



An
Coimisiún
Pleanála

Inspector's Report ABP-322541-25

Development	Construction of a dwelling with wastewater treatment system and all associated site works.
Location	Ballycarnan, Portlaoise, Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2560105
Applicant(s)	Leon Lewis and Lauren Saunders
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Ian and Jordan Gillespie
Observer(s)	None
Date of Site Inspection	19 th August 2025
Inspector	Aoife McCarthy

1.0 Site Location and Description

- 1.1. The subject site a stated area of 0.32Ha and is located at Ballycarnan, Co. Laois.
- 1.2. The site is located 5.6km to the south-east of Portlaoise.
- 1.3. The site is accessed from a private laneway, which connects to the R425 (Strategic Regional Road) to the west; with a local Tertiary County Road (L67143) to the north-east.
- 1.4. The site forms part of a larger pasture field, with a noted decline in levels to the west, mature trees/vegetation with an active drain on the roadside northern boundary.
- 1.5. The site is bound by sites with single storey bungalows to the east and west, all with access from the private road to the north. The dwelling to the west is currently under construction.
- 1.6. The site and wider area are rural in character with forestry uses in the vicinity of the site.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of new dwelling house (252m² GFA), domestic garage, wastewater treatment system and polishing filter, new site entrance and all associated works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Local Authority issued a Notification of a Decision to Grant Permission, subject to 15 no. Conditions on the 28th April 2025.

3.2. Planning Authority Reports

3.2.1. Planning Reports (25th April 2025)

- 3.2.2. Initial report prepared by the Senior Executive Planner 23rd April 2025.
 - The report includes local planning policy guidance, specifically S.4.6.1 relating to local housing need and development within an Area Under Strong Urban Influence.

- The proposed is acceptable in terms of Screening for Appropriate Assessment (AA) and for Environmental Impact Assessment (EIAR).
- The dwelling and garage are to a high design standard, in accordance with Appendix 7 Rural Design Guidance of the Laois County Development Plan 2021-2027.
- Minimum sight distances can be achieved, with acceptable horizontal visibility at the site frontage.
- The report includes extracts from the justification for housing need as proposed by the applicant, including summary planning history on lands formerly in the ownership of the applicants (Leon Lewis) family.
- Physical aspects of the application (design, access and services) are all acceptable to the local authority. However, the applicants have not passed the local need factor test (Section 4.6.1 of the Plan refers).
 - Parts of the family farm in Rathleague, purchased by way of CPO by the Council in 1995 to facilitate the construction of the M7 is considered to have occurred too long ago, to be of relevance at this stage. In addition, further lands left over after the CPO were also sold by the applicant's family.
 - Permission granted (and constructed) to the applicant's (Leon Lewis) cousin for a rural dwelling (Ref 07/2049 refers).
 - The LA accepts the applicant grew up on the family farm at Summerhill, but the farm enterprise ceased and was replaced by house construction. A series of permissions were granted in the early 1990s to the applicant's father (Reg. Ref.s: 93/85, 99/1404, 04/467, 08/151).
 - Correspondence from Clonad GAA is insufficient to confer local need status on the applicants.
- The Report of the Senior Exec. Planner (SEP) recommends that permission is refused on the basis that the applicants have not demonstrated compliance with local housing need criteria within the Laois County Development Plan 2021-2027.

- A subsequent report from the Senior Planner (dated 25th April 2025) advises that the applicant has spent a substantial period of time living in the rural area at the family farm, at Summerhill. The report also outlines that the small parcel of land was purchased for a phase of the M7/M8 could have been utilised for the construction of a dwelling for the applicant. The SP considers that based on the foregoing, the applicant has demonstrated local need and permission should be granted.
- The SEP thereafter, provided an updated recommendation to issue a grant of permission (25th April 2025).

3.2.3. **Other Technical Reports**

- **Municipal District Roads Office:** no objection subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. None received.

3.4. **Third Party Observations**

3.4.1. A single third party submission was received from Ian and Jordan Gillespie, relating to rural housing policy, local need, biodiversity, traffic safety and landowner intentions.

