



An
Coimisiún
Pleanála

Inspector's Report ABP-322295-25

Development	Retention of single storey dwelling including associated existing services, road entrance and change of Condition No. 1 from previously granted Reg. Ref. 18/530.
Location	Clondadoran, Portlaoise, Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2560042
Applicant(s)	Gerry & Ann Corcoran
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Gerry & Ann Corcoran
Observer(s)	None
Date of Site Inspection	7 th July 2025
Inspector	Matthew O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site is 1.12ha and located in the townland of Clondadoran, or Clonaddadoran some 4.8km to the south of Portlaoise town centre, Co. Laois. The subject site is accessed from an existing entrance from the northern side of the L-26965 (Local Tertiary Road) close to its junction with the N-77. The appeal site comprises an established single storey house with adjacent grouping of 3 no. detached outbuildings. There is a large area of gravelled hardstanding on the appeal site which forms a type of yard space containing mounds/piles of crushed stone aggregate. There is a further hard-surfaced driveway leading from the appeal site northwards to a recently constructed dwelling.
- 1.2. The surrounding area is rural and characterised by generally flat agricultural grasslands and associated farm holdings with a sporadic mix one-off rural dwellings of varying styles in both linear and individual settings. There are 2 no. one-off dwellings to the immediate west of the subject site and as noted, there is a dwelling to the north of the appeal site which connects to the appeal site by a gravel driveway. There are no Protected Structures or National Monuments on or immediately adjoining the appeal site. The site is not located within a Flood Zone.

2.0 Proposed Development

- 2.1. The subject development seeks retention of the following:
- Single storey dwelling including associated existing services.
 - Road Entrance.
 - Change to Condition No. 1 from previously granted Reg. Ref. 18/530.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 The Planning Authority recommended refusal for the subject development for the following two reasons:

- 1. The subject site is located in an area designated as an Area Under Strong Urban Influence in accordance with Table 4.4 of the Laois County Development Plan 2021-2027 policies of which seek to manage the development of one-off rural housing in accordance with the Council's local need criteria. On the basis of the*

information submitted with this planning application, it is concluded that this would not be the applicant's first home in the rural area. Accordingly, the proposed development would materially contravene the policies and objectives of the Laois County Development Plan 2021-2027 regarding one-off rural housing and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. *Having regard to the vehicular access to the site which is located on the L-26965 Local Tertiary Road and the failure to demonstrate availability of adequate sightlines of 3m x 60 m and setback distance from the junction with the N77 as required under the provisions of the Laois County Council Roads and Parking Standards 2007, the proposed development would endanger public safety by reason of traffic hazard, the obstruction of road users and would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planner's Report forms the basis for the decision to refuse retention. The report provides a description of the site and supporting context, planning history, and details in relation to internal/external referrals.
- In terms of assessment, the Planning Authority considered the principle of development under the housing needs of people located within rural areas defined as 'Areas Under Strong Urban Influence'.
- The Planning Authority notes the applicants were granted permission under Reg. Ref. 18/530 to demolish an existing dwelling and construct a new two storey dwelling. This permission was granted on the basis that the proposal was for a replacement dwelling and the original dwelling was to be removed.
- The Planning Authority indicate the applicants have constructed the new dwelling but have not complied with the requirement to demolish the original house.
- The Planning Authority recommended that retention be refused for what would be a second rural dwelling in a rural location defined as an 'Area Under Strong Urban Influence' and contrary to the provisions of the Development Plan on Rural Housing as the applicants' rural housing need has already been satisfied.

- The design and siting of the established dwelling to be retained was noted.
- In terms of access from the L-26965, the Planning Authority note that under Reg. Ref. 18/530, the access was to be relocated westwards to achieve sight distances and increase the setback distance of the access from the N77 but this has not been done.
- The application references the retention of the 'road entrance' but no rationale is provided as to why there should be any deviation from the previous permission.
- The sight distances of the entrance appear to be below the minimum standards and the Planning Authority contend the development would endanger public safety by reason of traffic hazard and obstruction of road users.
- In relation to services, the Planning Authority note that the dwelling is connected to a public mains water supply, soakpit and an existing septic tank.
- It is indicated that proposed development would not be likely to have significant effects on the environment and that EIA is not required.
- An Appropriate Assessment Screening Report is appended and indicates no potential for significant effects on the Natura 2000 network.

