



An
Coimisiún
Pleanála

Inspector's Report ACP-323606-25

Development

Proposed construction of 67 no. housing units

Location

On a site at Tyrells Land, situated along Stradbally Road, Portlaoise, Co Laois

Local Authority

Laois County Council

Type of Application

Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)

Observers

Christopher Fingleton and Mary Tyrrell

Prescribed Bodies

ESB

Inland Fisheries Ireland

Heritage Council

An Taisce

Department of Housing, Local
Government & Heritage

Transport Infrastructure Ireland

Uisce Éireann (Irish Water)

Date of Site Inspection

27th February 2026

Inspector

Rachel Gleave O'Connor

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1.0 Introduction

- 1.1. Laois County Council is seeking approval from An Coimisiún Pleanála for the proposed construction of 67 housing units in Portlaoise. The application is being made by Laois County Council pursuant to Section 177AE of the Planning and Development Act 2000 (as amended). Accordingly, a Natura Impact Statement (NIS) has been prepared in respect of the proposed development.
- 1.2. Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority, the authority shall prepare an NIS and the development shall not be carried out unless the Commission has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Commission as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Commission before consent is given for the proposed development.

2.0 Site Location and Description

- 2.1. The site is situated in Portlaoise, in the townlands of Borris Little and Beladd, on the south of the N80 (Stradbally Road) and opposite the existing Stradbrock apartment block which is situated on the north side of the N80. St. Fintan's Hospital is situated to the north east. To the east of the site is the Glendown's residential estate formed of bungalow housing. The subject site is located adjacent to, and within the former parkland for, Portrane House Registered Protected Structure (RPS no.925, NIAH no.12507122), the building is now in use as a veterinary clinic and residential dwelling. Portrane House is situated to the west of the site, with The Downs residential estate located further to the west comprised of 2 storey housing. Laois Shopping Centre is situated approximately 1km to the south west of the site. To the south of the site is the remaining former parkland area for Portrane House.
- 2.2. The site itself comprises undeveloped fields of pasture, bordered by mature trees and a watercourse to the east. The site has an average fall of around 1.5m from north to south and a fall of around 4m west to east. There is a pond to the east of the

site which the topography of the site falls to. There is also a stream that crosses the southern section of the site located at the end of the residentially zoned area of the site.

- 2.3. The site is also situated to the east of the Ridge of Portlaoise pNHA (site code: 00876) which contains a protected ancient glacial esker ridge which also contains archaeological heritage.

3.0 Proposed Development

- 3.1. The proposed development comprises the following:

- Construction of 67 no. housing units consisting of 21 apartments (duplex and triplex) and 46 houses (terraced, semi-detached and detached), providing 6x 1 bed 2 person; 5 no. 2 bed 3 person; 17 no. 2 bed 4 person; 35 no. 3 bed 5 person; and 4 no. 4 bed 7 person units.
- The provision of public open space, public walkway along the east boundary, flood defence infrastructure, public lighting, upgraded vehicular access along the Stradbally Road, 116 no. car parking spaces including both in-curtilage and on street parking (including accessible parking and EV spaces), cycle parking, boundary treatments, ESB substation, laying of underground sewers, watermains and pipes, attenuation, the importation of soil and stone as by product for engineering and landscaping purposes within the development and all associated ancillary works including site development works, and hard and soft landscaping.

- 3.2. The site is within the attendant grounds of Protected Structure RPS 925, Portrane House, Stradbally Road, Portlaoise.

- 3.3. The following tables set out the key features of the proposed development:

Table 3.1: Development Standards

Site Area (gross)	2844m ² / 2.80 Ha
Number of units	67
Social / Affordable Units	67 (100% formed of 25

	social and 42 affordable)
Non-residential gross floor area (GFA)	0
Residential density (based on 1.99 hectare net site area)	34uph
Public open space (% of gross site area)	4741m2 / 0.47ha, 21.02% (>10% of Site Area)

Table 3.2: Unit Mix

	One-bedroom	Two-bedroom	Three-bedroom	Four-bedroom	Total
Houses	0	11	31	4	46
Apartments / duplexes	6	11	4	0	21
Total (% of units)	6 (8.9%)	22 (32.8%) (5 two bed 3 person 8% & 17 two bed 4 person 25%)	35 (52.2%)	4 (5.9%)	67 (100%)

Table 3.3: Storey Heights

Block	Storeys
Houses	2
Duplex Apartments	3

Table 3.4: Parking Spaces

Proposed Accessible Spaces	7
Proposed Car Parking Total	108

Cycle Parking	76 associated with apartment block and visitors, in addition 4 electric bicycle spaces are proposed. For the proposed dwelling houses, bicycle storage is described as being provide for within the curtilage of each house.
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3.4. The application was accompanied by various technical reports and drawings, including the following:

- Architectural Design Statement
- Land Schedule of Accommodation
- Full Set of Architectural Drawings
- Civil & Engineering Drawings and ME Drawings
- Appropriate Assessment Screening
- Arboricultural Impact Statement Tree Map
- Arboricultural Impact Statement Tree Report
- Bat Survey
- Desktop Archaeological Assessment
- Ecological Assessment
- EIA Screening
- Flood Risk Assessment
- Invasive Species Survey
- Natura Impact Statement
- Road Safety Audit
- Traffic and Transport Assessment

4.0 Planning History

4.1. Subject site:

- 4.2. Partially overlapping the subject site, and to the east outside of the subject site: ABP-316554-23, Local Authority Development, Dredging and removal of silt and vegetation from a man-made shallow lake 'Glendowns', Approved 5th July 2024.
- 4.3. No other history of relevance.

5.0 Legislative and Policy Context

5.1. Relevant legislative provisions

- 5.1.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Articles 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).
- 5.1.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements.
- 5.1.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.
- 5.1.4. European sites located in proximity to the subject site include:
- River Barrow and River Nore SAC site code 002162;
 - Ballyprior Grassland SAC site code 002256;
 - Slieve Blooms Mountains SAC site code 00412; and
 - Slieve Blooms Mountains SPA site code 004160.
- 5.1.5. **Planning and Development Acts 2000 (as amended):**

5.1.6. Part XAB sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Commission has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Commission for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Commission shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely effects on the environment.
 - The likely consequences for the proper planning and sustainable development of the area.
 - The likely significant effects on a European site.

5.2. Policy and Guidelines of Relevance

5.2.1. The following policy and guidelines are considered relevant to the proposed development:

5.2.2. National

5.2.3. **Climate Action Plan (CAP) 2025:** CAP 25 builds on the Climate Action Plan of 2024, reinforcing the measures, actions and policy supports required to support

Ireland's transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It represents an update or iteration of Ireland's ongoing climate action strategy, and there is continuity between CAPs and overlap in the iterative evolution of the actions.

5.2.4. **National Planning Framework (NPF) First Revision 2025:** Project Ireland 2040 targets growth in appropriate locations, with objectives supporting access and transport improvements to facilitate this growth. The NPF also outlines the obligations upon public authorities to take appropriate steps to avoid the deterioration of natural habitats and the requirements relating to appropriate assessment. (Page 154).

5.2.5. **Section 28 Ministerial Guidelines & other policy:** Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions, I consider the following are relevant:

- The National Biodiversity Plan 2023-2030
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Design Standards for Apartments Guidelines for Planning Authorities (2025)
- Architectural Heritage Protection Guidelines for Planning Authorities (2011)
- 'The Planning System and Flood Risk Management' (2009)

5.2.6. Regional

5.2.7. **Regional Planning Guidelines:** Regional Spatial & Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031 includes RPO 7.16 which supports the implementation of the Habitats Directive. Portlaoise is also defined under the RSES as a Gateway Region Key Town, with Regional Policy Objectives RPO 4.71 – 74 supporting regeneration and growth of Portlaoise. The RSES states with respect to residential development in Portlaoise "Over the coming years focus will be on proactively encouraging housing delivery in a sustainable manner that acknowledges economic and market conditions, whilst ensuring housing need is met including the housing needs of younger people, families, private renters and the ageing population. The provision of a mixture of well-designed housing types at appropriate locations will facilitate and contribute to the ongoing regeneration, consolidation and

renewal of the town.” Section 4.6 identifies the following for Key Towns such as Portlaoise: RPO 4.26: Core strategies in local authority development plans shall support objectives to achieve a minimum of 30% of housing in Key Towns by way of compact growth through the identification of key sites for regeneration.

5.2.8. Local

5.2.9. The relevant local planning framework for the site is set out in the Laois County Development Plan 2021-2027 and the Portlaoise Local Area Action Plan 2024-2030. Relevant policies and objectives from these plans are highlighted below, though it should be noted that this is not an exhaustive list:

5.2.10. Laois County Development Plan 2021-2027:

5.2.11. Under the Development Plan, the primary zoning of the site is Residential 2 – New Proposed Residential with the associated objective to provide for new residential development, residential services and community facilities. Apartment and Dwelling are identified as ‘Normally Acceptable’ under Table 13.3 of the Development Plan in this land use zoning. To the southern fringe of the site, it is zoned Open Space and Amenity with the associated objective to preserve, provide or and improve active and passive recreational public and private open space, playgrounds and playing fields are ‘Normally Acceptable’ under this zoning. The built footprint of the proposed development is within the portion of the site zoned residential.

5.2.12. The Core Strategy for the Plan identifies a housing allocation (based on ESRI household projects 2027-2031) of 982 units for Portlaoise.

5.2.13. DN 1 states that appropriate densities for sites will be determined with reference to;

- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual (2009);
- Sustainable Urban Housing: Design Standards for New Apartments 2020;
- The Urban Development and Building Heights Guidelines 2018;
- Recommended maximum densities per settlement tier as shown in Table 2.16 Core Strategy Table and Table 13.4 Residential Density of this Plan;

- The prevailing scale and pattern of development in the area.

- 5.2.14. Objective CS 05 supports the regeneration of underused town centre and brownfield/infill lands, to achieve sustainable compact growth targets of 30% of new housing in the existing urban footprint of targeted settlements.
- 5.2.15. Objectives of Portlaoise, CS 12 – 17, concerning the growth and sustainable development of Portlaoise in the built footprint, with focus on infill sites, applying increased residential densities having regard to the Sustainable Residential Development in Urban Areas (2009) guidelines and transition to a low carbon centre.
- 5.2.16. Climate Action Policy Objectives CA 1 – 2.
- 5.2.17. CM ST 2, support integrated land use with transportation infrastructure, through development of sustainable compact settlements well served by public transport.
- 5.2.18. CM ST 3, promote higher residential development densities in settlement centres along public transport corridors.
- 5.2.19. CA BE 5, promote use of permeable surfaces to decrease run-off rate.
- 5.2.20. CA BE 9, require the use of SuDS in accordance with the Greater Dublin Regional Code of Practice for Drainage Works for new developments.
- 5.2.21. CM BE 1, achieve compact growth through infill / brownfield development sites, underutilised land in the existing built footprint of the settlement.
- 5.2.22. CM BE 3, support energy-efficient building design.
- 5.2.23. CA LU 3, support the creation and enhancement of ecological linkages and buffer zones from development.
- 5.2.24. EEB 1, require new development to meet low energy performance targets.
- 5.2.25. EEB 2, encourage new development to mitigate and adapt to, climate change impact.
- 5.2.26. EEB 5, encourage the integration of micro renewable energy sources into the design and construction of single and multiple housing developments.
- 5.2.27. Housing Policy Objectives are set out in HPO 2 – 21, including housing mix, densities, sustainable growth and the application of flexibility in the application of

development management standards with the consideration of performance-based criteria.

- 5.2.28. Development Management Standards for Residential Development are set out from page 93 of the Plan.
- 5.2.29. TRANS 1, maintain, improve and protect the safety, capacity and efficiency of Laois's roads network and junctions.
- 5.2.30. TRANS 6, discourage the proliferation of access points onto public road, particularly where the maximum speed limit applies or where road safety is of concern.
- 5.2.31. TRANS 8, require development accessing onto Laois's roads network to comply with the Council's road standards.
- 5.2.32. Transportation Development Management Standards with respect to access DM TRANS 1, sightlines DM TRANS 2, and transport assessments DM TRANS 4.
- 5.2.33. TRANS 17, avoid the creation of new direct access points from development or the generation of increased traffic from existing direct access/egress points to the national road network to which speed limits greater than 60kmph apply.
- 5.2.34. TRANS 18, facilitate limited level of new accesses or intensified use of existing accesses to the national road network on approaches to or exist from urban centres that are subject to a speed limit between 50kmph and 60kmph.
- 5.2.35. Table 10.3 Land Use Parking Space Requirements – Houses 2 per dwelling and apartments 1.26 – 2 per unit.
- 5.2.36. TRANS 28, ensure provision of adequate parking in accordance with table 10.3.
- 5.2.37. TRANS 31, ensure the provision of cycle parking.
- 5.2.38. DM TRANS 6, disabled parking standards.
- 5.2.39. DM TRANS 8, car parking dimensions.
- 5.2.40. DM TRANS 9, car park standards.
- 5.2.41. DM TRANS 10, cycle parking standards.
- 5.2.42. TRANS 34, all development to provide facilities for charging of battery operated cars at a rate of 10% of total car parking spaces, with the remainder of spaces capable of accommodating charging points in future.

- 5.2.43. Surface water and drainage policy objectives SWD1 – 8 and DM SWD 1 sustainable drainage systems.
- 5.2.44. FRM 2, ensure development proposals comply with the requirements of the Planning System and Flood Risk Management-Guidelines for Planning Authorities.
- 5.2.45. FRM 13, ensure new development does not increase flood risk elsewhere.
- 5.2.46. DM FRM 1 Flood risk assessments.
- 5.2.47. Water quality policy objectives ES 17 – 22.
- 5.2.48. Policy Objectives for Biodiversity and Designated Sites, BNH 1 – 3, BNH 4 – 8, BNH 13 – 15.
- 5.2.49. BNH 26, protect individual trees, groups of trees and woodland in the interests of landscape and nature conservation.
- 5.2.50. BNH 30, ensure hedgerow and mature tree removal is kept to a minimum, and where necessary, mitigation will be required.
- 5.2.51. BNH 31, protect waterbodies and watercourses from inappropriate development.
- 5.2.52. GEO 5, protect, preserve and conserve the landscape and natural heritage and geo-diversity values of esker systems from inappropriate development.
- 5.2.53. PS 2, protect and conserve buildings, structures and sites contained in the Record of Protected Structures.
- 5.2.54. PS 3, any development, modification, alteration or extension effecting a Protected Structure must be prepared by suitably qualified persons and accompanied by appropriate documentation.
- 5.2.55. DM PS 1, concerns development within the curtilage and/or attendant grounds of a protected structure.
- 5.2.56. CH 2, require that any proposals for new development in an historic garden or demesne include an appraisal of the landscape, designed views and vistas, and an assessment of significant trees or groups of trees, as appropriate.
- 5.2.57. DM AH 1, Archaeological potential. The site is not located within the Portlaoise Archaeological Significance Zone as illustrated in Map 12.1.
- 5.2.58. Portlaoise Local Area Action Plan 2024-2030:

5.2.59. The LAAP builds on policies and objectives within the County Development Plan, as well as reflecting the Masterplan vision for the subject site.

5.2.60. Lands at Stradbally Road Masterplan Proposals March 2022

5.2.61. Masterplan Objectives:

- To provide for new residential development, residential services and community facilities.
- High quality residential areas of sensitive design, which are complimentary to their surroundings and do not adversely impact on the amenity of adjoining residents.
- To preserve, provide for and improve active and passive recreational open space.
- To protect and improve existing community, educational and institutional facilities and to safeguard their future provision.
- The masterplan will also provide for local civic, religious, community, educational and other facilities ancillary to neighbourhood uses and services.

5.2.62. The vision for Stradbally Road is to create a new sustainable residential community the meets the needs of local people whilst being resilient to economic, social and climate change. Key components as follows:

- Maximising the residential potential of the site;
- Creating an extension to the Peoples Park accessed through the historic Esker Ridge;
- Developing walking and cycling infrastructure within the site to ensure connectivity between the Stradbally Road in the north and the Timahoe Road in the south;
- Provision of sports facilities / a multi games use area / buildings within the southern part of the site;
- Provision of complementary facilities and land uses to support the sustainable development potential of the educational campuses at Summerhill;

- Improving to the built environment including hard and soft landscaping; and
- Minimizing the impacts of any proposed development on ecological habitats as well as existing historic assets.

5.2.63. Appended to the Lands at Stradbally Road Masterplan is a Cultural Heritage Appraisal for the site prepared by Dr. Judith Hill. The setting and heritage sensitivities of Portrane House are explored in that 'Preliminary Heritage Assessment Report' (Dr Judith Hill, February 2021), which includes a series of recommendations to ensure the safeguarding of such features.

6.0 Consultations

6.1.1. This section of the report sets out the submissions received from observers to consultation and the applicant's response to those submissions. There were 3 rounds of consultation to allow observers to comment on the application, as well as the applicant's response and further information received. Each subsection indicates the round of consultation to which the summary relates.

6.2. Initial Consultation

6.2.1. Responses were received from 3 prescribed bodies, namely Department of Housing, Local Government and Heritage Development Applications Unit (DAU), Inland Fisheries Ireland (IFI) and Transport Infrastructure Ireland (TII), as well as 1 third party. A summary of responses is set out below:

6.2.2. DAU:

- Archaeology
 - Due to the large scale and extent of the proposal, it could impact subsurface archaeological remains.
 - In line with Section 3.6 of the Frameworks and Principles for the Protection of the Archaeological Heritage 1999, the Department recommends that an Archaeological Impact Assessment be prepared to assess any impact on archaeological remains. This should be submitted as further information to allow the Planning Authority and

Department to prepare an appropriate archaeological recommendation before a planning decision is taken.

- **Nature Conservation**

- There are multiple flaws in the surveys conducted and associated reports indicate that the applicant has not adequately assessed all potential impacts on protected species/designated sites as a result of the proposed development in its current proposed layout. The ecological reports provide no maps to indicate what habitats may be lost. No habitat loss or impact on species or ecological receptors on site was quantified or calculated. No mitigation for such losses are stated.
- With respect to the submitted NIS, the identification of European sites within a 15km zone has become common practice in screening projects for AA. However, this approach is not based on the S-P-R model and should not be used.
- There is potential impact via the hydrological connectivity to the River Barrow and River Nore Special Area of Conservation (SAC), 13.2km downstream from the development.
- The proposed development has no mention of impacts to the adjacent pond and watercourse within the NIS. There is no mention of what the plans for construction works on the ponds or the banks of the watercourses present. The Department recommends further information on this.
- The proposed buffer zone to protect aquatic zones should be clearly marked in advance of works commencing. Machines should not enter this zone. Buffer zones should not be removed until after the construction phase. Site compounds or any area designated for maintenance, cleaning, refuelling and repair work of vehicles and machinery must be located at least 50m from the nearest aquatic zone. There must be no run-off of fuels, oils, concrete, or from stockpiles of materials or general run-off from the site or along the road. Any fuels, oils or other hazardous substances on site must be stored in lockable

bunded containers on a dry site at least 50m from the nearest aquatic zone. Bunding should be covered, and capacity should be 110% of the capacity of the largest tank or drum, or 25% of the total storage volume, plus 200 millimetre freeboard. Spent oil must be collected and retained for correct off-site disposal.

- Recommend a condition for an appropriately qualified Ecologist / Freshwater Biologist to be retained as an Ecological Clerk of Works during any operations, and a post-operation mitigation compliance report to be submitted to Inland Fisheries Ireland and local authorities for review.
- A Preliminary Ecological Appraisal (PEA) report has been completed and is over four years old. It does not include a full assessment of the potential impacts of the proposed development and subsequent mitigation.
- As per DM BHN 01 of the Laois County Development Plan 2021-2027, any developments adjacent to a proposed Natural Heritage Area (pNHA) require an Ecological Impact Assessment 'Where a development is of a significant scale or in close proximity to a pNHA the Council will require an Ecological Impact Assessment to determine the impact of the proposed development on the designated site or natural heritage.'
- The Department recommends that the boundary of the proposed development is amended to outside the pNHA to ensure there are no impacts on this pNHA.
- No assessment of the amount of habitat removal that will occur. Recommendations in the PEA are not mitigation, leaving uncertainty on how habitats will be protected. It appears that the entirety of the woodland and riparian vegetation are to be removed as a result of the proposed development, as indicated in layout drawings from multiple documents; for example within the submitted Flood Risk Assessment on page- 3. Approximately 600 metres of linear vegetation features are to be removed, this includes approximately 0.386 hectares of woodland

in the eastern side of the site and approximately 0.130 hectares in the western side of the site. The Department recommends further information is provided on the exact amount of habitats that are proposed to be removed. Hedgerow/woodland/tree removal should be kept to a minimum with reference to BNH 26, 30.

