Our Case Number: ACP-323830-25

An Coimisiún Pleanála

Derrycloney Residents
c/o William O'Connor
Derrycloney
Mountmellick
Co. Laois
R32 X8H1

Date: 12th December 2025

Re: Proposed flood relief scheme
in Mountmellick, County Laois

Dear Sir / Madam,

An Coimisiún Pleanála has received your recent submission in relation to the above-mentioned proposed development and will take it into consideration in its determination of the matter. Please accept this letter as a receipt for the fee of €50 that you have paid.

Please note that the proposed development shall not be carried out unless the Commission has approved it or approved it with conditions.

If you have any queries in relation to the matter, please do not hesitate to 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,

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Eimear Reilly
Executive Officer
Direct Line: 01-8737184

JA02

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64 Marlborough Street
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To:

An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

From:

Derrycloney Residents
c/o William O'Connor
Derrycloney
Mountmellick
Co. Laois
R32 X8H1

9 December 2025

Re:

Mountmellick Flood Relief Scheme – Observation under:
(1) Proper Planning and Sustainable Development; and
(2) Likely Effects on the Environment

Dear Sir / Madam,

The below-signed residents of Derrycloney, Mountmellick (Residents) are making this observation in relation to the proposed Mountmellick Flood Relief Scheme (FRS), particularly its impacts on properties in the Derrycloney area located on the high bank of the river.

This observation is made under:

1. "The implications of the proposed development for proper planning and sustainable development in the area in which the proposed development is situated."
2. "The likely effects on the environment of the proposed development, if carried out."

The Residents fully acknowledge the need for a flood relief scheme in Mountmellick. The 2017 flood event caused substantial damage to properties and demonstrated the necessity for a well-designed FRS.

However, the current proposal introduces an unacceptable and avoidable increase in flood and pollution risk for existing houses on the high bank of the river at Derrycloney. At present, these houses enjoy a high level of protection because:

- Under natural conditions, when the river floods, water preferentially spills over the lower bank first. This acts as a relief mechanism, limiting the water levels that develop at the high bank, thus protecting the high bank properties.
- The houses were designed and built on a naturally higher bank, with a historically low probability of flooding.

By constructing walls and embankments along the low bank, the proposed FRS will:

- Remove or significantly reduce the existing floodplain storage on the low side.
- Increase water levels and flood depths adjacent to the high bank properties.
- Do so without incorporating reasonable, technically feasible mitigation measures that have been brought to the designers' attention.

In effect, the proposed FRS protects properties on the low bank by transferring residual and climate-change-driven risk to the high bank properties, which is contrary to good flood-risk management practice and to proper planning and sustainable development.

Distribution of protection across flood scenarios:

The budget for this FRS is constrained by the value it is protecting. As such, it is necessary to balance spending this money between protecting the status quo and protecting additional houses at risk of flooding.

The scheme has been assessed under six scenarios, each more severe than the last:

1. 1% AEP (1 in 100 year event, although this can be more frequent. Based on the 2017 flood).
2. 1% AEP MRFS (medium climate change allowance to 2100).
3. 1% AEP HEFS (high climate change allowance to 2100).
4. 0.1% AEP (1 in 1000 year event).
5. Additional flooding overtopping embankments but only using "safe" available flood storage.
6. Additional flooding overtopping embankments and causing damage on the opposite side.

For the low bank properties, the proposed FRS provides funding for:

- Fully containing the flood water in scenarios 1, 2 and 3.
- Fully containing the flood water in scenario 4 – 0.1% AEP. This takes the freeboard into account.
- Fully preventing any damage from scenario 5 where houses were deliberately raised on the low bank to account for the known flood risk.
- Providing wider-than-necessary embankments specifically so that they can be raised in future to cope with an even more extreme event as in scenario 6.

In other words, the FRS provides a very high standard of protection for the low bank properties, including future climate scenarios and rare events, and even partially anticipates future upgrading for scenario 6.

For the high bank properties, the position is very different:

- Scenario 1 (1% AEP): the model shows no flooding at the houses themselves.
- Scenario 2 (1% AEP MRFS): the model already shows at least one well and one septic tank at these properties being overtopped.
    - This creates a serious risk of contamination of private drinking water supplies.
    - Neighbouring wells draw from the same groundwater source, so multiple households could be affected.

- This presents clear public health risks to residents, including children and older people.
- Under the Water Services Act 2007 and the Domestic Waste Water Treatment Systems Regulations 2012, householders must take all reasonable steps to avoid pollution from their septic tanks; recurrent flooding of these systems places them in a very difficult legal position.
- Any contamination event would involve significant remediation costs and potential long-term damage to groundwater quality.