3.2.2. Other Technical Reports

- Municipal Engineer – No objection.
- Water Services Section – No response received.
- Planning Enforcement – Unauthorised Development file on this site (UD20/41) which relates to non-compliance with Condition No. 1 of Reg. Ref 18/530. Approved site layout plan indicated single storey dwelling was to be demolished and this dwelling remains in place.

3.3. **Prescribed Bodies**

- Uisce Eireann – No response received.

3.4. **Third Party Observations**

3.4.1. One third party observation was received by the Planning Authority and is summarised as follows:

- Object to the retention of the existing dwelling

- Request that Laois County Council comply with planning permission granted and signed under Reg. Ref. 18/530 to demolish existing single storey dwelling.
- Concerns regarding integration of the split level house in the rural landscape and insist that Laois County Council adhere to Planning Regulations.

4.0 Planning History

4.1. The following planning history is associated with the general lands at the appeal site:

- 18/530** Permission GRANTED to demolish existing single storey dwelling and construction of a new two storey split level dwelling, treatment system, percolation area, garage and all associated site works. Applicants: Gerry & Ann Corcoran.
- 01/511** Permission REFUSED to demolish existing dwelling & outbuildings and erect vehicle recovery & repair centre, washing unit, offices, compound, septic tank and ancillary works and also erect dwellinghouse, garage, septic tank & entrance. Applicant: Ann & Gerard Corcoran.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Laois County Development Plan 2021-2027 is the relevant Development Plan for the subject site.

5.1.2. Chapter 4: 'Housing Strategy' contains commentary in relation to housing development. Section 4.6 refers to 'Open Countryside and Rural Housing' and notes that policy in relation to rural housing is, in certain areas, based on the local need factor which required applicants to demonstrate that they are functionally or socially related to the rural community in which the proposed site was located.

5.1.3. Section 4.6.1: 'Rural Area Types' states that the Council recognises the needs of local rural people who wish to live or work in the area in which they grew up. The following three criteria arise in assessing applicants under this category:

- The applicant must come within the definition of a 'Local Rural Person'
- The proposed site must be situated within their 'Local Rural Area'
- The applicant must have a 'Local Rural Housing Need'

5.1.4. Map 4.1 of the Laois County Development Plan 2021-2027 indicates that the site of the subject development is located in a 'Rural Area Under Strong Urban Influence'.

5.1.5. Table 4.4 – 'Rural Area Designation' as contained in the Development Plan provides a definition for 'Rural Area Under Strong Urban Influence' and the criteria for this rural area designation states:

It is an objective to recognise the individual housing needs of people intrinsic to the rural areas located within the areas defined as 'rural areas under strong urban influence'. Such needs may be accommodated on lands within the rural area under strong urban influence, subject to the availability of a suitable site and not mal proper planning and sustainable development criteria.

It is an objective of the Council only to permit single houses in the area under strong urban influence to facilitate those with a local rural housing need¹ in the area, in particular those that have lived in a rural area.

In order to demonstrate a genuine rural housing need, any of the following criteria shall be met:

a) the application is being made by a long term landowner or his/her son or daughter seeking to build their first home on the family lands; or

b) the applicant is engaged in working the family farm and the house is for that persons own use; or,

c) the applicant is working in rural activities² and for this reason needs to be accommodated near their place of work; or

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

5.1.6. The following Rural Housing Policy Objective is also considered to be relevant in respect of the subject development:

¹ "An applicant who satisfies a 'Local Rural Housing Need' is defined as a person who does not or has never owned a house in the 'local rural area' and has the need for a permanent dwelling for their own use in the rural area".

² "Such rural activities will normally encompass persons involved in full time farming, forestry, in land water ways or related occupations as well as part time occupations where the predominant occupation is farming/ natural resource related. Such circumstances could also encompass persons whose work is intrinsically linked to rural areas such as teachers in rural schools or other persons whose work predominantly takes place in rural areas."

RH 2 Having regard to the need to protect the natural resources, environment, landscape and infrastructure, it is Council policy to consider a single dwelling in the countryside subject to meeting the criteria in Table 4.4 in relation to Area of Strong Urban Influence.

5.1.7. Chapter 10: 'Infrastructure' contains commentary in relation to transportation and road safety. The following Transportation Development Management Standard is noted:

DM TRANS 2: Sightline requirements are determined by the Council having regard to Laois County Council Roads and Parking Standards (2007) guidelines (and any and in exceptional circumstances on a case by case basis. Factors including the type, speed limit and condition of the road shall be taken into consideration: Where sightlines are inadequate and would give rise to a traffic hazard, development will not be permitted.

