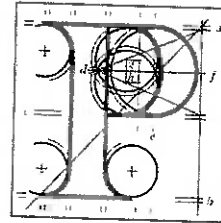


Our Case Number: ACP-323830-25



**An
Coimisiún
Pleanála**

Laois County Council
Laois Capital Projects Offices
IDA Business & Technology Park
Mountrath Road
Portlaoise
Co. Laois
R32 WKE0

Date: 25 May 2026

Re: Proposed flood relief scheme
in Mountmellick, County Laois

Dear Sir / Madam,

I refer to the above-mentioned proposed development which is before the Commission for approval. Please be advised that the Commission, in accordance with section 175(5)(a) of the Planning and Development Act, 2000, as amended, hereby requires you to furnish the following further information in relation to the effects on the environment of the proposed development:

- 1) Policy objective PS 2 of the Laois County Development Plan 2021-2027 aims to protect and conserve protected structures. According to the development description for the project, as detailed within the statutory notices accompanying the application, a modern standing stones sculpture in the children's playground / park along Pearse Street is included in the record of protected structures appended to the Laois County Development Plan 2021-2027 under reference 704, and this would require repositioning in order to facilitate flood wall (5) proposed as part of the scheme along the left bank of the Owenass river downstream of Mill bridge. Review of the site plan drawing (no.19105-JBB-XX-XX-DR-C-02809) accompanying the application, encompassing the area of the site closest to the stated children's playground / park and illustrating the location of proposed flood wall (5), does not refer to the removal of the stated standing stone sculpture. Within the Environmental Impact Assessment Report (volume II) accompanying the application, the applicant recommends consultation with an artist to devise a suitable relocation strategy for the protected structure within the children's playground / park. Details of the alternative location for this protected structure or justification for the removal of the protected structure in the first instance have not been provided. The applicant should clarify whether or not it is intended to reposition or directly affect the stated standing stone sculpture. Should repositioning or direct affects be proposed to the standing stone sculpture, the applicant should address this element of the project with regard to planning policy provisions, including the policy objectives for protected structures contained in the Laois County Development Plan 2021-

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2027, any exceptional circumstances to allow for same, and the intended alternative location for the standing stone sculpture as part of the project, including drawings to a stated metric scale and visual graphics, such as a photomontage, to illustrate the proposed new context.

- 2) Policy objectives TRANS 1 and TRANS 9 of the Laois County Development Plan 2021-2027 aim to maintain, improve and protect the safety, capacity and efficiency of the road network, and allow development where the capacity, width alignment and surface conditions of roads are adequate. As part of the Preliminary Construction Environment Management Plan the applicant has presented two options for the rerouting of traffic during the replacement of Owenass (Derrycloney) bridge, including a route along the N80 national road and a route along a single-lane carriageway (local road L21009) with limited forward visibility and set down areas through O'Moore's Forest and Drinagh townlands. Notwithstanding the temporary period during which the replacement bridge works would require traffic diversions, the applicant is requested to address the route diversions for traffic during the bridge replacement works to ensure that diversions routes feature adequate roads capable of efficiently, safely and conveniently managing the associated traffic arising, in line with the provisions set out under policy objectives TRANS 1 and TRANS 9 of the Laois County Development Plan 2021-2027.
- 3) Development management standard DM BNH 4 of the Laois County Development Plan 2021-2027 requires planning applications affecting mature trees to be accompanied by a detailed submission prepared by a suitably-qualified arboriculturalist, in accordance with British Standard 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations' and a Tree Management Plan. Table 7-4 of the applicant's Environmental Impact Assessment Report (volume II) refers to a tree survey prepared by Arbor-Care Ltd. in 2023 and section 7.4.2 of the Environmental Impact Assessment Report (volume II) refers to this survey as forming an appendix to the Environmental Impact Assessment Report (volume III). Section 7.10.11.1 of the Environmental Impact Assessment Report (volume II) refers to mitigation measures set out in an Arboricultural Impact Assessment report prepared by Arbor-Care Ltd. in 2023. The stated tree survey and report do not appear to have been submitted with the application. The applicant is requested to submit a tree management plan in line with the provisions set out under development management standard DM BNH 4 of the Laois County Development Plan 2021-2027. The assessment is also required to be submitted to inform the evaluation of the magnitude and significance of the loss of woodland habitat within the study area.
- 4) Hedgerows and trees would be removed as part of the project in several locations. Policy objectives BNH 28 and BNH 30 of the Laois County Development Plan 2021-2027 require the removal of hedgerow and trees to be kept to a minimum and, where unavoidable, mitigation planting is required comprising hedgerow of similar length and native species composition to that being removed, established as close as is practicable to the original and where possible linking into existing adjacent hedges. The applicant is requested to submit details addressing policy objectives BNH 28 and BNH 30 of the Laois County Development Plan 2021-2027.
- 5) Reference is made to 16 temporary construction compounds in the Environmental Impact Assessment Report (volume II) accompanying the application, however, 14 temporary compounds are identified on the application drawings (nos. 19105-JBB-XX-XX-DR-C-02760, 19105-JBB-XX-XX-DR-C-02761 and 19105-JBB-XX-XX-DR-C-02762). The applicant should clarify the number and locations of temporary construction compounds proposed for the project.

