

Planning and Development Acts 2000 to 2021

Planning Authority: Laois County Council

Planning Register Reference Number: 20/620

APPEAL by Davitt Court Residents Committee and Paddy Bracken care of Anthony and Elaine Ward of 1 Davitt Court, Mountmellick, County Laois and by the Board of Management of Scoil Phadraig Naofa Boys National School care of Fitzgibbon McGinley Architects Limited of Unit W9C, Ladytown Business Park, Naas against the decision made on the 13th day of September, 2021 by Laois County Council to grant subject to conditions a permission to Corrigeen Building Company Limited care of Daniel P. Keane Architectural Technologist of 20 Church Street, Portlaoise, County Laois.

Proposed Development: (a) Demolition of existing building, (b) build 36 number two bedroom apartment in eight number two storey blocks, (c) bin bay and cycle shelters and (d) site entrance and all associated site works at a site at Davitt Road, Mountmellick, County Laois. Further public notices were received by the planning authority on the 18th day of August, 2021.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

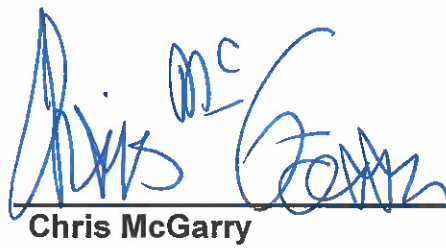
Matters Considered

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. On the basis of the information provided with the application and the appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) or any other European Site in view of the site's conservation objectives. In this regard, the Board is precluded from granting planning permission.
2. It is proposed to connect the proposed development to the public sewer in an area where the sewerage network is stated to be constrained. On the basis of the information submitted with the application and the appeal and in the absence of documentary evidence, the Board is not satisfied as to the capability of the network to accommodate the sewage generated by the proposed development. In this regard and in the absence of confirmed evidence as to the capability of the sewerage network to accommodate the proposed development, it is considered that the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the documentation submitted with the application and the appeal it appears that landfilling has occurred on the subject site. From the information available on the file, which is limited in terms of the detail provided as to the source and content of this landfilling material, the Board cannot be satisfied that the nature of the fill material would not impact on the environment either in its current state or as a consequence of development works on site related to the proposed development, or that the altering of land levels would not impact on flood risk by reason of displacement of floodplain storage. In this regard and in the absence of sufficient detail as to the nature and content of the landfilled material on site and the precise nature of changes to this material, in terms of removal, retention or other physical alterations, as part of the construction and operation of the proposed development, it is considered that the proposed development could lead to adverse effects on the environment including potential flood risks and accordingly the proposed development would be contrary to the proper planning and sustainable development of the area.



Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *5th* day of *April* 2022