4.0 **Planning History**

4.1. **Subject Site**

4.1.1. There is no planning history relating to the subject site.

4.2. **Environs of Site**

4.2.1. The following files relate to sites to west and east of the subject site.

4.2.2. **P.A. Reg. Ref.: 24/60344 (to west of subject site):** A Final Grant of Permission was issued in September 2024 for the construction of a dwelling house, garage/shed, wastewater treatment system and polishing filter, new site entrance and all associated works.

4.2.3. **P.A. Reg. Ref 21/658 (to east of subject site):** A Final Grant of Permission was issued in December 2021 for the construction of a dwelling, proposed vehicular

entrance, proposed garage, driveway, bored well, connection to packaged waste water treatment system with percolation area, storm water soakaways, landscaping and all associated site works.

- 4.2.4. The following files include in Summerhill, Stradbally, Portlaoise, and including as cited by the applicant in the first party appeal:
- 4.2.5. **P.A. Reg. Ref 22/111:** Outline Permission to partially sub divide a site and construct a 2 storey dwelling was refused by the local authority in April 2022. The site was subject to Open Space and Amenity zoning objective under the Laois County Development Plan 2021-2027.
- 4.2.6. The application, made by Leon Lewis, and was refused on the grounds that the site would lead to loss of open space within Summerhill housing estate, would materially contravene Open Space and Amenity zoning objective; and would contravene a condition attached to an existing permission (P.A. Reg. Ref.: 98/1149) which had designated the site as 'a green area.'
- 4.2.7. **P.A. Reg. Ref 98/1149:** Permission granted for a change of house type and locations, omission of a detached house on site 15, to form phase 3 of housing development to include 2 detached and 24 semi detached houses.
- 4.2.8. **P.A. Reg. Ref 93/85:** Permission was granted for 36 no. dwellings. The applicant was the applicant's father.

5.0 Policy Context

5.1. Laois County Development Plan 2021-2027

5.2. Open Countryside and Rural Housing

- 5.2.1. The Development Plan states the following:

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'.

5.2.2. The site is located in an “Area under Strong Urban Influence”. The Development Plan lists the following Criteria to reside in such an area (Table 4.4 refers).

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 normal 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 need 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 person's own use; or
- c) the applicant is working in rural activities* 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.

5.2.3. As footnotes to this, the Plan states the following:

*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.

A ‘Local Rural Person’ is a person who is living or has lived in the local rural area for a substantial period of time prior to making the planning application.

The 'Local Rural Area' for the purpose of this policy is defined as the area generally within a 10km radius of the applicant's family home.

5.2.4. The Plan includes the following policy objectives:

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.

RH 3 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 Structurally Weak Areas.

RH 6 Ensure that the provision of rural housing will not detract from the county's natural and built heritage, economic assets and environment and the planning authority will have regard to the relevant development plan objectives.

Development Management Standards

5.2.5. The Plan includes the following development management standards.

DM RH 1: New Dwellings in Rural Area: A range of criteria will be used to assess if a rural site is acceptable in principle for a dwelling house. The criteria are detailed in Appendix 7: Rural Design Guidance.

New dwellings in the countryside require the following:

- a) 30 metres of road frontage, unless a considerable set-back from the roadway exists.
- b) Minimum 0.202 hectares (0.5 acres) of site area.
- c) Sightlines at the proposed entrance must comply with Laois County Council Parking and Roads Standards indicated in Chapter 10 of the Plan and must be achieved within the boundary of the site only. Excessive removal²⁶ of hedgerow to achieve adequate sightlines is unacceptable.
- d) The location and design of a new dwelling shall take account of and integrate appropriately with its physical surroundings and the natural and cultural heritage of the area and respect the character of the area.

