



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322331-25

<b>Development</b>	Construction of 51 residential units with all associated site works. NIS submitted with application
<b>Location</b>	The Rookery Tullyroe , Ballacolla Road (R433) , Abbeyleix Co Laois
<b>Planning Authority</b>	Laois County Council
<b>Planning Authority Reg. Ref.</b>	2460167
<b>Applicant(s)</b>	Jacqueline Duncan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	William X White & Others Ken & Frances Black
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	08 July 2025
<b>Inspector</b>	Gillian Kane

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## **1.0 Site Location and Description**

- 1.1.1. The subject site is located on the northern side of Ballacolla Road (R433) which runs west out of the village of Abbeyleix, in County Laois. There is a pattern of one-off housing / ribbon development along both sides of the road as it leaves the village. A footpath runs along the northern side of the road. The speed limit is 50kph.
- 1.1.2. An existing agricultural entrance off the Ballacolla road provides access to an agricultural field, bound to the public road by a stone wall. The site is relatively level, with a densely wooded area in the south-west corner and a stream running along the northern boundary.

## **2.0 Proposed Development**

- 2.1. On the 28<sup>th</sup> March 2024, planning permission was sought for a development comprising 51 no. residential units and all associated site works on a site of 1.99ha., of which 1.83ha is zoned for residential development. The application was accompanied by the following:
  - AA Screening & Natura Impact Statement
  - CEMP
  - Outdoor Lighting Report
  - Cultural Heritage Impact Assessment
  - Flood Risk Assessment
  - Arboricultural Assessment
  - Traffic & Transport Assessment
- 2.2. Following the submission of Further information in December 2024, the proposed scheme was revised to comprise 47 no. units, providing 43 no. two-storey terraced, semi-detached, and detached dwellings and 4 no. maisonettes.

## **3.0 Planning Authority Decision**

- 3.1. **Decision**
- 3.1.1. On the 21<sup>st</sup> March 2025, the Planning Authority issued a notification of their intention to grant permission subject to 20 no. standard conditions.

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

- 3.2.1. **Fire Officer:** Did not assess the application, applicant must comply with all relevant Building Regulations.
- 3.2.2. **Portlaoise MD Office:** sight distances are insufficient for a Strategic Regional Road, raised uncontrolled pedestrian crossing required at entrance to the estate, inconsistent traffic calming measures on drawings, inconsistency in tactile paving proposed, turning area needed at end of cul-de-sac, stage 3 RSA required, details of finishes required, road opening licence required. Further information recommended.
- 3.2.3. **Roads Department:** revised details of surface water treatment required, auto track analysis, need for visitor car parking with EV charging points, and bicycle parking, revised public lighting, details of finishes for areas to be taken in charge, signage and line marking, safety requirements in home zones
- 3.2.4. **Planning Report:** principle of proposed development acceptable. Proposed housing mix is acceptable. Proposed heights of 9.4m and 9.87m are too high for site / facing road and applicant should be requested to amend. More fenestration on gable elevations and dual fronted dwellings facing open space required. Inconsistency in fill details. Internal layouts comply. No impact on residential amenity of adjoining properties. Public open space requirement achieved but more required along southern boundary. Some houses not meeting private open space requirements, applicant to address. Proposed boundary treatments acceptable. Further details required regarding proposed boundary wall / railings. Further details required regarding proximity of development to existing trees. Notes the request of the Roads Design Section for further information. Details of traffic calming measures required. Notes the comments of Uisce Eireann requesting further information.

### 3.3. **Prescribed Bodies**

- 3.3.1. **Uisce Eireann:** have planned a Streetview Pumping Station (PS) in Abbeyleix, downstream of the subject site. Proposed plans show intention to discharge to this asset. Streetview Wastewater Pumping Station (WWPS) project is to address existing capacity and health & safety constraints. Subject site has been shortlisted as an option for relocating the Streetview PS to service the existing catchment. As the developer is proposing a pumping station on their site, the size of the development pumping station could be upsized to cater for the flows currently contribution to Streetview PS and facilitate decommissioning of the existing Streetview PS.

Constraints at the existing WWPS demonstrate that its not suitable to receive additional flows. Applicant required to engage with UE through the pre-connection enquiry process. An amended Confirmation of Feasibility should be submitted to Planning Authority.

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

3.4.1. A number of third party observations objecting to the proposed development, raised the following issues:

- Density too high, too close to existing dwellings
- Out of character,
- Traffic pressure, traffic hazard, access concerns, premature pending traffic calming measures, condition of existing road to accommodate proposed travel, lack of active travel facilities, insufficient car parking, will cause rat running on local roads,
- Negative impact on residential amenity from noise, traffic, lighting, over-shadowing,
- Not complaint with housing policy
- Impact on Mill Race Stream,
- Archaeological concerns, fails to comply with Abbeylax ACA
- Subject site adjoins Abbeylax House and estate, inappropriate location,
- Land is zoned for secondary housing and should not be developed until lands zoned for primary housing have been developed.
- Inadequate services, proposed pumping station will require the R433 to be dug up again. Development is premature pending Uisce Eireann decision on upgrading the Streetview pumping station. The option of going to the Abbeylax Treatment Plant through green fields has not been considered. Current sewage pipe runs through lands and will not sustain the proposed development
- Security and devaluation of nearby residential properties,
- Flooding, site is in Flood Zone A
- Fails to comply with National Climate Plan

- 3.4.2. An observation in favour of the proposed development notes the need for housing, the history of the subject site, and dates of objections.

### 3.5. Further Information

- 3.5.1. On the 22<sup>nd</sup> May 2024 the applicant was requested to address the 15 no. items raised in the planning report and also to address the issues raised in the third party observations.

- 3.5.2. The applicant responded on the 13<sup>th</sup> December 2024, with a planning cover letter and the following:

- Revised Arboricultural Assessment,
- Outdoor Lighting report,
- Engineering response,
- Landscape Plans,
- Updated RSA,
- Ecology Response

- 3.5.3. The proposed development was amended to comprise 47 no. residential units, revised layout, and reduced overall heights of some dwellings.

### 3.6. Reports on File following submission of Further information:

- 3.6.1. **Road Design Office:** not in favour of proposals for shared surfaces throughout. Road of min 5.5m width with footpath of 2m required. Revised auto-track required. Three items relating to parking require more information.
- 3.6.2. **Planning Report:** Part V layout required. Density is acceptable (26 no. units per ha). Proposed phasing is acceptable. Response to tree issue considered acceptable. Notes that CEMP is updated to reflect ground level error. Notes that all responses to other matters of further information are acceptable. Clarification of further information required for matters raised in Roads Design report.

### 3.7. Clarification of Further Information

- 3.7.1. On the 15<sup>th</sup> January 2025, the applicant was requested to address four issues regarding shared surfaces in the homezones, turning facilities / auto track analysis, parking and Part V.