- The local NPWS ranger visited the site and recorded Kingfisher, Moorhen, Mallard and a Grey Heron. Bird Surveys were not completed within the site, despite a 'breeding bird habitat suitability assessment' having been completed. The Department recommends a breeding and wintering bird survey. Recommend a condition that all vegetation removal be carried out outside nesting bird season.
- Four bat species are present on site. These bat species will be potentially impacted by loss of potential roosting habitat and foraging habitat and increased disturbance. Approximately 2.7 hectares of habitat will be lost for these bats and approximately 600 metres of linear vegetation features are to be removed, this includes approx. 0.386 hectares of woodland in the eastern side of site and approximately 0.130 hectares in the western side of the site. The local National Parks and Wildlife Service ranger noted multiple mature trees within the site that provide potential roosting features for bats. In addition, the PEA report notes suitable roosting features. There has been not assessment of potential impact from the removal of habitat and potential bat roosting trees, the bat report is considered insufficient and inaccurate. The Department recommends a full suite of bat surveys be undertaken.
- Amphibian surveys have not been carried out, and mitigation measures are not provided. The Department recommends that these are undertaken.

6.2.3. IFI:

- Site is adjacent to tributaries of the Triogue_020 surface water body, which has a 'Bad' ecological status and is 'At Risk' of not reaching 'Good' ecological status within the current River Basin Management Plan Cycle. Urban

wastewater (combined sewer overflows) and diffuse urban run-off are among the significant pressures to the waterbody. The Triogue_20 has a direct hydrological connection to the Barrow-Nore SAC, whose QIs include Salmon and Lamprey, and populations of European Eel listed by IUCN as critically endangered. During a site visit IFI observed trout in the Glendowns Lake immediately adjacent to the site. An application for desilting in 2024 was not referred to IFI despite presence of salmonid species.

- The conclusion in the FRA that the development will not be situated in a flood plain is an ex post facto statement, it is not based on an assessment of the greenfield site. The applicant's conclusion can only be justified post-construction and the raising of floor levels within the site. In addition, the proposed 400m³ of compensatory flood storage referred to in the document is not indicated in the site layout provided with the application. This has consequences for the effective operation of surface water management on the site and capacity to retain water in flood events. SuDS features, including soakaway systems, attenuation ponds etc must be located above the 1% AEP level at floor level.
- Displacement of flood waters and creation of compensatory storage not considered in the NIS.
- The applicant has failed to demonstrate compliance with policies FRM 7 and FRM 9.
- Works should not be permitted unless it is demonstrated that receiving wastewater treatment plant and associated infrastructure have sufficient capacity to convey and treat the additional hydraulic and organic loads.
- Storage, management and conveyance of materials on site must not permit any deleterious matter to reach surface water systems. No run-off of fuels etc.
- There should be no interference with the bed, gradient, profile or alignment of any watercourse on or adjacent to the site without the prior notification and the written agreement of IFI. Watercourses must be maintained in their original state.

- Mitigation in the NIS and recommendations in the Ecological Assessment should be adhered to.
- Buffer zones to protect aquatic zones should be clearly marked in advance of works. A minimum 10m buffer zone to the existing lake and watercourse to the east to be enforced. No machines in the zone and vegetation preserved.
- Site compounds and welfare facilities to be at least 50m from any surface watercourse.
- Works on ephemeral watercourses or drainage ditches to take place when watercourses are dry.
- Surface water management features should attenuate run-off flow volume to mimic greenfield rates, no calculations have been provided.
- Only clean, uncontaminated water to be discharged to soak-away systems or to surface water. Soak aways to be suitably located. Surface waters to be channelled through hydrocarbon / silt interceptors.
- Detailed list of construction phase water protection measures, including measures around discharge of cement or residues, use of bunded areas, appropriate storage of hazardous substances, use of spill kits, nomination of responsible personnel, records kept of monitoring and contact with IFI in the event of discharge of deleterious matter to surface waterbody.

6.2.4. TII:

- Proposed new access onto the N80 national secondary road within the urban speed limit area, which should demonstrate compliance with the requirements of TII Publications (Technical & Standards).
- Reference to Chp.10, TRANS 18 and DM TRANS 1 GENERAL of the Development Plan, which require 'protection of the maintenance of the safe and efficient operation' of the national roads network and regard to TII Publications.
- DMURS section 1.3 requires TII Publication Standards apply to national roads. TII Publication (Standards) DN-GEO-03030 - D6sign Phase Procedure for Road Safety Improvement Schemes, Urban Renewal Schemes and Local

Improvement Schemes (<https://www.tiipublications.ie>), applies to this proposal as it proposes a new junction onto a National Road.

- TII Publication (Standards) DN-GEO-03030 requires the preparation and submission of a Design Report to TII for agreement. Crucially, section 8 of the Standard states: “Statutory Planning Procedures (Phase 4) should not commence prior to the review and satisfactory responses to any comments from TII of the Design Report.”
- In the absence of this report, there is a risk that any changes to the proposal necessary as a result of Design Report review by TII may require variations to a planning approval which may involve delay and additional costs to the project.
- This proposal would be premature pending the resolution of the requirements of TII Publication DN-GEO-03030 - Design Phase Procedure for Road Safety Improvement Schemes, Urban Renewal Schemes and Local Improvement Schemes.

6.2.5. Third Party Observer – Bluett & O’Donoghue consultants, on behalf of Christopher Fingleton and Mary Tyrrell:

- Owners of Portrane House, a protected structure (RPS 925), situated on adjoining lands to the west of the site.
- With reference to PS3 of the Development Plan, object to the impact upon the protected structure as a result of the back gardens of proposed units no.19-32 facing directly onto the garden and front façade of Portrane House. Reference to Dr. Judith Hill, Heritage Consultant and Architectural Historian, February 2021 Preliminary Heritage Assessment that recommends a buffer zone between the proposed housing development and the curtilage of the protected structure.
- Exemplar sketch provided illustrating a revised layout that would protect view of the principal elevations of the protected structure, with the redesign of proposed units 19-27 and 6-10, to be more sensitively sited with no loss of density and maintaining unit variety.

- Proposed boundary treatment between the proposed development and Portrane House is unclear. Refer to DM HS 10 of the Development Plan. Request a 2m high wall in a natural stone finish in-keeping with the character of the protected structure, between the proposed development and Portrane House.
- Native woodland surrounding Portrane House adds to the character of the house and should be maintained for both privacy and character.
- Impact upon the Ridge of Portlaoise pNHA (000876) noted in the Development Plan as an Esker ridge with ash/hazel and woodland and species-rich grassland. Reference to GEO 5 of the Development Plan. An appropriate secure block wall along the west site boundary and the esker would assist in restricting access to it and would ensure preservation of the landscape.
- No arborist report in this application. Trees on the property of Portrane House are not shown on the site layout plan. The topographical survey 2301-PA-003 shows a number of adjacent trees. There is no consideration of their root protection areas. The redesign suggested above would address this.
- Enclosed: Preliminary Heritage Assessment Report prepared by Dr. Judith Hill, February 2021.

6.3. Applicant First Response

6.3.1. Response to TII

- A full Traffic and Transport Assessment (TTA) and Stage 1 Road Safety Audit (RSA), prepared by ORS, were included within the submitted planning documentation.
- The project engineer confirms: The TTA and RSA do not explicitly reference every TII Standard cited in TII's submission. However, both assessments demonstrate safe operation of the proposed junction; adequate capacity in all scenarios; no strategic risk to the N80 network.
- TII note that a Design Report may be required for the new junction. The project engineer confirms: A Design Report can be prepared as a planning

condition, which is common for urban residential schemes interfacing with national secondary routes. Any refinements arising from the Design Report can be incorporated post-permission without altering the site layout.

- With respect to the proposed junction, the site is located within the town centre and lies within the urban 50km/h zone note [sic] a 60km/h speed zone. Matches existing access patterns along this section of the N80; meets all relevant visibility and safety criteria; will be supported by a technical note confirming compliance with TII standards.
- The engineer confirms: The TTA conclusions remain valid; there is no conflict with strategic transport objectives; no national route reservations affect the development; planning is not premature. Matters can be addressed by condition.

6.3.2. Response to IFI

- Hydrological and surface water design complies with CIRIA SuDS Manual and LCC requirements.
- The submitted civil engineering documentation provides: Attenuation sized for the 1:100 year + 20% climate change event. Full treatment train including permeable paving, swales and controlled discharge. Outfall designed to prevent hydromorphological impact.
- Distance and separation from receiving waters: The development is set back significantly from the Triogue River, with no direct hydrological connection other than controlled drainage.
- Construction-phase controls: A Construction Environmental Management Plan (CEMP) will include silt fencing, sediment traps, concrete washout controls; pollution prevention measures; strict buffer zones; and emergency spill response procedures.
- IFI's submission includes 21 items relating to surface water management, hydrology, construction impacts, and ecological protection. The following provides a consolidated response incorporating the project engineer's input (HHP).
 - IFI Comment 1 – General Observation: Noted.

- IFI Comment 2 – Compensatory Flood Storage Area: HHP confirm that the compensatory storage area is clearly indicated on Drawing C-002 PL5, included within the planning submission.
- IFI Comment 3 – Soakaways, Ponds & Infiltration Pathways: No soakaways or infiltration ponds are proposed within the development. Where SuDS / Nature-Based Solutions features are used, they can be fully lined where required to ensure containment and prevent groundwater mobilisation.
- IFI Comment 4 – Revisions to NIS: The NIS will be revised accordingly and resubmitted as part of the final ACP response.
- IFI Comment 5 – Landscaping & Water Quality Protections: Elements of this may be addressed through the final landscaping plan, including buffer planting and surface water treatment measures.
- IFI Comment 6 – Wastewater Capacity / Uisce Éireann: A Confirmation of Feasibility has been issued by Uisce Éireann. Any required network upgrades will be addressed at the connection application stage, as per standard UÉ procedures. Laois County Council notes IFI concerns and will accept as necessary planning conditions. LCC will also prepare a full CEMP and Commencement stage.
- IFI Comment 7 – Construction Phase Pollution Management: A full Construction Environmental Management Plan (CEMP) will be prepared by the appointed contractor.
- IFI Comment 8 - 9 – General Comment: Noted.
- IFI Comment 10 – Silt & Sediment Control Measures: To be fully addressed within the OCEMP, including silt fencing, sediment traps, and surface water protection measures.
- IFI Comment 11 – Dust, Pollutants & Hazardous Materials: To be addressed within the OCEMP, including containment protocols, storage, and spill response procedures.
- IFI Comment 12 – General Comment: Noted.

- IFI Comment 13 – Attenuation & Discharge Rates: The HHP drainage calculations already include; Full attenuation for the 1:100-year + 20% CC event; Discharge restricted to greenfield runoff rates. Construction-phase controls for these systems will be included in the OCEMP.
- IFI Comment 14 – Hydrocarbon Interceptors & Soak Pits: No soak pits are included. Hydrocarbon interceptors are provided and are shown on Drawing C-020 PL5.
- IFI Comments 15–21 – Remaining Construction-Phase Water Protection Measures: All items 15 through 21 will be fully addressed within the OCEMP, which will specify; Pollution prevention controls; ☐ Spill protocols; Site run-off management; Surface water monitoring; Contractor responsibilities.

6.3.3. Response to DAU

- Full NIS and Appropriate Assessment (AA) Screening already submitted. The AA Report concludes no likelihood of significant effects on any European Site. No hydrological connectivity exists to the SAC network.
- Ecological Assessment (submitted separately) confirms: Habitats onsite are primarily of low ecological value; No bat roosts identified; only low to moderate foraging. Native trees to be retained where outlined.
- Esker protection: The development is located east of the core eskers, outside protected geological features. The site layout avoids significant earthworks adjacent to the elevated landform.
- Mitigation commitments: Native planting, lighting design to limit spill, bat-friendly spectrum options; Tree protection zones enforced during construction.
- Conclusion: There are no significant residual ecological impacts and the project complies with the Habitats Directive.

6.3.4. Response to Third Party Observer – Bluett & O'Donoghue (BoD) consultants, on behalf of Christopher Fingleton and Mary Tyrrell

- Setting of Portrane House: The development respects the curtilage as defined in the Judith Hill baseline heritage report. The proposed units adjacent to

Portrane House do not obscure principal elevations. Separation distances are fully compliant with CDP standards. The design approach appropriately fronts/publicly addresses the internal street network—not the protected structure—consistent with modern best practice in residential urban design and permeability. BoD propose rotating units to face the protected structure; however, this would result in houses presenting gable ends and rear boundaries to the public street; It conflicts with permeability, passive surveillance and DMURS principles; It is not required by the Development Plan or Heritage Guidelines; and It would materially compromise the overall urban design quality.

- **Boundary Treatment:** The submitted scheme includes a high-quality boundary treatment fully consistent with DM HS 10 of the Laois County Development Plan. The suggestion of a 2m stone wall is optional, not required. A 2m block wall with appropriate capped finish, landscape buffer, and native tree planting (already proposed) achieves, protection of privacy; protection of visual amenity; no adverse impact on heritage significance; compliance with LCC residential standards.
- **Impact on pNHA / Esker:** No works occur within the Esker footprint. No excavation is proposed within tree root protection zones. The Esker is visually separated by existing vegetation and distance. The DAU and IFI have raised no substantial concern regarding direct impacts on the Esker.
- **Impact on Trees / RPAs:** The arboricultural evidence clearly demonstrates; No loss of historically significant tree groups; No adverse impact on the protected structure's setting; No conflict between dwellings and tree protection zones; No justification for layout reorientation or redesign. Removal of low-quality vegetation allows; Improved long-term landscape structure; Reinforced ecological and visual buffers; Enhanced setting of both the development and protected structure; The proposed development reflects good practice, protects meaningful trees, and enhances the long-term landscape character of the site.
- **Heritage & Landscape Character -** The Judith Hill report confirms: The meaningful parts of the historic landscape relate to the front field and Esker

ridge; No historic avenue or designed tree feature exists within the development lands; There is no evidence supporting any requirement to alter the layout. The proposed scheme protects heritage, enhances the landscape, and integrates sensitively with Portrane House. This fully supports the retention of the submitted layout.

- Section 6.1 Claim: “The scheme removes a historic tree belt and impacts the demesne landscape.” Response: The AIA confirms that the majority of trees in this area are Category C, self-seeded, or secondary growth. There is no evidence of a historically intact tree belt forming part of the designed demesne associated with Portrane House. The Judith Hill heritage report also reinforces that the more meaningful historic landscape elements lie around the Front Field, and along the ridge, not within the portion of the site where Category C trees exist. The proposed layout retains all meaningful trees and vegetation that contribute to the setting.
- Section 6.2 Claim: “Tree removal will harm the setting of Portrane House and its attendant grounds.” Response: The trees proposed for removal are low-quality (Cat C) and do not meaningfully contribute to the special character or significance of the protected structure. The Category B trees forming the valuable elements of the existing landscape are retained, safeguarded, and integrated into the boundary plantings and open space framework. This protects the visual buffer between the development and Portrane House while maintaining a naturalised edge. Moreover, removal of lower-quality trees allows for enhanced, structured replanting, delivering long-term landscape improvement that outperforms the existing ad-hoc tree resource.
- Section 6.3 Claim: “The proposed layout impacts the root protection zones of important trees.” Response: The planning submission’s site layout and the AIA demonstrate that; All RPAs of retained trees are fully protected; The construction footprint avoids all encroachment into significant RPAs; Protective fencing zones are clearly defined and achievable on-site; The engineering design (final report pending from C&S engineer) will ensure no excavation or foundation impact within RPAs; There is no conflict between the retained trees and proposed buildings.

- Section 6.4 Claim: “The development should re-orient houses facing Portrane House due to tree/landscape impacts.” Response: The AIA and heritage baseline do not support this. The retained tree belt along the western boundary already provides visual filtering. There is no intact historic avenue or visual axis requiring protection. The Judith Hill report notes views FROM the ridge toward the house, not formal views from the house toward this site. Reorienting houses would introduce unnecessary overlooking toward the protected structure and is not supported by the arboricultural or heritage evidence.
- Section 6.5 Claim: “The layout undermines the historic setting and landscape character.” Response: This assertion is not consistent with: The arboricultural evidence (low-quality trees, limited contribution); The heritage report (which identifies the meaningful setting as the ridge and front field); The submitted design statement (which provides mitigation, open space, and buffers); The proposed development preserves all valuable trees, enhances the landscape, and avoids significant heritage impacts.

6.4. Further Submissions on Applicant’s First Response

6.4.1. All observers (including prescribed bodies) were invited to make comment on the Applicant’s Response to submissions. TII, IFI and the third party subsequently provided a further submission in response to the applicant. Below is a summary of the consultation responses received:

6.4.2. TII:

- No Design Report has been received in respect of the proposed development and its new junction with the N80 as is required by TII Publication (Standards) DN-GEO-03030. The proposal is premature pending resolution of this requirement.
- Existence of TII publications in addition to DMURS and compliance with relevant TII publications to inform design and delivery of development intended to interact with the national roads network is essential.

- No Design Report has been submitted to TII in accordance with the requirements of TII Publication (Standards) DN-GEO-03030. TII highlights that section “8. Statutory Procedures” of TII Publication (Standards) DN-GEO-03030 outlines that the seeking of planning permission “...should not commence prior to the review and satisfactory responses to any comments from TII of the Design Report.”
- In the absence of submission and TII review of the required Design Report there is a risk that any changes to the proposal necessary as a result of Design Report review by TII may require variations to a planning approval or the underlying design which may involve delay and additional costs to the project.
- No pre-planning with TII, or Design Report submission by Laois County Council as the proposer and local roads and planning authority has occurred.

6.4.3. IFI:

- The applicant has not adequately addressed concern raised with respect to the assessment of flood risk. IFI contend that the applicant’s FRA conclusion that the development is not situated in a flood plain, is not based on an assessment of the greenfield site as shown in Figure 3-5 on pg.15 of the FRA.
- The applicant has not adequately addressed concern raised with respect to the effective operation of surface water management features on the site during fluvial flood events. Lining of these features will not address this.
- A revised NIS has not been included in the applicant response to submissions, therefore there is insufficient information for IFI to assess the application.
- With respect to IFI comment 13 as noted in the applicant response, a specific reference to the document has not been provided and IFI has been unable to locate the run-off calculations.
- The applicant response that elements ‘may be addressed’ is non-committal and vague.

- No drawing with the reference C-020 PL5 is indicated in the register of drawings provided with the application.

6.4.4. Third Party Observer – Bluett & O’Donoghue consultants, on behalf of Christopher Fingleton and Mary Tyrrell:

- Disagree that the development respects the curtilage as defined in the Judith Hill baseline heritage report. Map 14 in Appendix A3 of the Judith Hill report clearly shows the buffer well outside the tennis court and extending south towards the esker. The current housing plan shows houses on the tennis court. On this basis it cannot be stated that “the development respects the curtilage as defined in the Judith Hill baseline heritage report.”
- The Judith Hill report contained recommendations which should have been considered as part of the development of the current scheme. (Appendix A1 attached sets out specific recommendations to be used in assessing the suitability of a scheme as it is designed).
- It is not clear if Laois County Council’s response document in relation to conservation matters was authored by a conservation architect as the document was not signed. The statement on whether or not the current plan respects the curtilage of the protected structure should be based on a review of the site and Judith Hill report by a suitably qualified person.
- It is suggested in the Laois CoCo design statement that Portrane House is on higher ground. However, as demonstrated in the section submitted with ground levels drawn in, the principal elevation of Portrane house it is still going to be blocked by this row of houses. (Figure 1 enclosed of section C-C).
- Tree coverage shown in architects drawings around Portrane house is inaccurate.
- Our design option does not have rear boundaries directly facing the public street and Laois County Council’s design also contains gable ends facing the public street.
- Reference to policy PS3 in the County Development Plan requiring development affecting a protected structure to be accompanied by

appropriate documentation as outlined in the Architectural Heritage Protection Guidelines for Planning Authorities prepared by suitably qualified persons.

- There is a requirement to respect the setting of the protected structure and where the vista is provided with an open space, the most appropriate wall finish would be stone masonry. This would be similar to the current setting walls as noted in the design statement.
- Comparing the Tree Survey/ tree removal proposals (left under) with the Topographical survey (right under). A substantial tree has been omitted from the tree survey. (Figure 6 enclosed).
- Laois County Council lack consideration of the Judith Hill report with reference to there being no historic avenue or designed tree feature in the development lands, however the report highlights that in the front field (the subject site) there are 5 significant views and a tree of significance.

6.5. Applicant's Second Response (as part of further information)

6.5.1. TII:

- A Design Report in accordance with TII requirements is included (Appendix 6).

6.5.2. IFI:

- Comment from the applicant's ecologist on the submission from IFI is as follows: "...there appears to be a misunderstanding of the conclusion of the Flood Risk Assessment... the conclusion does not in fact state that the development does not occur on a flood plain, but that the foundations will be above the flood plain level and that there is no risk of flooding... the flood levels and extents on the FRA maps appear accurate. This may be down to a misreading of the reviewer's part but should be clarified by meeting or direct email. The second half of point 2 pertains to a missing document which can be presumably be remedied easily."
- The CFRAM MRFS mapping shown on Figure 3-5 has since been withdrawn by the OPW for review at this location due to accuracy issues. The flood risk consultant's (TOBIN) site-specific modelling supersedes this mapping for the

greenfield site, and it forms the basis for justifying the proposed floor levels and required compensation volume.

