



An
Coimisiún
Pleanála

Inspector's Report PL-500203-LS

Development	House and associated site works.
Location	Caher , Borris-in-Ossory , Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2560358
Applicant(s)	Micheál & Roisín Scully
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Micheál & Roisín Scully
Observer(s)	None.
Date of Site Inspection	28/01/2026
Inspector	David Freeland

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. The subject site is located within a rural townland (Caher), circa 3km to the north-east of Borris-in-Ossory. The surrounding area is characterised by agricultural fields, forestry and bogland. The River Nore is c. 1km to the immediate south of the subject site.
- 1.2. The site (0.244ha) forms part of a larger agricultural field located to the south side of a local road (L5055). The lands generally slope away from the public road in a south-east direction. The boundary onto the local road is formed by a hedgerow for its full length with exception to the existing entrance to the field to the north-west corner.
- 1.3. The site adjoins a farmholding to the east containing farmhouse, outbuildings and agricultural sheds. There is a smaller dwelling located to the immediate north-west to the opposing side of the local road.

2.0 Proposed Development

- 2.1. The proposed development comprises construction of a dwelling house, septic tank and percolation area, new site entrance, ancillary site services and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Following receipt of Significant Further Information, Laois County Council decided to grant planning permission for the development subject to 14no. conditions.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- 3.3.2. There are three planning reports on file.

The first planning report on file dated 08/08/2025 is summarised as follows:

- Local Need: The planning report indicated that the site is located within an area designated as a “Structurally Weak Area” and in general, any demand

for permanent residential development should be accommodated. The report indicated that the applicant complies with the policy.

- Siting, Design and Layout: No concerns are raised by the planning authority relating to the design, siting and the layout (including separation distances, overshadowing and visual dominance) and considered the development to be in compliance with the Rural Design Guidance contained within Appendix 7 of the Development Plan.
- Services: The report acknowledge the third-party observation's concerns relating to the proposed septic tank. The report did not highlight any significant concerns relating to the proposed wastewater, surface water disposal or potable water proposals.
- Access: The planning report noted the District Engineer report which requested for photographic survey to demonstrate 90m sightlines and considered this may be dealt with by way of a further information request.

3.3.3. Other Technical Reports

- Municipal District Engineer: Report dated 14/07/2025 – Request Further Information.
- Site Suitability Assessment: Report dated 29/07/2025 – No objection.

3.3.4. Further Information was requested on 08/08/2025 relating to sightlines and to provide comment relating to third party submissions.

3.3.5. Further Information was received on 22/08/2025 and included a letter of response prepared by the applicant's agent and a revised site layout plan indicating sightlines and repositioning of the proposed dwelling. In summary, the letter of response stated that the site entrance will achieve 3x90m sightlines, that the building and entrance has been repositioned to address the third party concerns relating to residential amenity and the proposed wastewater treatment meets EPA standards.

3.3.6. The second planning report on file is dated 01/09/2025 is summarised as follows:

- The planning report notes that the revised site layout plan has modified the site boundaries to relocate the site entrance and dwelling located and note that a full assessment will be carried out following receipt of revised site

notices. The submission was deemed as Significant Further Information on 05/09/2025 and revised site notices were requested. Revised site notices were submitted to the planning authority on 16/09/2025.

3.3.7. The third planning report on file is dated 06/10/2025 is summarised as follows:

- The report noted the District Engineer report which indicated that 90m sightlines may be achieved in both directions which was considered to be acceptable.
- In response to the relocation of the dwelling and separation distance of the proposed percolation area, the planner was satisfied that the development would not have a negative impact on the residential amenity of the neighbouring property. It was recommended that permission be granted.

3.3.8. Other Technical Reports: no further reports on the public file.

3.4. Prescribed Bodies

None.

3.5. Third Party Observations

1no. observation from the owner/occupier of the neighbouring dwelling to the east was received during the first observation period which is summarised as follows:

- It is contended that the positioning of the proposed dwelling will block sunlight to the neighbouring property, will impact upon privacy due to the positioning of the windows and additional noise will negatively impact physical and mental health issues.
- It is stated that the design and height of the proposed dwelling is not in keeping with existing houses in the area and does not comply with the rural house design guidance.
- It is suggested that the location of the proposed septic tank and percolation area may be a risk of contamination of the underground aquifer providing water supply to the neighbouring household and farm and it is stated that the tank/infiltration area does not meet EPA guidance.

