



An
Bord
Pleanála

Board Direction
BD-002502-19
ABP-302847-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/03/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature and purpose of the proposed development which will involve the treatment of wastewater, to the separation distances of the development from sensitive receptors and to the established use of the site for wastewater treatment, it is considered that subject to compliance with the conditions set out below, the proposed development would not give rise to any material impact on the amenities of the area or property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Environment Impact Assessment Screening

The Board noted that the proposed development is not one for which a mandatory Environmental Impact Assessment Report is required. The Board agreed with the conclusion set out in the inspector's report that the development would not result in a likelihood of significant effects on the environment and that a screening determination is not required. Overall it considered that the development is not one in respect of which an environmental impact assessment report was required to be

submitted in accordance with section 172 of the Planning and Development Act 2000, as amended.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completion the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' Conservation Objectives. The Board was 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 Connemara Bog Complex candidate Special of Area Conservation (Site Code: 002034), Connemara Bog Complex Special Protection Area (Site Code: 004181), Black Head-Poulsallagh Complex Special Area of Conservation (Site Code: 000020), Galway Bay Complex Special Area of Conservation (Site Code: 00268), Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111), Inishmore Island Special Area of Conservation (Site Code: 000213), Inishmaan Island Special Area of Conservation (Site Code: 000212), Inisheer Island Special Area of Conservation (Site Code: 001275), Inner Galway Bay Special Protection Area (Site Code: 004031) or any other European sites in view of the sites' conservation objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the Planning Authority on the 4th day of September 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such

details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. During operation, the WWTP plant shall be operated to ensure it will not give rise to any odour nuisance to sensitive receptors. Odour levels at the nearest sensitive receptor shall not exceed an odour concentration limit of $3 \text{ ou}_E/\text{m}^3$ on a 98th percentile basis of hourly averages.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect adjoining amenities.

3. The maximum noise level at the nearest sensitive receptors during the operation of the wastewater treatment plant shall not exceed 55 dB(A) rated sound level between 08.00-20.00 Mondays to Friday inclusive, and between 08.00 to 14.00 on Saturdays and it shall not exceed 45 dB(A) at any other time.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect adjoining amenities.

4. Prior to the commencement of the development, a contract specific Construction and Environmental Management Plan **and** a Waste Management Plan shall be submitted to and agreed in writing with both Planning Authorities in respect of the development. The Construction and Environmental Management Plan and Waste Management Plan shall detail and ensure Best Construction Practice and compliance with statutory obligations. Emphasis shall be placed on re-use of excavated material where practical.

Reason: In the interests of protection of the environment and to minimise

waste.

5. Prior to commencement of the development, a Traffic Management Plan for the construction phase shall be submitted to, and agreed in writing with the Planning Authority in respect of the development.

The developer shall comply with the requirements of the Planning Authority in respect of minimising traffic disruption on the local communities, cleaning and repair of any damage to the public road network during the construction phase.

Reason: To protect the public road network and in the interest of traffic safety.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7.
 - a. The developer shall prepare and fully implement a landscaping scheme which provides planting around the inside of the perimeter fence so as to adequately screen the proposed development.
 - b. All planting shall be adequately protected from damage until established. Any plants which die, are removed, become seriously damaged or diseased within a period of 5 years from the completion of the proposed development shall be replaced within the next planting season with others of similar size and species.

Reason: In the interest of visual amenity.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this

regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to secure the preservation and protection of any remains that may exist within the site.

Note 1: The Board noted the Inspector's proposed inclusion of condition 2 but decided to omit this condition as it considered that this condition was for the

purposes of controlling the waste water discharge and that granting permission on appeal under section 34 subject to this condition was therefore not in accordance with Article 41(1) of the Waste Water Discharge Authorisation Regulations 2007.

Note 2: Copy of direction to issue with the Board Order.

Board Member

Date: 05/03/2019

Maria FitzGerald