- The Stage 3 Flood Risk Assessment (Appendix 3) has been revised to include a site layout indicating the 400m³ of compensatory flood storage, and a revision to the wording of the report conclusions. An updated set of Civil Engineering drawings, including drawing register, have been included with this response.
- Proposed SuDS include above ground rain planters, single bio-retention / rain garden at a central location, all other underground surface water management will be watertight with anti-flotation.
- NIS included at appendix 7.
- Landscape design to integrate diverted drain and compensatory storage as part of a naturalised drainage corridor.
- Surface water will be attenuated and discharged at or below the greenfield runoff rate.
- An updated set of Civil Engineering drawings are included.

6.5.3. Third Party Observer – Bluett & O'Donoghue consultants, on behalf of Christopher Fingleton and Mary Tyrrell:

- The respondent has misunderstood our response. It is not claimed that the Judith Hill Report (Appendix 4) supports the proposal. It was prepared in 2021 prior to the proposal. It is relied upon for definition of the curtilage of the protected structure.
- With reference to the tennis court, as this is no longer owned by the Tyrell family, it no longer has a functional relationship with the protected structure and therefore does not form part of the curtilage.
- The development respects the curtilage as defined in the Judith Hill baseline heritage report.
- The proposed units adjacent to Portrane House do not obscure principal elevations.
- Separation distances are fully compliant with CDP standards.

- The design approach fronts/addresses internal streets which is consistent with modern best practice.
- The submitter's suggested layout would result in houses presenting gable ends and rear boundaries to the public street; conflicts with permeability, passive surveillance and DMURS principles; is not required under the Development Plan or Heritage Guidelines; and would materially compromise the overall urban design quality.
- A respectful boundary and requirement for privacy outweighs the Judith Hill recommendations for one or more site lines from the housing development.
- The layout, massing and boundary treatments have been developed to safeguard the special interest and setting of the protected structure.
- The proposal sits below the parapet/eaves of the protected structure, maintaining subordinate silhouette in viewpoints.
- The layout minimises overlooking and visual competition. Private rear gardens form a soft buffer.
- Existing trees and hedgerows along the common boundary are retained as primary screening.
- Building heights, materials, colourways and detailing has been selected to be sensitive to the protected structure.
- The design approach is informed by established principles of good urban design and place-making. While we have considered the recommendations of the consultant report referenced, the scheme has not been designed solely in accordance with those suggestions where doing so would conflict with or negatively impact the achievement of sound urban design principles.
- Existing mature trees and hedges already mostly obscure the elevation facing the proposed site.
- No proposed works affect the curtilage of the proposed structure as discussed and outlined in the Judith Hill Document. And as such no separate Architectural Heritage Impact Assessment is required.

- The proposed boundary wall has been designed to ensure no adverse impact on the heritage significance or setting of Portrane House. Portrane House is primarily experienced from within its own curtilage and is already screened by mature trees and hedgerows. The proposed boundary will not interrupt or obscure any principal elevations of the protected structure or any identified important views of the building.
- With regard to the suggestion that an individual tree may not have been captured within the original survey, this does not materially alter the overall assessment of the site's tree resource.
- The design approach was deemed appropriate by the Laois County Council Planning Department. The land is zoned for housing, and any proposal will have an impact on the views to and from Portrane House, but this proposal is designed to mitigate adverse impact.

6.6. Submissions on Further Information

6.6.1. Section 7 below sets out a description of the further information request and how this was addressed by the applicant. There were 2 consultation responses received following the circulation of the Further Information received, with responses from IFI and the third party observer. This section of my report summarises these consultation responses received.

6.6.2. IFI

- In relation to point 2 of the previous IFI submission, while it is stated by the applicant that the CFRAM MRFS mapping (fig.3-5) has been withdrawn by OPW, the same map has been reproduced without comment in Rev.D of the FRA. In addition, Rev.D FRA includes a revised fig.1-2 which includes the proposed flood storage area and a re-alignment of the on-site ephemeral watercourse. Should permission be granted, IFI request that a condition is imposed on the applicant to consult with Inland Fisheries Ireland before any works take place on the proposed stream diversion and adjacent compensatory flood storage on site.

- In relation to point 3 of the previous IFI submission, note the applicants response. IFI reiterates the request that all SuDS features, including soakaway systems, attenuation ponds etc. are located above the 1% AEP level.
- In relation to point 4 and 9 of the previous IFI submission, all mitigation measures outlined in the NIS, CEMP and EclA must be implemented.
- In relation to point 5 of the previous IFI submission as per point 2 above, request a condition requiring consultation with IFI prior to proposed stream division and adjacent compensatory flood storage on site.
- Applicant response to IFI points 13 and 14 from previous submission noted.

6.6.3. Third Party Observer – Bluett & O'Donoghue consultants, on behalf of Christopher Fingleton and Mary Tyrrell:

- Laois County Council does not appear to have made any material changes to the design and have not responded adequately to the request for further information.
- Scheme Design: the applicant response states at 4(a)(ii) that the scheme improves upon the buffer and separation relative to earlier layouts, however there has been no changes in this regard.
- Significant Views: the views shown are deceptive, the photos are taken further away from Portrane House and are of poor quality.
- Significant Views and Residential Amenity: the photomontage demonstrates that scheme continues to show the rear elevations of residential units. Portrane House is a private residential dwelling and the proposed view are not acceptable. The example of The Downs is not appropriate as Portrane House is screened by a substantial range of outhouses on its west side and the ridge/esker which is higher than the roofs of the Downs estate.
- Built Heritage and Layout: the applicant's response to item 4 of ACP's request for further information has not included a new Architectural Heritage Impact Report as requested. The applicant response notes that the reliance on the Judith Hill report is limited and there is reliance on a discussion with Caroline

Whatley. The applicant's review of the Judith Hill report and associated summary of discussions with Caroline Whatley is confusing and incoherent. Judith Hill's recommendations on pg.11 of the Heritage Assessment Report 2021 still stands as an objective site review.

- Judith Hill states on page 4, paragraph 1.1 that future changes to the development of the subject site will have a potential impact on Portrane House and its immediate setting.
- It is advised that Caroline Whatley expresses concern and gives recommendations under point 4(a)(ii) on page 19 of the applicant response.
- Request that ACP either use conditions to take account of the setting of Portrane House, with an adjustment to the scheme layout to remove rear elevations facing towards the protected structure, or refuse the application.

Enclosures: Appendix A – Scheme Evolution, comparing Part 8 Scheme in 2023 to May 2026 layout, showing no changes.

7.0 Further Information

7.1. Overview of the request

- 7.1.1. The Commission requested further information from the applicant on 11th March 2006, requesting a response by the 5th May 2026. The further information was listed under points labelled 1-9, and these are summarised below. The full text of the request is set out in appendix 5 of this report.

1. Proper Planning and Sustainable Development: Conformity with planning policy.
2. Density and Site Area: Clarification of site area, density calculation and conformity with planning policy.
3. Transport: Design Report in consultation with TII.
4. Built Heritage and Layout: Architectural Heritage Impact Report and conformity with Development Plan policies. Copy of Judith Hill report and response to this.
5. Ecology: Revised NIS, watercourse diversion plan, conformity with policy, EclA, CEMP and details of public lighting.
6. Trees: Conformation of details, conformity with policy and consideration of preservation of category A and B trees.

7. Water Connections: Confirmation of water connection arrangements.

8. Flood Risk: Assessment of flood risk and site drainage.

9. Archaeology: Desk-based archaeological impact assessment.

7.2. The Applicant Response to the Further Information Request

7.3. The Further Information and response to submissions (being submissions on the Applicant's first response) was received on 5th May 2026, with some clarification received on 12th May 2026. The submitted details comprise the following:

- i. Architectural Design Statement;
- ii. An Coimisiún Pleanála Response Report;
- iii. Appendix 1 Photographic Layout;
- iv. Appendix 2 Site Layout Trees;
- v. Appendix 3 Flood Risk Assessment Rev.D;
- vi. Appendix 4 Dr Judith Hill Preliminary Heritage Assessment Report 2021;
- vii. Appendix 5 Archaeological Assessment;
- viii. Appendix 6 TII Design Report;
- ix. Appendix 7 NIS Revision;
- x. Appendix 8 Ecological Impact Assessment;
- xi. Appendix 9 CEMP;
- xii. Clarification emails dated 12/05/2026.

7.4. The submitted Response Report addresses points raised in submissions on the Applicant's first response, as well as each item under the Further Information Request from the Commission. The response to submissions is summarised in section 6.5 and a summary of how FI items are addressed is set out below:

7.5. Item 1 Proper Planning and Sustainable Development:

- The proposed development is consistent with the zoning of the site.

7.6. Item 2 Density and Site Area:

- The total red line site area is 2.8 hectares (gross), while the net site area is 1.99 hectares, being the developable portion of the site zoned for residential

use. A site plan is provided to illustrate this. Inconsistencies arise from different site area definitions across the documents and reference to 2.08 hectares was superseded by a refined layout and zoning breakdown. The proposed density is 34 dwellings per hectare using net site area. The proposed density complies with the Sustainable Residential Development and Compact Settlements Guidelines 2024 and Policy DN1 of the Laois County Development Plan 2021-2027.

7.7. Item 3 Transport:

- The submitted Design Report (Appendix 6) addresses TII Publication DN-GEO-03030 and the proposed new priority junction onto the N80 Stradbally Road.

7.8. Item 4 Built Heritage

- The applicant has engaged Caroline Whatley, Grade 1 Conservation Architect, to undertake an independent review of the site, the Judith Hill report, and the proposed development. This appraisal has been incorporated into the design review process. This satisfies the intent of an Architectural Heritage Impact Report without duplicating or replacing the Judith Hill assessment but building upon it.
- In discussion with Caroline Whatley, it is accepted that:
 - The curtilage of the protected structure relates to the immediate house, gardens and associated functional lands;
 - The subject site forms part of the former attendant grounds (front field);
 - These lands no longer have a direct functional relationship with the protected structure
- In discussion with Caroline Whatley she notes:
 - The relationship between the front elevation of Portrane House and the proposed development could be further refined;
 - The current layout introduces rear elevations facing toward the protected structure, which may affect the perceived approach;

- Improvements such as a stronger boundary treatment (e.g. stone wall) would enhance the interface between old and new.
- Caroline Whatley also acknowledges that:
 - The proposed scheme improves the buffer and separation relative to earlier layouts;
 - The principle of landscape buffering and boundary definition is appropriate.
- The applicant has, in response, strengthened the boundary treatment and landscape buffer; ensured a clear physical and visual separation; and maintained a low-rise, recessive built form.
- While alternative layouts could be explored, the proposal presents a balance with regard to urban design requirements (DMURS, permeability, surveillance); residential zoning objectives; and heritage considerations.
- In relation to important landscape features, Caroline Whatley supports the retention of these and recommends arboricultural input; she highlights the importance of maintaining landscape character as part of the setting.
- In response, the proposed design, retains the majority of trees hedgerows, provides additional planting.
- In relation to the Judith Hill 'significant views', Appendix 1 demonstrates that these are largely filtered, partial or obscured by vegetation; presented as diagrammatic directions rather than defined view corridors; no formal or protected vistas are identified.
- In review / discussion with Caroline Whatley, it is acknowledged that the setting is best appreciated from the east and south-east; she does not identify any specific protected or critical view corridor requiring preservation.
- The visualisation figure 30, confirms that the development will appear set back, screened and visually recessive; existing vegetation will filter and interrupt views; the site does not function as a visually dominant foreground.
- The impact on views is less than suggested in the Judith Hill Report and the development remains subordinate within the landscape setting.

- The mapping of movement routes within the Judith Hill report does not correspond with the current or proposed site layout and does not give rise to any identifiable or protected vistas, view corridors, or public viewpoints.
- The mapping of historic footpaths in the Judith hill report does not identify any extant pedestrian routes, rights of way, or publicly accessible paths which would give rise to protected viewpoints or established visual connections with Portrane House.
- The zoning of the site for residential is long established.
- The 'significant views' in the Judith Hill report are diagrammatic and not defined. Appendix 1 sets out an analysis of these. The views are more limited than suggested, often filtered, partial or entirely obscured by existing trees, hedgerows or vegetation. Views 1 and 2 are indirect or indistinct glimpses, view 3 confirms no intervisibility, views 4 and 5 are limited and fragmented reciprocal views. These views do not constitute established, protected, or meaningful vistas in planning terms.
- A significant view comparison of the Judith Hill Report vs. current site photography demonstrates that the relationship between the site and Portrane House is notably less pronounced in reality.
- Indicative visualisations are provided, superimposing the proposed development within the views from Portrane House presented in the photographs in the Judith Hill Report. The visualisation demonstrates that the proposed dwellings, when viewed in context, will appear set back, partially screened and visually recessive, sitting behind the existing boundary treatment and established vegetation. This demonstrates that the level of visual impact is significantly less pronounced than suggested in the Judith Hill report.
- The existing residential estate The Downs located immediately to the west of Portrane House establishes a clear precedent for development in close proximity to the protected structure, with rear gardens and boundary treatments directly adjoining the lands.

- While professional conservation input has identified areas where alternative approaches could be considered, it is the applicant's position that: the proposed layout achieves an appropriate balance between heritage protection, good urban design, and the delivery of residential development on long-established zoned lands, with no material adverse impact on the character or setting of the protected structure.

7.9. Item 5 Ecology

- Field surveys undertaken in April 2026. Certain seasonally constrained elements – bat surveys and associated lighting impact assessment – are ongoing and will be finalised within the appropriate survey windows.
- A precautionary approach is applied, with commitment to complete all outstanding survey work and incorporate findings into the final EclA and subsequent project stages.
- A revised NIS is submitted (Appendix 7), and concludes that with the implementation of mitigation, no adverse affect upon the integrity of any European site (either alone or in combination) will result.
- The proposed Maryborough Stream watercourse diversion is assessed in both the EclA and NIS. A detailed design will be developed in consultation with IFI. The submitted documentation demonstrates that potential impacts can be avoided or mitigated.
- An EclA is submitted (Appendix 8) and concludes that with mitigation, residual impact will be negligible to minor. The development incorporates biodiversity enhancement.
- A CEMP is submitted (Appendix 9) and includes robust measures to protect water quality and construction phase ecology controls. Engagement with NPWS and IFI will be undertaken as required.
- The proposed public lighting scheme has been developed to ensure compliance with environmental standards and protection of biodiversity. Specifications provided and aligned with ecological sensitivities, particularly bats. Final lighting design to be informed by ongoing bat surveys.

7.10. Item 6 Trees

- The applicant confirms that the submitted Tree Survey, Arboricultural Impact Assessment, and associated drawings are accurate and robust, prepared by suitably qualified arboricultural consultant.
- The proposed layout has been designed to retain the majority of Category A trees and a significant number of Category B trees. It is acknowledged that 1 Category A tree (T10, Category A2, Red Oak) and a number of Category B trees, are required for removal to facilitate access, internal road layout and housing delivery. The Arboricultural Impact Assessment notes that: removal is necessary to enable a coherent, policy-compliant residential layout, including access, permeability and servicing; two trees (1245 and 1246) are removed on arboricultural grounds (poor condition/decline); and while there is a localised impact, it does not significantly diminish the overall arboricultural or landscape value of the site. Most significant and visually prominent trees, to boundaries, are retained, and tree protection measures will be implemented. The proposal is considered to comply with policy CH2, BNH 26 and BNH 30, through maximising retention of high and moderate value trees, minimising removals and providing compensatory planting.

7.11. Item 7 Water Connections

- The submitted civil engineering Design Report (Appendix 6) confirms that engagement has taken place with Uisce Éireann and that a Confirmation of Feasibility has been received in respect of the proposed development.
- Drawings showing proposed water connections are provided and conforms with Uisce Éireann requirements. Surface water will be fully managed on site.

7.12. Item 8 Flood Risk

- A Flood Risk Assessment is submitted. This confirms the proposed development is appropriate. The extent of floodplain and site extents is clarified.
- A comprehensive surface water drainage strategy has been developed. Specifications provided. No additional runoff is discharged to the public road and surface water is managed within the site.
- A response to IFI concerns is provided.

- The proposal will not give rise to increased flood risk on or off site.

7.13. Item 9 Archaeology

- A Desk Based Archaeological Impact Assessment is submitted (Appendix 5). This outlines the characteristics and relevant features for the site and surrounds, relevant mitigation, and that no known archaeological constraints exist on the site.

8.0 EIA Screening

- 8.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIAR Screening Report and I have had regard to the same. The report concludes that the proposed development is below the thresholds for mandatory EIA and that a sub threshold Environmental Impact Assessment Report (EIAR) is not required in this instance as the proposed development will not have significant impacts on the environment.
- 8.2. Section (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
 - (i) Construction of more than 500 dwelling units;
 - (iv) Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other built-up area and 20ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 8.3. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that an EIA is required for: “Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”
- 8.4. The proposed development is for 67 no. residential units and associated site works. The overall site area is approximately 2.8ha and is comprised of former grounds to a historic residential estate. The site is currently zoned for residential use and can be

served. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b)(i) and (iv) of the Planning and Development Regulations 2001 (as amended), in that it is less than 500 units and is below 10ha (that would be the applicable threshold for this site, being outside a business district). I would note that the uses proposed are in keeping with land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents.

- 8.5. It has been concluded that there is potential for significant effects on a European site and an Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS. The screening carried out for environmental impact assessment (Appendix 1), has addressed the characteristics of the proposed development, its location and the types and characteristics of potential impacts has also had regard to the mitigation measures proposed in respect of protecting water quality. On this basis I am satisfied that there is no potential for significant effects on River Barrow and River Nore SAC or any other environmental factor, or any requirement, therefore, for environmental impact assessment. Impacts on European sites can be addressed under Appropriate Assessment, which I have addressed in Section 9.5 and Appendices 3 and 4 of my report.
- 8.6. The criteria at Schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of EIA. Section 299B(1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The submitted EIA Screening Report addresses the information under Schedule 7A.
- 8.7. It is my view that sufficient information has been provided within the documentation to determine whether the development would or would not be likely to have a significant effect on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts, and demonstrates that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have

examined the sub criteria having regard to Schedule 7A and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Architectural Design Statement
- Land Schedule of Accommodation
- Full Set of Architectural Drawings
- Civil & Engineering Drawings and ME Drawings
- Appropriate Assessment Screening
- Arboricultural Impact Statement Tree Map
- Arboricultural Impact Statement Tree Report
- Bat Survey
- Desktop Archaeological Assessment
- Ecological Assessment
- EIA Screening
- Flood Risk Assessment
- Invasive Species Survey
- Natura Impact Statement
- Road Safety Audit
- Traffic and Transport Assessment

8.8. In addition, I have taken into account the SEA of the Development Plan.

8.9. I have completed a screening assessment as set out in Appendix 1 of this report and recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report (EIAR) would not therefore be required. The conclusion of this assessment is as follows:

8.10. Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

(b) the location of the site on lands zoned Residential 2: to provide for new residential development, residential services and community facilities in the Laois County Development Plan 2021-2027.

(c) The pattern of development in surrounding area.

(d) The availability of mains water and wastewater services to serve the proposed development.

(e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).

(f) 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).

(g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and

(h) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in documents submitted with the application and/or subsequently (or updated) via Further information, including the Architectural Design Statement, EIA Screening Report, Arboricultural Impact Statement, Bat Survey, Archaeological Assessment, Ecological Impact Assessment, Flood Risk Assessment, Natura Impact Statement and CEMP.

8.11. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required. I recommend that a screening determination be issued accordingly, confirming that no EIAR is required.

9.0 Assessment

9.1. The assessment will be undertaken in three parts as per the requirements of Section 177AE as follows:

- The likely effects on the environment
- The likely consequences for the proper planning and sustainable development of the area
- The likely significant effects on a European site

9.2. The likely effects on the environment

9.2.1. From a review of the application documents and consultation responses, I am satisfied that the main potential environmental effects (other than issues addressed in appropriate assessment) can be addressed under the following headings:

- Biodiversity
- Flood Risk

9.2.2. Biodiversity

9.2.3. The Laois County Development Plan 2021-2027 sets out policies and objectives for the protection of biodiversity in the county. Policy Objective BNH 1 asks that the county's biodiversity and ecological connectivity are protected and conserved and BNH 2 concerns the conservation of protected habitats and species. Policy Objectives BNH 10, 11, 13 and 15 concern the inclusion of biodiversity enhancement in development proposals including pollinator friendly species, swift boxes and bat boxes. The site is adjacent to the Ridge of Portlaoise pNHA (site code 000876). Policy Objective GEO 5 concerns the protection, preservation and conservation of the landscape and natural heritage and geo-diversity values of esker systems. Policy Objective BNH 7 concerns the protection of Natural Heritage Areas. Policy Objective BNH 26 concerns the protection of individual trees in the interests of landscape conservation (including townscapes) and nature conservation, groups of trees and woodland and BNH 27 concerns the protection of hedgerows. Policy Objective BNH 31 concerns the protection of waterbodies and watercourse.