- It is contended that the proposed site entrance will not have sufficient sightlines as per Laois County Council standards and if approved, the development presents a very high risk of major accident.

Following receipt of Significant Further Information, 2no. observations were received.

The concerns of the initial observation from the owners/occupiers of the neighbouring dwelling to the east were largely re-iterated which is summarised as follows:

- The observer maintains concerns that the development will block sunlight (not daylight) which would cause mental health issues and increase energy consumption.
- The repositioning of the dwelling is minimal and will continue to negatively impact privacy.
- Concerns relating to the sewage system, noise, air and traffic is highlighted.

A second observation was received from the owner/occupier of the residential dwelling to the immediate north of the subject site which is summarised as follows:

- The positioning of the vehicular entrance will result in light pollution with the vehicular exiting (particularly at night-time) with subsequent quality of life impacts.
- The removal of such an extensive length of hedgerow is excessive (in the face of a biodiversity crisis). It is also suggested the existing hedgerow provides shelter to their property and reduces energy consumption.

4.0 Planning History

None.

5.0 Policy Context

5.1. National Policy

- Project Ireland 2040 – National Planning Framework First Revision (April 2025)

- Climate Action Plans (2024 & 2025)
- National Biodiversity Action Plan (NBAP) 2023-2030
- EPA Code of Practice: Domestic Wastewater Treatment Systems (2021)
- Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (DoHLGH, 2007)
- Sustainable Rural Housing Guidelines for Planning Authorities (DoHLGH, 2005).

5.2. Regional Policy

- Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019- 2031.

5.3. Development Plan

Laois County Development Plan (LCDP) 2021-2027

Zoning

Map 4.1 – Rural Area Designations of the Laois County Development Plan 2021-2027 indicates that the site of the subject development is located in a ‘Structurally Weak Areas’.

Chapter 4 – Housing Strategy

Table 4.4 – ‘Rural Area Designation’ as contained in the Development Plan provides a definition for ‘Structurally Weak Areas’ and the criteria for this rural area designation states:

The rural areas generally exhibit characteristics such as persistent and significant population decline as well as a weaker economic structure based on indices of income, employment and economic growth. These rural areas are more distant from the major urban areas and the associated pressure from urban generated housing.

To help stem decline and strengthen structurally weak areas, it is an objective of the Council that in general, any demand for permanent residential

development should be accommodated, subject to meeting normal planning and environmental criteria.

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

- Policy Objective RH 3: *Having regard to the need to protect the natural resources, environment, landscape and infrastructure, it is Council policy to consider a single dwelling in the countryside subject to meeting the criteria in Table 4.4 in relation to Structurally Weak Areas.*
- Policy Objective RH 4: *Provide for sustainable rural housing in the county in accordance with the Sustainable Rural Housing: Guidelines for Planning Authorities (DEHLG, 2005) , EPA Code of Practice: Wastewater Treatment Systems for Single Houses (2009) and ensure that any plan or project associated with the provision of new housing is subject to Appropriate Assessment Screening in compliance with the Habitats Directive, and subsequent assessment as required.*
- Policy Objective RH 5: *Require all applicants seeking to live in the open countryside to submit proposals with regard to climate action and measures to reduce carbon emissions in this regard.*
- Policy Objective RH 6: *Ensure that the provision of rural housing will not detract from the county's natural and built heritage, economic assets and environment and the planning authority will have regard to the relevant development plan objectives.*
- Policy Objective RH 10: *Promote good rural design through the implementation of Rural House Design Guidelines prepared by Laois County Council in Appendix 7.*

Development Management Standards for Rural Housing are set out under DM RH 1 which includes a range of criteria will be used to assess if a rural site is acceptable in principle for a dwelling house. The criteria are detailed within Appendix 7: Rural Design Guidance.

