysis to the Planning Authority for written approval. The revised autotrack analysis shall show that HGV vehicles outlined in drawing 23030-DR-0103 can turn in the turning areas proposed without mounting the footpaths or driving beyond the site boundary. Turning heads shall be revised to ensure that the turning facilities are adequate.

**Reason:** In the interest of traffic safety.

- 13 The proposed development shall fully comply with the requirements of Part V of Planning and Development Act 2000 (as amended). Precise details shall be submitted to and agreed in writing with the Planning Authority and Housing Authority prior to commencement of development.

**Reason:** In interest of clarity and the proper planning and sustainable development of the area.

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

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit. it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing including cost rental housing.

(c) The determination of the planning authority as required in (b) be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the verified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been in respect of each housing unit.

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

15 (a) All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist.

(b) Should archaeological material be found during the course of works, the work on the Site shall be stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by National Monuments Service of the Department of Housing. Local

Government and Heritage with regard to any necessary mitigating action (e.g. preservation *in situ*, or excavation) and should facilitate the archaeologist in recording any material found.

(c) The Planning Authority and the Monuments Service of this Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

**Reason:** To ensure the continued preservation (either in situ or by record) of places sites, features or other objects of archaeological interest.

16 (a) Before the development is commenced, a cash deposit, to the sum of €6,500 per house to secure the provision and satisfactory completion and maintenance of roads, footpaths, sewers, watermains, drains, public lighting and other services required in connection with the development shall be lodged with Laois County Council coupled with an Agreement empowering the said County Council to apply such security or part thereof for the satisfactory completion or maintenance as aforesaid of any part of the development. The form and amount of the security to be as agreed between the Planning Authority and the Developer or failing such Agreement to be as directed by An Coimisiún Pleanála. The amount of this bond to be reviewed annually and increased in accordance with the House Building Cost Index prepared by the Department of the Environment and Dublin Corporation. Failing Agreement on this, the amount to be increased as determined by An Coimisiún Pleanála. In the event of the aforementioned index ceasing to be maintained, the Planning Authority will determine an appropriate method of indexation.

(b) The bond shall remain in place until such time as the development is taken in charge by the Planning Authority.

(c) The development shall be completed in accordance with the requirements of Laois County Councils Taking in Charge document.

**Reason:** To ensure the satisfactory completion of this development and in the interests of residential amenity and proper planning.

- 17 The developer shall pay to the planning authority a financial contribution of €112,000 in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Aoife McCarthy  
Planning Inspector  
6<sup>th</sup> November 2025

### Form 1 - EIA Pre-Screening

|   |   |
|---|---|
| <b>Case Reference</b>   | 321879-25   |
| <b>Proposed Development Summary</b>   | Phase one of a proposed three phased housing development consisting of the construction of 28 houses, together with all associated site works     |
| <b>Development Address</b>  | Rathmoyle (townland), Ballyroan Road & N77, Abbeyleix, Co. Laois  |
|   | <b>In all cases check box /or leave blank</b>   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><br>(For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br><br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="checked" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.<br><br><input type="checkbox"/> No, No further action required. |
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>   |   |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.<br><br><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>   | State the Class here  |
| <input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3   |   |
| <b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>   |   |
| <input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road  |   |



|  |  |
|--|--|
| <p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>  |  |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>   | <p><b>State the Class and state the relevant threshold</b></p>     |
| <p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p> | <p>Class 10(b)(i) Construction of more than 500 dwelling units</p> |

|  |  |
|--|--|
| <p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p> |  |
| <p><b>Yes</b> <input type="checkbox"/></p>   |  |
| <p><b>No</b> <input checked="" type="checkbox"/></p>   |  |