- In cases where an access already exists with inadequate sightlines, it is Council policy to recommend the closing up of this entrance and to facilitate another entrance with adequate sightlines.

All applications for planning permission must clearly indicate the sightlines available at the proposed access within the boundary of the site.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located on or within any designated Natura 2000 sites, with the nearest designated sites being the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) approximately 7.38km to the southwest; the River Nore Special Protection Area (Site Code: 004233) approximately 8.51km to the southwest; the Slieve Bloom Mountains Special Protection Area (Site Code: 004160) approximately 9.94km to the northwest; the Ballyprior Grassland Special Area of Conservation (Site Code: 002256) approximately 11.32km to the east; the Slieve Bloom Mountains Special Area of Conservation (Site Code: 000412) approximately 11.68km to the west; the Lisbigney Bog Special Area of Conservation (Site Code: 000869) approximately 14.37km to the south; the Mountmellick Special Area of Conservation (Site Code: 002141) approximately 14.74km to the north; and, the Knockacoller Bog Special Area of Conservation (Site Code: 002333) approximately

14.87km to the southwest. In addition, the Clonreher Bog Natural Heritage Area (Site Code: 002357) is situated approximately 7.56km to the north and the Ridge of Portlaoise Proposed Natural Heritage Area (Site Code:000876) is approximately 2.96km to the northeast.

6.0 EIA Screening

- 6.1. The subject 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 subject 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 subject 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 First Party appeal has been prepared and submitted on behalf of the applicants against the Planning Authority's decision to refuse retention. The grounds of appeal are summarised as follows:

Background

- Planning permission was granted in 2019 under Reg. Ref. 18/530 and it was the applicants intention to demolish the old farm residence and construct their primary residence on adjoining lands.
- The primary objective of the applicant at this time was to obtain permission for the new split level dwelling house and not to demolish the old farm residence.
- Refence is made to Warning Letters from Laois County Council in relation to non-compliance with Reg. Ref. 18/530 (UD20/41) as the single storey cottage was not demolished.
- As the house is in excellent condition and occupied, the applicants have subsequently sought to retain the structure.

Response to Refusal Reason No.1

- The house to be retained is located in an established cluster of operational farm buildings and there is no obligation to remove the farm buildings so the urban influence is not applicable.
- Although the dwelling is not the applicants first home, they operate a local business in Portlaoise town and the dwelling is occupied by an employee and their family.
- The applicants manage the farm buildings and it is intended that the house will only be occupied by the applicants' employees or family.
- The house is RTB registered and compliant with Revenue.
- The demolition of the house will result in the current occupants needing to seek social assistance with rent payments locally or commute longer distances.

Refusal Reason No. 2

- The entrance has been serving the house and farmyard since 1850 and predates the N77.
- The report from the Regional Roads Engineer indicates 'no objection to the application'.
- The applicants have no objections to moving the entrance serving the house further away from the N77 junction.

Third Party Objection

- The person making the objection are not directly adjoining the proposed development and do not have direct sightline to the proposed development.
- The concern is in relation to the integration into the rural landscape, this integration has been achieved by the existing farm buildings and is continuing to progress with new landscaping requested and installed in 2022 in respect of UD20/41.

7.2. Planning Authority Response

- None.

7.3. Observations

- None.

8.0 Assessment

Having examined the application details, the appeal and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant planning policies and guidance, I am satisfied that the main issues to be considered are those raised by the First Party. I am satisfied that no other substantive issues arise. This appeal can be addressed under the following relevant headings:

- Principle of Development (Rural Housing Need)
- Access
- Appropriate Assessment (Screening)

8.1. Principle of Development (Rural Housing Need)

8.1.1. The development seeks to retain an existing single storey dwelling with a floor area of 178sq.m. The house is indicated as having 3 no. bedrooms, a kitchen, sitting room and 2 no. bathrooms. The dwelling is 'T' shaped and is 5 metres in height with a dashed finish. It is situated within an established yard with 3 no. detached shed/outbuildings located in close proximity and is well screened from the surrounding road network. The Planning Authority's first reason for refusal relates to the designation of this rural area as an 'Area Under Strong Urban Influence' where the applicants' housing need criteria applies. The Planning Authority deemed the subject would not be the applicant's first home in the rural area and therefore contravenes the rural housing provisions of the Development Plan. In their appeal, the applicants acknowledge that the house to be retained is not their first house and state that it was their original intention to demolish the old farm residence to construct their primary residence on adjoining lands. However, the applicants subsequently claim in their appeal that their primary objective was to obtain permission for the new split level dwelling house and not demolish the old farm residence. It is stated by the applicants that the house is in excellent condition and currently occupied.