Chapter 10 - Infrastructure

Chapter 10 sets out the relevant policy objectives and approach of Laois County Council relating to transportation, surface water, drainage and flooding and water & wastewater infrastructure.

Transportation

Relevant development Management Standards for Transportation are set out under DM TRANS 2: Sightlines which states *Where sightlines are inadequate and would give rise to a traffic hazard, development will not be permitted.*

Flooding

Map 10.3 Flood Map indicates that the subject site is not located within Flood Zone A or Flood Zone B.

Wastewater

- Policy Objective ES 19 seeks to Minimise the impact on groundwater of discharges from domestic wastewater treatment systems and other potentially polluting sources.

Chapter 11 – Biodiversity and Natural Heritage

Chapter 11 contains a number of policies relevant to removal of hedgerows, landscape character and views and prospects.

Hedgerows

- Policy Objective *BNH 28: Ensure that hedgerow removal to facilitate development is kept to an absolute minimum and, where unavoidable, a requirement for mitigation planting will be required comprising a hedge of similar length and species composition to the original, established as close as is practicable to the original and where possible linking in to existing adjacent hedges. Native plants of a local provenance should be used for any such planting.*

Development Management Standards for hedgerows are set out under DM BNH 5 which contains a number of criteria the planning authority will have regard to.

Landscape

Map 11.7 – Landscape Character Assessment indicates that the subject site is located within a Lowland Agricultural Area. Table 11.6 notes that such character areas have low sensitivity with capacity to absorb a wide range of uses.

Policy Objectives for Landscape Character Areas

- Policy Objective LCA 2 Protect and enhance the county’s landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape and conserve valuable habitat including any European and National Designations.
- Policy Objective LCA 3 Seek to ensure that local landscape features, including historic features and buildings, hedgerows, shelter belts and stone walls, are retained, protected and enhanced where appropriate, so as to preserve the local landscape and character of an area, whilst providing for future development.

Views and Prospects

Map 11.8 indicates that there are no scenic views or prospects at the proposed development site or in the vicinity.

Chapter 12 Built and Cultural Heritage

There is no record any structures of built and cultural heritage within the subject site is close proximity including protected structures, national monuments or zones of archaeological potential.

Appendix 7 – Rural Design Guidance

The aim of the Guidance is to set out the site planning and design issues that need to be addressed and to clearly set out what is acceptable and what is not acceptable in terms of one-off houses in County Laois

5.4. Natural Heritage Designations

The closest natural heritage designations to the subject site includes Coolrain Bog pNHA (Site Code: 000415) located 0.8km to the north-east, Mannin Wetland pNHA (Site Code: 000868) located 3.4km to south-east and Knockacoller Bog pNHA (Site Code: 000419) located 4.4km to the east.

The Closest European site to the subject site includes Coolrain Bog SAC located 0.8km to the north-east, River Nore SPA (Site Code: 004233) located 1km to the south, Slieve Bloom Mountains SPA (Site Code: 004160) located 2.4km to the north-west, River Barrow and River Nore SAC (Site Code: 002162) located 3.8km to the north-east and Knockacoller Bog SAC (Site Code:002333) located 4.5km to the west.

5.5. EIA Screening

- 5.5.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). The proposed development is of a CLASS specified in Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended) but is sub-threshold being a Class 10(b)(i) '*Construction of more than 500 dwelling units*'. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

5.6. Water Framework Directive

The subject site is located in rural area within close proximity (c. 470m) to the Nore_060 (IE_SE_15N010500). The subject site (c. 4.6km north of Borris-in-Ossory) is located within an area characterised by agricultural lands and relatively low number of one-off rural dwellings.

The proposed development comprises a two-storey dwelling within a rural location. No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed extension of the existing dwelling and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further

assessment because there is no significant risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location from the nearest water bodies

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

6.0 The Appeal

6.1. Grounds of Appeal

Third party appeal

- It is suggested that the proposed dwelling be repositioned to the west side of the field to maintain a respectful distance from the neighbouring property to the east.
- The proposed dwelling is not in line with the neighbouring dwelling or nay dwelling on approaching roads.
- The location of the entrance to the forefront of the neighbouring dwelling to the north is not appropriate.
- In the context of the neighbouring dwelling to the east (c. 100 years old), the proposed dwelling deviates from the current landscape.