- 3.7.2. On the 25<sup>th</sup> February 2025, the applicant responded to the CFI request with revised drawings and engineering response, a revised landscape plan, tree protection report and EV charging plan.

### **3.8. Reports on file following submission of CFI**

- 3.8.1. **Housing:** Proposed Part V is acceptable.
- 3.8.2. **Roads Design Office:** No objection subject to conditions.
- 3.8.3. **Planning Report:** notes internal report and states that the response to CFI is acceptable. Recommends grant of permission subject to conditions.

## **4.0 Relevant Planning History**

- 4.1.1. None on file.

## **5.0 Policy Context**

### **5.1. Sustainable Residential Development & Compact Settlement Guidelines**

- 5.1.1. The 2024 guidelines expand on the higher-level policies of the National Planning Framework (NPF) 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 settlement.
- 5.1.2. In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).

### **5.2. Regional Spatial and Economic Strategy for the Eastern & Midland Region**

- 5.2.1. The Eastern & Midland Regional Assembly 'Regional Spatial & Economic Strategy 2019-2031' provides for the development of nine counties including County Laois and supports the implementation of the National Development Plan (NDP).



### 5.3. Laois County Development Plan 2021-2027

- 5.3.1. The Laois County Development Plan 2021 - 2027 is the current statutory plan for County Laois.
- 5.3.2. The subject site is zoned Residential 2, and the zoning objective for such lands is “To provide for new residential development, residential services and community facilities”. Table 13.2 of the CDP states that “This zone is intended primarily for housing development but may include a range of other uses particularly those that have the potential to foster the development of new residential communities such as schools, crèches, small shops, doctor’s surgeries, playing fields etc. It is an objective on land zoned for residential 2 to promote development mainly for housing, associated open space, community uses and where an acceptable standard of amenity can be maintained, a limited range of other uses that support the overall residential function of the area. Within this zoning category the improved quality of residential areas and the servicing of orderly development will be the Council’s priority. New housing and infill developments should be of sensitive design, which are complementary to their surroundings. No piecemeal development can take place unless it does not conflict with the possible future development of the reserved development areas of the town. Adequate undeveloped lands have been zoned in the Plan for residential use to meet the requirements for both public and private house building over the Plan period”.
- 5.3.3. **HPO1** Ensure that 35% Of Any Residential Developments (10 units or more) provides for single and two person households.
- 5.3.4. **CS 25** Promote commensurate population and employment growth in the designated Self- Sustaining towns, providing for natural increases and to become more economically self- sustaining, in line with the quality and capacity of public transport, services and infrastructure available.
- 5.3.5. **CS 26** Identify opportunities sites within the Self sustaining towns for residential, employment or social functions.
- 5.3.6. **CS27** Ensure that population growth is appropriate in pace and scale and diversity of uses and services within its identified role in the settlement hierarchy.
- 5.3.7. **AB 08:** To ensure that proposals for new residential and town centre developments, include specific measures to facilitate permeability and connectivity

through new development layout arrangements that provide and contribute to accessibility between developments and between neighbourhoods.

5.3.8. **AB 05** Protect individual trees, groups of trees and hedgerows on all approach roads, particularly the Ballacolla and Cork Roads, Ladies Hill, Church Grove and the Vicarage.

5.3.9. The following Development Management Standards as set out in the county development plan are relevant:

- DM HS 1 – Residential Housing Development
- DM HS 2 – Residential Apartment Development
- 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
- DM HS 5 – Public Open Space Provision for Housing Developments
- DM HS 6 - Private Open Space in Housing Residential Development
- DM HS 8 – Overshadowing of dwellings and open space
- DM HS 9 - Internal space standards in housing developments
- DM HS 10 – Boundary treatments
- DM HS 11 – Refuse / Recycling
- DM HS 12 – Bring Banks
- DM HS 19 – Landscaping and Biodiversity

#### 5.4. **Natural Heritage Designations**

5.4.1. The subject site is approx. 1.5km east of the River Barrow and River Nore SAC (002162) and the pNHA River Nore / Abbeyleix Woods Complex (002076)

## **5.5. EIA Screening**

- 5.5.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Appendices to 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.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal Ken & Frances Black**

- 6.1.1. An agent for Ken & Frances Black of Sweetview, Abbeyleix, has submitted a third-party appeal of the decision of the Planning Authority to grant permission. The grounds of the appeal can be summarised as follows:
- Proposed development does not comply with the following policies of the National Planning Framework:
    - NPO4: not well designed, does not promote a high-quality urban place, is over-developed with a skewed housing mix,
    - NPO33: development is not of an appropriate scale for sustainable development, not within walking distance of schools, community facilities or town centre, no cycle track and will ensure car dependence,
    - NPO27: dependence on car, sites closer to town should be developed first which would provide for better integration,
    - NPO35: not sequential development, undeveloped lands closer to the town,
    - NSO1: urban sprawl,
  - Proposed development does not comply with the RSES as it is 1.35km from the town centre and so does not meet the asset test.
  - Proposed development is contrary to the following policies and objectives of the Laois CDP:
    - CS05: does not achieve sustainable compact growth,

- CMBE1: is not an underutilised site in the town centre,
- CMBE2: does not facilitate the provision of public transport,
- HPO9: area is predominantly rural, no consideration of protection of existing residential amenities of the area,
- HPO13: site is ideal for serviced sites
- HPO17: 1&2 bed units should be centrally located in town
- The south-western aspect of the site is in a flood zone, has a stream and a wooded area. Should not be included in open space calculation.
- Proposed development fails to meet CDP requirements for public open space: areas for sitting out, for ball games, for younger children play and multi-use games area.
- Development fails to meet private open space requirements
- Fails to meet 22m separation distances,
- Fails to meet key objectives of the Settlement Strategy: SS2, SS3, SS4, SS16 and SS17.
- Fails to meet AB-08 which requires accessibility between neighbourhoods
- Proposed development does not include community services and being on the edge of town, is contrary to the Residential 2 zoning objective.
- Permission was refused 24/60662 by Laois County Council for excessive density, poor layout and lack of public open space in Durrow. Given that Durrow is similar heritage town, the same reasons apply to the proposed development.
- The site is in close proximity to the River Barrow and River Nore SAC with the stream at south meeting the River Nore. Area is within a flood zone.
- There is a risk from the flood zone and surface water to the SAC and the SPA. Ambiguity around the wastewater infrastructure means the AA screening and NIS is null and void.
- It is proposed that a pumping station be installed on site with foul water pumped via the rising main to the existing foul sewer network and ultimately at the Abbeylax WWTP.