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

## Form 2 - EIA Preliminary Examination

|   |   |
|---|---|
| <b>Case Reference</b>   | 321879-25   |
| <b>Proposed Development Summary</b>   | Phase one of a proposed three phased housing development consisting of the construction of 28 houses, together with all associated site works   |
| <b>Development Address</b>  | Rathmoyle (townland), Ballyroan Road & N77, Abbeyleix, Co. Laois  |
| <b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>   |   |
| <b>Characteristics of proposed development</b><br><br>(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>The application relates to the construction of 28 no. 2 storey dwellings within the established residential area., on a site of 1.4 hectares.</p> <p>The scheme will connect to public wastewater system, and a proposed upgraded water pumping station, to serve the first and additional phases of the development (84 no. units in total). Surface water on site is managed by a range of SUDS measures, noting low permeability characteristics of the site.</p> <p>The construction and operational development include vehicular access via an established residential estate, accessed from the R425, a regional road.</p> <p>The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p> |
| <b>Location of development</b><br><br>(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 sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance). | <p>The site is subject to New Residential and Employment/Enterprise zoning objective.</p> <p>Abbeyleix is located 1.5km to the north of the site.</p> <p>The development is removed from sensitive natural habitats, designated sites, protected views, protected structures as designated within the Development Plan.</p> <p>The Ballyroan River (020) lies within 55m of the site at it's closest point.</p> <p>The River Nore and River Barrow SAC (Site Code: 002162), located c.2.91km to the south-west of the site.</p>   |
| <b>Types and characteristics of potential impacts</b><br><br>(Likely significant effects on environmental parameters,   | <p>Having regard to the scale, and nature of the developments, distance of the site from sensitive habitats, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is</p>  |

| magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation). | no potential for significant effects on the environmental factors listed in section 171A of the Act. |
|--|--|
| Conclusion   |  |
| Likelihood of Significant Effects  | Conclusion in respect of EIA   |
| There is no real likelihood of significant effects on the environment.   | EIA is not required.   |
| There is significant and realistic doubt regarding the likelihood of significant effects on the environment.   |  |
| There is a real likelihood of significant effects on the environment.  |  |

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

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

### Form 3: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

#### Step 1: Nature of the Project, the Site and Locality

|   |  |                   |   |
|---|--|-------------------|---|
| An Bord Pleanála ref. no.   | 321879-25  | Townland, address | Rathmoyle (townland), Ballyroan Road & N77, Abbeyveix, Co. Laois. |
| Description of project  | Construction of 28 no. dwellings and all ancillary works.  |                   |   |
| Brief site description, relevant to WFD Screening,                      | <p>The northern and southern boundaries adjoining lands in agricultural use.</p> <p>The levels on site slope from east to west.</p> <p>The Ballyroan River (0-20) extends along a field boundary (55m at it the closest point to the north-west of the site). The river feeds the River Nore River (_100), which feeds into River Nore SAC to south-west of the site.</p> <p>Open drain adjoins the northern and eastern boundaries.</p> <p>GI found the subsoil to have low permeability, unsuitable of concentrated points of discharge to ground.</p> <p>A surface water wastewater line runs parallel to the southern site boundary.</p> |                   |   |
| Proposed surface water details  | <p>Surface water to mostly discharge to wastewater infrastructure to the south of the site.</p> <p>It is proposed to install an underground storage within the area of open space in the south-western corner of the site.</p> <p>SuDS measures include use of sumps in gullies and manholes; filter drains; a Class 1 discharge bypass separator and an isolator row within the storage system.</p>   |                   |   |
| Proposed water supply source & available capacity                       | Uisce Eireann mains water connection to east of site.  |                   |   |
| Proposed wastewater treatment system & available capacity, other issues | Scheme to be served by a proposed upgraded pumping station, connecting to Uisce Eireann wastewater network to south of site, which serves houses within The Fairways to east.  |                   |   |
| Others?   | No   |                   |   |

#### Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

| Identified water body | Distance to (m) | Water body name(s) (code)            | WFD Status | Risk of not achieving WFD Objective e.g.at risk, review, not at risk | Identified pressures on that water body | Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) |
|-----------------------|-----------------|--------------------------------------|------------|--|---|--|
| River Waterbody       | 55              | Ballyroan_020<br>IE_SE_15B0102<br>00 | Poor       | At risk  | No pressures                            | Discharge to River Nore SAC during construction phase, via River Nore (_100).  |
| Groundwater Waterbody |                 | Abbeyveix<br>Gravels<br>IE_SE_G_171  | Good       | Not at risk  | No pressures                            | Poorly draining soils offer protection to groundwaters                         |