6.2. Applicant Response

- 6.2.1. A First party response to the grounds of appeal was received which is summarised as follows:

- House Positioning and Setback: The first party states that the development is in compliance with the LCC Rural Design Guidelines (being a contemporary modern interpretation of the traditional Irish farmhouse) which state setback distances should be varied from that of neighbours to avoid repetition for a harmonious integration with the landscape and to avoid a suburban pattern of development.
- Privacy and Separation Distances: the response states that the proposed separation distance (42m) is significantly in excess of the minimum required of 16m under the Sustainable Residential Development & Compact Settlements Guidelines for Planning Authorities.
- Sunlight and Overshadowing: the first party contends that the positioning, orientation and separation distance will ensure that there's minimal impact on the appellant's sunlight.
- The first party argues that the proposed entrance fully complies with both LCC and national standards for an entrance onto a local road.
- It is highlighted that the Site Suitability Assessment indicates that the proposed septic tank and percolation area complies with EPA standards.
- A refusal of planning permission within a structurally weak area would be contrary to the Council's own rural settlement strategy.

6.3. Planning Authority Response

None

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

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

7.2. Principle of Development

7.2.1. The proposed development comprises the construction of a two-storey dwelling 4-bedroom dwelling with associated septic tank and percolation area, new site entrance, and all ancillary site works.

7.2.2. The site is located within a 'Structurally Weak Area'. Table 4.4 – Rural Area designation of the Development Plan states, *'to help stem decline and strengthen structurally weak areas, it is an objective of the Council that in general, any demand for permanent residential development should be accommodated, subject to meeting normal planning and environmental criteria'*. The principle of a dwelling at this location is acceptable subject to meeting normal planning and environmental criteria.

7.2.3. To regulate the use of the dwelling, the notification to grant permission included a condition limiting it to domestic-related purposes only which I consider appropriate.

7.3. Design, Visual Impact and Residential Amenities

Design and Visual Impact

7.3.1. The proposed development comprises a two-storey dwelling of contemporary design which largely adopts the proportions, massing and linear form of the traditional farmhouse typology. I am satisfied that the design approach is appropriate in a rural context and aligns with the guidance within Appendix 7 – Rural Design Guide of the Development Plan.

- 7.3.2. The siting of the dwelling is set-back from the public road which generally reflects the pattern in the area. In this regard, I would concur with the first party response to the appeal that alignment of building lines would be more in-keeping with suburban form of development rather than rural housing.
- 7.3.3. The proposal does not give rise to ribbon development with an absence of a proliferation of one-off housing along this stretch of road. The site is located within a Structurally Weak Area where the Development Plan, in principle, seeks to facilitate rural housing subject to normal planning and environmental considerations.
- 7.3.4. The proposed development includes the retention of hedgerows where feasible together with additional planting within the site. I consider these measures will allow the dwelling to integrate within the landscape, soften its visual impact thereby maintaining the rural character of the area. I do not consider that the proposed development will have a significant or adverse visual impact on the surrounding landscape.

Dwelling Standards

- 7.4. In terms of the quality of the dwelling, the floor plans indicate that that dwelling meets and exceeds the minimum floor areas and room size standards set out in the Quality Housing for Sustainable Communities Design Guidelines (2007). I am satisfied that the dwelling will provide a high standard of residential accommodation.

Impact on Residential Amenity

- 7.5. The appeal to ACP and the third-party submission to the local authority raised concerns regarding residential amenity impacts including loss of sunlight and privacy. Having examined the permitted site layout plan submitted at the FI stage and indicated separation distances, I note that the proposed dwelling will be a substantial distance from the adjoining residential properties which includes the adjoining farmhouse to the east and the dwelling located on the opposite side of the public road to the north. These separation distances in combination with existing and proposed boundary treatment/site planting, are sufficient to prevent any undue loss of privacy, loss of daylight/sunlight or overbearing impacts.
- 7.6. I note the third party to the north expressed concerns relating to light pollution due to the positioning of the vehicular entrance. I would not consider the scale of vehicular

movements from a single dwelling in combination with the relatively substantial vegetation to the boundary of the dwelling to the north would result in any adverse or significant affects.