8.1.2. In considering the subject development, I consider it prudent to have regard to the site planning history. The Planning Authority granted permission to the current applicants under Reg. Ref. 18/530 to demolish the existing single storey dwelling and to construct a new two-storey split level dwelling, treatment system, percolation area, garage and

all associated site works. This development was permitted subject to 15 no. conditions. Whilst I note there is no specific planning condition attached in relation to the demolition of the house, I am satisfied that Conditions No. 1 effectively sets out the demolition of the house as indicated in the statutory development description and annotated on the planning drawings. Reg. Ref. 18/530 was subsequently implemented by way of the construction of the new dwelling however, it is evident that the carrying out of this development has not complied with the terms of the permission as the existing house was not demolished. The failure to comply with the requirements of this grant of permission has resulted in enforcement action by Laois County Council. On this particular matter, I note that such issues of unauthorised development are a matter for the Planning Authority and outside the remit of the Commission for consideration in this appeal.

8.1.3. In considering the subject development before the Commission, I consider it necessary to assess the retention of the house against the rural housing provisions of the Laois County Development Plan 2021-2027. The appeal site is located in a 'Rural Area Under Strong Urban Influence' which in short, is defined as an area experiencing pressure from the development of urban generated housing in the open countryside. According to the criteria for assessing applications for rural dwellings in this area, it is an objective of the Council only to permit single houses to facilitate those with a local rural housing need (please refer to section 5.1.5 above).

8.1.4. Furthermore, the Development Plan sets criteria to be met in order to demonstrate a genuine rural housing need which include the application being made by a long term landowner or son/daughter seeking to build their first home on family lands; the applicant being engaged in working the family farm and the house is for that persons own use; the applicant works in rural activities and needs to be accommodated near their place of work; the application is being made by a local rural person(s) who have spent a substantial period of their life living in the local rural area, and, who for family and/or work reasons need to live in the rural area.

8.1.5. In respect of the above compliance with the above criteria, I note that the applicant has provided no evidential records or documentation with their application or the appeal file. Having reviewed the proposal, I do not consider the applicants have demonstrated a local rural housing need. Firstly, I note that the applicants accept in their appeal that the dwelling to be retained is not their first home in the rural area and

therefore have confirmed that they do not have a 'local rural housing need'. Secondly, the applicants claim that they operate a local business in the urban area of Portlaoise town and have provided no details or documentary evidence of carrying out farming/rural activities to justify their need to be accommodated near their place of work. Thirdly, the applicants inform that the dwelling is occupied by an employee of their business and therefore, the dwelling to be retained is not currently for the applicants' personal use nor has any reason been provided for the occupants need to live in the rural area for work reasons. In light of the foregoing, I am not satisfied the applicants have demonstrated compliance with the requirements of the rural housing policy as set out in Table 4.4 of the Laois County Development Plan 2021-2027 in respect of 'Areas Under Strong Urban Influence' and would not comply with Policy Objective RH 2 of the Development Plan which requires that applicants meet the criteria of Table 4.4. As such, retention for the dwelling should be refused.

8.1.6. As a further point of clarity, I note that in refuting the first refusal reason, the applicants contend that the house to be retained is located in an established cluster of operational farm buildings and there is no obligation to remove the farm buildings so the under urban influence is not applicable. The applicants' assertion is unclear in my view as the appeal site is located in an area designated by the Development Plan as a 'Rural Area Under Strong Urban Influence' and applications for rural dwellings must be considered under the applicable criteria. I also consider that the applicants' reference to the obligation to remove the farm buildings is immaterial to the subject development as such proposals have not formed part of this application or appeal. Moreover, on the claim of these structures being operational farm buildings, I note that no evidential records or documentation has been submitted with the appeal file to corroborate the farming/agricultural use of these buildings. At the time of my inspection of the subject site, I did not observe any farming practices being carried out on the site or in these buildings. In addition, I consider that the established setting of the dwelling to be retained along with the existing buildings is not a material consideration as it is my view that applications for retention must be assessed as if such a development was being proposed in the first instance.