- The Commission is requested to consider 24/60662 wherein permission was refused due to proximity to the Erkina River and uncertainty regarding the impact on the SAC.
- The potential impact from flooding off the site towards the River Barrow and River SAC and SPA has not been assessed. Case law (Kelly v An Bord Pleanála) requires that there might be an effect sufficient.
- It is submitted that data from Laois County Council records and planning files (10/74) that the rising main pipes and route are not as submitted in the application. A single 100mm pipe runs through Ken Blacks property and is then routed to the Abbeylax WWTP. The assessments have not indicated this route and if the pipes can accommodate additional load.
- It is submitted the twin riser shown on the Ballacolla Road is not there.
- Details of the pipe required under 10/74 are submitted.
- There are concerns that the applicant and Uisce Eireann are not aware of the route and specifications of the pipe.
- The pipe was laid by the appellant at his expense, for a length of 500m through private property and no access has been requested of Mr Black. Any risk to the pipe must be investigated. Map of route submitted.
- It is proposed to install a new waster supply route for 600m along Ballacolla Road. Such a proposal for foul water should be explored.
- In ABP-320466-24 the Inspector raised concerns about long term maintenance and management of critical infrastructure. Similar concerns exist for the subject proposal.
- In conclusion, the Commission is requested to refuse permission.

## 6.2. **Grounds of Appeal William X White & Others**

- 6.2.1. An agent for William White has submitted a third party appeal of the decision of the Planning Authority to grant permission. The appeal is similar to that of Ken Black, and the summary at 6.1 above is taken to represent both appeals. The appeal of Mr White raises the following additional comments.

- Policy BNH23 and Policy BNH 29 of the CDP are relevant as they seek to protect waterbodies and watercourses from inappropriate development and to protect the Nore pearl mussel through the Freshwater Pearl Mussel Nore Sub-Basin Management Plan 2009.

### 6.3. Applicant Response

6.3.1. An agent for the applicant responded to the two third-party appeals. The response can be summarised as follows:

- The proposed development accords with national regional and local planning policy.
- The site is zoned for residential development, is a short walk from Abbeyleix main street, is within the 50kph zone and has a continuous pedestrian access linking the site to the town centre.
- The woodland area in the south western corner will provide amenity but has been excluded from the developable site area.
- The site layout responds sensitively to the site boundaries, woodland and water course, delivering a high quality residential development.
- The decision of the Planning Authority was informed by the numerous reports from specialist professionals in architectural heritage, ecology, transportation, landscape and internal reports.
- **NPO4:** high quality urban place can be greenfield site that is zoned for residential use and part of planned expansion of Abbeyleix. Site is within walking and cycling distance of the town, incorporates public realm enhancements, DMURS, pedestrian connectivity and avoids further ribbon development.
- **NPO33:** scale is relative to projected population growth of Abbeyleix, is within commutable distance of schools, will act as a catalyst of future service provision,
- **NPO27:** development is DMURS compliant, is connected to the town by pedestrian routes, has traffic calming measures and will reduce car reliance for short trips,
- **NPO35 and NSO1:** zoning decisions take account of sequential development. Infill development can occur concurrently with the proposed development. High

density development is appropriate. Ignoring the development plan zoning is at variance with planning policy.

- **RSES:** site is within 15 minutes walking distance of the town, can support a modal shift away from the car and is suitable for sustainable growth.
- **CDP CS05, CMBE1, CMBE2:** site is zoned for residential development, promotes compact and logical expansion of this self-sustaining town, avoids sprawl, can deliver critical mass of development. Other sites examined in the town are further out, have no footpath or are smaller. Refusing development on the basis of public transport is contrary to the growth of such towns.
- **HPO9:** development can transition from urban to rural, development has been carefully designed to respect the setting with no impact on existing dwellings.
- **HPO13:** serviced sites are not applicable to the subject development, the site is zoned for development, offers rural residents an alternative to one-off housing,
- **HPO17:** mix of unit types proposed, is a manageable walking distance for the elderly,
- **Public & Private Open Space:** proposal provides the required 10% public open space. Stream and woodland were not included in the calculations. Scheme provides well designed overlooked play areas and walking routes. Planning Authority considered the development to be an environmentally sensitive response.
- **Flooding:** Detailed Site Specific Flood Risk Assessment submitted with the application. Site is not within a flood zone and is zoned for residential development
- **Development in Durrow:** Development is not comparable as Durrow site is highly prominent, edge of town location, had excessive density, had poor internal layout, lack of passive surveillance, had lack of water and waste water connections leading to serious public health concerns, was directly adjacent to the Erkina River with unclear implications for the Barrow and Nore SAC, had serious traffic concerns and cannot be used as a direct precedent.

- **Natura 2000 sites:** AA screening and NIS was submitted with the application. Technical submission in response to the appeal no significant adverse effects on the features of interest and conservation objectives of the Natura 2000 sites. Proximity to a designated site does not preclude development. The AA screening procedures of An Bord Pleanála and the Planning Authority ensures any ambiguity is resolved through evidence based assessments.
- **WW Pipe:** two pre-connection enquiries to Uisce Éireann resulted in confirmation of feasibility, as submitted to the Planning Authority. Developers engineer engaged with Uisce Éireann to design the pumping station to cater for existing flows as well as the proposed development. Confirmation that the pumping station has capacity. Alternative discharge point for the rising main and any upgrade of the rising main is feasible due to wayleaves conditioned as part of 10/74. These wayleaves should be registered in favour of Laois County Council and now by extension Uisce Éireann. Rights of way and third party consent are legal matters between the relevant property owners and Uisce Éireann, which are subject to wayleave agreements. Any upgrade of public infrastructure will be carried out by the statutory authority Uisce Éireann and the applicant will pay a proportionate contribution.
- **Engineering Response:**
  - The waste water design for the proposed development shows a new rising main from the subject site, connecting to the existing rising main. The new rising main size will be determined by the pump supplier, who will advise if it is of suitable capacity. If an upgrade is required, Uisce Éireann have the authority to install a new rising main within the wayleave on the appellants property. The red line boundary of the subject site is not required to include works being undertaken by Uisce Éireann. Correspondence from LCC submitted.
  - Flood Risk: site-specific hydraulic analysis shows the entire site is not within Flood Zone A or B. Site specific flood survey was undertaken with the stream modelled in detail. This concluded that the stream does not flood its banks during a flood event, the site is outside Flood Zone A and B and no up or downstream flooding will occur from the proposed development.



- Traffic and Road Safety: Traffic calming measures are proposed along the R433, including SLOW road markings, replacement of existing speed signs, relocation of speed radar readout sign and kerbing to reduce the road width to 6m.
- Travel Times: Community infrastructure is 10-28 minutes from the site.
- RSA: Stage 1/2 RSA was submitted with the application. RSA was revised to account for new layout. Developer met with Planning Authority, from which traffic calming measures were proposed.
- **Environmental Response:**
  - site is 1.2km from the SAC and 1.4km from the SPA. In the absence of mitigation, foul water from the site will not significantly affect the qualifying interests of the SAC or the SPA. Foul water is to be pumped by rising main to the WWTP and risks and consequence of flooding have been alleviated throughout the development.
  - Bat surveys were undertaken as part of the EclA. No evidence of bat roosting but foraging noted on site. Derogation licence is not required but a pre-construction assessment is required.