- Scenarios 3, 4, 5 and 6 are each more severe again; therefore, flood and contamination risk to these properties inevitably increases in those scenarios.
- It is projected that at some point between scenario 1 and scenario 2, flooding will become severe enough to damage dwellings and/or their curtilage on the high bank.

Crucially:

- Scenario 1 (the only scenario where the high bank properties are shown as safe) is based on the 2017 flood and represents a "current climate" 1% AEP at that time.
- Scenarios 2 and 3 are set at 2100, 83 years after 2017.
- As we approach the end of 2025, over 8 years (c. 10%) of that period has already elapsed. Climate change is ongoing, and it is increasingly likely that the "true" current 1% AEP is already more severe than the 2017 event.
- Scenario 2 (MRFS) itself may prove to be an underestimation, which is precisely why scenario 3 (HEFS) is defined.

In practice, this means:

- The only scenario under which the high bank houses are clearly protected (scenario 1) is already becoming out of date; and
- For all future-looking scenarios (2–6), no specific protection or mitigation is proposed for the high bank properties, despite clear evidence of increased risk.

By contrast, the low bank properties receive:

- Full protection in scenarios 1–5; and
- Partial, futureproofed protection in scenario 6.

From a planning and sustainable development perspective, it is not reasonable that:

- Properties that are currently at very low risk (those on the high bank) will see their flood and pollution risk materially increased as a direct result of the scheme; while
- Properties on the low bank receive a standard of protection extending beyond 1% AEP HEFS and 0.1% AEP, plus additional allowance for future upgrades; and
- No scheme budget is allocated to protect or even maintain the existing level of safety for the high bank properties, including those subject to a compulsory purchase order (CPO) of part of their land.

This is a critical flaw in the current FRS proposal.

Environmental and public health impacts:

The modelling indicates that at some point between scenario 1 (1% AEP) and scenario 2 (MRFS), at least one well and one septic tank at the high bank houses will be topped by floodwater. Given the connectivity of groundwater in this area, neighbouring wells draw from the same or connected aquifers and are therefore also at risk.

This raises serious issues:

- Public health:
    - Floodwater inundation of septic tanks can mobilise pathogens and pollutants into the groundwater.
    - Private wells can then draw contaminated water, creating a risk of illness to residents, including schoolchildren, adults and pensioners.
- Legal obligations:
    - Under the Water Services Act 2007 and the Domestic Waste Water Treatment Systems (DWWTS) Regulations 2012, householders have clear obligations to prevent pollution from their septic tanks.
    - A design that foreseeably causes floodwaters to inundate septic tanks and wells puts residents in a position where:
        - They are legally obliged to mitigate or prevent pollution,
        - Yet the risk is being created or significantly increased by a State-promoted flood relief scheme, not by their own actions.
    - Failure to address this risk can expose residents to fines and enforcement despite the risk being externally imposed.
- Environmental protection:
    - Septic tank effluent entering groundwater or surface waters as a result of scheme-induced flooding is a clear environmental impact.
    - This is directly relevant under item (2) – likely effects on the environment – in terms of:
        - Groundwater quality,
        - Surface water quality in the receiving watercourse,
        - Compliance with water quality objectives (including "no deterioration" principles).

There would also be significant remediation and monitoring costs in the event of a contamination incident, including potential well abandonment, new source development, or connection to a public water main.

Consultation, Modelling and Public Information:

Residents of the high bank area have engaged constructively with the project team:

- They identified problems with the original flood model in the local Derrycloney area.
- Consultants subsequently updated the analysis, which showed additional flooding in Derrycloney compared with the original model.
- Residents have further pointed out that even this updated model remains incomplete and does not fully capture the risk.

Critically:

- The documents made available as part of this planning application still show the original flood map, even though both the residents and the consultants accept that this mapping underestimates flooding in Derrycloney. This is reflected in updated flood maps shared with Derrycloney Residents on 7 August 2025, belately responding to a request from Derrycloney Residents for updated information issued on 20 April 2024.
- This is likely to mislead the public and decision-makers regarding:
    - The true extent of flood risk in the area,
    - The true extent to which the FRS may increase risk to the high bank houses.

For a project of this scale and sensitivity, accurate and up-to-date modelling and mapping are fundamental to both the planning process and the Environmental Impact Assessment (if applicable). Using known-to-be-outdated maps in the public documentation is not consistent with best practice, nor with transparent and informed public participation.