**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

**CONSTRUCTION PHASE**

| No. | Component | Waterbody receptor (EPA Code)    | Pathway (existing and new)                               | Potential for impact/ what is the possible impact                                 | Screening Stage Mitigation Measure*  | Residual Risk (yes/no) Detail   | <b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b> |
|-----|-----------|----------------------------------|--|---|--------------------------------------|---|--|
| 1.  | Surface   | Ballyroan_020<br>IE_SE_15B010200 | Existing drainage ditches, watercourse to north and east | Sediment/ finer construction debris being washed off site., hydrocarbon spillages | Standard construction measures/ CEMP | Yes- due to proximity to Ballyroan River at <a href="#">it's</a> closest point. | Screened in.   |
| 2.  | Ground    | Abbeyleix Gravels<br>IE_SE_G_171 | Pathway exists but poor drainage characteristics.        | Spillages   | As above                             | No  | Screened out   |

**OPERATIONAL PHASE**

|    |         |             |  |                      |               |    |              |
|----|---------|-------------|--|----------------------|---------------|----|--------------|
| 3. | Surface | 020         | Existing drainage ditches, watercourse           | Hydrocarbon spillage | SUDs features | No | Screened out |
| 4. | Ground  | IE_SE_G_171 | Pathway exists but poor drainage characteristics | Spillages            | SUDs features | No | Screened out |

**DECOMMISSIONING PHASE**

|    |     |  |  |  |  |  |  |
|----|-----|--|--|--|--|--|--|
| 5. | N/A |  |  |  |  |  |  |
|----|-----|--|--|--|--|--|--|

**STAGE 2: ASSESSMENT**

**Details of Mitigation Required to Comply with WFD Objectives**

**Surface Water**

| Development/Activity<br>e.g. culvert, bridge, other crossing, diversion, outfall, etc | <u>Objective 1:Surface Water</u><br>Prevent deterioration of the status of all bodies of surface water | <u>Objective 2:Surface Water</u><br>Protect, enhance and restore all bodies of surface water with aim of achieving good status | <u>Objective 3:Surface Water</u><br>Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status | <u>Objective 4: Surface Water</u><br>Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances | Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7) |
|---|--|--|--|--|---|
|   | Describe mitigation required to meet objective 1:  | Describe mitigation required to meet objective 2:  | Describe mitigation required to meet objective 3:  | Describe mitigation required to meet objective 4:  |   |

|   |   |  |  |   |     |
|---|---|--|--|---|-----|
| Construction works  | Construction mitigation methods described in the CEMP, including construction of swales with silt fences, measures to address accidental spillage to surface water and groundwater, installation of groundwater monitoring borehole | Construction mitigation methods described in the CEMP, including construction of swales with silt fences, measures to address accidental spillage to surface water and groundwater, installation of groundwater monitoring borehole  | N/A  | N/A   | Yes |
| Stormwater drainage   | Adequately designed SUDs features.  | Adequately designed SUDs features  | N/A  | N/A   | Yes |
| Development/Activity 3<br>e.g. Creation of a transport crossing of watercourse. | N/A   |  |  |   |     |
| <b>Details of Mitigation Required to Comply with WFD Objectives – Template</b>  |   |  |  |   |     |
| <b>Groundwater</b>  |   |  |  |   |     |
| Development/Activity<br>e.g. abstraction, outfall, etc.                         | <u>Objective 1: Groundwater</u><br>Prevent or limit the input of pollutants into groundwater and to prevent the   | <u>Objective 2 : Groundwater</u><br>Protect, enhance and restore all bodies of groundwater, ensure a balance between   | <u>Objective 3:Groundwater</u><br>Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity | Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a |     |
|   | deterioration of the status of all bodies of groundwater  | abstraction and recharge, with the aim of achieving good status*   |  | development cannot proceed without a derogation under art. 4.7)                 |     |
|   | Construction mitigation methods described in the CEMP, including construction of swales with silt fences, measures to address accidental spillage to surface water and groundwater, installation of groundwater monitoring borehole | Construction mitigation methods described in the CEMP, including construction of swales with silt fences, measures to address accidental spillage to surface water and groundwater, installation of groundwater monitoring borehole. | N/A  | Yes   |     |
| Development Activity 1 :  | N/A   | N/A  | N/A  | N/A   |     |
| Development Activity 2  | N/A   | N/A  | N/A  | N/A   |     |