



Planning and Development Acts 2000 to 2017

Planning Authority: Laois County Council

Planning Register Reference Number: 17/548

APPEAL by Petrogas Group Limited care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin against the decision made on the 5th day of December, 2018 by Laois County Council to refuse permission to the said Petrogas Group Limited.

Proposed Development

The provision of four no. pump islands with branded canopy over, underground fuel storage tanks, shop building (including shop/retail sales area, ancillary off licence, food offer and ancillary services area - retail building gross floor area 320.5 sq.m), seating, external play area, car parking (25 no. spaces), brush wash, signage, provision car service area, landscaping and all associated development works including access to the New Relief Road, site works, landscaping, boundary details and site grading.
New Relief Road/420 Link Road, Portarlinton, Co. Laois.

Decision

REFUSE permission for the above proposed development in accordance with 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. The site is located in close proximity to the River Barrow and on lands designated as Flood Zone A and Flood Zone B in the current Development Plan for the area. Having regard to the Site Specific Flood Risk Assessment submitted with the application and notwithstanding the flood risk mitigation measures proposed, the Board is not satisfied that the proposed development would not increase the risk of increased flooding of other lands and property upstream and downstream in the vicinity. It is considered that the development would contravene policy FRP 2, as set out in the Portarlington Joint Local Area Plan 2012-2018, which seeks to “avoid inappropriate development in areas at risk of flooding and ensure that new development does not increase flood risk elsewhere, including that which may arise from surface water runoff” and would, therefore, be contrary to the provisions of the The Planning System and Flood Risk Management Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in November, 2009, and to the proper planning and sustainable development of the area.

2. Having regard to the location of the site immediately adjacent to a Special Area of Conservation – The River Barrow and River Nore Special Area of Conservation (site code 002162) and the Natura Impact Statement submitted with the application, which relies on the findings of the Site Specific Flood Risk Assessment, the Board is not satisfied that the proposed development, due to the threat of flooding of the site, notwithstanding the proposal to raise ground levels, would not pose a threat to the adjoining Special Area of Conservation. It is, therefore, considered that the proposed development would contravene policy NHP 3, as set out in the Portarlinton Joint Local Area Plan 2012-2018, which seeks to maintain, protect and where possible enhance the conservation value of existing designated European sites in the town and any additional sites that may be proposed for designation during the period of the Plan. As such it is considered that the proposed development would, if permitted, militate against the preservation of the European site and would, therefore be contrary to the proper planning and sustainable development of the area.

3. The site is located in close proximity to the River Barrow and is currently a recognised floodplain. Notwithstanding the flood risk mitigation measures proposed as part of the proposed development, because of the proximity to the River Barrow and the loss of an existing floodplain that is attached to the River, it is considered that the proposed development would be considered haphazard and piecemeal in advance of flood relief works in Portarlinton town as a whole. 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 grant permission, the Board is not satisfied that the proposed development by reason of its location and nature, would not lead to a risk of flooding beyond a reasonable scientific doubt, and would not have an adverse effect on the adjoining Special Area of Conservation.

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

Dated this day of 2018.