#### **6.4. Planning Authority Response**

6.4.1. None on file.

#### **6.5. Observations**

6.5.1. **DAU of the DHLG&H:** Notes the archaeological assessment submitted with the application and recommends further assessment to include a photographic survey of the townland boundary in the form of an earthen bank, a geophysical survey and test trenching. Dept. recommends that an Archaeological Impact Assessment be prepared before a planning decision is made.

#### **6.6. Further Responses**

6.6.1. None on file.

## **7.0 Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance and inspected the site. I have assessed the proposed development. I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of Proposed development
- Designated Sites
- Residential Amenity
- WWT
- Other

### **7.2. Principle of Proposed Development**

7.2.1. The subject site is zoned Residential 2 in the Laois CDP. The objective for such lands is to provide for new residential development, residential services and community facilities. Noting the issue raised by the appellants regarding phased development, I note that the development plan does not require sequential phasing of residential developments, i.e. the development of the subject site is not contingent of Residential 1 lands being developed first. The subject site is within the development boundary of the town and is zoned for residential development. I note section 13.2.4 of the development plan wherein the Council notes that whilst it is desirable that development takes place in an orderly manner, it recognises it would be unduly restrictive to insist that development takes place in a rigidly phased manner.

7.2.2. I note that in the settlement hierarchy, the core strategy (table 2.16) provides for 270 potential residential units on greenfield sites in the town. Section 4.2.2.1 of Volume 2 of the CDP states that there is capacity to deliver 60 no. units within brownfield and infill sites in the town. The development of other residentially zoned lands, to meet the projected housing need for the town, therefore is required.

7.2.3. The subject site is linked by a footpath to the town centre, which is within walking distance of the subject site. I note the proposed traffic calming measures within the site and on the Ballacolla Road. I am satisfied that the proposed development will

read as an expansion of the settlement of the town. I am satisfied that the proposed development complies with AB-08 of the development plan which requires accessibility between neighbourhoods in Abbeyleix. The development of a greenfield site, on the edge of the built-up area allows the development to create its own character and identity whilst being complementary to its surroundings, as required by the zoning objective. I am satisfied that the proposed development complies with Objective SS1, SS2 and SS7 of the development plan which provide for sustainable residential growth in accordance with the requirements of the Housing and Core Strategy.

7.2.4. The principle of the proposed development is acceptable.

### **7.3. Residential Amenity**

- 7.3.1. In terms of development management, I note that the proposed development complies with DMURS (DMHS1), the development management standards of the development plan for housing mix (DMHS 1 and HPO8), density (SS3, DMHS3 and HPO9), overshadowing (DMHS 8) and internal space (DMHS9).
- 7.3.2. The appellants submit that the proposed development fails to meet the public and private open space requirements of the development plan. Policy DM HS 4 of the plan refers to public open space and requires that it 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. The policy requires that 10% of the total site area should be provided as public open space.
- 7.3.3. The applicant, in responding to the appeals, states that when calculating the open space requirement for the development, the stream and woodland sections of the site were excluded from the calculations. The landscape plan submitted in response to the request for further information shows a series of interconnected green spaces on the edges of the development and a play area in the north-eastern corner. A footbridge is proposed to the wooded area in the southwestern corner. I am satisfied that the proposed development complies with policy DMHS4 of the development plan.

#### **7.4. WWT**

- 7.4.1. The appellants raise a concern that the proposed plan for disposal of waste water from the site is not adequate. They note that the existing infrastructure runs through private land and consent has not been sought to access, does not appear to be as shown on the submitted plans and may not have capacity for the proposed development.
- 7.4.2. In response to the appeals, the applicant has submitted information from Uisce Éireann showing Confirmation of Feasibility for the proposed development. The applicant notes that they designed the on-site pumping station in consultation with Uisce Éireann. The applicant confirms that the proposed development has sufficient capacity. With regard to the need for the infrastructure to travel through the appellants lands, the applicant notes that a 6-8m wayleave exists around the existing infrastructure as part of the final grant of permission for the appellants dwelling. That if an upgrade is needed, Uisce Éireann have the authority to install a new rising main within the wayleave. I note that the Planning Authority – including their internal departments - are satisfied that the issue has been satisfactorily addressed and that no concerns are outstanding. I concur with that finding. I am satisfied that the applicant has demonstrated capacity to undertake the proposed development.
- 7.4.3. I note the site specific flood risk assessment (SSFRA) submit with the application and am satisfied that it has been demonstrated that the proposed development is outside Flood Zone A and B and will cause no flood risk up or downstream of the subject site.

#### **7.5. Designated Sites**

- 7.5.1. Both appellants raise the issue of the proximity of the subject site to designated sites via the existing stream along the northern boundary of the subject site. The issue has been comprehensively addressed through an AA screening report, NIS and an EclA. The Commission is directed to section 5.5, section 8.0 and the appendices of this report. To summarise, I conclude that following an examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the River Barrow and River Nore SAC (002162) and River Nore SPA (004233),

can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

#### 7.6. Other

- 7.6.1. I note the DAU recommends that an **Archaeological Impact Assessment** be prepared before a planning decision is made. I draw the Commissions attention to the Cultural Heritage Impact Assessment submitted with the application. The CHIA found that the site contains no Recorded Monuments and the nearest such monument (circular cropmark) is an enclosure (LA023-037----) located c. 410m to the northeast of the site. The site contains no Protected Structures. The report concludes that the site has the potential to contain undisturbed previously unrecorded subsurface features or deposits of an archaeological nature. The report recommends that any proposed development be subject to further archaeological mitigation in advance of any future development. Archaeological assessment to include a photographic survey of the townland boundary in the form of an earthen bank, a geophysical survey and test trenching should be conditioned. This should be carried out prior to any groundworks commencing by an experienced, licenced archaeologist in line with a method statement submitted to and approved by the Department of Housing, Local Government and Heritage. I am satisfied that this can be addressed by way of condition attached to a grant, should the Commission be minded to grant permission.
- 7.6.2. **Precedent:** the appellants requests the Commission to consider the proposed development as the Planning Authority assessed a development in Durrow (Planning Authority reg. ref. 24/60662) wherein permission was refused for 10 no. houses. The Durrow development is not comparable to the subject proposal for a number of reasons, namely excessive density on a small visually sensitive site, inadequate sanitary services, inadequate sightlines near a national road, proximity to Natura 200 site and the inability to screen out significant impacts, and inadequate public and private open space amongst other Planning Authority concerns. I am satisfied that the development does not provide a reference for the proposed development.

## **8.0 AA Screening**

### **8.1. Screening Determination - Finding of likely significant effects**

- 8.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the River Barrow and River Nore SAC (002162) and River Nore SPA (004233), in view of the conservation objectives of a number of qualifying interest features of those sites.
- 8.1.2. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is required.