Reasonable Mitigation Options Identified but Not Adopted:

High bank residents have already provided several practical suggestions to mitigate the increased risk, including:

- Extending the proposed embankments by approximately 7% to the east and adding a pump station.
    - Laois County Council indicated that this option was priced and considered expensive.
- Using walls instead of embankments along certain sections to reduce cost and land take while achieving the same hydraulic objective.
- Extending embankments to the west to prevent the area being "circled" by floodwaters in scenario 2.
- Extending the public water supply network to the high bank properties to remove reliance on vulnerable private wells.

From a flood risk management perspective:

- These are all technically reasonable options that should be properly evaluated in cost–benefit terms, including:

- The avoided costs of potential contamination incidents,
- The value of safeguarding public health,
- The value of maintaining the existing standard of protection for the high bank properties.

- Dismissing these measures purely on initial cost grounds, while simultaneously allocating funding to construct embankments wider than currently needed (for the future benefit of low bank properties), suggests that the appraisal has not adequately accounted for the environmental and health consequences for the high bank residents.

Planning Grounds:

On the basis of the above, the concerns fall clearly under:

(1) Proper Planning and Sustainable Development:

- The scheme, as proposed, appears to transfer flood risk to one group of existing residents (currently well protected by natural conditions) from another group that benefits from new defences, rather than avoiding or minimising risk overall.
- It does not maintain the existing standard of protection for the high bank properties, nor does it provide reasonable mitigation despite known and modelled increased risk.
- It prioritises budgetary constraints over the equitable distribution of risk and over the protection of established residential areas, which is not consistent with sustainable community development.

(2) Likely Effects on the Environment:

- The predicted inundation of wells and septic tanks represents:
  - A clear risk of groundwater and surface water contamination,
  - A risk to human health through contamination of drinking water supplies,
  - A potential breach of obligations under the Water Services Act 2007 and the DWWTS Regulations 2012, as well as water quality objectives.
- The environmental documentation is undermined by the continued use of an original flood map known to underestimate flooding in Derrycloney, limiting the ability of the public and the decisionmaker to fully understand environmental effects.

Requested Actions by An Coimisiún Pleanála:

In light of the above, the Residents respectfully request that An Coimisiún Pleanála:

1. Require updated and complete hydraulic modelling and mapping to be submitted as part of the application, reflecting:
   - The latest agreed model for Derrycloney,

- Flood extents and depths for all six scenarios, with and without the FRS, clearly showing differences for both low bank and high bank properties.

2. Require the scheme promoters to demonstrate, with this updated modelling, that the FRS will not materially increase flood levels or risk to the high bank houses for at least:
    - 1% AEP HEFS to 2100, and
    - 0.1% AEP baseline, including appropriate climate allowances.
3. If the modelling confirms that the proposed FRS increases flood risk to the high bank properties or to their wells and septic tanks, require the design to be modified to incorporate reasonable mitigation measures, such as:
    - Extension and/or reconfiguration of embankments/walls (east and/or west) to ensure that the high bank properties are not left in a lower standard of protection than they currently enjoy.
    - Substitution of embankments with walls where appropriate to reduce cost and footprint while achieving protection.
    - Specific protective measures for wells and septic tanks (e.g. raising, bunding, or relocation), or
    - Extension of the public water network to provide a safe, reliable alternative to private wells in at-risk areas.
4. Require that all public planning and environmental documentation be updated to remove outdated flood mapping and include the most recent, agreed modelling outputs, to ensure transparency and proper public participation.
5. If satisfactory mitigation cannot be demonstrated, consider refusing permission or requiring the omission or redesign of those elements of the scheme that would otherwise increase flood risk and public health risk to the high bank residents.

Conclusion:

The Residents support the principle of a flood relief scheme for Mountmellick. However, in its current form, the proposal appears to:

- Improve flood protection for low bank properties,
- While materially worsening flood and contamination risk for the high bank properties and their drinking water supplies,
- Without adequately addressing this imbalance or incorporating reasonable mitigation.

This outcome is not consistent with proper planning and sustainable development, nor does it adequately protect the environment and public health. I therefore urge An Coimisiún Pleanála to require the issues above to be fully addressed before any approval is granted.

Thank you for considering this submission.

Yours faithfully,

Robert O'Connor

Robert O'Connor, BEng, MIT, MSc.

Gary O'Connor

Gary O'Connor, BA, LLB, LLM, BL

Willie & Sandra O'Connor

Willie & Sandra O'Connor

Sean & Valerie Melia

Sean & Valerie Melia

Peter Groves

John & Sharon McEvoy

John & Sharon McEvoy

Margaret Scully

Margaret Scully

Jim Scully

Jim Scully

Eddie & Pam Blanche

Eddie & Pam Blanche

Billy McDonald.