- e) Appropriate landscaping of proposed development using native species.
- f) The capacity of the area to absorb further development. In particular, the following factors will be examined; the extent of existing development in the area, the extent of ribbon development in the area, the degree of existing haphazard or piecemeal development in the area and the degree of development on a single original landholding.
- g) In the interests of protecting the biodiversity of the rural areas, the ability to provide safe vehicular access to the site without the necessity to remove extensive stretches of native hedgerow and trees. The need for the removal of extensive roadside hedgerow may indicate that the site is unsuitable for development.
- h) The ability of a site in an unserviced area to accommodate an on-site waste water disposal system in accordance with the EPA Code of Practice for Wastewater Treatment Systems for single houses (2009), the County Laois Groundwater Protection Scheme, and any other relevant documents / legislation as may be introduced during the Plan period.
- i) The ability of a site in an unserviced area to accommodate an appropriate on-site surface water management system in accordance with the policies of the Greater Dublin Strategic Drainage Study (2005).
- j) The need to comply with the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities, DEHLG (2009).
- k) Floodlighting of single family dwellings or the lighting of private roads in rural areas will not be accepted.

5.3. **Eastern and Midland Regional Spatial & Economic Strategy (RSES), 2019-2031**

5.3.1. The guidelines include the following relevant objective:

Regional Policy Objective (RPO) 4.8: Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and settlements.

5.4. Sustainable Rural Housing – Guidelines for Planning Authorities, 2005

- 5.4.1. The guidelines refer to criteria for managing rural housing requirements whilst achieving sustainable development. The application relates to a person on the grounds of forming part of the rural community. The Guidelines state that,
- Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence.
- 5.4.2. Circular Letter PL 2/2017 issued on 31st May 2017, refers to an infringement notice against Ireland in 2007, in relation to housing needs criteria contained in the 2005 Guidelines. This notice was subsequently deferred pending the outcome of an infringement case taken against Belgium, on which the European Court of Justice (ECJ) delivered its Judgement in 2013. Updated and revised Guidelines are proposed by the Department of Housing, Local Government and Heritage. However, there is no date at present for when these will be published.
- 5.4.3. Section 4.8 states the following:
- In assessing the design aspects of specific rural housing proposals, planning authorities should make well balanced and informed judgements on the merits of each proposal, taking on board the degree to which a site is sensitive in visual and other terms, the character of surrounding development and the wider area and the need to encourage innovation in design and construction techniques, while avoiding an overly prescriptive approach, such as an outright ban on particular materials e.g. brick, across all proposals in a given area in relation to the designs and finishes chosen.
- #### **5.5. Quality Housing for Sustainable Communities, Best Practice Guidelines 2007**
- 5.5.1. These Guidelines set out national planning policy and guidance in relation to housing design.

- 5.5.2. The guidelines include the following relevant target for a single storey 3B/6P dwelling; target floor area (90m²); minimum main living room (15 m²) aggregate living area (37m²); aggregate bedroom area (36m²) and storage (10m²).

5.6. Quality Housing for Sustainable Communities, Best Practice Guidelines 2024

- 5.6.1. These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed.
- 5.6.2. Development standards for housing are set out in Chapter 5, including SPPR 2 in relation to private open space (3-bed 40 m²).

5.7. Climate Action Plans 2024 and 2025

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

5.8. National Biodiversity Action Plan (NBAP) 2023-2030

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

5.9. Natural Heritage Designations

- 5.9.1. There are no European sites within the subject site.

- 5.9.2. The closest European site to the subject site is the River Boyne and River Blackwater SAC (Site Code: 002162), located c.8.05km to the east of the site.
- 5.9.3. The closest site with a NHA designation is the Ridge of Portlaoise pNHA (Site Code: 000876), located 1.1km to the north-west of the site.

5.10. Water Framework Directive Assessment

- 5.10.1. 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. Please refer to WFD forms in the Appendices of this document.

5.11. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal may be summarised as follows:
- The Pre-Planning Meeting was attended by Councillor Willie Aird, with no legal interest in this case, contrary to Council guidelines.
 - Lands within and closer to the original family farm remain available to the applicant, Leon Lewis.
 - The proposal would set an undesirable whereby a grant of permission would enhance the value of lands, which have already compensated through the CPO process.