9.2.4. Following the request for further information, the applicant has provided an Ecological Impact Assessment (EclA) Report for the site. This describes field surveys, key ecological receptors, potential impacts and proposed mitigation for the proposed development. Potential effects upon European designated sites are considered in the submitted and subsequently revised NIS (following further information) and this is assessed below as part of an Appropriate Assessment (refer to related section 9.5 and Appendices 3, 4 and 6). This section of my report addresses potential impact of the proposal upon the biodiversity of the site itself.

- 9.2.5. My assessment of biodiversity has been informed by the information submitted for the applications, submissions received and the Commission's own Ecological review of the application, and I refer to Appendix 6 of this report in this regard.
- 9.2.6. The subject site is formed of former garden and grounds to Portrane House (RPS), and is occupied by habitats including Improved Agricultural Grassland (GA1), Hedgerows (WL1), Drainage Ditches (FW4), Mixed Broadleaved Woodland (WD1), with scattered Beech (*Fagus sylvatica*) estate trees. The Ridge of Portlaoise pNHA (site code: 00876) is situated immediately adjacent to the west of the site and outside of the redline boundary. The Ridge of Portlaoise is an esker of geological and ecological significance, supporting semi-natural woodland and two rare plant species. The site itself is ecologically sensitive due to this proximity to the Ridge of Portlaoise. The Maryborough Stream forms the southern boundary for the site and flows in a northerly direction, with an outfall pond to the eastern boundary of the site. This outfall pond is also fed by the Derry Stream (or Little Boris Stream) and the site is hydrologically connected to the River Barrow. The proposed development would result in the loss of trees and habitats on the site and the diversion of the Maryborough Stream (as discussed further below).
- 9.2.7. I note concern regarding potential biodiversity impact arising from the development is raised in submissions on the application. Notably, concerns are raised regarding the absence or lack of detail, survey information, and technical specification, to inform the assessment and proposed mitigation, by both the Department of Housing, Local Government and Heritage Development Applications Unit (DAU) and Inland Fisheries Ireland (IFI). The Commission's own Ecological review of the application (Appendix 6 refers), also highlighted that insufficient ecological survey had been undertaken to inform assessment of potential impact upon biodiversity, including rare and protected species (such as bats). This informed the Request for Further Information.
- 9.2.8. In response to the Commission's Request for Further Information, an Ecological Impact Assessment Report (EclA) has been submitted for the application and a response provided to matters raised. However, the EclA does not quantify or present scaled drawings (as requested) of habitat loss as a result of the proposed development, and there is insufficient mitigation proposed for habitat loss on the site. While the EclA includes field surveys, I note that the Ridge of Portlaoise pNHA

supports two rare plant species, including Nettle-leaved Bellflower (*Campanula trachelium*) which flowers in July and August, and Blue Fleabane (*Erigeron acer*) which flowers in June to August, and that the field surveys within the EclA were completed outside the optimum period, therefore it can not be conclusively stated that these species do not occur within or adjacent to the subject site. A baseline aquatic ecology survey of watercourses impacted by the proposed development has not been provided. Bird surveys have been carried out; however details of the breeding bird survey dates and methodology are not provided and no specific mitigation is proposed for birds. A badger sett is identified in field surveys, but this sett is not classified as active or disused, and its significance to the population group is not presented. Subsequently, information is inadequate to determine whether proposed mitigation is sufficient for badger. Details of otter surveys are not provided or discussed, albeit otter is included in the impact assessment Table 6 of the EclA, and mitigation is proposed. The effectiveness of this mitigation cannot be determined in the absence of survey data.

9.2.9. All bat species in Ireland are protected under the Wildlife Acts 1976 as amended and are listed on Annex IV of the Habitats Directive as species which are afforded a system of strict protection under the provisions of Articles 12, 13 and 16 of the Directive. While further information was requested in relation to bat survey data, the applicant states that surveys are still underway in their response. It is unclear whether the proposed development would comprise activities that would require a derogation license in accordance with Regulation 54 of EC (Birds and Natural Habitats) Regulations 2011 as amended and the level of detail presented is inadequate to determine potential impact upon bats. In addition, while lighting design has been provided in response to further information, this does not include the lighting column specifications, predicted lux levels and light spill diagrams and identification of ecological buffers and is therefore inadequate to determine the impact of artificial light on sensitive ecological receptors within or in proximity to the subject site.

9.2.10. In the absence of sufficient information, potential for significant adverse impact upon biodiversity, including protected and rare species both within the site, and associated with the adjacent Ridge of Portlaoise pNHA, cannot be ruled out. Insufficient information regarding baseline environment, quantitative impact to habitat and

species, and site-specific mitigation measures has been provided. Subsequently there is a lack of clarity around likely significant ecological effects of the proposed development and the efficacy of proposed mitigation. This is contrary to the Council's own planning policies as described above, namely Policy Objectives BNH 1, BNH 2 GEO 5, BNH 7 and BNH 31 of the Laois County Development Plan 2021-2027.

9.2.11. In such circumstances, I am recommending that the Commission refuse permission on this basis.

9.2.12. Trees:

9.2.13. The application submission includes an Arboricultural Impact Statement Report and associated Map. This identifies the quality and value of trees on the site and the implications of the proposed development upon these trees. A total of 32 trees were surveyed, 8 are categorised as Category A trees (High quality), 15 are categorised as Category B trees (Good quality), 7 are categorised as Category C trees (Low quality or less than 75mm diameter) and 2 are categorised as Category U trees (remove due to poor condition). As a result of the proposed development, there are 8 trees proposed for removal, 7 of which are Category B and 1 Category A, and these are identified in the table below. A further two trees are identified for removal based upon their condition, namely tree no.'s 1245 and 1246, beech trees.

9.2.14. **Table 9.1:** Trees for Removal

Tree Number	Species	Age Class	Category
1234 x 2	Larch	Mature	B2
1242	Beech	Early Mature	B2
1244	Beech	Early Mature	B2
T1	Holk Oak	Early Mature	B2
T9	Beech	Early Mature	B2
T10	Red Oak	Mature	A2
T11	Beech	Early Mature	B2
T12	Sycamore	Mature	B2

9.2.15. Of the 23 Category A and B trees surveyed, 8 are proposed for removal, equating to c.35%. Of these, 5 are early mature and replaceable, and mostly situated within the footprint of proposed buildings, making removal unavoidable with the layout as proposed. Tree no.1234 is formed of 2 Category B mature Larch specimens situated to the front boundary with Stradbally Road by the entrance to the site; T10 is a Category A mature Red Oak situated in the proposed car parking area to the south of the site; and T12 (incorrectly labelled red category U on the submitted tree map) is a Category B mature Sycamore within the frontage of a proposed dwelling house to the south of the site. Therefore these trees (no.1234, T10 and T12) are not located within the footprint of proposed buildings, and their loss is a consequence of landscape design and layout. In my view, more effort could have been made in the layout of the proposed development to preserve these good quality mature trees, particularly the high quality mature Red Oak. A reconfiguration of hardscaped / landscaped areas could allow for preservation of these high quality trees and would not impact the overall development potential of the site.

9.2.16. In response to Further Information item 6 relating to this matter, the applicant stated that the proposed layout has been designed to retain the majority of Category A trees and a significant number of Category B trees. The Arboricultural Impact Assessment notes that removal is necessary to enable the development and that the most significant and visually prominent trees to boundaries are retained. The applicant considers that the proposal complies with policy CH2, BNH 26 and BNH 30, through maximising retention of high and moderate value trees, minimising removals and providing compensatory planting.

9.2.17. With reference to policy CH2, this relates to an appraisal of proposals for new development in an historic garden or demesne, including an assessment of significant trees. As discussed further below in this report with respect to built heritage, the Judith Hill Report is of assistance in this regard (Cultural Heritage Appraisal of the site appended to the Stradbally Road Masterplan). This identifies features in the lands which lend character and witness to earlier uses, including the line of mature beech trees and a single beech parallel to Stradbally Road, and a single evergreen tree in front field which stands out and is all that remains of the parkland trees. I also note that policy objective BNH 26 concerns the protection of

individual trees in the interests of landscape conservation (including townscape) and nature conservation.

9.2.18. I note the third party comment that there is a significant tree missing from the arboricultural report and map submitted, and I concur with this finding. This missing tree appears to correspond with the single evergreen tree referenced in the Judith Hill Report in my opinion. In response to this suggestion, the applicant states that this does not materially alter the overall assessment of the site's tree resource. However, if this tree corresponds to the single evergreen tree highlighted in the Judith Hill Report, then the omission is significant in my view. Item 6 of the Further Information Request asked the applicant to confirm the accuracy of submitted drawings and surveys with respect to existing trees on the site and/or provide amended details of the same. I am not satisfied that the applicant has appropriately responded to this request, as in my view, it appears that the single evergreen tree referenced in the Judith Hill Report has not been included in the arboricultural survey data submitted. Subsequently, its omission, and what would appear to be removal as a result of the proposed development, would have consequential impact with respect to landscape (heritage) conservation.

9.2.19. The proposed layout does retain the row of beech trees along the front boundary of the site to Stradbally Road which is welcomed and corresponds with the recommendation in the Judith Hill Report in this regard. However, overall, while a number of significant trees are retained in the layout, in my view, further effort could have been made to design a layout that allowed additional significant trees to be retained, including T10, T12 and 1234. The applicant could prioritise the preservation of these trees through the reconfiguration of landscaping / hardscaping, without impacting the development potential of the site. I also consider the omission of the single evergreen tree in the arboricultural survey to be a significant failing of the application with reference to the Judith Hill Report. As such, I consider the proposal contrary to policies CH2 and BNH 26.

9.2.20. Flood Risk

9.2.21. Policy objective FRM 2 requires development to comply with the Planning System and Flood Risk Management-Guidelines for Planning Authorities, FRM 11 asks that

IFI and NPWS be consulted where necessary and FRM 13 requires that development does not increase flood risk elsewhere.

- 9.2.22. The subject site partially overlaps two watercourses, a tributary of the Triogue (referred to as the Derry Watercourse in the application, situated within the Derry Catchment) and the Maryborough Drain (situated in the Maryborough Catchment).
- 9.2.23. The application includes a Stage 3 Flood Risk Assessment, this identifies that the subject site is located adjacent to, and partially overlapping, areas within Flood Zones A and B, with the remaining site area in Flood Zone C. The proposed residential dwellings are within the portion of the site in Flood Zone C. A past flood event is also identified which occurred adjacent to the site, and is known as the Stradbally Road, Portlaoise recurring flood event, with the source noted as the river. It occurs when a tributary of the River Triogue overflows its banks. There are also 3 other past flood events recorded to the west of the site which are located between 300m and 500m away from the site. There are fluvial flood extents in the vicinity of the subject site at the Derry Watercourse, at the inlet to the lake adjacent to the site. There are flood extents shown to the south and east of the site included in modelling of the adjacent Maryborough Drain and Derry Watercourse, during the 1 in 1000-year fluvial flood event. The adjacent lake is also identified in modelled flood extents. Modelling Mid-Range Future Scenario (MRFS) with a 20% increase in calculated flow rates, shows fluvial flood extents encroaching onto the site (figure 3-5 of the submitted FRA). The FRA states that the subject site is inundated in the 1 in 1,000-year MRFS flood event (page 14).
- 9.2.24. Page 25 of the FRA describes that a review of the site's topography revealed a localised depression causing rainwater pooling adjacent to the eastern boundary, with ground levels approximately 1m lower than the adjacent area. The proposed development will remove this depression to remove risk of ponding. It is proposed that surface water will be managed through stormwater drainage designed in accordance with SuDS principles, with discharge at greenfield rates.
- 9.2.25. The FRA outlines that it is proposed to raise the site levels to a minimum of 96.95mOD, effectively raising it out of the 0.1% AEP floodplain. Based upon hydraulic modelling, the proposed finish floor levels for dwellings will have at least 410mm freeboard above the 1000-year flood level, including considerations for

climate change (page 26 FRA). In addition, 400m³ of compensation storage is proposed within the site layout. The proposal also includes the rerouting of a section of the Maryborough Drain, as the proposed development builds over a section of the watercourse (forming a proposed stream diversion). Drawing C-002 Rev.PL5 in Appendix A of the FRA illustrates this.

- 9.2.26. In their submissions on the application, IFI raise issues with the submitted FRA, which was partially revised and resubmitted as part of the applicant's response to the Request for Further Information. IFI request a condition to require the applicant to consult with IFI prior to works for the proposed stream diversion and compensatory flood storage on the site. IFI also notes the applicant response in relation to the AEP level of SuDS features, but reiterates their request that all SuDS features, including soakaway systems, attenuation ponds etc. are located above the 1% AEP level.
- 9.2.27. In relation to the aforementioned matters raised by IFI, the applicant response to item 8 of the Further Information request is insufficient in my view. Subsequently, IFI are seeking to rely upon conditions to secure further detail on these matters, requesting that finishes comply with specified parameters. However, in the absence of a commitment or the presentation of technical detail, there is uncertainty that the IFI specifications can be complied with in my view.
- 9.2.28. In relation to the AEP level of SuDS features, the applicant has not confirmed that they can comply with the IFI request that this be above the 1% AEP level, instead reconfirming proposed details, with the bio-retention area (compensatory storage) being above the 0.1% AEP MRFS level of +96.090m and other features being of watertight construction. This does not provide certainty that the IFI request will be complied with. I do not consider it appropriate to rely upon conditions in these circumstances, where the applicant has not committed to comply with the request and where insufficient detail has been provided to provide comfort that proposed details can be completed appropriately.
- 9.2.29. There is also an absence of detailed information in the submission regarding the proposed stream diversion, which could have adverse consequences if not undertaken appropriately and this is highlighted in the Commission's Ecology review of the application in Appendix 6 of my report.

9.2.30. The proposed site overlaps with areas prone to flooding, and while the proposed residential dwellings themselves are not situated in these areas, the characteristics of the site require development to be delivered carefully in order to ensure that future occupiers, and surrounding existing occupiers, will not be subjected to increased flood risk. The applicant is proposing a stream diversion, which is a complex issue, and could have adverse consequences for the area is not undertaken appropriately. In the Further Information request issued, item 5 b. requested additional detail in this regard, and the applicant's response does not appropriately address this as set out in the related assessment of biodiversity above. Little information has been provided to detail how the stream diversion work will be undertaken and the applicant has not committed to complying with IFI requests with respect to the detail of SuDS features proposed.

9.2.31. Therefore, I cannot confidentially conclude that the proposed development will not subject future occupiers to flood risk, and/or increase the risk of flooding elsewhere, and as a result, the proposed development is contrary to Policy objective FRM 13.

9.3. The likely consequences for the proper planning and sustainable development of the area

9.3.1. From a review of the application documents and consultation responses, I am satisfied that the main consequences for the proper planning and sustainable development of the area can be addressed under the following headings:

- Principle of Development
- Density
- Design and Built Heritage
- Impact upon Amenities
- Quality of Residential Accommodation
- Transport Impacts

9.3.2. Principle of Development

9.3.3. The proposed development concerns the construction of 67 housing units, with provision of public open space, public walk-way, flood defence infrastructure, public

lighting, upgraded vehicular access, 116 no. car parking spaces, cycle parking, boundary treatments, ESB substation, laying of underground sewers, watermains and pipes, attenuation, and associated works.

9.3.4. The primary zoning of the site is Residential 2 'New Proposed Residential' with the associated objective to provide for new residential development, residential services and community facilities. To the southern fringe of the site, it is zoned Open Space and Amenity with the associated objective to preserve, provide or and improve active and passive recreational public and private open space. The built footprint of the proposed residential dwellings is within the portion of the site zoned residential.

9.3.5. The principle of the proposed housing development is therefore supported under the Development Plan.

9.3.6. Density

9.3.7. The Sustainable Residential Development and Compact Settlement Guidelines 2024 describe in Table 3.5 Areas and Density Ranges Key Towns and Large Towns (5,000+ population), which would include Portlaoise. For Key Town / Large Town – Centre and Urban Neighbourhood, the guidelines state that residential density ranges shall generally be applied at 40-100 dwellings per hectare (dph). With the 'centre' described as comprising the town centre and surrounding streets and the 'urban neighbourhood' consisting of the early phases of residential development around the centre. The Suburban/Urban Extension is identified as car-orientated residential areas constructed at the edge of town and greenfield lands at the edge of the existing built-up footprint area, where density ranges shall generally be applied at 30-50 dph (net).

9.3.8. In my view, the subject site is situated within either the centre or urban neighbourhood, being situated just outside of the designated town centre area. Therefore, a density range of 40-100 dph (net) applies under the guidelines.

9.3.9. Documents submitted for the planning application contain inconsistencies with respect to the site area, with either an area of 2ha / 2.08ha or 2.8ha stated. Following a request for clarification on this matter as part of Further Information (as summarised in section 7 above), the applicant has confirmed that the gross site area is 2.8 hectares, while the net site area is 1.99 hectares, being the developable portion of the site zoned for residential use. A site plan is provided to illustrate this.

The applicant goes on to confirm that the proposed density is 34 dwellings per hectare using net site area. I have undertaken my own measurement of the site and concur with the applicant's clarified figures.

9.3.10. Density ranges set out in The Sustainable Residential Development and Compact Settlement Guidelines 2024 are on the basis of the net site area. Table 1 in Appendix B of the guidelines details the spaces included, and those excluded, in the calculation of net site area. Local streets, open space and local parks are to be included in the net site area. Excluded areas include major roads, larger, regional or district parks, and areas that cannot be developed due to environmental sensitivities, topographical constraints and/or are subject to flooding. The built-footprint of the proposed development is contained within the area zoned for residential under the Development Plan, and I have measured this as being c.2ha in size. The remaining red line boundary extends over an area zoned open space, also overlapping areas included on flood risk mapping. This part of the site contains a drain proposed to be realigned and connected to the pond, with proposed compensatory flood storage to the south of this. Past flood events are also recorded associated with the pond adjacent to the site on the floodinfo.ie website. Figure 3-1 of the submitted Flood Risk Assessment illustrates the location of past flood events in the vicinity of the site. Figures 3-2, 3-4 and 3-5 illustrated flood risk for the site. To the south of the site and associated with the pond, there is risk of fluvial flooding (I address flood risk in more detail in section 9.2 above). This part of the site cannot be developed due to environmental constraints, namely flood risk, and the proposal also includes compensatory flood storage in this area. I am satisfied that the correct net site area for the purposes of calculating density is 1.99ha.

9.3.11. The density of the proposed development is 34 dph, which is below the general range of 40-100 dph set out in the guidelines. Policy and Objective 3.1 of the guidelines state that the recommended residential density ranges should be applied in the consideration of individual planning applications, and that these density ranges are refined further at the local level using criteria set out in section 3.4 where appropriate.

9.3.12. Section 3.4 'Refining Density' sets out further considerations in the refinement of what is to be considered an appropriate density based upon site characteristics. Section 3.4.1 sets out 'Step 1' considerations relating to proximity and accessibility to

services and public transport. The subject site is c.1km from Portlaoise train station (c.15-20 min walk), with a service frequency of approximately every 45 minutes to Dublin. There are bus stops adjacent to the site on Stradbally Road which have a 30 minute frequency at peak times. Therefore, the site is considered to be in a 'Peripheral' location under the guidelines, where densities below the mid-range are encouraged, and a starting point of c.40 dph can be considered.

- 9.3.13. Section 3.4.2 of the guidelines, goes on to set out 'Step 2' considerations, stating that new development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character (including historic character), amenity or the natural environment. Criterion (b) on page 31 of the guidelines state:

'Historic environments (built and landscape heritage) can be particularly sensitive to change. It is a recommendation of these Guidelines that a Built Heritage Character Assessment inform the preparation of statutory development plans that relate to historic environments. The assessment should describe for example, the historical evolution, urban form, street pattern, building typologies and building plots that define the historic environments. This will better inform the designation of Architectural Conservation Areas under Section 84 of the Planning and Development Act 2000 (as amended) and the integration of new buildings and street patterns with historic environments. The provisions contained within Part (IV) of the Planning and Development Act regarding architectural heritage and the requirement to protect the character and setting of a protected structure must also be considered. The Architectural Heritage Protection, Guidelines for Planning Authorities (DEHLG) provides useful guidance in relation to the protection of architectural heritage in urban areas. Shaping the Future Case Studies in the Reuse in Historic Urban Environments (DAHG) 2012 provides useful guidance where building refurbishment is proposed.'