Billy McDonald

Appendix A:

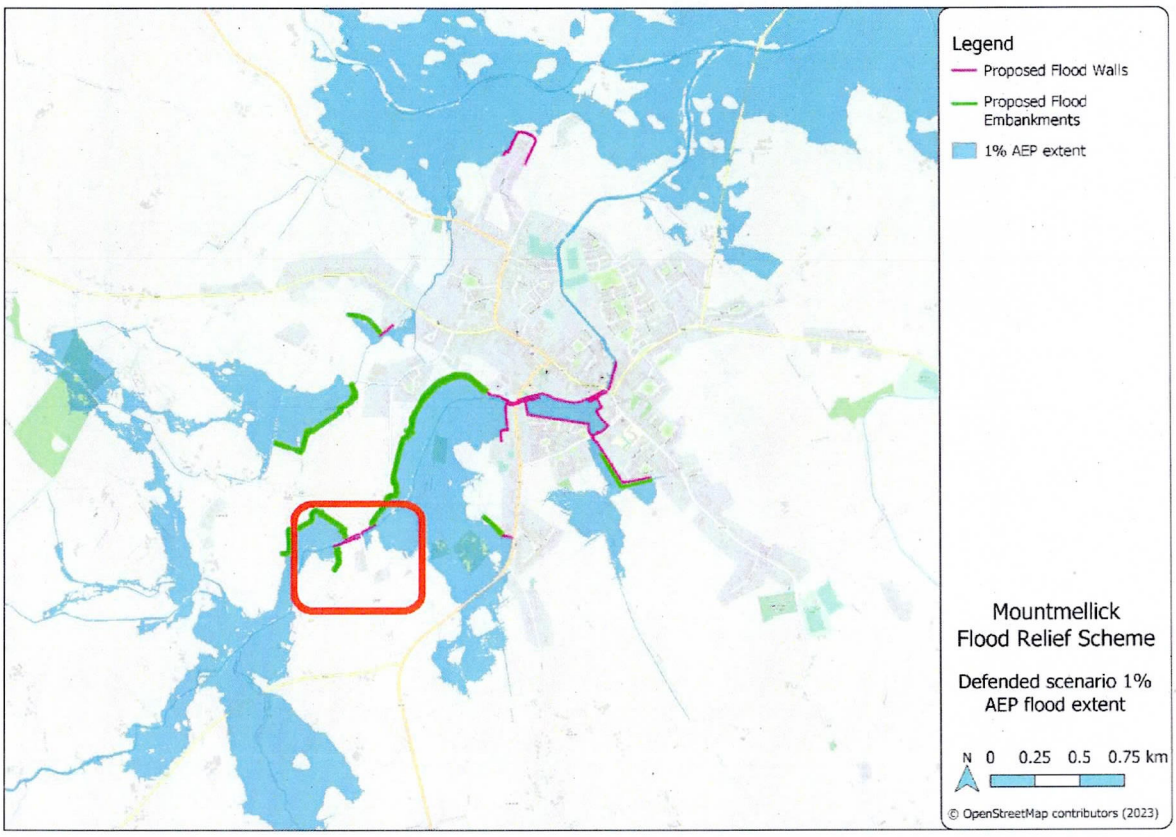

Figure 1: Original Modelled Flood Plain in Scenario 1 with Derrycloney boxed for clarity, from:
- "19105-JBAI-XX-XX-RP-B-00314_Appropriate_Assessment_Screening_C01_0.pdf"
- "19105-JBAI-XX-XX-RP-B-06129_NIS_C02.pdf"