### **8.2. Natura Impact Statement (NIS)**

- 8.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on River Barrow and River Nore SAC (002162) and River Nore SPA (004233), in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.
- 8.2.2. Following an examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the River Barrow and River Nore SAC (002162) and River Nore SPA (004233), can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- 8.2.3. My conclusion is based on the following:
- Detailed assessment of construction and operational impacts.
  - Effectiveness of mitigation measures proposed including supervision and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
  - Application of planning conditions to ensure application of these measures.
  - The proposed development will not affect the attainment of conservation objectives for the River Barrow and River Nore SAC (002162) and River Nore SPA (004233),

## 9.0 Water Framework Directive

- 9.1.1. A stream (EPA Ref. Code IE\_SE\_15N011100) approaches the Site from the south, crossing the R433 Road and entering the Site at its southwest corner. Immediately upstream of the R433 Road, the stream channel divides into two separate channels. The first channel, the Mill Race Channel (now obsolete); the second, larger channel is the Main Channel and carries all flow that does not enter the Mill Race Channel. The Mill Race Channel is culverted under the road and then flows in a northwest direction along the west boundary of the Site; at the northwest corner of the site it turns southwest and flows away from the Site. The Main Channel is also culverted under the road and crosses the southwest corner of the Site before turning to the southwest, also flowing away from the Site. An open channel runs along part of the north boundary, connecting to the Mill Race channel at the northwest corner of the Site. This channel drains the surrounding fields but does not appear to carry fluvial flows. All channels are of regular cross-section, relatively wide and deep, with fast currents, indicative of good conveyance capacity.
- 9.1.2. (Aquifers)' on GSI, the aquifer is classified as a 'Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones'. Per EPA maps the groundwater status for the waterbody records the status as Good and EPA 'Ground Waterbodies Risk' shows the site as 'Not at risk'. There are no public groundwater supplies or group schemes in the GIS / EPAGIS mapping 'Public Supply Source Protection Areas and Group Scheme Preliminary Source Protection Areas' the nearest is 2 km from the site.
- 9.1.3. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed residential development, on a greenfield site 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 and 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.
- 9.2. The reason for this conclusion is as follows:

- The nature of the works that include SuDS measures and landscaping
- Lack of any direct hydrological connections
- The serviced nature of the lands

9.3. Conclusion - I conclude that on the basis of objective information, that 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.

## 10.0 Recommendation

10.1.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

## 11.0 Reasons and Considerations

11.1.1. Having regard to the location of the subject site on land zoned for residential development, within the development boundary of Abbeyleigh, the Commission was satisfied that the proposed development is an acceptable form and type of development at this location and is supported by policy at national, regional and local levels including contributing positively to compact growth and urban consolidation. The Commission was also satisfied that subject to the conditions hereby attached, the proposed development would not give rise to a traffic hazard and would be acceptable in terms of protecting adjoining residential amenity. The Commission was satisfied that the proposals for waste water management were acceptable. The proposed development was, therefore, considered to 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, as amended by the further plans and particulars received by the planning authority on the 13th day of December 2024 and the 24<sup>th</sup> January 2025, 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 All mitigation measures outlined in the plans and particulars, including the AA Screening / Natura Impact Statement, Ecological Impact Assessment and Preliminary Construction Environmental Management Plan (CEMP), shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health

- 4 A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interest of sustainable transport and safety.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

6. The landscaping scheme submitted with the planning application, as amended at further information stage shall be carried out in full. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

- 7 (a) A plan containing details for the management of waste and, in particular, recyclable materials and hazardous materials within the development, including the provision of facilities for the storage, separation and collection of all waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

- 8 The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**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.

A handwritten signature in black ink, appearing to read 'Gillian Kane', written over a horizontal line.

Gillian Kane  
Senior Planning Inspector

16 July 2025

## 13.0 Appendix 1 – AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects				
<b>Step 1: Description of the project and local site characteristics</b>				
Case file: ABP-322424-25				
<b>Brief description of project</b>	Construction of 47 residential units The Rookery, Abbeyleix, Co. Laois			
<b>Brief description of development site characteristics and potential impact mechanisms</b>	A detailed description of the development location is provided at section 1.0 of the Inspector's Report. Potential impact mechanisms include: construction phase activities.			
<b>Screening report</b>	Yes			
<b>Natura Impact Statement</b>	Yes			
<b>Relevant submissions</b>	Appellants raise issues with many aspects of the development in the context of the wider environment, Inspector's Report refers.			
<b>Step 2. Identification of relevant European sites using the Source-pathway-receptor model</b>				
Three European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant included a greater number of European sites in their initial screening consideration. There is no ecological justification for a wider consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.				
European Site (code)	Qualifying interests (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
	Qualifying Interests Estuaries [1130] Mudflats	1.2km	There is a direct hydrological pathway	Y

	<p>and sandflats not covered by seawater at low tide</p> <p>[1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] <i>Vertigo moulinsiana</i> (Desmoulin's</p>		<p>from the subject site to this SAC via surface water drainage</p>	<p>Mitigation measures are required to protect the qualifying interests of this SAC due to the direct hydrological pathway via surface water drainage. Stage 2 AA (NIS) is Required</p>
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	Whorl Snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaiite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Trichomanes speciosum (Killarney Fern) [1421] Margaritifera durrovensis (Nore Pearl Mussel) [1990]			
River Nore SPA (004233)	Kingfisher (Alcedo atthis) [A229]	1.4km	There is a direct hydrological pathway from the subject site to this SPA via surface water drainage. Out of an abundance of caution, and in the absence of mitigation, it is considered that there	Mitigation measures are required to protect the qualifying interests of this SPA due to the direct hydrological

			is the potential for significant downstream effects on the qualifying interests of the River Nore SPA via this direct hydrological pathway	pathway via surface water drainage. Stage 2 AA (NIS) is Required.
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Ecological surveys were undertaken by the applicant at an appropriate season and frequency, using best practice survey methods.

### Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The proposed development will not result in any direct effects on either the SAC or SPA. Sources of impact and likely significant effects are detailed in the Table below.

#### Screening matrix

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
River Barrow and River Nore SAC (002162)	<ul style="list-style-type: none"> <li>• Habitat degradation</li> <li>• Dust deposition</li> <li>• Pollution</li> <li>• Silt ingress from site runoff</li> <li>• Downstream effects</li> </ul>	<p>Taking a precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run-off of pollutants during the construction phase of the proposed development.</p> <p>A complete source pathway receptor chain was identified and in the absence of mitigation, there</p>

		is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact and is considered further in this assessment.
	<b>Impacts</b>	<b>Effects</b>
River Nore SPA (004233)	<ul style="list-style-type: none"> <li>• Habitat degradation</li> <li>• Dust deposition</li> <li>• Pollution</li> <li>• Silt ingress from site runoff</li> <li>• Downstream effects</li> <li>• Negative effects on aquatic and bird fauna</li> </ul>	<p>Taking a precautionary approach, a potential pathway for indirect effects on the SAC via deterioration of water quality via a shared groundwater body and resulting from run-off of pollutants during the construction phase of the proposed development.</p> <p>A complete source pathway receptor chain was identified and in the absence of mitigation, there is potential for the proposed development to result in likely significant effects on this European Site. Therefore, the European Site is located within the Likely Zone of Impact and is considered further in this assessment.</p>
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>  The primary consideration in terms of source-receptor-pathways for indirect impacts relates to surface water and potential indirect impacts on hydrologically linked habitats and aquatic		



species. The potential for impact is considered whereby the development would result in a significant detrimental change in surface water quality either alone or in combination with other projects or plans as a result of indirect pollution of surface water during construction. The effect would have to be considered in terms of changes in water quality which would affect the habitats or species for which River Barrow and River Nore SAC (002162) and River Nore SPA (004233) are designated.