8.1.7. In addition to the above and as previously indicated, the applicants were previously granted permission for a new dwelling under Reg. Ref. 18/530 on the basis that it was a replacement house for the existing dwelling to be demolished. The applicants have

constructed a new dwelling but have not demolished the dwelling as sought under this permission. I therefore consider that the subject development would, by reason of retaining the existing house, would contravene materially a condition attached to an existing permission for development namely, Condition No. 1 attached to the permission granted under Reg. Ref. 18/530. I therefore recommend that retention should also be refused for this reason.

8.2. Access

8.2.1. The second refusal reason is based on the Planning Authority's consideration that the vehicular access to the site and the failure to demonstrate adequate sightlines and setback from the road junction with the N77 would endanger public safety by reason of traffic hazard and obstruct road users.

8.2.2. The applicants state that a report from the Regional Roads Engineer indicates 'no objection to the application'. Having reviewed this internal referral, I note that a report was indeed received from the Portlaoise Municipal Office stating that the site notices were in position at the time of inspection and there was no objection to the application. However, I note this report does not indicate the extent of assessment, if any, in terms of the access/entrance and the wording of this report and associated attachments relate exclusively to the site notice. In this regard, I cannot be satisfied that the referral response can be deemed or construed as an endorsement of the access/entrance arrangement for the subject development.

8.2.3. According to the applicants, the entrance has served the subject house and farmyard since 1850 and predates the N77 road. In my consideration of the road entrance to be retained, I have reviewed open source data available from Ordnance Survey Ireland and I note that satellite imagery does not show the subject entrance in situ circa 1995 but it is present on subsequent imagery from 1996. I am therefore satisfied that there has been an entrance at this location for approximately 30 years and that this entrance has been subject to modifications in recent times. Following an inspection of the appeal site, I note the existing entrance serving the lands comprises a sliding gate and associated metal fencing to the sides along with some planting to mounded flanks. The gate is set back approximately 20 metres from the road edge and is splayed by approximately 12 metres. I estimate the entrance as being some 30 metres to the west of the road junction with the N77. No technical details of the entrance have been

included on the appeal file nor have available sightlines been demonstrated. In my view such details would have been beneficial for consideration of the 'road entrance' as referred to in the development description of this proposal.

8.2.4. Transportation Development Management Standard DM TRANS 2 of the Development Plan states that sightline requirements are determined by the Council having regard to Laois County Council Roads and Parking Standards (2007) guidelines (and any in exceptional circumstances on a case-by-case basis). Factors including the type, speed limit and condition of the road shall be taken into consideration however where sightlines are inadequate and would give rise to a traffic hazard, development will not be permitted. Additionally, the standard states that in cases where an access already exists with inadequate sightlines, it is Council policy to recommend the closing up of this entrance and to facilitate another entrance with adequate sightlines. In addition, all applications for planning permission must clearly indicate the sightlines available at the proposed access within the boundary of the site. I have had regard to the Laois County Council Roads and Parking Standards (2007) and note that sightlines of 60 metres in both directions are required from entrances onto Local Tertiary Roads. Table 3.1 sets out the distances from junctions and it is indicated that access to a County Road must be 75 metres from a junction and increases to 100 metres for a Regional Road and 150 metres for a National Road. I am not satisfied, based on my site observations that there are adequate sightlines from the subject entrance or sufficient setback from the road junction. Moreover, from my review of the submitted particulars, I consider the applicants have also failed to demonstrate sightlines from this entrance or compliance with the Laois County Council Roads and Parking Standards (2007). I therefore consider that the retention of the existing entrance would have the potential to create a traffic hazard.

8.2.5. As indicated in the Planning Authority Report, Condition No. 7 of the permission granted under Reg. Ref. 18/530 required the provision of a new relocated access onto the Local Tertiary Road (L-26965) with sight distances of 3 metres x 70 metres. This condition has evidently not been complied with and the applicants now seek to retain the road entrance which serves the subject and the attendant yard area in addition to a connecting driveway serving the applicants' new dwelling from the appeal site. The applicants have indicated in the appeal that they have no objection to moving the entrance further from the road junction with the N77, however, no such details or

alternative designs for this relocated entrance have been included with the appeal for consideration. Nevertheless, I am of the consideration that the applicants' acceptance of a relocated entrance would effectively be an agreement to their previous obligation under Condition No. 7 of Reg. Ref. 18/530 to provide a new entrance which they have already failed to undertake.

8.2.6. In conclusion, I am of the view that the subject development could potentially create an unacceptable traffic hazard and I recommend that retention be refused on the basis that the subject development is contrary to Transportation Development Management Standard DM TRANS 2 which states that where sightlines are inadequate and would give rise to a traffic hazard, development will not be permitted. I also consider that the retention of the entrance would contravene materially a condition attached to an existing permission for development namely, Condition No. 7 attached to the permission granted under Reg. Ref. 18/530.