- The grounds of appeal include and refer to the arguments made as part of the application in the first instance, as referenced above.

6.2. Applicant Response

6.2.1. A response from the agent on behalf of the applicant states the following:

- No Pre-Planning meeting was held. This was an error by on the application form. Councillor Aird made an enquiry with respect to the applicant's intended approach to meeting the local needs criteria. Specifically, this related to the compulsory purchase of land previously owned by the applicant's father, which otherwise would have facilitated the applicant meeting his local housing need.
- Part of Folio LS 10726 is available to the applicant.
- The applicant, Leon Lewis applied for permission in 2022 for a dwelling on lands in his father's ownership in Summerhill but was refused as it was a designated Green Area. (See above)

6.3. Planning Authority Response

6.3.1. None received.

6.4. Observations

6.4.1. None received.

7.0 Assessment

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

- Principle of Development
- Design and Visual Impact
- Site Services
- Traffic and Access

7.2. Principle of Development

- 7.2.1. The proposed development relates to the provision of a single storey 3 bed dwelling with detached garage, septic tank drainage system and all ancillary site works.
- 7.2.2. The applicant is seeking to provide a home for him and his partner on lands which do not form part of a family farm or landholding, and are within 10km of the subject site.
- 7.2.3. Further to review of the file, the acceptability of the subject proposal, is in my opinion, subject to assessment with respect to meeting local Housing Need Criteria of the Development Plan.

- **Local Housing Need**

- 7.2.4. The site is located within an “Area under Strong Urban Influence” (Table 4.4, Section 4.6.1 of the Development Plan refers).
- 7.2.5. The letter of application outlines that the applicant’s (Leon Lewis) family farm, Summerhill, was developed by the applicant’s father in the 1990s. Another part of his father’s landholding was compulsorily purchased by Laois Co. Co. in 1995 to facilitate the construction of a section of the M7M8 motorway. The applicant’s first cousin built a dwelling on these lands in 2007 (Reg. Ref.: 07/2049 refers). The applicant states that remaining lands at Rathleague were split by the motorway and are not suitable to build on.
- 7.2.6. The applicant has resided at the family farm from 1989 to 2005/2006 (16/17 years), until the applicant moved, with his family, to a new family home in Summerhill estate where Leon currently resides. I note this residence is a distance of 5.9km from the subject site.
- 7.2.7. The applicant’s agent argues that the First Party would have had the opportunity to satisfy his local housing need on the family lands which has been purchased by way of Compulsory Purchase by Laois County Council.
- 7.2.8. Having regard to the above, I consider category (d) as the only applicable housing need criterion of the Development Plan (Table 4.4) in this case, that is;

“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.”

- 7.2.9. The Plan does not specify that documentation such as birth cert, school record should be submitted, to demonstrate compliance as a local rural person.
- 7.2.10. Further to review of the file, I consider that Leon Lewis has resided in a rural area for a period of 16/17 years, at the former family farm, prior to moving to a new family home within the urban area of Portlaoise in 2006/2007. To note, in my view, the subsequent period during which the applicant resided within the urban area of Portlaoise, cannot be attributed as living in a rural part of the County with respect to meeting local housing need.
- 7.2.11. As such, on this basis, I consider that Leon Lewis qualifies as a Local Rural Person, on the basis of the duration residing at the former family farm (16/17 years).
- 7.2.12. From a review of the file, the case has not been made that the application is required to reside in this rural area for work reasons. A case has also not been made to support the applicant need to reside in this rural area for family reasons, such as on support or care grounds.
- 7.2.13. As such, whilst Leon Lewis qualifies as a Local Rural Person, no evidence has been provided to confirm the Leon Lewis's need with respect to work or family reasons, and fails therefore to meet the relevant criterion of the Development Plan (Section 4.6.1) with respect to housing need.
- 7.2.14. From a review of the file, no information has been provided, and the case has not been made, relating to Local Housing Need of the applicant, Lauren Sanders.
- 7.2.15. As such, I do not consider that the applicants meet the local housing need requirements as set out in Table 4.4 of the Laois County Development Plan 2021-2027.
- 7.2.16. The proposed development would therefore contravene Policy Objective RH2 of the Laois County Development Plan 2021-2027 which requires the applicant to meet the criteria as set in the Table 4.4 of the Development Plan, and I recommend that to the Commission that permission is refused on this basis.
- 7.2.17. Having regard to the above, I do not consider the principle of the proposed development to be acceptable, and consider it appropriate to assess the proposed development under the following headings:

7.3. Design

- 7.3.1. The proposed dwelling would exceed the standards for the provision of a 3 bed single storey dwelling, as set out within the Quality Housing for Sustainable Communities 2007. The proposed development would also exceed minimum standards for private amenity space standards as set out in the Sustainable Housing Guidelines 2024.
- 7.3.2. From a review of the plans the staggered single storey layout integrates with adjoining properties to the east and west, including reflecting the established building line to the north. Substantial separation distances are provided to the east and west.
- 7.3.3. The proposal also includes a post and rail fence with native hedging to east, south and west; and the retention of the established mature roadside boundary to the north of the site, protecting residential amenities for prospective residents and adjoining properties to east and west.
- 7.3.4. In conclusion I am satisfied that scale and design of the proposed development, subject to condition to be acceptable, and would not adversely impact the residential and visual amenities of the site and wider area.

7.4. Site Services

- **Water Supply**

- 7.4.1. The proposed development will be served by a private well.
- 7.4.2. In the event the Commission decide to grant permission, as suggested by the local authority (Condition 6), I recommend that, prior to occupation, a clean potable water supply is achieved, complying with the E. U. Drinking Water Regulations, S.I. No. 90/2023, in the interests of public health.

- **Surface Water Drainage**

- 7.4.3. As discussed below, surface water will be collected and discharged to onsite to soak pits.

- **Effluent Treatment System**

- 7.4.4. It is proposed to install secondary and tertiary treatment systems to serve the proposed development.
- 7.4.5. From a review of the documentation, the Applicant's Site Characteristics Form confirms that the site is located within an area with a poor extremely vulnerable

aquifer. The trial hole depth was 2.5m and the soil types consist of silt and clay at surface level a mixture of sandy clay and sand within the subsurface. The water table was logged at -1.5m within the trial hole. The form indicates the site to have a sub-surface value of 20.14min/25mm and surface value-rating of 39.97min/25m.

- 7.4.6. The applicant proposes to install a tertiary treatment system and infiltration area with an invert level of 0.4m below ground level, before discharging to groundwater.
- 7.4.7. The local authority considers that the proposal accords with EPA Code of Practice, 2021.
- 7.4.8. Based on the information as submitted, and in the event that the Commission decide to grant permission, I am satisfied that the site can accommodate waste water on site, and that the proposed development would not be prejudicial to public health.

7.5. Roads and Access

- 7.5.1. The proposed development would be accessed off a private laneway, which joins the R425 within c.750m west of the site. The site also connects with the L-67143 County Tertiary Road to the east of the site.
- 7.5.2. The route to the R425 is generally flat and straight, with poor surfacing at sections.
- 7.5.3. From a review of the file and site visit I am satisfied that sightlines can be achieved at the site access point.
- 7.5.4. The MD Engineer and Executive Technician of the local have no objections to the access proposal, subject to conditions.
- 7.5.5. Having regard to the above, I consider the proposed access and traffic arising to be acceptable in this instance, and do not consider that permission should be refused on this basis.

8.0 AA Screening

- 8.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive).
- 8.2. I have considered the construction of a dwelling with wastewater treatment system and all associated site works, in light of the requirements S177U of the Planning and Development Act 2000 as amended.

- 8.2.1. The closest European site to the subject site is the River Boyne and River Blackwater SAC (Site Code: 002162), located c.8.05km to the east of the site.
- 8.3. No nature conservation concerns were raised in the planning appeal.
- 8.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.5. The reason for this conclusion is as follows:
- The distance from nearest European site.
 - The small scale and nature of the subject proposal.
- 8.6. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.7. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that, permission should be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

The site is located within an area designated as an Area Under Strong Urban Influence (Section 4.4 of the Laois County Development Plan 2021-2027).