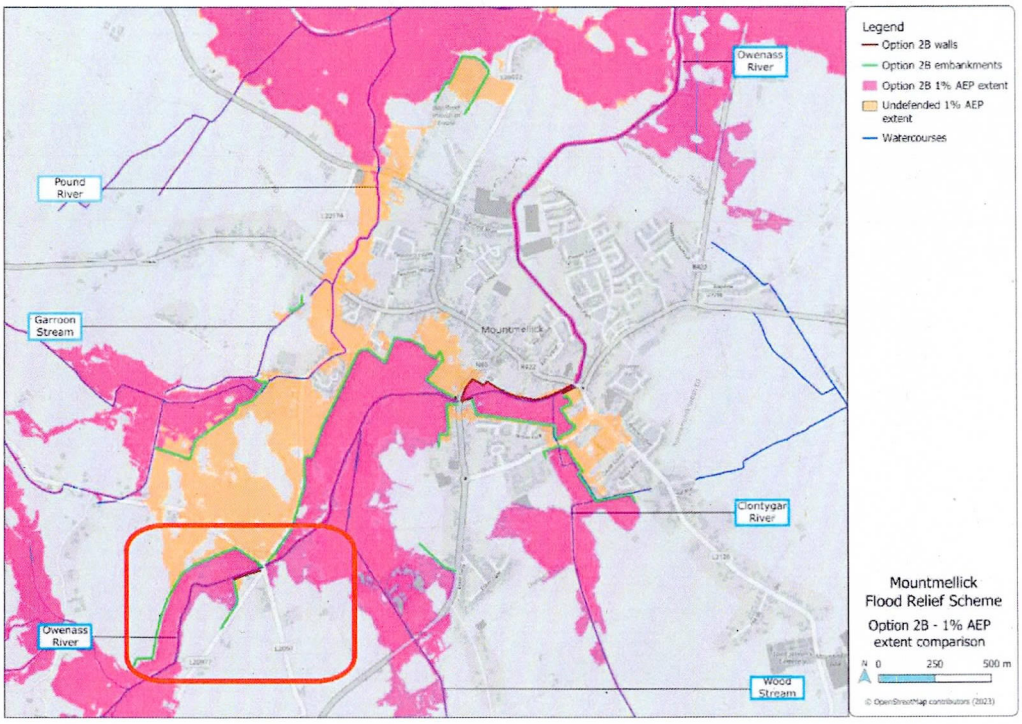

Figure 2: Original Modelling from "19105-JBAI-XX-ZZ -RP-H-00331_Options_Report_P06.pdf"

Figure 3: Original Flood Plain in Scenario 1 for Derrycloney.

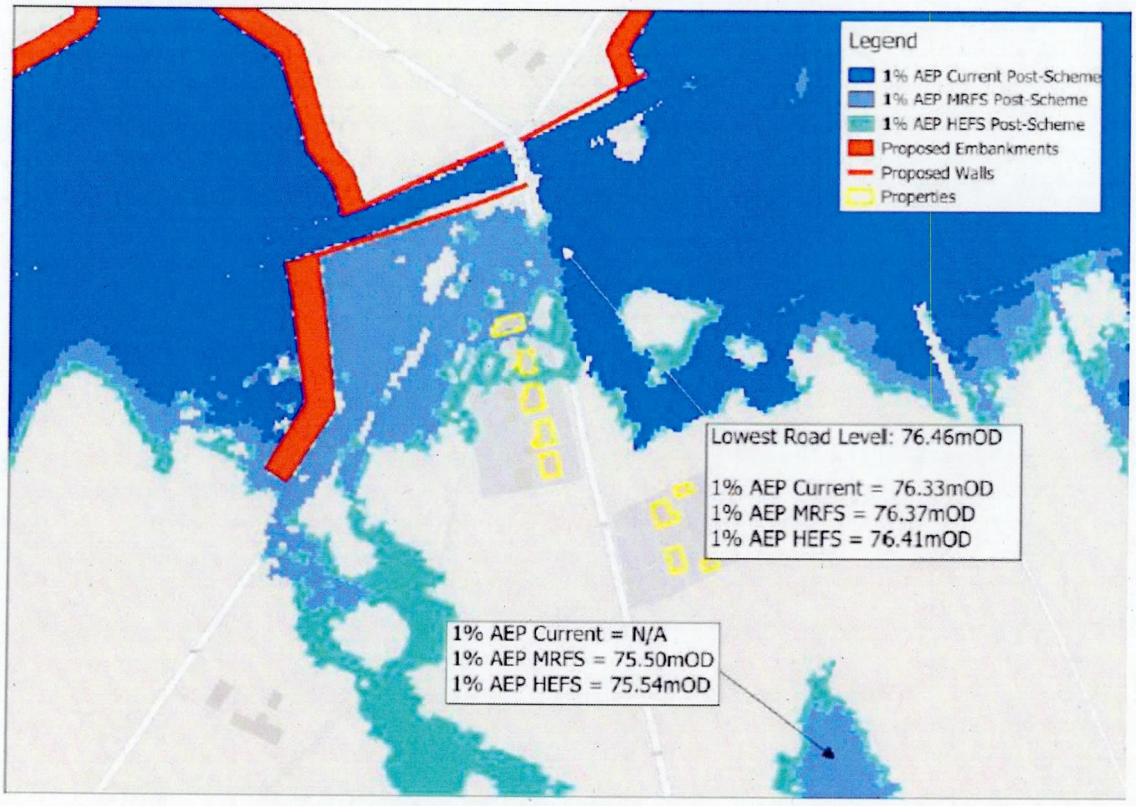

Figure 4: Updated Flood Plain in Scenarios 1, 2 and 3.