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## **Planning and Development Acts, 2000 to 2017**

### **Planning Authority: Laois County Council**

**Application** by Laois County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura impact statement, lodged with An Bord Pleanála on the 20<sup>th</sup> day of December, 2017.

**Proposed Development:** Proposed development to Poormans Bridge as follows:

- (a) Piers, arches, abutments and spandrel walls to be repointed as necessary.
- (b) Soft verges to be removed and 250-millimetre rubbing strips to be installed.
- (c) Scour protection to be provided.
- (d) Top section of cut water to be rebuilt.
- (e) Installation of tie bars at quarter points of all spans.
- (f) Tree stumps to be poisoned, repointing to be carried out as necessary.
- (g) Road to be resurfaced up to rubbing strip.

All at Poormans Bridge (a Protected Structure), Abbeyleix, County Laois.

## Decision

**Refuse to Approve the above proposed development based on the reasons and considerations set out below.**

### Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### Reasons and Considerations

1. Having regard to the conservation objectives for the River Barrow and River Nore Special Area of Conservation (site code: 002162), to the 2014 survey of the Nore freshwater pearl mussel (*Margaritifera durrovensis*) which is a qualifying interest of the site, to the sensitivity to water quality and, particularly to sedimentation, and to the poor conservation status of this critically endangered species, which is only known to occur along a short stretch of the River Nore below Poorman's Bridge, and to the absence of adequate water level data and turbidity survey data in circumstances where works are proposed to commence in summer 2018, and where the local authority has confirmed that the collection of such data only commenced in February 2018, the Board is not satisfied, based on the information submitted, that the proposed development would not adversely affect the integrity of this European Site, a conservation objective of which requires that the distribution of this qualifying interest be maintained at 15.5 kilometres, from Poorman's Bridge (S407859) to Lismaine Bridge (S442660), and that suitable habitat is to be restored, rather than maintained.

2. Having regard to the absence of an architectural heritage assessment of Poorman's Bridge and an archaeological appraisal of this river crossing point, the Board is not satisfied that the proposed remedial interventions to the Protected Structure are appropriate and that the proposed development would not have an unacceptable impact on archaeological heritage. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to approve the proposed development, the Board considered the Natura impact statement to be deficient, and, therefore, was not satisfied that the proposed development would not adversely affect the integrity of the European Site. Furthermore, the Board was not satisfied that the proposed development would not adversely impact on the cultural, archaeological and architectural heritage of the area.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this          day of                                  2018**