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- 6) The applicant intends to temporarily place material to form hardstandings in each of the construction compounds. The proposed construction compounds would vary in size considerably, including compound G situated along the right bank of the Owenass river downstream of Mill (Mountmellick) bridge and measuring approximately 3 hectares. The applicant is requested to detail the approximate extent of hardstanding areas within each of the project construction compounds.
- 7) Section 26 of drawing no. 19105-JBB-XX-XX-DR-C-02754 titled 'section sheet 4 of 9', included as part of the application refers to a 4m-high railing that would sit on top of the Mill bridge upstream parapet wall. This detail does not appear in photomontage viewpoint 8 included as part of the Environmental Impact Assessment Report (volume III). The applicant is requested to clarify the details proposed for the Mill bridge upstream parapet wall and provide an amended drawing to a stated metric scale or a photomontage to show details consistent with the proposals for the parapet wall.
- 8) Policy objective FRM 13 of the Laois County Development Plan 2021-2027 aims to ensure new development does not increase flood risk elsewhere, including that which may arise from surface water runoff. The information provided by the applicant, including mapped details of flood extents during a 1% annual exceedance of probability event illustrating the difference between the present (2020) undefended scenario and a scenario with the proposed development in situ, reveals that the subject proposed flood relief scheme would increase flood risk elsewhere. The applicant is requested to address policy objective FRM 13 of the Laois County Development Plan 2021-2027, including any rationale for contravening this policy objective.
- 9) Details of the habitat areas that would be permanently and / or temporarily lost as a result of the proposed flood relief scheme are required to inform the assessment of the impact of the proposed development for ecological receptors.
- 10) A detailed and scientifically-robust evidence base is required to substantiate the effectiveness of the proposed site-specific mitigation measures, ensuring they are capable of avoiding or reducing to negligible levels, any adverse effects on the qualifying interests and special conservation interests of European Sites. Mitigation measures for the proposed construction of the flood relief scheme require instream works, as presented within the application Natura Impact Statement and Preliminary Construction Environmental Management Plan, including the Owenass bridge replacement, flood defence no.3C, flood defence no.4D, flood defence no.5A and the proposed diversion of the Clontygar stream (flood defence no.8). These instream works are stated to feature temporary sheet piles (cofferdams) to create dry-cell areas, with pumping to be undertaken to dewater the cell areas. The details submitted with the application addressing the potential impacts arising from proposed dewatering activities lack sufficient support as to their likely effects based on hydrological assessment. Consequently, it cannot be determined if the proposed mitigation measures are suitable for each specific dewatering location, or if the measures are appropriate to manage the anticipated volumes of water and silt, to ensure the satisfactory protection of receiving river waterbodies.

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The applicant is required to submit the following:

- a) Quantify the expected flows / volumes of water (surface and groundwater) for each location requiring dewatering, and define appropriate, site-specific treatment methods for silt-laden water, to ensure compliance with water quality standards.
- b) Provide site plans demonstrating that sufficient land is available proximate to all proposed works areas to accommodate the necessary settlement ponds, silt bags or filtration features. If sufficient space is not available for these necessary measures, details of alternative, active treatment systems should be provided.
- c) As elements of the proposed works are located within identified flood risk zones, comprehensive risk assessment detailing emergency contingency measures to manage the influx of water into the proposed works areas during potential flood events is required. The proposed measures should include specific protocols to prevent uncontrolled pollution events, for example, wash-out of silts and / or hydrocarbons to river waterbodies.

The application Natura Impact Statement and Preliminary Construction Environmental Management Plan should be updated to reflect these detailed assessments and mitigation strategies.