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the River Barrow and River Nore SAC (002162) and River Nore SPA (004233)

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

### **Screening Determination**

#### **Finding of likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the River Barrow and River Nore SAC (002162) and River Nore SPA (004233) in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

## 14.0 Appendix 2 - AA Determination

Appropriate Assessment				
<p>The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.</p>				
<p>Taking account of the preceding screening determination at appendix 1 of my report, the following is an appropriate assessment of the implications of the proposed development of student accommodation and public road improvements in view of the relevant conservation objectives of the River Barrow and River Nore SAC (002162) and River Nore SPA (004233) based on the scientific information provided by the applicant.</p> <p>The information relied upon includes the following:</p> <ul style="list-style-type: none"> <li>• Natura Impact Statement</li> <li>• Environmental Impact Assessment Screening Report</li> <li>• Outdoor Lighting Report</li> <li>• Appropriate Assessment Screening Report</li> <li>• Engineering Report and responses to Further information</li> <li>• Construction and Environmental Management Plan</li> <li>• Flood Risk Assessment</li> </ul> <p>I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.</p>				
Submissions/observations				
Third Party appellant issues raise the issue of impact of development on the designated sites.				
River Barrow and River Nore SAC (002162)				
Summary of Key issues that could give rise to adverse effects (from screening stage):				
Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)	

			Table 7 of NIS	
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	Status under review	Surface water runoff on site during construction or operation may lead to silt or contaminated materials going downstream. Concrete silt or pollution could enter the on site water course during works. The use of plant and machinery, as well as the associated temporary storage of construction materials, oils, fuels and chemicals could lead to pollution on site or in adjacent water courses. The storage of topsoil or works in the vicinity of the water course. On site could lead to dust, soil or silt laden runoff entering the adjacent water course.	CEMP outlines mitigation measures: Section 2.6 oil and fuel storage, 2.7 Environmental Incident Protocols 2.9 Enabling Works, 2.9.1 demolition, 2.10 earthworks, 2.10.1 soil excavation management, 4.3 construction traffic dust and debris management 6.1 noise and vibration, 6.2 soil and groundwater, 6.3 surface water, 6.3.1 control of concrete and cement run-off 6.4 ecology, 6.4.1 spread of invasive species, 6.4.2 hedgerow and tree line, 6.4.5 terrestrial mammals, 6.5	

			waste management,	
Austropotamobius pallipes (White-clawed Crayfish) [1092]	To maintain the favourable conservation condition	As above	As above	
Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition	As above	As above.	
Lampetra planeri (Brook Lamprey) [1096]	To restore the favourable conservation condition	As above	As above.	
Lampetra fluviatilis (River Lamprey) [1099]	To restore the favourable conservation condition	As above	As above	
Alosa fallax fallax (Twaite Shad) [1103]	To restore the favourable conservation condition	As above	As above	
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition	As above	As above	
Estuaries( 1130)	To maintain the favourable conservation condition	No effect		
Mudflats and sandflats not	To maintain the favourable	No effect		

covered by seawater at low tide (1140)	conservation condition			
Salicornia and other annuals colonising mud and sand (1310)	To maintain the favourable conservation condition	No effect		
Atlantic salt meadows (1330)	To restore the favourable conservation condition	No effect		
Otter (1355)	To restore the favourable conservation condition	<p>Surface water runoff on site during construction or operation may lead to silt or contaminated materials going downstream. Concrete silt or pollution could enter the on site water course during works. The use of plant and machinery, as well as the associated temporary storage of construction materials, oils, fuels and chemicals could lead to pollution on site or in adjacent water courses. The storage of topsoil or works in the vicinity of the water course. On site could lead to dust, soil or silt laden runoff entering</p>	<p>CEMP outlines mitigation measures:</p> <p>Section 2.6 oil and fuel storage, 2.7 Environmental Incident Protocols 2.9 Enabling Works, 2.9.1 demolition, 2.10 earthworks, 2.10.1 soil excavation management, 4.3 construction traffic dust and debris management 6.1 noise and vibration, 6.2 soil and groundwater, 6.3 surface water, 6.3.1 control of</p>	

		the adjacent water course.	concrete and cement run-off 6.4 ecology, 6.4.1 spread of invasive species, 6.4.2 hedgerow and tree line, 6.4.5 terrestrial mammals, 6.5 waste management,	
Atlantic salt meadows ( <i>Glaucopuccinellietalia maritima</i> ) [1330]	To restore the favourable conservation condition	No effect		
<i>Lutra lutra</i> (Otter) [1355]	To restore the favourable conservation condition	Surface water runoff on site during construction or operation may lead to silt or contaminated materials going downstream. Concrete silt or pollution could enter the on site water course during works. The use of plant and machinery, as well as the associated temporary storage of construction materials, oils, fuels and chemicals could lead to pollution on site or in adjacent water courses. The storage of topsoil or	CEMP outlines mitigation measures: Section 2.6 oil and fuel storage, 2.7 Environmental Incident Protocols 2.9 Enabling Works, 2.9.1 demolition, 2.10 earthworks, 2.10.1 soil excavation management, 4.3 construction traffic dust and debris management	

		works in the vicinity of the water course. On site could lead to dust, soil or silt laden runoff entering the adjacent water course.	6.1 noise and vibration, 6.2 soil and groundwater, 6.3 surface water, 6.3.1 control of concrete and cement run-off 6.4 ecology, 6.4.1 spread of invasive species, 6.4.2 hedgerow and tree line, 6.4.5 terrestrial mammals, 6.5 waste management,	
Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]	To restore the favourable conservation condition	No effect		
<i>Trichomanes speciosum</i> (Killarney Fern) [1421]	To maintain the favourable conservation condition	No effect		
<i>Margaritifera durrovensis</i> (Nore Pearl Mussel) [1990]	To restore the favourable conservation condition	Surface water runoff on site during construction or operation may lead to silt or contaminated materials going downstream. Concrete silt or pollution could enter the on site water course during works. The	CEMP outlines mitigation measures: Section 2.6 oil and fuel storage, 2.7 Environmental Incident Protocols 2.9 Enabling Works,	