7.7. While the concerns expressed within the appeal and submissions to the planning authority are noted, in alignment with the local authority, I do not consider the proposed development will have any significant or adverse impacts on the residential amenity of neighbouring properties based on the information provided.

7.8. **Roads and Access**

7.8.1. The proposed development would be accessed off a local secondary road (L5055-27), which joins the L5057 to the south-west providing access to Borris-in-Ossory, c. 4.5km. The route is generally flat with gentle inclines, winding and narrow carriageway with dense hedgerows limiting forward vision at sections. The route generally provides access to farm holdings and agricultural fields and is not characterised by a proliferation of one-off dwellings.

7.8.2. The permitted site layout plan submitted at the FI stage proposes a vehicular entrance towards the west of the subject site (directly opposite the dwelling to the north side of the road). Following submission of FI, the Planning Department indicated that they have no objections to the access proposal, subject to conditions. Having reviewed the file and undertaken a site visit, I am satisfied that sightlines of 90m with 3m recess can be achieved at the site access in compliance with the Development Plan standard. The planning authority included specific conditions to ensure the development meets the above standards which I consider are appropriate to attach in the event of a grant of permission.

7.8.3. Having regard to the above, I consider the proposed access and traffic arising as a result of the development to be acceptable in this instance, and do not consider that permission should be refused on this basis.

7.8.4. The notification of decision to grant permission included a condition requiring electrical vehicle charge points be provided and linked to the individual domestic electricity meter. I consider this is appropriate in the context of Policy Objective RH 5 requiring proposals to include measures for the reduction of carbon emissions for dwellings in the open countryside.

7.8.5. Third party submissions to the planning authority highlighted concerns relating to the removal of hedgerow in the context of biodiversity loss. I note that an extent of hedgerow to the front boundary will be required to be removed to facilitate the vehicular entrance and to achieve 90m sightlines. Policy Objective BNH 28 requires that hedgerow removal to facilitate development is kept to a minimum and where unavoidable, a requirement for mitigation planting will be required. I note the local authority included a condition requiring remaining boundary to be retained and for site boundaries to be planted with native trees/shrubs. I am satisfied that the development will not result in excessive removal of hedgerows and aligns with the intention of Policy Objective BNH 28.

7.9. Site Services

Water Supply

7.9.1. The proposed development will be serviced by a private well. The LCC Notification of a Grant of Permission included a condition requiring the developer to ensure that a clean, potable water supply is provided prior to first occupation which complies with the E.U. (Drinking Water) Regulations, S.I. No. 99/2023. I consider inclusion of this condition to be appropriate in the event the Commission decides to grant permission.

Wastewater Treatment

7.9.2. It is proposed to install a septic tank and percolation area with an invert level of 0.8m below ground level.

7.9.3. A third party submission to the planning authority from the occupants of the adjoining residential dwelling to the east raised concerns that the proposed septic tank and percolation area could have adverse impacts to their water supply. A response from the first party received by ACP contends that the percolation values, the moderate groundwater vulnerability rating and separation distance to the neighbouring site complies with EPA standards. I note the reports of the Council Technician and the planning department indicated that the proposed wastewater treatment was satisfactory.

7.9.4. In assessing wastewater treatment proposals, the EPA Code of Practice 2021: "Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)". (The EPA Code) is the relevant guidance document.