- 11) Accurate baseline data informing site specific mitigation of impacts on sensitive receptors is required, including targeted fisheries habitat and aquatic ecology surveys focusing on areas adjacent to, upstream and downstream of all of the existing culverts on site that would be subject of proposed works as part of the development, as well as the areas proximate to the proposed culverts, flood walls, embankments and instream works. Details of flow-control measures shall be provided. All proposed works must comply with Inland Fisheries Ireland 'Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters' (2016).
- 12) The habitats on site and adjacent to the site have been categorised into 'Level 3' based on the habitat classifications within 'A Guide to Habitats in Ireland' (Fossitt, 2000). Given the potential for interaction of the proposed development with Annex I qualifying interest habitat, targeted botanical surveys are required for woodland habitats within and adjoining the site boundaries to more accurately confirm the location, area, condition and conservation assessment of any Annex I habitat present, and provide baseline information (in terms of best available scientific information) to inform the Appropriate Assessment. The design of these targeted botanical surveys shall have regard to best practice guidance and published research.
- 13) Proposed construction compound H would be situated within the boundaries of the River Barrow and River Nore Special Area of Conservation. To address the potential for significant effects of the project on this European Site in view of its conservation objectives, and to address the significance of the effects on local biodiversity, the applicant shall identify if there is a more suitable alternative location or locations outside of this European Site for this compound.
- 14) The geographical extent of the otter survey, as detailed in chapter 7 of the Environmental Impact Assessment Report (volume II) and in the Natura Impact Statement, shall be reviewed to ensure all watercourses are surveyed, including areas 150m upstream and downstream of the proposed

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works. Any limitations and mitigation applied to ensure the validity of the findings shall be detailed. The applicant is requested to clarify if the construction of the proposed development would result in the disturbance, damage or destruction of a breeding or resting place for otter, if present within 150m of the proposed development. If required, the applicant is requested to provide a 'Regulation 54 Derogation' under the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011) as amended, to permit activities that could require the removal of otters from holts, the destruction of otter holts, or the disturbance to active-breeding otter holts.

- 15) The National Biodiversity Data Centre holds records of crack willow (*Salix fragilis*) upstream and downstream of Mountmellick. The locations of any crack willow within the site shall be identified on drawings and the respective grid co-ordinates provided. An assessment of the proximity of crack willow to the proposed flood relief scheme works shall be provided with appropriate mitigation measures to address impacts, where required.
- 16) A breeding bird survey is required covering the terrestrial and riparian habitats on site, including surveys for Kingfisher within areas 100m upstream and downstream of the proposed works. Surveys of bridges for nesting dipper and grey wagtail are also required. All bird surveys are to be carried out by suitably-qualified experts within the appropriate season and in accordance with best practice guidelines. Should breeding birds be recorded within or in proximity to the site, the applicant shall set out appropriate mitigation measures for the project, such as suitable buffer distances for the construction works, informed by Goodship, N.M. and Furness, R.W. (MacArthur Green) 'Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species' NatureScot Research Report 1283.
- 17) Under Regulation 49(2) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011) as amended, it is an offence to plant, disperse, allow or cause to disperse, spread or otherwise cause to grow in any place, any plant included in Part 1 of the Third Schedule without a licence from the National Parks and Wildlife Service. Japanese knotweed (*Reynoutria japonica*), which is included in the aforementioned Third Schedule, was recorded on site previously and is stated to have been treated. Japanese knotweed may remain dormant for long periods, possibly as long as 20 years, and may regrow when disturbed. A site-specific invasive species management plan is required to manage the potential for unintentional spread of invasive species during construction works, including biosecurity measures and proposals for in-situ management, as well as the removal and excavation of invasive species off site, if required, in accordance with the aforementioned Regulation 49 and the use of herbicide in accordance with the Sustainable Use of Pesticides Directive (2009/128/EC) and the Surface and Groundwater Pollution Directive (EU 2026/805).

Please also note that following its examination of any information lodged in response to this request for further information, the Commission will then decide whether to invoke its powers under section whether to invoke its powers under section 175(5)(c)(i) of the Planning and Development Act, 2000, as amended, to require you to publish newspaper notice of the furnishing of any further information and to allow for inspection or purchase of same and the making of further written submissions in relation to same to the Commission.

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Your response to this letter should be received on or before the 25th day of November 2026.

In this regard, please submit 2 hard copies and one electronic copy of the above information.

If you have any queries in relation to the matter, please contact the undersigned officer of the Commission at laps@pleanala.ie.

Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,



Muirin Gowen
Executive Officer
Direct Line:

JA08

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