- 9.3.14. The site is located in the attendant grounds of Portrane House, Registered Protected Structure no. 925. A Masterplan for the Land at Stradbally Road (i.e. the subject site) was prepared for the Local Authority by a Heritage Consultant and is appended to the Portlaoise Local Area Plan. The Masterplan describes an overview of the site, its heritage and ecological sensitivities and relevant constraints that will inform development proposals. Appendix 2 of the Masterplan is a Cultural Heritage

Baseline Report for the site which describes a comprehensive history of the site and Portrane House. It identifies that the proposed housing development site is situated within the front field, which is part of the attendant grounds for the protected structure. The Architectural Heritage Protection Guidelines for Planning Authorities outlines matters to be considered when assessing development proposals within the attendant grounds of a protected structure, including the effect of scale, height and massing, and affects upon the character of the protected structure. The consideration of scale, height and mass will impact the achievable densities on a site. The Masterplan describes potential densities of c.40 dph on the 2ha residentially zoned developable area of the site, with recognition that 'fine tuning' would be required in determining the exact mix of units for the site to meet the needs and aspirations of the local community (pg.48). Page 41 of the submitted Architectural Design Statement identifies that a higher density scheme was put forward for public consultation, but faced objection, and therefore the proposed development incorporates the highest level of density achievable, at 34 dph, whilst providing housing types that are supported locally.

9.3.15. I am satisfied that with consideration of the sensitive heritage setting of the site, and the location of the site within the attendant grounds of a protected structure, that the proposed density of 34 dph is acceptable. With reference to the assessment set out above, and the relevant Masterplan for the site including appended Cultural Heritage Baseline Report (forming part of the Portlaoise LAP), the proposed density complies with the Sustainable Residential Development and Compact Settlements Guidelines 2024, with reference to Step 2 and criterion (b) on page 31 of the guidelines and consideration of historic environments. Specific assessment of affects upon heritage is considered in more detail below.

9.3.16. In relation to local planning policy, DN 1 under the Laois County Development Plan 2021-2027 states that appropriate densities for sites will be determined with reference to the following: the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual (2009); Sustainable Urban Housing: Design Standards for New Apartments 2020; The Urban Development and Building Heights Guidelines 2018; Recommended maximum densities per settlement tier as shown in Table 2.16

Core Strategy Table and Table 13.4 Residential Density of this Plan; and The prevailing scale and pattern of development in the area.

- 9.3.17. Portlaoise Policy Objective CS 15 under the Development Plan also seeks the application of increased residential densities where appropriate having regard to the Sustainable Residential Development in Urban Areas (2009) and in compliance with RSES 2019.
- 9.3.18. The Sustainable Residential Development in Urban Areas Guidelines are superseded and replaced by the Sustainable Residential Development and Compact Settlements Guidelines which I have assessed the proposal against above. However, as policy DN 1 and CS 15 requires regard to the previous guidelines, an assessment of compatibility with the 2009 guidelines is still required, and I set this out below.
- 9.3.19. The subject site is located in a larger town within a public transport corridor as it is within 500m of a bus stop, where generally minimum densities of 50 dph apply. However, the 2009 guidelines also require consideration of the frequency of services (services are infrequent, see above), and the guidelines state that minimum densities should be specified in local area plans. The 2009 guidelines also state that with respect to infill residential development, which would include the subject site, the local area plan should set out the planning authority's views with regard to the range of densities acceptable within the area.
- 9.3.20. DN 1 under the County Development Plan also refers to Table 13.4 Residential Density of the Plan, which states a density of 35 dph (or site specific) for town centre / infill sites within Key Towns such as Portlaoise (Table 2.16 of the Plan outlines the settlement tiers). The proposed density at 34 dph is just below this.
- 9.3.21. With respect to the other considerations under DN 1, the site would be considered an Intermediate Urban Location under the Sustainable Urban Housing: Design Standards for New Apartments 2020 where minimum densities of 45 dph apply (albeit I note this version is now superceded). The Urban Development and Building Heights Guidelines 2018 would not generally be applicable as the proposed development does not exceed the prevailing height for the area. Lastly, as outlined in the design section of this report below, the proposed development is reflective of the prevailing scale and pattern of development in the area.

9.3.22. In relation to the Portlaoise Local Area Plan 2024-2030, this includes policy H P5 which requires meeting the standards of the Sustainable Residential Development and Compact Settlements Guidelines 2024, the Apartment Guidelines 2023 (which refer back to the aforementioned 2024 guidelines with respect to density), the Building Height Guidelines (which would not apply to the current application as set out above), DMURS (which refer to locational characteristics) and the County Development Plan. Therefore, the Local Area Plan applies the 2024 guidelines with respect to determining acceptable densities. This conflicts with DN 1 under the County Development Plan, which refers to older guidelines as set out above. I have also noted above where different minimum densities are described under the various considerations referred to in DN 1, including a minimum density of 35 dph in Table 13.4 of the County Development Plan. These are coexisting conflicting provisions with respect to density under the Development Plan and Local Area Plan (LAP). In my view, the primary considerations relate to the most specific tier of policy applicable to the site, which under the Local Area Plan refers to the 2024 guidelines, and I have set out my assessment of this above and why I consider the proposed density to be acceptable with respect to the 2024 guidelines.

9.3.23. I also note that objective HO 4 under the Portlaoise LAP promotes higher densities at appropriate locations, particularly close to the town centre and public transport facilities. While the site is close to the town centre, the public transport facilities are infrequent, as set out above. Locational considerations are also set out above with respect to the context of the site and environmental constraints which also inform appropriate densities. Regard is also required of the more specific provisions for the site over the more general. The site itself is identified as Masterplan Site 1: Tyrrells Lands, Stradbally Road. The masterplan for the site is appended to the LAP and I have addressed the potential density of 40 dph in the masterplan above. The proposed density is slightly below this at 34 dph, albeit the masterplan specifically refers to the need to fine tune housing mix for the site in light of community aspiration. I am satisfied that the proposed density is acceptable in light of the characteristics of the site and with reference to the currently applicable Sustainable Residential Development and Compact Settlements Guidelines 2024.

9.3.24. I also note that the lack of third party submissions on the issue of density, and in general, which suggests that this matter is not a material issue for the public. The

proposed density at 34 dph is also only just below the 35 dph described in Table 13.4 of the County Development Plan (as referred to in DN 1), equating to 2 units and is therefore not significant. Taking a density target of 40 dph, the shortfall in the proposal would equate to 13 units, which would not have a significant bearing upon the achievement of housing targets for the town (table 2.16 of the County Development Plan, housing allocation of 982). As such, I am satisfied that in the consideration of density, there is coexisting conflicting provisions within applicable plans, and while deviation might arise, this is not to a material extent. My conclusion remains that in consideration of the most specific tier of policy for the site as secured under the LAP, and with reference to the masterplan for the site and the 2024 guidelines including heritage considerations, the proposed density at 34 dph is acceptable.

9.3.25. Design and Built Heritage

9.3.26. I note Policy Objectives under the Development Plan in relation to built heritage.

Policy Objective PS 3 states that any development, modification, alteration or extension effecting a Protected Structure must be prepared by suitably qualified persons and accompanied by appropriate documentation. Policy Objective CH 2, requires that any proposals for new development in an historic garden or demesne include an appraisal of the landscape, designed views and vistas, and an assessment of significant trees or groups of trees, as appropriate. In addition, Development Management Standard DM PS 1 concerns development within the curtilage and/or attendant grounds of a protected structure.

9.3.27. The proposed development is formed of 2 storey housing and 3 storey duplex apartments. The site is situated in Portlaoise, an urban area characterised by mixed uses, with existing residential estates in the surrounding area. A 4 storey apartment block is located opposite the site to the north of Stradbally Road (N80). There are single storey dwellings situated to the east and 2 storey dwellings further to the west. Portrane House itself is also 2 storey in height. In light of this context, the proposed 2 and 3 storey height of the development responds positively to the established height for residential development in the area. I note that the Masterplan envisaged a height range up to 4 and 5 storeys on the site for apartment blocks. This was less sensitive to the setting of Portrane House and the submitted Architectural Design Statement states that it did not reflect local aspirations, and as such height is decreased in the

current application. The Masterplan recognised on page 48 that the mix of housing to be provided would require 'fine tuning' to respond to community needs and aspirations, which has led to the current proposals for the site. I am satisfied that the proposed height and scale is appropriate for the context and sensitive to the adjacent projected structure. I also note that the reduce height and scale interrelates with the proposed density of the development, which as outlined above, is also considered acceptable in light of the sensitive setting of the site.

9.3.28. In relation to the layout of the proposed development, this also requires careful consideration in light of the sensitive setting. The subject site is situated in the attendant grounds of the adjacent Portrane House a Registered Protected Structure no.925. A Cultural Heritage Baseline Report is appended to the Masterplan for the site, which forms part of the LAP for Portlaoise. This defines the significance of Portrane House and outlines the sensitivities of the masterplan area (including the subject site) with regard to heritage issues.

9.3.29. The report identifies that the significance of Portrane House is found in the following aspects:

- Its historic roots as a mid-eighteenth century house, built outside Maryborough, then a small town that was emerging from its role as a fortified planter town.
- Its long association with the Eyre Coote family which, in the latter part of the eighteenth and early nineteenth century, produced military men who made significant contributions to British imperial history.
- Its picturesque setting derived from the wooded esker ridge which was such a prominent feature of its relatively small demesne.
- Its continuing character as a country estate as Portlaoise has expanded to the east and south of the site. This derived from the demesne and the twentieth-century acquisitions of Egan's and Kelly's Field.

9.3.30. The report identifies what the curtilage to Portrane House comprises, being the immediate area around the house, while the attendant grounds are the areas beyond this which were once in the demesne, including the front field / former park, the esker ridge and its slopes. The subject site is within the former front field / park area and

therefore identified in the report as being within the attendant grounds to the protected structure. Related to this, I note that the applicant counters this approach in their response to the request for further information, stating that the site is ‘formally’ part of the attendant grounds, and no longer has a relationship with the Protected Structure. The applicant also states that as the subject site does not form part of the curtilage of the Protected Structure, an Architectural Heritage Impact Report is not required.

9.3.31. The Architectural Heritage Protection Guidelines for Planning Authorities describes how to determine what comprises the attendant grounds of a protected structure on page 191 section 13.2, stating:

‘The attendant grounds of a structure are lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation. In many cases, the attendant grounds will incorporate a designed landscape deliberately laid out to complement the design of the building or to assist in its function.’

9.3.32. With reference to this section of the Architectural Heritage Protection Guidelines, it is my view that the subject site is outside of the curtilage of the protected structure and within its attendant grounds. This is reflective of the Judith Hill Report for the site, and while I note that the applicant’s response to Further Information describes the site as ‘formally’ part of the attendant grounds, this is not supported in a specific Architectural Heritage Impact Report. The applicant’s Further Information states that the site no longer has a relationship with Portrane House, however as set out above, the guidelines state that the attendant grounds can be intrinsic to its function, setting or appreciation, and therefore while there may no longer be a functional relationship, the site is still intrinsic to the setting and appreciation of the Protected Structure, thereby reflecting the guideline’s description.

9.3.33. In the applicant response to the Further Information request, dialogue with Caroline Whatley (Grade 1 Conservation Architect) is reported, but conveys a discussion, rather than fulfilling the requirement for a specific assessment prepared by a suitably qualified heritage expert. The dialogue also does little to support the applicant position on this matter or the proposed design of the development. The only heritage report for the site (albeit pre-dating the proposal) is the Judith Hill Report, which does

not support the proposed development design, but does assist in identifying important features of the site, including which areas form part of the attendant grounds to Portrane House.

9.3.34. The guidelines outline issues to be considered for new development within attendant grounds (pg.201), generally with respect to preserving the setting of the protected structure. On the basis of this, the Judith Hill Report makes recommendations with respect to the development of the subject site, including that there be a buffer to the boundary of Portrane House with retention of beech trees adjacent to Stradbally Road and an evergreen tree in the front field, views of Portrane House in the setting of the ridge, a low rise housing scheme retaining views of trees lining the River Derry from Portrane House and retention of existing features of the Esker Ridge.

9.3.35. I note a third party objection to the application on the basis that the buffer to Portrane House is insufficient. The respondent also notes that the planning policy requirement and Further Information request for an Architectural Heritage Impact Report (item 4a) has not been complied with. The only heritage report for the site is the Judith Hill Report which was produced prior to the conception of the proposed development. The Judith Hill Report recommends on page 11:

‘A generous buffer between the boundary of Portrane House and the proposed housing... The buffer zone would be reinforced if the housing development was designed in such a way that there was a concentration of gardens or public open space adjacent to the buffer...’

9.3.36. Map 14 of the Judith Hill Report illustrates a ‘suggested’ buffer location. In my opinion, the proposed layout for the development does not respect the recommendations of the Judith Hill Report. The proposed development presents a row of solid rear elevations for the proposed development to Portrane House, and while rear gardens are situated on the boundary, these do not provide a generous buffer as envisaged in the Judith Hill Report. Visually, the terrace of houses would be jarring with the current landscape setting of the Protected Structure which the subject site as part of the attendant grounds contributes to.

9.3.37. The applicant has not provided an Architectural Heritage Impact Report in support of the proposed development, and while I note that the applicant asserts that this is not required as the development is outside the curtilage of the Protected Structure,

Policy Objective PS 3 relates to “any development” affecting a Protected Structure. It is clear that the development of the site as part of the attendant grounds to the Portrane House has potential to impact the Protected Structure and this is supported by the Judith Hill Report which outlines how development can be sensitively arranged on the site; it being within the attendant grounds to Portrane House. Therefore, as required by Policy Objective PS 3, the application should be accompanied by appropriate documentation prepared by suitably qualified persons, and in this regard the applicant has not complied with item 4(a) of the Further Information Request and PS 3.

9.3.38. The Judith Hill Report identifies how a housing development can be delivered on the subject site in a historically sensitive manner, and the proposal does not fully reflect this, with inadequate justification for the alternative approach proposed. The proposed development fails to comply with PS 3, which is noted by a third party respondent, and I am recommending that the application be refused (in part) for this reason. The proposed layout also lacks a suitable buffer to the Protected Structure and therefore fails to respect the special character of the Protected Structure contrary to the Development Management Standard DM PS 1.

9.3.39. In relation to significant views across the site, I note the recommendations in the Judith Hill Report in this regard, the third party observation, and the applicant’s response to the request for Further Information. The photos provided by the applicant are not suitably comparable to the photo views included in the Judith Hill Report. I agree with the third party submission that the applicant has taken their photos from different locations and further away from the Protected Structure, reducing the appearance of the structure in these views. From my own visit to the site, it was apparent that there are wide ranging views of the Protected Structure from the subject site, and that the layout of any proposed housing development on the site should respond to this, as highlighted in the Judith Hill Report. The proposed development does not sensitively respond to the views identified in the Judith Hill Report, and the application has not provided suitably qualified justification for an alternative approach. The proposed development therefore fails to protect outward and inward views from the protected structure and is contrary to DM PS 1.

9.3.40. In relation to Policy Objective CH 2 which requires proposals for new development in a historic garden or demesne to include an appraisal of the landscape, designed

views and vistas, and an assessment of significant trees or groups of trees; a specific report is not provided for the application, however the Judith Hill Report provides assistance in this regard. As referenced above, there is a row of Category A beech trees fronting the site onto Stradbally Road which are identified for retention as part of a landscape buffer to the front of the site. The proposed layout of the development presents rear gardens to the boundary with Portrane House, with a Category A evergreen larch tree identified as T4 retained within the boundary of Portrane House and adjacent to the rear garden for proposed house no.22. Other trees are also largely retained along this boundary. I note that T10, a Category A tree is shown for removal to the south of the site within a car parking area. In response to the Further Information request regarding this matter (item 6), the applicant states that the removal of T10 is required due to the layout of the site, however in my view, a reorganisation of the hardscaping car parking area could achieve design requirements while also retaining T10, and the loss of this category A tree is unfortunate and unnecessary in my view. The Judith Hill Report highlights an evergreen tree in the front field which is reminiscent of the historic parkland use of the site as part of Portrane House, and which should be retained. This tree appears to be omitted from submitted tree surveys and would be removed as part of the proposed layout. I also address the loss of these trees with reference to policies CH2 and BNH 26 above as part of my assessment of biodiversity in section 9.2.

9.3.41. In conclusion on design and built heritage, while the proposed scale of the development is acceptable and justified in the sensitive setting to a Protected Structure, the layout of the proposed development fails to positively respond to Portrane House as is required for development in the attendant grounds to a Protected Structure. The applicant has failed to suitably respond to a request for Further Information in this regard, and a third party has also highlighted these failings. As outlined above, the application has failed to comply with Policy Objective PS 3 and Development Management Standard DM PS 1 of the Laois County Development Plan 2021-2027. In addition, and as outlined in my assessment above in both this section and section 9.2 of my report, the proposed layout results in the loss of good quality mature trees on the site, which might be avoided through a redesign of hardscaped areas, and a single evergreen tree identified as having heritage value, which is omitted in the arboricultural survey and should be retained

as part of any redevelopment of the site with reference to the Judith Hill Report. As such, I also consider the proposal contrary to policies CH2 and BNH 26.

9.3.42. Impact upon Amenities

9.3.43. I note a third party objection highlighting the use of the adjacent Portrane House as a residential dwelling and that potential impacts upon residential amenity should be taken into consideration.

9.3.44. The proposed development presents the rear façade of dwellings towards the boundary with Portrane House. These gardens are generally around 10m in length, with a separation to Portrane House of about 29m at its closest point. As a result, there is no undue overlooking between habitable windows and the proposal complies with Development Management Standard DM HS 6 with respect to a minimum 22m distance between first floor windows.

9.3.45. In relation to the scale of the proposed development and related amenity impact, the proposed scheme is not overbearing in this regard, however I have undertaken an assessment of the heritage sensitivities of the site above which is also of relevance. While the proposed scale is acceptable in consideration of adjacent residential amenities, an insufficient buffer is presented to the boundary with Portrane House in consideration of built heritage matters as outlined above.

9.3.46. The residential use is in accordance with the zoning of the site and reflects adjacent land use, and no adverse amenity concerns arise in this regard.

9.3.47. Overall, I am satisfied that no adverse impact arises with respect to residential amenity.

9.3.48. Quality of Residential Accommodation

9.3.49. Development Management Standard DM HS 9 states that with respect to the internal space standards for housing developments, regard should be had to the Quality Housing for Sustainable Communities Guidelines 2007. DM HS 2 states that applications for apartments will be assessed against the Sustainable Urban Housing: A Design Guide for New Apartments 2018. DM HS 6 sets out the garden space areas required for housing as 60sqm for 1 and 2 bed houses, and 75sqm for 3, 4 and 5 bed houses.

9.3.50. The applicant was requested by Further Information to confirm how the proposed scheme complies with adopted planning policy. The applicant stated in their response that the application conforms with policy, however an explicit statement outlining how the proposal conforms to planning policy has not been provided. I undertaken my own assessment of the proposed accommodation against relevant adopted policy below, with reference to the submitted accommodation schedule and plans.

9.3.51. The proposed garden areas comply with the requirement set out above, as does the proposed houses in terms of floor areas set out in the Quality Housing for Sustainable Communities Guidelines 2007. A minimum separation of 22m between rear opposing first floor windows is also demonstrated. In relation to the apartments, SPPR 2 of the 2025 Apartment Guidelines requires minimum floor areas as follows:

- Studio apartment (1 person) 32sq.m
- 1-bedroom apartment (2 persons) 45 sq.m
- 2 bedroom apartment (3 persons) 63 sq.m
- 2-bedroom apartment (4 persons) 73 sq.m
- 3-bedroom apartment (4 persons) 76 sq. m
- 3-bedroom apartment (5 persons) 90 sq.m

9.3.52. The above areas are broadly reflective of the 2018 version of the Apartment Guidelines. The proposed development complies with these standards with the exception of units labelled T2-B-FF Triplex 2 Bed Apartment (2 Bed 4 Person 66sqm) and T2-B-FF Triplex 2 Bed Apartment (2 Bed 4 Person 66sqm). These units are 66sqm and therefore less than the minimum 73sqm required for a 2 bed 4 person apartment. However, these units would meet the minimum requirement for a 2 bed 3 person unit. As such, in the event that planning permission was granted by the Commission, a condition could clarify that these units are considered to be 3 person units, rather than 4 person as set out in the accommodation schedule for the application.

9.3.53. In relation to private amenity areas for apartments, the Apartment Guidelines set out minimum recommendations in Appendix 1, being 5sqm for 1 beds, 6sqm for 2 bed 3

person units, 7sqm for 2 and 3 bed 4 person units, and 9sqm for 3 bed 5 person units.

9.3.54. Of the proposed apartments, there are 4 that do not comply with these minimum areas, namely: T1-B-FF Triplex 2 Bed Apartment and T1-C-SF Triplex 2 Bed Apartments 2 Bed 4 Person (5sqm instead of 7sqm); and T2-B-FF Triplex 2 Bed and T2-B-FF Triplex 2 Bed Apartments 2 Bed 4 Person (6sqm instead of 7sqm). Similar to above, the last two units mentioned could be conditioned to 3 person units and would then meet the minimum standard. In relation to the first two units mentioned, the degree of non-compliance is not so significant to warrant a refusal of the scheme, particularly in recognition of the standards being a recommendation in the appendix of the guidelines, rather than forming a specific SPPR. However, in my view the application lacks clarity with respect to conformity of planning policy, including general statements in this regard rather than a clear appraisal of the specific characteristics of the proposal in comparison to policy requirements. Therefore, I am recommending the inclusion of a note to the applicant to address this matter in any future submission, which the Commission can rely upon should they agree with my reasoning on this matter.