The Applicants have not demonstrated compliance with the local needs criteria as set out in Table 4.4 (Section 4.6.1) of the Development Plan.

In the absence of a local need criteria, the proposed development would contravene Policy Objective RH2 of the Laois County Development Plan 2021-2027 which requires the applicant to meet the criteria as set in the Table 4.4 of the Development Plan, and would therefore be contrary to the proper planning and sustainable development of the area.

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

Aoife McCarthy
Planning Inspector

26th August 2025

Form 1 - EIA Pre-Screening

Case Reference	322541-25
Proposed Development Summary	Construction of a dwelling with wastewater treatment system and all associated site works.
Development Address	Ballycarnan, 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 type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" 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	

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

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

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	322541-25
Proposed Development Summary	Construction of a dwelling with wastewater treatment system and all associated site works.
Development Address	Ballycarnan, 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).	This application relates to the construction of a single storey bungalow with separate garage, site entrance and all ancillary works. The operational development will be served by a tertiary wastewater treatment system, percolation areas and proposed private well. The operational phase will also be served by a new vehicular access off a private roads and tertiary country road. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
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).	The subject site is located within an Area under Strong Urban Influence. The closest settlement is Portlaoise, located 5.6km from the subject site. The development is removed from sensitive natural habitats, designated sites, protected views, protected structures as designated within the Development Plan. The subject site is not located within or adjacent to any Natura 2000 sites. The closest European the River Boyne and River Blackwater SAC (Site Code: 002162), located c.8.05km to the east of the site. There is an active drainage ditch runs along the roadside boundary.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the scale and nature of works, distance of the site from sensitive habitats, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

An Bord Pleanála ref. no.	322541-25	Townland, address	Ballycarnan, Portlaoise, Co. Laois. Townland of Ballycarnan.
Description of project		Construction of a dwelling, domestic garage, wastewater treatment system and polishing filter, new site entrance and all associated works.	
Brief site description, relevant to WFD Screening,		<ul style="list-style-type: none"> • Water table at -1.5m below ground level. • Site within a poor extremely vulnerable aquifer. • Roadside drainage ditch to north of site. Not shown on EPA mapping. 	
Proposed surface water details		Collected and discharged to on site soak pits.	
Proposed water supply source & available capacity		Proposed on site private well.	
Proposed wastewater treatment system & available capacity, other issues		Proposed to install a tertiary treatment system and infiltration area (invert level of 0.4m below ground level), before discharging to groundwater.	

Others?			No.			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Tributary Triogue Cush Bridge (14Barrow Catchment)	1,547	IE_SE_14T450060		At risk.	River Abstraction	WWTS discharge to groundwater during operational phase.
On site drainage ditch	Roadside boundary	N/A	N/A	N/A	N/A	Discharge to surface water during construction phase.
On site drainage ditch	Roadside boundary	N/A	N/A	N/A	N/A	Discharge from WWTS to surface water during operational phase.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	IE_SE_14T450060	Hydrocarbon spillage to surface water	Hydrocarbon spillages	Standard Construction Measures / Conditions	No	Screened out.
2.	Ground	IE_SE_14T450060	Hydrocarbon spillage to groundwater.	hydrocarbon spillages		No	Screened out.
3.	Surface	Roadside drainage ditch	hydrocarbon spillage to watercourse.	Hydrocarbon spillages	Standard Construction Measures / Conditions	No	Screened out.
OPERATIONAL PHASE							
4.	Surface	IE_SE_14T450060		None		No	Screened out.

5.	Surface	Roadside drainage ditch	hydrocarbon spillage to watercourse.	Hydrocarbon spillages	Standard Construction Measures / Conditions	No	Screened out.
6	Ground	IE_SE_14T450060		WWTS discharge to groundwater	Standard Construction Measures / Conditions	No	Screened out.
DECOMMISSIONING PHASE							
	N/A						