		<p>use of plant and machinery, as well as the associated temporary storage of construction materials, oils, fuels and chemicals could lead to pollution on site or in adjacent water courses. The storage of topsoil or works in the vicinity of the water course. On site could lead to dust, soil or silt laden runoff entering the adjacent water course.</p>	<p>2.9.1 demolition, 2.10 earthworks, 2.10.1 soil excavation management, 4.3 construction traffic dust and debris management 6.1 noise and vibration, 6.2 soil and groundwater, 6.3 surface water, 6.3.1 control of concrete and cement run-off 6.4 ecology, 6.4.1 spread of invasive species, 6.4.2 hedgerow and tree line, 6.4.5 terrestrial mammals, 6.5 waste management,</p>	
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]	To maintain the favourable conservation condition	No effect		



European dry heaths [4030]	To maintain the favourable conservation condition	No effect		
Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]	To maintain the favourable conservation condition	No effect		
Petrifying springs with tufa formation (Cratoneurion) [7220]	To maintain the favourable conservation condition	No effect		
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	To restore the favourable conservation condition	No effect		
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno Padion, Alnion incanae, Salicion albae) [91E0]	To restore the favourable conservation condition	No effect		
Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	To maintain the favourable conservation condition	No effect		
<b>River Nore SPA (004233)</b> <b>Summary of Key issues that could give rise to adverse effects (from screening stage):</b>				

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary) Table 7 of NIS</b>	
Kingfisher (Alcedo atthis) A229	To maintain or restore the favourable conservation condition of the bird species listed as SCI for this SPA	<p>Surface water runoff on site during construction or operation may lead to silt or contaminated materials going downstream to European sites. Concrete silt or pollution could enter water courses during works. Localised activity on site and noise may be generated during works. The use of plant and machinery, as well as the associated temporary storage of construction materials, oils, fuels and chemicals could lead to pollution of the onsite water course. The storage of topsoil or works in the vicinity of the onsite water course Could lead to. Dust, soil or silt laden runoff entering the river Nore. All of these effects are expected to be localised in nature, restricted to the</p>	<p>CEMP outlines mitigation measures: Section 2.6 oil and fuel storage, 2.7 Environmental Incident Protocols 2.9 Enabling Works, 2.9.1 demolition, 2.10 earthworks, 2.10.1 soil excavation management, 4.3 construction traffic dust and debris management 6.1 noise and vibration, 6.2 soil and groundwater, 6.3 surface water, 6.3.1 control of concrete and cement run-off 6.4 ecology, 6.4.1 spread of invasive species, 6.4.2 hedgerow and</p>	

		<p>immediate vicinity of the site. There is potential for significant effects from the works on Kingfisher in the absence of mitigation measures. This could be as a direct result of a pollution incident or indirectly through impacting on prey species.</p>	<p>tree line, 6.4.5 terrestrial mammals, 6.5 waste management,</p>	
<p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.</p>				
<p><b>Assessment of issues that could give rise to adverse effects view of conservation objectives</b></p> <p><b>(i) Water quality degradation</b></p> <p>The primary consideration in terms of source-receptor-pathways for indirect impacts relates to surface water and potential indirect impacts on hydrologically linked habitats and aquatic species.</p> <p>The likelihood of impacts on hydrologically connected European sites is low and will be avoided by best practice construction management.</p> <p>However, in the absence of mitigation, a potential pathway for indirect effects on the QI species/habitats listed above, in the form of deterioration of water quality arising from the percolation of polluting materials from the site during construction activities associated with the proposed development was identified.</p> <p>The construction phase will involve excavations and earth moving which create the potential for pollution in various forms, i.e. the generation of suspended solids and the potential for spillage of fuels associated with the refuelling of excavation machinery. There is a risk of the percolation of pollutants during the above activities. As such, the construction phase of the proposed development may result in pollution entering River Barrow and River Nore SAC.</p>				

## **Mitigation measures and conditions**

### **Construction Phase Control Measures**

- Fuel storage zone and Environmental Response Procedures
- Spill kits, Construction Compound and Storage Areas
- Designated Project Environmental Manager or Ecological Clerk of works
- Minimisation of cut and fill,
- Contractor method statement,
- Visual survey of road network and cleaning of construction machinery
- Fuels and Oils Management
- Surface Water & Ground Water –FRA and SuDS measures.
- Noise control measures,
- Ecological check of hedgerow and tree line before works,
- Waste management
- Preconstruction amphibian and mammal survey (including otters)

### **Operational Phase**

The operational phase will result in the production of foul sewage and surface-water runoff which, if not adequately treated, has potential to result in indirect effects on surface and groundwater quality and, therefore, potential adverse effects on the above screened-in European Sites.

Measures include -

**Surface Water Drainage** - The surface water drainage system has been designed to cater for all surface water run-off from the development and includes infiltration trees, swales and an infiltration tank.

**Wastewater Drainage** -

Uisce Éireann issued a Confirmation of Feasibility which noted some localised upgrades may be required. Upon further investigation, the wastewater pipe shown in Uisce Éireann records is in fact an overflow pipe connecting to the stream which flows under the R433. The Confirmation of Feasibility is submitted with the NIS. There is no suitable wastewater pipe in the R433 for a connection and hence a wastewater pumping station is required. A foul rising main will connect the proposed pumping station to the existing 'Sweetview Wastewater Pumping Station – Abbeylax' shown on Uisce Éireann records, approximately 220 m east of the site's proposed entrance under a road opening licence.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in recommended conditions of the Inspector's Report.

#### **In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in the NIS. The proposed development was considered in-combination with other plans and projects in the area that could result in cumulative impacts on designated Sites. No other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

#### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the River Barrow and River Nore SAC (002162) and River Nore SPA (004233). No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

#### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

#### **Site Integrity**

The proposed development will not affect the attainment Conservation objectives of the River Barrow and River Nore SAC (002162) and River Nore SPA (004233). Adverse effects

on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

### **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Barrow and River Nore SAC (002162) and River Nore SPA (004233) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

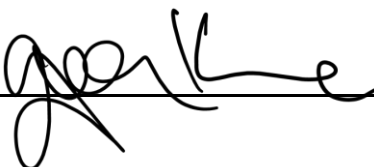
Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the River Barrow and River Nore SAC (002162) and River Nore SPA (004233) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the River Barrow and River Nore SAC (002162) and River Nore SPA (004233)

## 15.0 Appendix 3 EIA Pre-Screening

<b>Case Reference</b>	
<b>Proposed Development Summary</b>	Construction of 51 dwellings (reduced to 47 on Further information) on a greenfield site
<b>Development Address</b>	The Rookery, Ballacolla Road, Abbeylax, 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>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
<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 checked="" 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"/> Yes, the proposed development is of a Class but is sub-threshold.	10(b)(i) construction of more than 500 dwelling units
<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>	
Yes <input checked="" type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>