- 7.9.5. From a review of the documentation, the Applicant's Site Characteristics Form confirms that the site is located within an area with a moderately vulnerable aquifer.
- 7.9.6. The Site Characterisation Form indicates that the estimated Population Equivalent is 6 (PE) for the proposed development based on provision of 4no. bedrooms.
- 7.9.7. From the Site Characterisation Form, the aquifer is stated as regionally important, with moderate vulnerability (a review of Geological Survey Ireland's GIS Mapping confirms same). The Groundwater Protection Response Category is identified as 'R1', which is detailed in Table E1 (Response Matrix for DWWTs) of the EPA Code of Practice Domestic Wastewater Treatment Systems, as being 'acceptable subject to normal good practice'.
- 7.9.8. The depth of the trial hole was 3 metres and soil types consisted of clay/silt with a granular structure and was uncompacted. The water table was recorded at -2m. the report deemed the site as being suitable.
- 7.9.9. In respect of the percolation characteristics of the soil, the subsurface test result is indicated as 17.36min/25mm. The surface test result is stated as 25.97min/25mm.
- 7.9.10. Observations from my site visit did not indicate any drainage or surface water issues. Based on the information contained within the Site Characterisation Form, I am satisfied that the site is suitable for wastewater and percolation works to serve the proposed dwelling.
- 7.9.11. Having considered the separation distances required between the WWTS and relevant adjoining features as per the guidance set out within Table 6.2 of the 2021 EPA Guidelines, I am satisfied that the proposal meets the minimum requirements in respect of same.
- 7.9.12. Based on the information as submitted, and in the event that the Commission decide to grant permission, I am satisfied that the site can accommodate wastewater on site, and that the proposed development would not be prejudicial to public health.

Surface Water Drainage

- 7.9.13. Stormwater is proposed to discharge to two soakaways to BRE 365 standards. The internal and planning departments in LCC indicated no objection to the proposed surface water drainage measures. The local authority attached standard conditions to ensure that there is no run-off to the public road/adjoining properties/foul system

and to comply with B.S. 8301:1985 and BRE Digest 365. I consider it is appropriate to attach in the event the Commission decides to grant permission.

8.0 AA Screening

8.1.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive).

8.1.2. I have considered the construction of a dwelling with wastewater treatment system and all associated site works, in light of the requirements S177U of the Planning and Development Act 2000 as amended.

8.1.3. The closest European sites to the subject site is as follows:

- Coolrain Bog SAC located 0.8km to the north-east.
- River Nore SPA (Site Code: 004233) located 1km to the south.
- Slieve Bloom Mountains SPA (Site Code: 004160) located 2.4km to the north-west.
- River Barrow and River Nore SAC (Site Code: 002162) located 3.8km to the north-east.
- Knockacoller Bog SAC (Site Code:002333) located 4.5km to the west
- Slieve Mountains SAC (Site Code: 000412) located 6.9km to north-west.

8.1.4. No nature conservation concerns were raised in the planning appeal.

8.1.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

8.1.6. The reason for this conclusion is as follows:

- The distance from nearest European site.
- The small scale and nature of the subject proposal.

8.1.7. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

8.1.8. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that permission be granted for the construction of a dwelling house, septic tank and percolation area, new site entrance, ancillary site services and all associated site works based on the below reasons and considerations and subject to the conditions hereunder.

10.0 Reasons and Considerations

Having regard to the location of the subject site within a Structurally Weak Area, where it is an objective of the Laois County Development Plan 2021-2027 to, in general accommodate any demand for permanent residential development subject to meeting normal planning and environmental criteria; to the relevant policy objectives of the Development Plan, including those relating to rural housing, landscape, biodiversity and transportation and protection of the residential and visual amenities; to the guidance contained within Appendix 7 of the Development Plan; to the guidance set out within the EPA's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (2021); and to the nature and scale, siting and the design of the proposed development which is appropriately proportioned, responds to its rural setting and does not give rise to ribbon housing, it is considered that the proposal is an acceptable form of development at this location. Having further regard to the separation distances provided, existing and proposed boundary and landscape treatments, it is considered that the proposed development would not seriously injure the amenities of the neighbouring properties to the east and north or the character of the area and would therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended on 22nd August 2025 and 16th September 2025 except as may otherwise be required in order to comply with

the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The overall site shall be used for domestic-related purposes only, and not for any commercial, workshop, or other non-domestic use.

Reason: In the interests of clarity and to regulate the use of the development in the interest of the proper planning and sustainable development of the area.

3. The Developer shall ensure that electrical vehicle charge points are provided linked to the individual domestic electricity meter.

Reason: To promote the use of renewable energy.

4. (a) Only clean uncontaminated surface water from the development shall be discharged to the surface water system.