9.3.55. In relation to open space, the proposal includes 4741sqm of public open space in excess of the minimum 10% of site area required. In addition, a play area is proposed as part of public open space within the south of the site. A communal courtyard is also provided centrally between the proposed apartment blocks. The application therefore conforms with Development Management Standard DM HS 4 in relation to open space.

9.3.56. Transport Impacts

9.3.57. Car parking:

9.3.58. Car parking space requirements are described in table 10.3 of the County Development Plan. For houses, 2 spaces are required per dwelling, with 1.26-2 spaces required per an apartment unit. Policy Objective TRANS 28 states that parking should be in accordance with the standards set out in table 10.3, and that a relaxation of car parking requirements may be considered where a development is in town centre locations, in close proximity to public transport or for certain types of housing development such as assisted living units.

9.3.59. A total of 108 car parking spaces are proposed throughout the site, including 7 accessible parking spaces. Of these, 27 spaces are provided for the apartments, equating to 1 space per unit, with 6 spaces for visitors. The provision of car parking associated with the proposed dwelling houses equates to approximately 1.8 per unit. From a review of the submitted drawings, there is at least 15 dwellings with 1 space allocated, while other houses have 2 spaces accommodated within a driveway or proximate to the house. Each of the proposed dwelling houses will include provision for EV charging.

9.3.60. The proposed car parking therefore falls short of the minimum quantum set out in table 10.3 of the Development Plan. However, as outlined in TRANS 28 a relaxation in these quanta can be considered for sites in town centre locations or in close proximity to public transport. The submitted Traffic and Transport Assessment for the application states on page 14 that the site is located within a convenient 5 minute walk (400m) of the site and that Portlaoise rail station is around a 12 minute walk (960m) from the site, with convenient access via foot and bicycle to the town centre, as such the applicant considers the proposal to be in accordance with the Development Plan. As outlined above in relation to density, I am satisfied that the site is situated on the edge of the designated town centre area, and I agree with the applicant that the site is proximate to public transport with easy access the town centre, for example, Laois Shopping Centre is situated less than a 15 minute walk from the site. Overall, I am satisfied that the quantum of car parking proposed is acceptable and in accordance with TRANS 28.

9.3.61. Cycle space:

9.3.62. Policy Objective TRANS 31 states that cycle parking will normally be required in development schemes, DM TRANS 10 sets out the cycle parking requirements, including that apartment developments should include 2 private secure spaces per 100sqm and 1 visitor space per two housing units. SPPR 4 of the Sustainable Residential Development and Compact Settlement Guidelines, states a general minimum standard of 1 cycle storage space per bedroom, with deviation from the standards at the discretion of the planning authority.

9.3.63. For the proposed apartment blocks, a total of 4 bicycle parking shelters are proposed, with provision for 12 spaces within each shelter, and located along the

southern boundary of the site adjacent to the apartments. This equates to one space per bedroom in line with the above standards. In addition, 28 visitor bicycle spaces and 4 electric bicycle spaces are proposed. For the proposed dwelling houses, bicycle storage is described as being provide for within the curtilage of each house, however details of this provision is unclear. In the event that the Commissioners determined to grant consent, I would recommend a condition to require detail of cycle storage provision to the proposed dwelling houses.

9.3.64. DMURS:

9.3.65. The application includes drawing ref. C-005 Rev.PL4 'DUMRS Compliance Layout' to demonstrate compliance with DMURS in terms of sightlines throughout the site and at the entrance from Stradbally Road. I am satisfied that the proposed layout is acceptable with reference to DMURS.

9.3.66. Access and Roads:

9.3.67. Policy Objective TRANS 26 requires new development with the potential to create significant additional demands on the traffic network to submit a Traffic and Transport Assessment. Policy Objective TRANS 27 requires a Road Safety Audit for developments requiring a new access to a national road or significant changes to an existing access. The application submission includes a Traffic and Transport Assessment, and Road Safety Audit.

9.3.68. The site is proposed to be accessed through a single vehicular entrance from Stradbally Road. A pedestrian and cycle route is also included along the eastern boundary for the site.

9.3.69. In response to Further Information and consultation response from TII, the applicant has submitted a Design Report (Appendix 6) to address TII Publication DN-GEO-03030 and the proposed new priority junction onto the N80 Stradbally Road. TII did not provide any further submissions following circulation of the applicant's response to the Further Information request, and I am satisfied that this matter has been resolved.

9.4. **The likely significant effects on a European site**

9.4.1. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

9.4.2. **Compliance with Articles 6(3) of the EU Habitats Directive**

9.4.3. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

9.4.4. **The Natura Impact Statement**

9.4.5. The application was accompanied by an NIS which describes the proposed development, the project site and the surrounding area. A Stage 1 Screening for Appropriate Assessment was also submitted with the application. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within several European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European sites and their conservation objectives.

9.4.6. The NIS was informed by the following studies, surveys and guidance:

- A desk top study.
- A survey of the proposal site.

9.4.7. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not undermine the conservation objectives or have an adverse effect upon the integrity of any European sites (the Natura 2000 network) during the construction or operational phases of the project, either alone or in-combination with other plans/projects.

9.4.8. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

9.5. Appropriate Assessment

9.5.1. Stage 1 – Screening for Appropriate Assessment

9.5.2. I have had regard to submissions in relation to the potential impacts on European sites, as part of the Natura 2000 Network of sites. Appendix 3 attached to this report sets out a detailed screening for AA and should be read in conjunction with this section of my report.

9.5.3. AA Screening Conclusion

9.5.4. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development, alone or in combination with other plans and projects will give rise to significant effects on River Barrow and River Nore SAC European Site in view of the site's conservation objectives. Appropriate Assessment is required.

9.5.5. This determination is based on:

- (i) Potential for impact upon water quality through the input or resuspension of fine sediment and input of hydrocarbons. During construction phase, fine sediment or silts could be released from ground disturbance by the excavator; hydrocarbons (fuels / oils etc.) could also be released from leaks from construction vehicles, plant or equipment. Silt or fine sediment can directly negatively affect QI aquatic fauna, particularly fish, and hydrocarbons can have direct toxic effects on the flora and fauna of contaminated waters and soils. This could in turn reduce prey species for other QIs.

9.5.6. The potential impacts are expanded upon in further detail as part of a Stage 2 Appropriate Assessment below.

9.5.7. In relation to the remaining European sites considered, taking into consideration the characteristics of the proposed development, the distance between the proposed development site to these designated European sites, as well as the lack of any pathway or link to these European sites, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the construction and operation of the proposed development, individually or in combination with other plans or projects, would not be likely to have an adverse effect on the conservation objectives or features of interest of Ballyprior Grassland SAC, Slieve Blooms Mountains SAC and Slieve Blooms Mountains SPA. Therefore, I agree with the applicant's submitted screening report that a Stage 2 Appropriate Assessment is not required with respect to these aforementioned European sites.

9.5.8. Stage 2 – Appropriate Assessment

9.5.9. The submitted NIS identifies the potential for negative effects upon River Barrow and River Nore SAC as a result of the proposed development and I concur that an Appropriate Assessment (AA) of the proposed development is required with respect to this aforementioned European site.

9.5.10. Appendix 4 of this report sets out the detailed consideration of potential effects upon the European site as part of an Appropriate Assessment for this proposed development. The site-specific conservation objectives and species of conservation interest for River Barrow and River Nore SAC is set out in Appendix 3 and 4. The AA determination is set out below. An Ecological technical review of the application is also set out in Appendix 6 of this report.

9.5.11. AA determination – Conclusion

9.5.12. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

9.5.13. 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 in view of the conservation objectives of that site and that Appropriate Assessment was required.

9.5.14. Following an examination, analysis and evaluation of the NIS all associated material submitted including NIS, and taking into account observations, I consider that adverse effects on site integrity of River Barrow and River Nore SAC cannot be excluded in view of the conservation objectives of that site and reasonable scientific doubt remains as to the absence of such effects. Similarly, and with reference to the Water Framework Directive, insufficient information is provided with respect to hydromorphology effects. The culverting of the existing stream on the site could create physical and ecological changes to water flow, sediment movement, and drainage, disrupting water quality.

9.5.15. My conclusion is informed by the following: Based upon the information submitted with the application and the FI response, there is insufficient information on how the proposed diversion and culverting of the Maryborough Stream will be constructed and what the potential construction and operation impacts are to inform the efficacy of the mitigation measures proposed. A comprehensive watercourse diversion plan, informed by best practice guidelines, consultation with relevant agencies, ecological and hydromorphological assessments, detailed engineering drawings, programme of works and actionable method statements, has not been provided as requested. On the basis of the information provided, I am not satisfied that precise, definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the project on water quality and related conservation objectives for the site integrity of the River Barrow and River Nore SAC, have been provided.

9.5.16. Water Framework Directive

9.5.17. A Water Framework Directive Impact Assessment is carried out in the tables at Appendix 2 of this report. The culverting of the existing stream on the site could create physical and ecological changes to water flow, sediment movement, and drainage, disrupting water quality. Hydrological connections from this stream are not conclusively described in the submitted application (page 9 of the NIS refers). The Triogue River is situated adjacent to the site, into which it is noted that many local watercourses flow (page 9 NIS). The Triogue_020 (IE_SE_14T010200) water body has a 'Poor' status and is 'At Risk'. There is also a pond adjacent to the site. It is proposed to divert the stream to the south to accommodate the footprint of the development.

9.5.18. As outlined above, a comprehensive watercourse diversion plan and hydromorphological assessments have not been provided as requested. As a result, I am not satisfied that the proposed development would not give rise to a risk of deterioration in the ecological and/or chemical status to water courses or bodies in the area. The proposed development would therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024. Therefore, I am also recommending that the application be refused with reference to the Water Framework Directive.

10.0 Conclusion

- 10.1.1. The delivery of housing, particularly local authority housing on this site zoned for residential development, is supported in principle by planning policy and weighs significantly in the balance of considerations on this application. However, the form that this development takes should be cognisant of the broad range of matters to inform an assessment of the likely consequences for the proper planning and sustainable development of the area. In short, housing need and the benefits of housing provision on this site, should not eclipse other critical factors for evaluation.
- 10.1.2. An assessment under Section 177AE of the Planning and Development Act is also not isolated to a consideration of potential effects upon designated European sites. In this regard, the context of the site adjacent to, and within the attendant grounds of, a Protected Structure, requires consideration of heritage effects as set out in this report above (section 9.3). Furthermore, under Section 177AE, assessment of likely environmental effects is required, which includes biodiversity and flood risk, which is also detailed in the assessment above (section 9.2). The findings of these assessments are summarised below and inform the recommendation of this report.
- 10.1.3. In relation to designated European sites, an AA of the proposed development has concluded that insufficient information has been provided to inform Stage 2 Appropriate Assessment of the potential effects of the project on the integrity of the River Barrow and River Nore SAC. As raised in submissions by prescribed bodies and the Commission's own Ecological technical review of the application, there is

insufficient information on how the proposed diversion and culverting of the Maryborough Stream will be constructed, and consequently the efficacy of proposed mitigation measures. Subsequently, precise, definitive findings and conclusions have not been provided, capable of removing all reasonable scientific doubt as to the effects of the project on water quality, and related conservation objectives for the site integrity of the River Barrow and River Nore SAC. In addition, with reference to the Water Framework Directive, insufficient information is provided with respect to hydromorphology effects, and it is not possible to conclude that proposed mitigation with respect to water quality would prevent a deterioration of the status of watercourses / bodies.

10.1.4. In relation to heritage, the Council's own policies set out specific requirements for development in the attendant grounds of a Protected Structure, including under Development Management Standard DM PS 1. In addition, policy objective PS 3 requires that any development effecting a Protected Structure must be prepared by suitably qualified persons and accompanied by appropriate documentation. While a Preliminary Heritage Assessment Report (Judith Hill) was prepared in 2021, this pre-dates the current proposal and the proposed design does not reflect the recommended layout in that report. By way of a request for Further Information, the Commission requested that the applicant provided an Architectural Heritage Impact Report prepared by a suitably qualified heritage professional to inform the proposal. The applicant has not sufficiently complied with this request and the recounted consultation with Caroline Whatley (Grade 1 Conservation Architect) does not fulfil the requirement under either policy PS 3 or the Further Information (FI) request. The applicant's response to the FI request equates to commentary of a 'discussion' rather than the presentation of documentation prepared by a suitably qualified professional. These failings are also identified as part of an objection to the proposed development by a third party relating to heritage impact. The proposed layout is not supported by the Judith Hill Report and there is no documentation prepared by a qualified heritage professional to support the specific layout proposed in the application. In these circumstances, I am not satisfied that the policy requirements under the Council's own Development Plan have been met, and therefore I am recommending that the application be refused on this basis.

- 10.1.5. Furthermore, and in relation to trees on the site, policy CH2 concerns the appraisal of significant trees within historic gardens and policy objective BNH 26 concerns the protection of trees in the interests of townscape and nature conservation. The proposed layout results in the loss of high quality trees on the site, namely T10, T12 and 1234, which might otherwise have been retained through a redesign of the layout and landscaping. A single evergreen tree is also omitted in the submitted arboricultural survey, which correlates with the tree specifically highlighted in the Judith Hill Report for retention. While these matters were raised as part of a Further Information request, the applicant response was insufficient. Therefore, the proposal is contrary to policies CH2 and BNH 26 and I am recommending refusal on this basis.
- 10.1.6. In relation to biodiversity, the potential for significant adverse impact because of the proposed development, including upon protected and rare species both within the site and associated with the adjacent Ridge of Portlaoise pNHA, cannot be ruled out. This is as a result of insufficient information regarding baseline environment, quantitative impact to habitat and species, and site-specific mitigation measures. Subsequently there is a lack of clarity around likely significant ecological effects of the proposed development and the efficacy of proposed mitigation. This is contrary to Policy Objectives BNH 1, BNH 2, GEO 5, BNH 7 and BNH 31 of the Laois County Development Plan 2021-2027.
- 10.1.7. In relation to flood risk, the subject site overlaps areas prone to flooding, and any future development requires careful consideration to ensure that future occupiers, and surrounding existing occupiers, will not be subjected to increased flood risk. Insufficient detail has been provided of the proposed stream diversion and there is a lack of commitment to meet prescribed body requirements with respect to SuDS features. Matters related to the same were raised in the Further Information request, however the applicant's response did not adequately address issues raised. In the absence of these details, it cannot be concluded that the proposed development will not subject future occupiers to flood risk, and/or increase the risk of flooding elsewhere, as such the proposal is contrary to policy objective FRM 13 and I am recommending refusal on this basis.

11.0 Recommendation

11.1. I recommend that the Commission **Refuse** permission for the Reasons set out below.

12.0 Reasons

1. a. The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the River Barrow and River Nore SAC (002162) is the only European site in respect of which the proposed development has potential to have significant effect.

The Commission considered the Natura Impact Statement and all other submissions and carried out an Appropriate Assessment (AA) of the implications of the proposal for the River Barrow and River Nore SAC (002162) in view of the site's conservation objectives.

In completing the AA, the Commission considered in particular:

- i. The likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects;
- ii. The mitigation measures which are included as part of the current proposal;
- iii. The conservation objectives for the European site;
- iv. The submissions made on the application; and
- v. The review of the application by the Commission's Ecologist.

In completing the AA, the Commission accepted and adopted the AA carried out in the Inspector's report in respect of the potential effects of the proposal on the integrity of the River Barrow and River Nore SAC (002162), having regard to the site's conservation objectives.

Thus, the Commission is not satisfied that the Local Authority has demonstrated that the proposal would not adversely affect the integrity of the

River Barrow and River Nore SAC (002162) in view of the Site's conservation objectives due to the following:

Based upon the information submitted with the application and the FI response, there is insufficient information on how the proposed diversion and culverting of the Maryborough Stream will be constructed and what the potential construction and operation impacts are to inform the efficacy of the mitigation measures proposed. A comprehensive watercourse diversion plan has not been provided as requested. On the basis of the information provided, precise, definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the project on water quality and related conservation objectives for the site integrity of the River Barrow and River Nore SAC, have not been provided.

b. There is insufficient information on hydromorphological effects as a result of the proposed culverting of the stream and the efficacy of proposed mitigation measures with respect to the protection of water quality. The Commission is not satisfied that the proposed development would not give rise to a risk of deterioration in the ecological and/or chemical status of watercourses / bodies in the area, the proposed development would therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024 and the proper planning and sustainable development of the area.

2. The proposed development is situated within the attendant grounds of Portrane House (Registered Protected Structure no.925) and the applicant has failed to comply with Policy Objective PS 3 of the Laois County Development Plan 2021-2027 concerning the submission of appropriate documentation prepared by suitably qualified persons; the proposed development would not be sensitively sited, with a layout that is not compatible with the heritage setting of the site. The proposed development is also contrary to Development Management Standard DM PS 1 of the Laois

County Development Plan 2021-2027, as it would materially and adversely affect the character and setting of the Protected Structure. Therefore, the proposed development would seriously injure the amenities of the area, contrary to the proper planning and sustainable development of the area.

3. The proposed layout results in the loss of good quality mature trees on the site (including T10, T12 and 1234) and a tree identified as having heritage value, which is omitted in the arboricultural survey. As a result, the proposal would adversely affect the setting of Portrane House (RPS no.925) and would be seriously injurious to amenities of the area and contrary to the proper planning and sustainable development of the area, with reference to policies CH2 and BNH 26 of the Laois County Development Plan 2021-2027.
4. The documentation submitted for the application and in response to the further information request relating to potential biodiversity impact, is inadequate, with insufficient information regarding the baseline environment, quantitative impacts to habitats and species, and site-specific mitigation measures. Therefore, the Commission cannot reach a determination on the likely significant ecological effects from the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
5. Having regard to the location of the site, overlapping areas prone to flooding, and on the basis of the submissions made in connection with the planning application, there is an absence of adequate information relating to analysis of flood risk, including detail of the proposed stream diversion works, as well as appropriate mitigating measures to address flood risk. Therefore, the Commission is not satisfied that the proposed development would not give rise to an increased risk of flooding of the site or to property in the vicinity. The proposed development would, therefore, be prejudicial to public health and safety, and contrary to the proper planning and sustainable development of

the area, with reference to policy FRM 13 of the Laois County Development Plan 2021-2027.

NOTE: The application submission fails to comprehensively present how the proposal conforms with adopted planning policy and applicable Section 28 Guidelines. Any future submission should clearly identify how criteria for the assessment of sustainable and quality housing is met, using tables, schedules and a comparison of quanta requirements with proposed details.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Rachel Gleave O'Connor
Senior Planning Inspector

20th August 2026

13.0 Appendix 1: EIA Screening

13.1. Form 1 - EIA Pre-Screening

Case Reference	323606
Proposed Development Summary	Proposed construction of 67 no. housing units
Development Address	On a site at Tyrells Land, situated along Stradbally Road, 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)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ 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?	
☐ No, the development is not of a Class Specified in Part 2,	

Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Schedule 5, Part 2 10. Infrastructure projects: (b) (i) Construction of more than 500 dwelling units.