Inspector:  Date: 16 July 2025

## 16.0 Appendix 4 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-322331-25	
Development Summary	47 no. residential units at The Rookery, Ballacolla Road, Abbeyleix	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Y	PA report states: <i>Site is not considered to be a business district. Site is zoned for residential development within the development limits of Abbeyleix. Notwithstanding its peripheral location, it is considered to be part of the built up area, where the 10 ha threshold applies. The site size is significantly below the threshold. Whilst I note that there is some minor demolition proposed, the removal and relocation of the existing wall, these would not, in my opinion, have significant effects on the environment. The application is accompanied by an NIS which concludes no significant effects are likely on European sites. Their features of interest or conservation objectives, the proposed project will</i>



		<i>not adversely affect the integrity of European sites. Therefore, it is considered having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore EIA is not required.</i>
<b>2.</b> Has Schedule 7A information been submitted?	<b>Y</b>	Report entitled: Environmental Impact Assessment Screening Report
<b>3.</b> Has an AA screening report or NIS been submitted?	<b>Y</b>	AA screening report and NIS both submitted.
<b>4.</b> Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	<b>N</b>	None.
<b>5.</b> Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	<b>Y</b>	SEA was undertaken by the planning authority in respect of the Laois County Development Plan 2021-2027.

B. EXAMINATION	Yes/ No/ Uncertain	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<p><b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b></p>			
<p><b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)</p>			
<p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p><b>No</b></p>	<p>The development comprises the construction of residential units on residentially zoned lands. The nature and scale of the proposed</p>	<p><b>No</b></p>

		development reflects the surrounding pattern of development.	
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	<b>Yes</b>	The proposal will develop a greenfield site on the edge of the built up area of Abbeyleix. The proposed development is not considered to be out of character with the existing and emerging pattern of development in the wider area.	<b>No</b>
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	<b>Yes</b>	Construction materials will be typical of an urban environment. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant.	<b>No</b>
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	<b>Yes</b>	Construction activities will require the use of potentially harmful materials, such as fuel and other substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and the implementation of a Construction Environmental Management Plan will	<b>No</b>

		satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	<b>Yes</b>	Construction activities will require the use of potentially harmful materials, such as fuels and other substances and will give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and the implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.	<b>No</b>
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface	<b>No</b>	No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from	<b>No</b>

waters, groundwater, coastal waters or the sea?		spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.	
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	<b>Yes</b>	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature and their impacts will be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.	<b>No</b>
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	<b>No</b>	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the operation of a Construction Environmental Management Plan would satisfactorily address potential impacts on	<b>No</b>

		human health. No significant operational impacts anticipated.	
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	<b>No</b>	No significant risk having regard to the nature and scale of the proposed development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding (SSFRA submitted with the application). There are no SEVESO/COMAH sites in the vicinity of this location.	<b>No</b>
<b>1.10</b> Will the project affect the social environment (population, employment)	<b>Yes</b>	The redevelopment of the site will increase the local population. This is not regarded as significant given the location of the site and the surrounding pattern of land use.	<b>No</b>
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	<b>No</b>	The proposed development relates to a site in an existing residential environment. Permitted developments within the vicinity of the site have been subject to separate assessments. No significant cumulative impacts are anticipated.	<b>No</b>

2. Location of proposed development			
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	<b>Yes</b>	<p>The site is located within 2km of the River Barrow and River Nore SAC and River Nore SP.</p> <p>The potential for adverse impacts to the SAC have been addressed in the Inspector's Report and appendices 1 and 2.</p> <p>The applicant prepared an EcIA report, no adverse impacts are anticipated with respect to the designated sites.</p> <p>Accordingly, I do not consider the project likely to result in a significant effect on the environment in terms of ecological designations or biodiversity</p>	<b>No</b>
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-</p>	<b>No</b>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<b>No</b>

wintering, or migration, be affected by the project?			
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	<b>No</b>	<p>There are no landscape designations or protected scenic views at the subject site.</p> <p>There are no protected structures within or adjoining the site, and the site is not included within an architectural conservation area.</p> <p>The site contains no Recorded Monuments and the nearest such monument is an enclosure (LA023-037----) located c. 410m to the northeast of the site. The monument was identified as a circular cropmark. The site contains no Protected Structures as listed in the Laois County Development Plan 2021 – 2027. The nearest such structure is a Post box (RPS 971) set in a stone wall along Ballacolla Road</p> <p>Due to the size of the site, there is moderate potential for the continued survival of archaeological material and features within the site. Further archaeological assessment, and as</p>	<b>No</b>



		necessary, preservation by record and/ or in-situ, during construction could be considered.	
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	<b>No</b>	No	<b>No</b>
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	<b>No</b>	A stream (EPA Ref. Code IE_SE_15N011100) approaches the Site from the south, crossing the R433 Road and entering the Site at its southwest corner. Immediately upstream of the R433 Road, the stream channel divides into two separate channels. Hydrological modelling has found the Site to lie outside flood risk zones A and B. Accordingly: (i) the Site is appropriate for development from a fluvial flood-risk assessment; (ii) the Justification Test if not required	<b>No.</b>

<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	<b>No</b>	No such risks identified.	<b>No</b>
<b>2.7</b> Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	<b>No</b>	The site is served by a local road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated. Improvements are planned to the local road network, such as traffic calming measures	<b>No</b>
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	<b>No</b>	There are no such adjoining land uses.	<b>No</b>
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	<b>No</b>	No developments have been identified in the vicinity that could give rise to significant cumulative environmental effects.	<b>No</b>

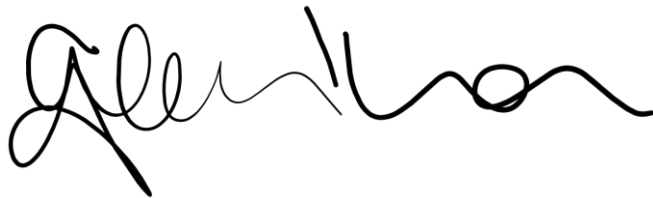
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	<b>No</b>	No transboundary considerations arise.	<b>No</b>
<b>3.3</b> Are there any other relevant considerations?	<b>No</b>	<b>None</b>	<b>No</b>
<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	✓	EIAR Not Required	
<b>D. MAIN REASONS AND CONSIDERATIONS</b>			
Having regard to: -  1. the criteria set out in Schedule 7, in particular a) The nature and scale of the project, which is below the thresholds in respect of Class 10(b)(i) and Class 10(b)(iv) of the Planning and Development Regulations 2001, as amended. b) The location of the site on zoned lands for residential development, and other relevant policies and objectives in the Laois County Development Plan 2021-2027, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC). c) The nature of the site and its location, within the development boundary of Abbeyleix which is served by public services and infrastructure. d) The pattern of existing and permitted development in the area. e) The planning history within the wider area.			

- f) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
  - g) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage, and Local Government (2003).
  - h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
  - i) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
  - j) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment,
  - k) the absence of any significant environmental sensitivity in the vicinity,
2. the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

The development is not likely to have an effect on the environment and the preparation of an EIAR is not required.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector



Date 16 July 2025

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_