(b) The development shall not interfere with or impair the operation of any existing surface water drainage system or land or roadside drainage currently facilitating the application site. No run off shall be allowed on to the public road or adjoining properties.

(c) All surface water shall be collected and disposed of to soakaways or water system designed and constructed in accordance with B.S. 8301:1985 and BRE Digest 365 and provided with inspection manhole covers. No surface water shall be discharged to the foul system.

Reason: To prevent interference with existing land or road drainage and in the interests of proper development and in the interest of sustainable drainage of the catchment.

5. The developer shall ensure that a clean, potable water supply is provided prior to first occupation which complies with the E.U. (Drinking Water) Regulations, S.I. No. 99/2023.

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

6. (a) Effluent disposal from the proposed development shall be in accordance with the Site Characterisation Form and the Site Suitability Report received by the Planning Authority on 17/06/2025, and the requirements of the EPA, Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent \leq 10), 2021.

(b) The developer shall enter a maintenance contract with the manufacturers/suppliers of the wastewater treatment system to ensure satisfactory performance at all times.

(c) The developer shall submit documentary evidence signed by a suitably qualified person holding indemnity insurance (at least €1 million) stating that the wastewater treatment system has been installed in accordance with EPA guidelines.

Reason: To guard against pollution and ensure the proper servicing of the development.

7. (a) The entrance to the site shall be recessed 3m behind the front boundary line. Only the recessed space shall be splayed with wing walls, timber fences or stone banks not exceeding 1.2m in height.

(b) Adequate sight distances of 90m shall be created and maintained in both directions at the site entrance. The sight distances shall be measured from a point 3 metres in from the road edge and from a driver's eye height of 1.05 metres to an object height of 1.15 metres.

(c) All areas forward of the sight splays, excepting access way, shall be grassed up to the metalled edge of the road. No wall, excepting the wing walls for the access, shall be erected as part of the boundary, whether or not such development would constitute 'exempted development' under the terms of the Planning and Development Regulations, 2001 as amended.

(d) Any damage caused to the adjoining public thoroughfare shall be made good at the developer's expense to the satisfaction of the Planning Authority.

Reason: To ensure the provision of an adequate entrance to the development in the interests of traffic safety.

8 (a) Save for that which needs to be removed in order to create the proposed entrance and sightlines, all remaining boundary screening shall be retained and not removed save with the prior written consent of the Planning Authority.

(b) Site boundaries shall be planted with trees/shrubs of species native to the area to form naturalised hedgerows similar to existing native hedgerows in the vicinity. Species shall include hawthorn, blackthorn, ash, oak, hazel and holly; beech [*fagus sylvatica*] and laurel shall not be used.

(c) Planting shall be carried out in the first planting season following commencement of development.

(d) In the event of tree/hedge failures, these shall be replaced within the following planting season.

Reason: In the interests of visual and residential amenity.

7. (a) During the construction stage of the proposed development, the developer shall comply with the document titled “Best Practice Guidelines for the Preparation of Resource & Waste Management Plans for Construction and Demolition Projects” published by the Environmental Protection Agency.

(b) During the development works, the developer is not to permit any material from the site to be spread or deposited along the public roadway. The developer shall be responsible for maintaining the adjoining public thoroughfare and properties in a neat, tidy and safe condition.

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

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

application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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

David Freeland

4th February 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference			
Proposed Development Summary	The proposed development comprises construction of a dwelling house, septic tank and percolation area, new site entrance, ancillary site services and all associated site works.		
Development Address	Caher, Borris-in-Ossory , Co. Laois		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	X	
	No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	x		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment
No			
Yes	x	10(b)(i): Construction of more than 500 dwelling units.	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	x	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-322926-25
Proposed Development Summary	The proposed development comprises construction of a dwelling house, septic tank and percolation area, new site entrance, ancillary site services and all associated site works.
Development Address	Caher, Borris-in-Ossory, Co. Laois
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development comprises the construction of a new dwelling and a new on-site wastewater treatment system. The development comes forwards as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is not located within or immediately adjacent to any designated site. The proposed development would include a private well and installation of a new wastewater treatment system. Stormwater would be discharged to an on-site soakaway. It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	

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

Inspector: _____ Date: _____