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 ☒	Screening Determination required (Complete Form 3)
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

13.2. Form 3 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	323606	
Development Summary	Proposed construction of 67 no. housing units	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	N/A	Direct Application, Local Authority Housing Development.
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	
4. 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?	No	
5. 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	Yes	SEA undertaken in respect of the Laois County Development Plan 2021-2027 and the Portlaoise Local Area Plan 2024-2030. An AA Screening Report / NIS and Ecological Report have been submitted with reference to the Habitats Directive. A flood risk assessment has been carried out in response to the EU Floods Directive.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The proposed development comprises 2 storey housing and 3 storey apartment / duplex blocks. To the east, west and north of the site there are examples of similar existing housing typologies.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development will require minor alteration to site topography to level the site for development. The current site is undeveloped and formed of former garden / parkland to a historic estate, therefore the proposed development will alter the condition of the site. The works are in keeping with the wider character of the area, being Portlaoise Town, a built up environment with housing use established	No

		in adjacent areas. The proposal is in keeping with the zoning for the site. Works will not impact the adjacent Esker (Ridge of Portlaoise pNHA) which is a prominent topography feature in the landscape. There are waterbodies to the east (pond) and south (stream). A proposed stream diversion / culvert is proposed. While environmental impacts are possible as a result, these are considered as part of AA and would not in themselves trigger need for EIA.	
1.3 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?	Yes	Construction works will necessitate the use of natural resources for construction materials and the use of energy for machinery. Construction materials will be typical of such development. While the development will result intensity of land coverage by buildings and loss of trees/vegetation, this is not on a significant scale at either national or county level. The proposed landscape works also incorporate mitigation measures through landscape planting.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential	No

		impacts. No operational impacts in this regard are anticipated.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and 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 implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. Construction waste can be managed via a Construction and Demolition Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	Risk of contamination to adjacent watercourses is identified in submitted documentation. A NIS is submitted outlining required mitigation to obviate risk of contamination to adjacent watercourses. Proposed surface water management systems as required of a project of this scale will prevent the escape of potential pollutants from the site. With the application of mitigation, no contamination will result.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be	No

		suitably mitigated by the operation of a Construction and Environmental Management Plan. No significant operational impacts anticipated.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	Construction activity is likely to give rise to noise and dust emissions; however such emissions would not be significant, and would not impact human health. These construction impacts would be temporary and localised in nature and the application of a Construction and Environmental Management Plan to include traffic movements, would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.	No
1.10 Will the project affect the social environment (population, employment)	Yes	Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the scale of the development, its situation in an existing urban area and the surrounding pattern of land uses.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	This is a stand-alone development. The Laois County Development Plan 2021-2027 and Portlaoise Local Area Plan 2024 plans for the expansion of the county and has been subject to SEA. This application and	No

		development that is or will be undertaken in the vicinity, is catered for in the plan through land use zoning. Other developments in the wider area alongside the proposed development, are not considered to give rise to significant cumulative effects.	
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - 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	Yes	The River Barrow and River Nore SAC is located approximately 8.6km north of the site and there is a hydrological connection from the site to this SAC. The Ridge of Portlaoise pNHA is also adjacent to the site to the west and includes protected flora. A NIS has been submitted with the application and is considered as part of the AA for the application. While there is potential for effects, these are addressed under AA and are not sufficient to trigger need for EIA in themselves. An adjacent pNHA is also considered as part of biodiversity separately in this report.	No
2.2 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-wintering, or migration, be affected by the project?	Yes	An EcIA has been submitted in response to a request for further information. Potential adverse ecological effects are identified in this Inspector's report, but would not trigger the need for EIA in themselves. Adjacent to the site is the Ridge of Portlaoise pNHA which has	No

		protected flora, is considered as part of biodiversity in this report.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	There are no other landscapes and sites of historical, cultural or archaeological significance on the subject site. Mitigation in the form of the protection of undiscovered archaeological features will ensure that in the event that current unknown archaeology is discovered on the site, it will be treated appropriately. The site is adjoined by a protected structure to the west - RPS 925 a "Detached five-bay two-storey rendered former rectory, built c.1800, facing east with a three-bay two-storey wing to rear built c.1890, front porch c.1930, rear porch c.1920 and extension to north side elevation c.1980." Potential impact of the development on the protected structure is included in the assessment set out in this report and does not trigger the requirement for EIA in itself.	No
2.4 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?	No	The site comprises former grounds to a historic estate, situated in an urban area and surrounded by residential use. Adjacent pNHA area will not be impacted by the proposals due to buffer separation.	No
2.5 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?	Yes	There is an existing pond and stream overlapping and adjacent to the site. Potential adverse effects are identified in this Inspector's report, but would not trigger the need for EIA in themselves.	No

2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence in the submitted documentation that the lands proposed for development are susceptible to lands slides or erosion.	No
2.7 Are there any key transport routes(eg 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?	Yes	The N80 is situated to the north, and immediately adjacent to the site, the site is accessed from this national road which can be susceptible to congestion. The proposal is not at a scale that would trigger need for EIA with regard to associated impact upon this key transport route.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	There is an existing hospital situated to the north west of the site, however in light of the nature, scale and distance between the subject site and this hospital, no impact will arise.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Development in the wider area is of a scale and nature that would be anticipated under the Laois Development Plan 2021-2027 and would not give rise to significant cumulative environmental effects alongside this development.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise.	No
3.3 Are there any other relevant considerations?	No		No
C. CONCLUSION			

No real likelihood of significant effects on the environment.	✓	EIAR Not Required
Real likelihood of significant effects on the environment.		EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

EG - EIAR not Required

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed housing development, in an established residential area served by public infrastructure
 - (b) the absence of any specific designation for significant environmental sensitivity on the site itself, and the location of the proposed development outside of the designated archaeological protection zone
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment

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 _____

Approved (DP/ADP) _____

Date _____

Date _____

14.0 Appendix 2: Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	323606-25	Townland, address	On a site at Tyrells Land, situated along Stradbally Road, Portlaoise, Co Laois
Description of project		Proposed construction of 67 no. housing units	
Brief site description, relevant to WFD Screening		The site is located on undeveloped lands, comprising the former grounds to Portrane House. Adjacent to the site there is a pond, and a drainage ditch / stream overlaps the southern end of the site. It is proposed to culvert this stream, also referred to as the Maryborough Stream (or as a drainage ditch). Hydrological connections from this stream are not conclusively described in the submitted application (page 9 of the NIS refers). The Triogue River is situated adjacent to the site, into which it is noted that many local watercourses flow (page 9 NIS). There is also a pond adjacent to the site. It is proposed to divert the stream to the south to accommodate the footprint of the development. With reference to the catchments.ie website, the subject site is adjacent to the Triogue_020 (IE_SE_14T010200) surface water body, which has a 'Poor' 2019-2024 WFD status and is 'At Risk' of not reaching a 'Good' status within the current River Basin Management Plan Cycle. Urban wastewater (combined sewer	

	overflows) and diffuse urban run-off are identified as significant pressures to the waterbody. The Triogue_20 has a direct hydrological connection to the Barrow-Nore SAC. The site has a Ground Waterbody WFD Status 2019-2024 of 'Good' for the Portlaoise-Mountmellick Gravels (IE_SE_G_170) Groundwater Body.
Proposed surface water details	Page 30 of the submitted Architectural Design Statement describes the Nature Based Solutions proposed, including swale attenuation storage, rain garden for natural filtration, green roof to reduce discharge, climbing plants and tree pits. Drawing no.23KK001-C-020 Proposed Storm Drainage Layout, illustrates storm water outflow into concrete attenuation tanks which outfall to the pond adjacent to the site.
Proposed water supply source & available capacity	Drawing no. 23KK001-C-010 Proposed Watermain Layout illustrates proposed water connections. Applicant confirms water connection arrangements have been agreed with Uisce Éireann.
Proposed wastewater treatment system & available capacity, other issues	Drawing no.23KK001-C-015 Proposed Foul Drainage Layout shows the proposed wastewater connections which will be connected into the existing sewer network. Uisce Éireann's wastewater treatment capacity register shows that the Portlaoise Wastewater Treatment Plant (WWTP) has spare capacity available. In addition, there is a project underway that will further increase capacity or improve treatment performance in Portlaoise.
Others?	There is an existing drainage ditch / stream to the southern end of the site which it is proposed to culvert.

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)
Triogue River		0.3km (approx. overland)	Triogue_020 (IE_SE_14T010200)	‘Poor’ 2019-2024 WFD status	‘At Risk’	Urban wastewater (combined sewer overflows) and diffuse urban run-off	Surface run-off discharge to pond adjacent to site via attenuation. Drainage ditch on site to be culverted.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	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	Triogue_020 (IE_SE_14 T010200)	Existing and new run-off.	Potential impact on water quality through the input or resuspension of fine sediment and input of hydrocarbons. Sources of potential fine sediment input include release of soil from the banks of the lake/pond due to disturbance during construction and working by the excavator. Sources of fine sediment resuspension include any silts generated when moving the excavator between working points. Sources of hydrocarbon input include leaks of substances such as fuels or lubricating oil from vehicles, plant or equipment.	Appointment of an Ecological Clerk of Works (ECW) to supervise all stages of the project. Standard construction management measures to prevent and control risk associated with discharges from the site during construction. Use of silt mats, attenuation etc. Specific measures for the culverting of the drainage ditch to prevent silt and debris discharge.	Yes – proximity.	Screened in.
OPERATIONAL PHASE							
3.	Surface	Triogue_020	Proposed drainage.	Negligible risk of pollutants or sediments in operational phase. Or	Operational phase soils and water management,	No – design of the proposal	No.

		(IE_SE_14 T010200)		foul / wastewater will be discharged to existing sewer network. Due to the characteristics of the development, risk of pollutants in surface discharge is imperceptible, however surface water drainage from the site will be attenuated and filtered prior to discharge to the adjacent pond. removing potential harmful pollutants and sediments.	with site drainage design to reduce potential impact upon water quality.	ensures imperceptible risk.	
DECOMMISSIONING PHASE							
5.	NA						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives							
Surface Water							
Development/Activity e.g. culvert, bridge, other	<u>Objective 1:Surface Water</u>		<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of		<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified		<u>Objective 4: Surface Water</u> Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a

crossing, diversion, outfall, etc	Prevent deterioration of the status of all bodies of surface water	surface water with aim of achieving good status	bodies of water with aim of achieving good ecological potential and good surface water chemical status	Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	development cannot proceed without a derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Site clearance and construction works associated with the proposed development, including operation of construction vehicles, plant and equipment.	Site specific construction mitigation methods described in the NIS. Use of silt mats, attenuation, supervision of works by ECW, etc.	Site specific construction mitigation methods described in the NIS.	NA	NA	YES
Culverting of existing drainage ditch on the site.	Mitigation is described as follows: Machine will move to position beside bank of	Mitigation is described in the NIS, however a comprehensive watercourse diversion	NA	NA	NO. Insufficient information is provided with respect to hydromorphology effects. The culverting of the

	the ditch and remain a minimum of 1.5m from the edge. Silt traps will be put in place along the outflow channel to minimise the silt travelling downstream. The excavator will clear silt and debris within its reach and stack/pile in neat stacks on the ditch bank. This will allow for natural drainage of material. However, a comprehensive watercourse diversion plan, informed by best practice guidelines, consultation with relevant agencies, ecological and hydromorphological assessments, detailed engineering drawings, programme of works and actionable method statements, has not been provided as requested.	plan has not been provided as requested.			existing stream on the site could create physical and ecological changes to water flow, sediment movement, and drainage, disrupting water quality. There is insufficient information on how the proposed diversion and culverting of the Maryborough Stream will be constructed and what the potential construction and operation impacts are to inform the efficacy of the mitigation measures proposed. A comprehensive watercourse diversion plan and hydromorphological assessments has not been provided as requested.
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15.0 Appendix 3: Stage 1 Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The proposed development concerns the construction of 67 housing units. The development will include the provision of public open space, public walk-way along east boundary, flood defence infrastructure, public lighting, upgraded vehicular access along the Stradbally Road, 116 no. car parking spaces, cycle parking, boundary treatments, ESB Substation, laying of underground sewers, watermains and pipes, attenuation, the importation of soil and stone as by product for engineering and landscaping and ancillary works. The application is being made by Laois County Council pursuant to Section 177AE of the Planning and Development Act, 2000 (as amended).
Brief description of development site characteristics and potential impact mechanisms	The site comprises 2ha (as stated in the submitted AA Screening Report) at Tyrrells Land, situated on the south side of Stradbally Road / N80 (National Road) in Portlaoise. The site is within the attendant grounds of a Protected Structure (RPS 925 Portrane House which is outside of the redline boundary). The site forms the former

	garden / grounds to the protected structure. Existing habitat on the site comprises Improved Agricultural Grassland (GA1), Hedgerows (WL1), Drainage Ditches (FW4), Mixed Broadleaved Woodland (WD1), with plantings of estate trees (Beech <i>Fagus sylvatica</i>). The area surrounding the site to the east and north is characterised by residential housing. The Ridge of Portlaoise pNHA (site code: 00876) is situated immediately adjacent and to the west of the site, with residential estates located further to the west. The NPWS site synopsis describes the pNHA states: “the Ridge of Portlaoise is an elongated raised ridge or esker formed of sand and gravel which was deposited when a mass of ice covered this area during the last period of glaciation. The esker runs to the eastern part of Portlaoise town and extends in the south-southeast and to north-northwest direction.... The ridge of Portlaoise also has two rare plants, one of which is protected under the Flora Protection Order.” There is a pond to the east and immediately adjacent to the site and an existing drainage ditch to the south of the site. The site is not located within or adjacent any Natura 2000 site. There is a hydrological connection from the site to river Barrow and River Nore SAC. There is no source-pathway-receptor linkage to any other designated site.
Screening report	Y
Natura Impact Statement	Y
Relevant submissions	<u>Department of Housing, Local Government and Heritage:</u>

	There are multiple flaws in the surveys conducted and associated reports indicate that the applicant has not adequately assessed all potential impacts on protected species/designated sites as a result of the proposed development in its current proposed layout. The ecological reports provide no maps to indicate what habitats may be lost. No habitat loss or impact on species or ecological receptors on site was quantified or calculated. No mitigation for such losses are stated. With respect to the submitted NIS, the identification of European sites within a 15km zone has become common practice in screening projects for AA. However, this approach is not based on the S-P-R model and should not be used. There is potential impact via the hydrological connectivity to the River Barrow and River Nore Special Area of Conservation (SAC), 13.2km downstream from the development. The proposed development has no mention of impacts to the adjacent pond and watercourse within the NIS. There is no mention of what the plans for construction works on the ponds or the banks of the watercourses present. The Department recommends further information on this. The proposed buffer zone to protect aquatic zones should be clearly marked in advance of works commencing. Machines should not enter this zone. Buffer zones should not be removed until after the construction phase. Site compounds or any area designated for maintenance, cleaning, refuelling and repair work of vehicles and
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	machinery must be located at least 50m from the nearest aquatic zone. There must be no run-off of fuels, oils, concrete, or from stockpiles of materials or general run-off from the site or along the road. Any fuels, oils or other hazardous substances on site must be stored in lockable bunded containers on a dry site at least 50m from the nearest aquatic zone. Bunding should be covered, and capacity should be 110% of the capacity of the largest tank or drum, or 25% of the total storage volume, plus 200 millimetre freeboard. Spent oil must be collected and retained for correct off-site disposal. Recommend a condition for an appropriately qualified Ecologist / Freshwater Biologist to be retained as an Ecological Clerk of Works during any operations, and a post-operation mitigation compliance report to be submitted to Inland Fisheries Ireland and local authorities for review. <u>Inland Fisheries Ireland:</u> Site is adjacent to tributaries of the Triogue_020 surface water body, which has a 'Bad' ecological status and is 'At Risk' of not reaching 'Good' ecological status within the current River Basin Management Plan Cycle. Urban wastewater (combined sewer overflows) and diffuse urban run-off are among the significant pressures to the waterbody. The Triogue_20 has a direct hydrological connection to the Barrow-Nore SAC, whose QIs include Salmon and Lamprey, and populations of European Eel listed by IUCN as critically endangered. During a site visit IFI observed trout in the
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	Glendowns Lake immediately adjacent to the site. An application for desilting in 2024 was not referred to IFI despite presence of salmonid species. Displacement of flood waters and creation of compensatory storage not considered in the NIS. Storage, management and conveyance of materials on site must not permit any deleterious matter to reach surface water systems. No run-off of fuels etc. Mitigation in the NIS and recommendations in the Ecological Assessment should be adhered to. Buffer zones to protect aquatic zones should be clearly marked in advance of works. A minimum 10m buffer zone to the existing lake and watercourse to the east to be enforced. No machines in the zone and vegetation preserved. Site compounds and welfare facilities to be at least 50m from any surface watercourse. Works on ephemeral watercourses or drainage ditches to take place when watercourses are dry.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km approx.)	Ecological connections ²	Consider further in screening ³ Y/N
River Barrow and River Nore SAC (002162)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia 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-Batrachium</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> (<i>Desmoulin's Whorl Snail</i>) [1016]	9.5km	The site has a connection to the Triogue_20 via surface water drainage, and the River Triogue has a direct hydrological connection to the River Barrow and River Nore SAC. The project has the potential to impact on water quality, which has the potential to negatively affect a number of the qualifying interests of the SAC.	Y

	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 (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985]			
Ballyprior Grassland SAC (002256)	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]	11km	No hydrological connection or any other potential pathway to the SAC. The site of the proposed works is 11km away from the SAC. The QIs will not be affected due to the small scale and nature of the development. No potential to cause negative impacts to the SAC.	N
Slieve Blooms Mountains SAC (000412)	Northern Atlantic wet heaths with Erica tetralix [4010] Blanket bogs (* if active bog) [7130] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	11km	No hydrological connection or any over potential pathway to the SAC. The site of the proposed works is 11km away from the SAC. The QIs will not be affected due to the small scale and nature of the development. No potential to cause negative impacts to the SAC.	N
Slieve Blooms Mountains SPA (004160)	Hen Harrier (Circus cyaneus) [A082]	9km	No hydrological connection or any over potential pathway to the SPA. The site of the proposed works is 9km away from the SPA. No QI ex-situ species present on or adjacent to the site. The QIs will	N

			not be affected due to the small scale and nature of the development. No potential to cause negative impacts to the SPA.	
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

During construction, the proposed development has the potential to impact upon a limited number of qualifying interests / special conservation interests of River Barrow and River Nore SAC due to potential deterioration in water quality from construction activities. This is considered further in below.

Construction activities associated with the proposed development give rise to potential impacts on water quality through the input or resuspension of fine sediment and input of hydrocarbons. Sources of potential fine sediment input include release of soil from the banks of the lake due to disturbance during construction and working by the excavator. Sources of fine sediment resuspension include any silts generated when moving the excavator between working points. Sources of hydrocarbon input include leaks of substances such as fuel, e.g. petrol or diesel, or lubricating oil from vehicles, plant or equipment. Release of sediments or contaminants / pollutants could adversely affect aquatic QI species for the SAC.

With respect to other QIs for the SAC, the submitted report concludes, there will be no reduction in habitat area; no disturbance of key species, habitat or species fragmentation; no reduction in species density; no changes in key indicators of conservation value, as a result of works associated with the proposed development. Due to the significant distance to the SAC, no significant effects will result from the proposed development in relation to disturbance, displacement or mortality of faunal species. In addition, during operation, foul / wastewater will be discharged to the existing sewer network and surface water run-off will be discharged following attenuation and filtration, as a result, no impact will result upon QIs for the SAC during operation.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: River Barrow and River Nore SAC (002162)	Potential for hydrological impacts as a result of construction activities associated with the proposed	Plumes of silt or fine sediment can directly affect aquatic fauna, e.g. by clogging their gills, and

	development, with risk of negative impact upon water quality. Due to the nature of the proposed works, they give rise to potential impacts on water quality through the input or resuspension of fine sediment and input of hydrocarbons. Sources of potential fine sediment input include release of soil from the banks of the lake / pond due to disturbance during construction and working by the excavator. Sources of fine sediment resuspension include any silts generated when moving the excavator between working points. Sources of hydrocarbon input include leaks of substances such as fuel, e.g. petrol or diesel, or lubricating oil from vehicles, plant or equipment.	can also reduce habitat quality, e.g. by smothering of spawning gravels for salmonid species. Suspended sediment can also interact with other pollutants, magnifying their effects. Hydrocarbons can have direct toxic effects on the flora and fauna of contaminated waters and soils. However, the NIS notes that the probability of any pollution incident occurring is low and any such incident would likely be localised and of a small magnitude and short duration.
	Likelihood of significant effects from proposed development (alone): Y	
	Possibility of significant effects (alone) in view of the conservation objectives of the site	
The submitted AA screening report states that it is not anticipated that the proposal will result in an increase in suspended particulate loading, and therefore no effect upon QI species will result. However, the report states that a stage 2 NIS has been carried out to ensure no change in water quality, with some potential identified for modification to water quality to the River Barrow and River Nore SAC. I am satisfied that due to the distance to the SAC, and the absence of QI species and habitats on or adjacent to the subject site, there will be no direct effect to the SAC by the proposed development. However, the submitted AA screening cannot rule out potential impact with respect to water quality. I concur with this view, that there is potential for discharges from the site that could indirectly affect QI aquatic fauna downstream, via impact to fish habitat. In my view, this impact could also have indirect effect upon Otter (QI species) with respect to a possible reduction in prey species.		

Other QI aquatic fauna for the River Barrow and River Nore SAC includes Desmoulin's Whorl Snail; Freshwater Pearl Mussel; and White-clawed Crayfish. I am satisfied that due to the characteristics of these QI species, the distance to the SAC and the likely dispersal and dilution of any emissions over that separation, it is not anticipated that these QI species would be affected, with impact only anticipated with respect to fish species.

The specific conservation objectives and special conservation interests for the potentially effected QI species for the European site relate to distribution, juvenile population structure/density and habitat, and spawning habitat (Lamprey species); distribution, population structure, spawning habitat and water quality (Twaite Shad); distribution, adult spawning, fry abundance, out-migrating smolt abundance, distribution of redds and water quality (Salmon); and fish biomass (Otter).

Potential effects arising from release of sediments/pollutants associated with the construction of the proposed development have been highlighted above, which have the potential to affect the conservation objectives supporting the special conservation interests of the River Barrow and River Nore SAC. As such, likely effects on River Barrow and River Nore SAC cannot be ruled out, having regard to the sites' conservation objectives, and a Stage 2 Appropriate Assessment is required. The potential impacts are expanded upon in further detail as part of a Stage 2 Appropriate Assessment below.

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

It is not possible to exclude the possibility that proposed development alone would result in significant effects on the River Barrow and River Nore SAC from effects associated with water quality impacting Qualifying Features associated with the SAC.

An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

Proceed to AA.

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development, alone or in combination with other plans and projects will give rise to significant effects on the River Barrow and River Nore SAC European Site in view of the site's conservation objectives. Appropriate Assessment is required.

