



Board Direction

Ref: PL03.244213

The submissions on this file and the Inspector's report were considered at a further Board meeting held on 21st April 2015.

The Board decided by a majority of 2 to 1 to grant permission in accordance with the following reasons, considerations and conditions.

REASONS AND CONSIDERATIONS

Having regard to the nature, scale and extent of the proposed development, the Natura impact statement submitted with the application and the mitigation measures contained therein, the submissions on file and the Inspector's assessment, the Board completed an appropriate assessment of the impacts of the proposed development on nearby Natura 2000 sites and specifically the Ballyvaughan Turlough SAC (000996). The Board noted that the planning authority had screened out other nearby Natura sites, including Moneen Mountain SAC (000054) and Black Head-Poulsallagh Complex SAC (000020) in its assessment of a previous similar application on the subject lands in 2013 (planning register ref. P13/411). The Board concurred with this decision.

Subject to the implementation of the identified mitigation measures the Board concluded that, on the basis of the information available, the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of any European site, having regard to the conservation objectives of those sites.

Having regard to the nature, scale and design of the proposed development and to the objectives of the current Clare County Development Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the following comments by the Board apply.

(a) Visual Impact

The Board determined that the applicant had taken reasonable steps to minimise the visual impact of the proposed development through the use of a vernacular architectural idiom and scale, in the mix of structures employed and by positioning these so that advantage is taken of the existing quarry and hillside to partially screen the buildings and help set them into the landscape. Additional measures, including specifications as to finishes and landscaping, can be conditioned such that the overall impact on the heritage landscape is minimal.

(b) Traffic

The Board considered the observations of the Roads department of the planning authority in relation to sightlines, parking spaces, bus parking and local junctions and noted the recommendation that a condition be imposed requiring that a traffic management plan be agreed with the planning authority in the event of a grant of planning. Such a requirement was subsequently conditioned in the planning authority's decision to grant permission (planning register ref. 14/377) and the Board considered this reasonable. The Board noted the applicant's submission that there will be 8 persons employed at the site, that deliveries (of flour) to the site would be on a weekly basis and that daily visitors would likely consist of 5-10 cars and perhaps one coach. Overall, the impact on the local roads would be minimal and highly seasonal. In this context the Board determined that matters relating to traffic management can be adequately addressed by way of condition as per the planning authority's approach and do not warrant a refusal of permission.

(c) Hydrogeology

The Board is satisfied that proposals to re-locate the percolation area to a location in the south western area of the subject lands wherein there is a 6m depth of unsaturated glacial deposits (as described on page 14 of the Tier 2 Hydrogeological Report submitted to the planning authority on 23rd June 2014) will, taken in conjunction with the wastewater treatment technology proposed (with appropriate maintenance), provide an adequate level of protection for groundwater in the area and will not present a risk to public health or the environment.

(d) Natura sites

As previously stated, the Board notes and agrees with the planning authority's decision to screen out the Moneen Mountain SAC (000054) and Black Head-Poulsallagh Complex SAC (000020) in its assessment of a previous similar application (planning register ref. P13/411) on the subject

lands in 2013. The third Natura site in close proximity to the subject lands is the Ballyvaughan Turlough SAC (000996). The latter is described by the Department of the Arts, Heritage and the Gaeltacht as a “small, rather dry turlough...[that] for its small size....has a high diversity of plant species” (from “Site Synopsis”) and is located approximately 840m north east of the subject lands.

A Natura impact statement was prepared for the proposed development as the planning authority determined that the proposed development was likely to have a significant effect on this European site. Specifically, concern had been raised by the planning authority in its refusal of permission for a prior application on the subject lands (ref. P13/411 as above) at the ability of the lands, given uncertainties concerning prevailing ground conditions, to accommodate the proposed organic loading to be disposed of via the on-site treatment plant.

The Tier 2 Hydrogeological Report submitted to the planning authority on 23rd June 2014 (“Hydro report”) was designed to address and allay this concern. The NIS concludes that the proposed development will not adversely affect the integrity of the European site (Ballyvaughan Turlough) in view of the site’s conservation objectives. The planning authority accepted this conclusion. The Board considers that the combination of the proposed wastewater treatment plant (properly maintained) and the re-located percolation area will result in an acceptable standard of wastewater treatment. As regards the impact of groundwater abstraction on the Ballyvaughan Turlough SAC the Board considered the volumes of water involved of 6m³ per day of which 4m³/day would be used for heating/cooling and would be returned to the ground; 1m³/day for sanitation and related uses which would also be returned to the ground following treatment leaving a net 1m³/day lost to the groundwater resource.

As the Hydro report sets out (see p.12) the groundwater resource is recharged by precipitation and effective or net rainfall in the area is calculated in the report as 1191mm annually. Taking this level of precipitation the area required to ensure appropriate recharge of the proposed abstraction well is calculated in the report as a circular area of radius 32m or approximately 3200m² (c.0.32ha or c.0.8acres) – assuming the full daily abstraction of 6m³ and with a 50% factor of safety applied to the required recharge area. This represents some 27% of the site area of 1.1963 ha. In these circumstances the Board concluded that the impact of the proposed development on the groundwater resource of the area was de minimis and it logically follows that the impact on the Ballyvaughan Turlough SAC, located some 840m distant, is also de minimis. The Board therefore concluded, beyond all reasonable scientific doubt, that the proposed development would not adversely affect the integrity of the Ballyvaughan

Turlough SAC (or of any other Natura site) in view of that site's conservation objectives and thereby disagrees with the view of the Inspector.

Conditions

1. PA 1 (FI on 14/10/14)
2. PA 2
3. PA 3
4. PA 4
5. PA 5
6. PA 6
7. CMP 1
8. PA 8
9. PA 9
10. PA 10
11. PA 11
12. PA 13
13. S.48 Unspec.

Board Member: _____ Date: 21st April 2015
G.J. Dennison