9.0 Appropriate Assessment (Screening)

9.1. I have considered the subject development, which consists of the retention of a dwelling house including associated existing services and a road entrance, in light of the requirements S177U of the Planning and Development Act 2000 (as amended).

9.2. The subject development is located in a rural area approximately 7.38km from the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) approximately to the southwest and 8.51km from the River Nore Special Protection Area (Site Code: 004233) approximately 8.51km which are the nearest Natura 2000 sites. The subject development has no hydrological or other connection directly to any European site(s).

9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The scale and nature of the development; and,
- The distance to the nearest European site and the lack of connections.

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. Likely significant effects are excluded and therefore a

retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

10.0 Water Framework Directive

10.1. The subject site is located within a rural area approximately 230 metres from the nearest watercourse – the Togher South stream, which is a tributary of the Triogue River (Triogue_10). These watercourses are indicated as being “At Risk”. The groundwater body is listed as the Bagnelstown Upper which is indicated as “Not at Risk”. The subject development comprises the retention of a dwelling and existing associated services and a road entrance. No water deterioration concerns were raised in the planning appeal.

10.2. I have assessed the subject development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature and scale of the development to be retained, and,
- Distance from nearest waterbodies and lack of hydrological connections.

10.3 I conclude that on the basis of objective information, the subject 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.

11.0 Recommendation

11.1. I recommend that retention be REFUSED for the following reasons and considerations as set out below.

12.0 Reasons and Considerations

1. The subject development partly seeks the retention of a dwelling house and change to Condition No. 1 of previously granted Reg. Ref. 18/530. The appeal site is located in an area designated as an 'Area Under Urban Influence' as set out in the Laois County Development Plan 2021-2027 where Table 4.4: Rural Area Designation and Policy Objective RH2 applies. In summary, Table 4.4 states that it is the objective of the Council only to permit single houses in the area under strong urban influence to facilitate those with a local rural housing need i.e. a person who does not or has never owned a house in the 'local rural area' and has the need for a permanent dwelling for their own use in the rural area. Having regard to the application and the appeal, the Commission is not satisfied that the applicants have demonstrated a local rural housing need as the dwelling to be retained is not their first home in the rural area. It is also considered that the subject development would not be in accordance with the Policy Objective RH2 which requires the criteria in Table 4.4 in relation to Area of Strong Urban Influence being met. Therefore, the subject development would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the retention of the road entrance would endanger public safety by reason of a traffic hazard by reason of inadequate sightlines in both directions and setback distances from a road junction. In this context, the subject development would contravene Transportation Development Management Standard DM TRANS 2 of the Laois County Development Plan 2021-2027. The subject development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The subject development to be retained would, by reason of the non-demolition of the existing dwelling and non-provision of a relocated vehicular entrance, contravene materially conditions attached to an existing permission for development namely, condition numbers 1 and 7 attached to the permission granted by Laois County Council on the 7th day of May 2019 under planning register reference number 18/530.

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.

Matthew O Connor
Planning Inspector

16th July 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-322295-25
Proposed Development Summary	Retention of single storey dwelling including associated existing services, road entrance and change of Condition No. 1 from previously granted Reg. Ref. 18/530.
Development Address	Clondadoran , Portlaoise , Co. Laois
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.	Class 10(b)(i)(iv) - Infrastructure Projects
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Class 10 (b)(i) Construction of more than 500 dwelling units - The subject development is subthreshold as it relates to the retention of 1 no. dwelling.

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)?	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322295-25
Proposed Development Summary	Retention of single storey dwelling including associated existing services, road entrance and change of Condition No. 1 from previously granted Reg. Ref. 18/530.
Development Address	Clondadoran , Portlaoise , Co. Laois
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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 development comprises the retention of a dwelling, associated services and a road entrance in a rural area.</p> <p>The size of the development would not be described as exceptional in the context of the existing environment.</p> <p>The subject development will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
Location of development (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 subject development is situated within a rural area.</p> <p>There are no significant environmental sensitivities in the vicinity – potential impacts on Natura 2000 sites is addressed under Appropriate Assessment (Screening).</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration,	<p>Having regard to the limited nature and scale of the proposed development (i.e. 1 no. dwelling and associated works to be retained in a rural area), there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>

cumulative effects and opportunities for mitigation).	
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.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)