This determination is based on:

- Potential for impact upon water quality through the input or resuspension of fine sediment and input of hydrocarbons. During construction phase, fine sediment or silts could be released from ground disturbance by the excavator; hydrocarbons (fuels / oils etc.) could also be released from leaks from construction vehicles, plant or equipment. Silt or fine sediment can directly negatively affect QI aquatic fauna, particularly fish, and hydrocarbons can have direct toxic effects on the flora and fauna of contaminated waters and soils. This could in turn reduce prey species for other QIs.

16.0 Appendix 4: Stage 2 Appropriate Assessment

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development for 67 housing units (and associated works), in view of the relevant conservation objectives of the River Barrow and River Nore SAC based on scientific information provided by the applicant and considering observations on nature conservation. The information relied upon includes the following: • Natura Impact Statement and AA Screening.
Submissions/observations <u>Department of Housing, Local Government and Heritage:</u> There are multiple flaws in the surveys conducted and associated reports indicate that the applicant has not adequately assessed all potential impacts on protected species/designated sites as a result of the proposed development in its current proposed layout. The ecological reports provide no maps to indicate what habitats may be lost. No habitat loss or impact on species or ecological receptors on site was quantified or calculated. No mitigation for such losses are stated.

With respect to the submitted NIS, the identification of European sites within a 15km zone has become common practice in screening projects for AA. However, this approach is not based on the S-P-R model and should not be used.

There is potential impact via the hydrological connectivity to the River Barrow and River Nore Special Area of Conservation (SAC), 13.2km downstream from the development.

The proposed development has no mention of impacts to the adjacent pond and watercourse within the NIS. There is no mention of what the plans for construction works on the ponds or the banks of the watercourses present. The Department recommends further information on this.

The proposed buffer zone to protect aquatic zones should be clearly marked in advance of works commencing. Machines should not enter this zone. Buffer zones should not be removed until after the construction phase. Site compounds or any area designated for maintenance, cleaning, refuelling and repair work of vehicles and machinery must be located at least 50m from the nearest aquatic zone. There must be no run-off of fuels, oils, concrete, or from stockpiles of materials or general run-off from the site or along the road. Any fuels, oils or other hazardous substances on site must be stored in lockable bunded containers on a dry site at least 50m from the nearest aquatic zone. Bunding should be covered, and capacity should be 110% of the capacity of the largest tank or drum, or 25% of the total storage volume, plus 200 millimetre freeboard. Spent oil must be collected and retained for correct off-site disposal.

Recommend a condition for an appropriately qualified Ecologist / Freshwater Biologist to be retained as an Ecological Clerk of Works during any operations, and a post-operation mitigation compliance report to be submitted to Inland Fisheries Ireland and local authorities for review.

Inland Fisheries Ireland:

Site is adjacent to tributaries of the Triogue_020 surface water body, which has a 'Bad' ecological status and is 'At Risk' of not reaching 'Good' ecological status within the current River Basin Management Plan Cycle. Urban wastewater (combined sewer overflows) and diffuse urban run-off are among the significant pressures to the waterbody. The Triogue_20 has a direct hydrological connection to the Barrow-Nore SAC, whose QIs include Salmon and Lamprey, and populations of European Eel listed by IUCN as critically endangered. During a site visit IFI observed trout in the Glendowns Lake immediately adjacent to the site. An application for desilting in 2024 was not referred to IFI despite presence of salmonid species.

Displacement of flood waters and creation of compensatory storage not considered in the NIS.

Storage, management and conveyance of materials on site must not permit any deleterious matter to reach surface water systems.

No run-off of fuels etc.

Mitigation in the NIS and recommendations in the Ecological Assessment should be adhered to.

Buffer zones to protect aquatic zones should be clearly marked in advance of works. A minimum 10m buffer zone to the existing lake and watercourse to the east to be enforced. No machines in the zone and vegetation preserved.

Site compounds and welfare facilities to be at least 50m from any surface watercourse.

Works on ephemeral watercourses or drainage ditches to take place when watercourses are dry.

The River Barrow and River Nore SAC (site code: 002162):

Summary of Key issues that could give rise to adverse effects (from screening stage):

- (i) Potential for impact upon water quality through the input or resuspension of fine sediment and input of hydrocarbons.
During construction phase, fine sediment or silts could be released from ground disturbance by the excavator;
hydrocarbons (fuels / oils etc.) could also be released from leaks from construction vehicles, plant or equipment. Silt or

fine sediment can directly negatively affect QI aquatic fauna, particularly fish, and hydrocarbons can have direct toxic effects on the flora and fauna of contaminated waters and soils. This could in turn reduce prey species for other QIs.				
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary)	
1095 Sea Lamprey <i>Petromyzon marinus</i> 1096 Brook Lamprey <i>Lampetra planeri</i> 1099 River Lamprey <i>Lampetra fluviatilis</i> 1103 Twaite Shad <i>Alosa fallax fallax</i>	To restore the favourable conservation condition defined through the following attributes and targets: Distribution: extent and anadromy, greater than 75% of main stem length of rivers accessible from estuary (Sean Lamprey & Twaite Shad), access to all water courses down to first order streams (Brook & River Lamprey); Population structure of juveniles, at least three age/size groups present (Lamprey species), more than one age class present (Twaite Shad); Juvenile density in fine sediment, at least 1 per sqm (Sea Lamprey), 2 per sqm (Brook & River Lamprey);	The construction phase of the project could potentially result in sediment and silt release during ground disturbance caused by use of an excavator. Plumes of silt or fine sediment can directly affect aquatic fauna, e.g. by clogging their gills, and can also reduce habitat quality, e.g. by smothering of spawning gravels for Salmonid species. Suspended sediment can also interact with other pollutants, magnifying their effects. This could affect population structure, juvenile density and habitat, spawning habitat and water quality. No effect upon distribution is anticipated. Release of hydrocarbons from fuels or oils associated with construction vehicles, equipment or plant can have a toxic effect on aquatic flora and fauna. However,	An Ecological Clerk of Works (ECoW) to be appointed and supervise all aspects of the site works. Removal of emergent vegetation along the banks of the pond to be minimised. No works to take place in the inflow stream and the pond. Specific measures to protect water quality, including the following: no cleaning of tools / equipment in any watercourse, daily checks for elevated water levels / flows, all areas of soil slippage to be securely covered with hessian matting if heavy rain predicted, daily checks for signs of silt escape, use of silt fences / sediments, pre-construction invasive species survey to be carried out, surface water to be attenuated, and all activities / storage of materials on site to be	

	Extent and distribution of spawning habitat, no decline in extent and distribution of spawning beds / habitat; Availability of juvenile habitat, more than 50% of sample sites positive (Lamprey species); Spawning habitat quality, maintain stable gravel substrate with very little fine material, free of filamentous algal growth and macrophyte growth (Twaite Shad); Water quality, oxygen levels no lower than 5mg/l (Twaite Shad).	the probability of any such incident is low and would be localised. Precautionary mitigation can further reduce the likelihood and magnitude of any such effect.	carried out in a way to minimise impact. Protect the site, the works and the general environment (including streams and waterways) against pollution. Contamination: If pollution occurs, report immediately, including to the appropriate authorities, and provide relevant information. Culverting of drainage ditch: Machine will move to position beside bank of the ditch and remain a minimum of 1.5m from the edge. Silt traps will be put in place along the outflow channel to minimise the silt travelling downstream. The excavator will clear silt and debris within its reach and stack/pile in neat stacks on the ditch bank. This will allow for natural drainage of material and allow insects etc. to make their way back into the aquatic habitats.	
1106 Atlantic Salmon <i>Salmo salar</i> (only in fresh water)	To restore the favourable conservation condition defined by the following attributes and targets: Distribution: extent of anadromy, 100% of river channels down to second order accessible from estuary; Adult spawning fish, CL for each system consistently exceeded;			

	Salmon fry abundance, maintain or exceed 0+ fry mean catchment-wide abundance threshold value, currently set at 17 fry per 5 min sampling; Out-migrating smolt abundance, no significant decline; Number and distribution of redds, no decline in number and distribution of spawning redds due to anthropogenic causes. Water quality, at least Q4 at all sites sampled by EPA.			
1355 Otter <i>Lutra lutra</i>	To maintain the favourable conservation condition defined by the following attributes and targets: Distribution, no significant decline; Extent of terrestrial habitat, no significant decline; Extent of marine habitat, no significant decline;	The only attribute/target that could be potentially negatively affected relates to fish biomass. The proposed works could result in the reduction in water quality from emissions to the river during construction. A significant impact on water quality could indirectly impact upon these QIs by causing a reduction in fish biomass / prey populations and availability.		

	Extent of freshwater (lake/lagoon) habitat, no significant decline; Couching sites and holts, no significant decline; Fish biomass available, no significant decline; Barriers to connectivity, no significant increase.			
The above table is based on the documentation and information provided on the file, the NPWS website and my own assessment.				
Assessment of issues that could give rise to adverse effects view of conservation objectives The submitted NIS identifies that there is potential for adverse effect upon water quality as a result of the proposed works during construction. The construction phase of the project could potentially result in the accidental release of sediments/silt to the watercourse. This could arise during the use of an excavator for ground works close to the pond adjacent to the site. This could adversely affect QIs for the River Barrow and River Nore SAC (site code: 002162), through the release of silts/sediments which could damage habitat for QI fish species, with consequential potential indirect effect upon QI species as a result of prey reduction. Related attributes/targets with respect to the conservation objectives for the SAC concern water quality, fish biomass, spawning and young/juvenile populations or egg habitat. The NIS states that the release of hydrocarbons (via fuel/oil from construction equipment/vehicles) is unlikely and mitigation to protect water quality will further reduce risk related to this. I note the Department comments with respect to flaws in the surveys conducted and reports, and the assertion that potential impact on protected sites/species is not adequately assessed. I agree with the Department that use of a 15km zone of influence is not correct, however, regardless of this approach I am satisfied that all possible connections and pathways to Natura 2000 sites have been accurately considered in the applicants reports. I agree with the applicant that the only potential pathway is via a hydrological connection to the River Barrow and River Nore SAC, and I also note that this is not disputed by the Department. I have therefore carried out my Appropriate Assessment in light of any possible connections / pathways, not exclusive to a 15km zone, and I am satisfied that the only connection is to the River Barrow and River Nore SAC.				

I note the Department's concern that the applicant fails to mention works on the banks of the pond or watercourses, and in relation to this, I also note the conclusions of the Commission's own Ecological technical assessment of the proposed stream diversion works. The NIS refers to the potential risk to water quality due to the potential release of sediment via soil from the banks of the 'lake' due to disturbance during construction and working by the excavator (page 21). This reference to the 'lake' is in my view the same 'pond' that the Department refers to. The NIS goes on to reference with respect to flooding, a trash gate fitted as part of flood relief works on the outflow channel from the 'lake' just before it is culverted under Stradbally Road (page 22). Mitigation is also outlined with respect to minimising the quantity of surface water run-off from the works area entering the drainage channel, and with respect to works adjacent to watercourses (page 25). The NIS outlines mitigation with respect to the protection of water quality which would also be relevant when considering potential impacts to the pond/lake and watercourse/drainage channel. Page 28 of the NIS also outlines specific measures with respect to the proposed culverting of the drainage ditch. However, the NIS does not provide a detailed description of the proposed stream diversion / culvert works. These inadequacies were raised in the Commission's request for Further Information (FI Items 5(a) & 5(b)), but the applicant's response was insufficient. There is an absence of information to inform scientific examination of possible implications of the proposed diversion and culverting of the stream, and I refer the Commission to the Ecological technical review of the application in Appendix 6 in this regard. While the NIS addresses protection of water quality generally, there is a lack of necessary detail for the proposed diversion and culverting of the stream, and therefore there is uncertainty regarding the potential impact during construction and operation, as well as uncertainty around the efficacy of the proposed mitigation. These matters were raised as part of the Further Information Request to the applicant, and the response is inadequate and does not provide sufficient detail of the works. Inland Fisheries Ireland (IFI) have also raised concerns in this regard, and the applicant states that the diversion will be developed in consultation with IFI. IFI also state that a condition should be imposed to consult with them prior to any works taking place on the proposed stream diversion and adjacent compensatory flood storage. But as highlighted in the Commission's own Ecological review of the application (Report of the 29th July 2026, Appendix 6, para.1.3.5), precise and definite findings and conclusions are necessary to remove all reasonable scientific doubt regarding a project's potential adverse effects on European site(s). Detailed mitigation related to AA cannot therefore be left to condition. As a result, insufficient information has been provided to inform Stage 2 Appropriate Assessment of the potential adverse effects of the project on the integrity of the River Barrow and River Nore SAC.	
In-combination effects As set out above, there is uncertainty regarding the efficacy of proposed mitigation, as such it is not possible to conclude that there will be no in combination effects.	
Findings and conclusions	

The applicant concluded that 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 not satisfied that adverse effects arising from the proposed development can be excluded for the European site considered in the Appropriate Assessment.

Reasonable scientific doubt

Due to a lack of detail regarding the proposed culvert / stream diversion works, scientific doubt remains as to the efficacy of proposed mitigation, and subsequently there is uncertainty regarding the absence of adverse effects.

Site Integrity

I am not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of the River Barrow and River Nore SAC. **Adverse effects on site integrity cannot be excluded and 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 River Barrow and River Nore SAC in view of the conservation objectives of the site and that Appropriate Assessment was required. Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations, I consider that adverse effects on site integrity of River Barrow and River Nore SAC cannot be excluded in view of the conservation objectives of that site and that reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

Based upon the information submitted with the application and the FI response, there is insufficient information on how the proposed diversion and culverting of the Maryborough Stream will be constructed and what the potential construction and operation impacts are to inform the efficacy of the mitigation measures proposed. A comprehensive watercourse diversion plan, informed by best practice guidelines, consultation with relevant agencies, ecological and hydromorphological assessments, detailed engineering drawings, programme of works and actionable method statements, has not been provided as requested. On the basis of the information provided, I am not satisfied that precise, definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the project on water quality and related conservation objectives for the site integrity of the River Barrow and River Nore SAC, have been provided.

17.0 Appendix 5: Further Information Request

1. Proper Planning and Sustainable Development

Please provide a statement describing how the proposed development conforms with considerations for the proper planning and sustainable development of the area, with reference to relevant policies and objectives under adopted plans for the site.

2. Density and Site Area

Documents submitted for the planning application contain inconsistencies with respect to the site area, with either an area of 2ha / 2.08ha or 2.8ha stated. A site area of 2ha is specified in the AA Screening Report and NIS, whilst a site area of 2.08ha is stated in sections 4 (pg.21) and 7 (pg.44) of the Architectural Design Statement. The density calculation contained within the Architectural Design Statement has been undertaken on the basis of a site area of 2.0ha, giving a density of 34 dph. However, the site area stated on pages 7 and 22 of the Architectural Design Statement and Schedule of Areas is 2.8ha, which would result in a density of 24 dph.

- a. Please provide a site plan indicating the areas included in the calculation of the net site area and a corresponding calculation to confirm the proposed density of the development.
- b. Please confirm how the proposed density conforms with The Sustainable Residential Development and Compact Settlement Guidelines 2024 and Policy DN 1 of the Laois County Development Plan 2021-2027.

3. Transport

Please prepare a Design Report in consultation with TII with respect to the new junction with the N80 as required by TII Publication (Standards) DN-GEO-03030.

4. Built Heritage and Layout

It is noted that the site is located adjacent to, and within the attendant grounds (front field) for, Portrane House (now Portrane Veterinary Clinic) Registered Protected Structure (RPS no.925, NIAH no.12507122). Policy PS 3 of the Laois County Development Plan 2021-2027 requires that any development effecting a Protected Structure must be accompanied by appropriate documentation prepared by suitably qualified persons. Policy CH 2 requires proposals within historic gardens or demesne to include appraisal of the landscape, trees and vistas. Reference is made to the Judith Hill report (2021) however this is not enclosed with the application.

- a. Please provide an Architectural Heritage Impact Report completed by a suitably accredited architectural heritage professional in accordance with guidance and recommendations set out in the Architectural Heritage Protection Guidelines for Planning Authorities, and to include:
 - i. Recording of the history and current condition of the protected structure and association with the subject site;

- ii. Consideration of previous heritage assessments of the site (the Judith Hill report) and how the proposed development responds to previous recommendations for development of the site;
 - iii. Consideration of landscape features (including notable trees) and vegetation buffers on the subject site, which may impact the setting of the protected structure, and any effect resulting from the proposed development upon the same;
 - iv. Consideration of any noted vistas of importance from the subject site to the protected structure and any effect resulting from the development; and
 - v. The report should confirm the qualifications and experience of its authors.
- b. A copy of the Judith Hill report inclusive of any appendices, should be provided if relied upon as part of the application.
 - c. Please confirm how the layout of the proposed development respects the setting of the protected structure and/or provide amended details with respect to the same.

5. Ecology

- a. Please submit a revised NIS to be prepared by competent person(s) in accordance with best practice guidelines and legislation. The assessment should include a scientific examination of the relevant European site's conservation objectives and to identify the aspect(s) of the project which are likely to affect those objectives, with particular focus on the proposed culverting and re-alignment of the drainage channel, namely the Maryborough Stream. The impacts are to be discussed in terms of direct and indirect effects during the construction and operational phases which may arise from the relevant development itself or in combination with any plan or other project. Mitigation measures are to be proposed to avoid or reduce impacts to a level where they will no longer adversely affect the integrity of the European site(s), with clear, precise and definitive findings and conclusions.
- b. Please submit a comprehensive watercourse diversion plan, following best practice guidelines and in consultation with relevant agencies, to include detailed, integrated documentation covering ecological and hydromorphological assessment, detailed engineering drawings, programme of works and actionable method statements.
- c. Noting the requirements under policy DM BHN 01 of the Laois County Development Plan 2021-2027 and due to the ecological sensitivity of the proposed development, namely, The Ridge of Portlaoise pNHA (site code: 00876), mature parkland trees, rare and protected flora and fauna, proximal watercourses including the Maryborough Stream, the Beladd (or Glendowns) pond and the Derry Stream (or Little Borris Stream); an EclA is to be prepared by competent person(s) in accordance with best practice guidelines. The EclA should include but not limited to the following:

- Detailed habitat mapping including botanical survey to be completed in the optimum season with consideration of the optimal flowering period of rare and protected flora. Provide appropriately scaled drawings including details of habitat loss and biodiversity enhancement measures to be provided.
- Baseline aquatic ecology survey of watercourses impacted by the proposed development including fish survey and faunal use.
- Breeding bird survey.
- Non-volant mammal survey including red squirrel, badger and otter
- Bat survey and impact assessment to be carried out by competent experts and in accordance with best practice guidelines.

Consultation with the NPWS is advised regarding any potential derogation requirements.

Consultation with IFI regarding surface water management during construction and operation phases.

d. A site-specific draft Construction Environmental Management plan (CEMP) is required to ensure that construction activities have the least impact on the surrounding environment and conforms to all applicable legislation and best practice guidelines. Mitigation measures are to include the following with respect to the protection of water quality:

- Buffer zones to protect aquatic zones should be clearly marked in advance of works commencing to preserve their integrity, which should be at least 10 metres from the waterbody. Machines should not enter these zones. Nor should material stockpiles, spoil heaps or settlement ponds be permitted within this zone. Buffer zones should not be removed until after the construction phase of the project has ended.
- Site compounds or any area designated to the maintenance, cleaning, refuelling and repair work of vehicles and machinery must be located at least 50 metres from the nearest aquatic zone.
- There must be no run-off of fuels, oils, concrete, or from stockpiles of materials or general run-off from the site or along the road. Any fuels, oils or other hazardous substances on site must be stored in lockable bunded containers on a dry site at least 50 metres from the nearest aquatic zone. Bunding should be covered, and capacity should be 110% of the capacity of the largest tank or drum, or 25% of the total storage volume, plus 200 millimetre freeboard.
- Spent oil must be collected and retained for correct off-site disposal.

e. Please provide further details on public lighting proposals to ensure compliance with environmental standards and biodiversity protections particularly where lighting is proposed near sensitive ecosystems including water bodies, hedgerows, mature trees and woodlands.

6. Trees

- a. Please confirm the accuracy of submitted drawings and surveys with respect to existing trees on the site and/or provide amended details of the same.
- b. With reference to policies CH 2, BNH 26 and BNH 30 of the Development Plan, please give consideration to the preservation of Category A and B trees on the site as part of the proposed development (note that T10 Category A tree is shown for removal).

7. Water Connections

Please confirm details of any consultation with Uisce Éireann and confirmation of the feasibility of water connection arrangements.

8. Flood Risk

Please address the concerns raised by IFI with respect to the assessment of flood risk and site drainage. Please provide a revised or addendum FRA as necessary, to include clarifications on conclusions reached with respect to the location of the site and the flood plain; the effective operation of surface water management features on the site; and run-off calculations.

9. Archaeology

With reference to the submission from DAU, please provide a desk-based archaeological impact assessment for the site including a description of intended mitigation measures.