

An
Bord
Pleanála

Board Direction
BD-011127-22
ABP-310144-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/08/2022.

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 relevant provisions of the Galway County Development Plan 2022-2028, to the existing wastewater treatment plant on part of the site, to the nature, scale and extent of the proposed development, it is considered that, subject to compliance with conditions set out below the proposed development, would not seriously injure the amenity of the area or property in the vicinity, would not be prejudicial to public health or adversely affect the residential or other property amenities of the area through excessive odour and/or noise levels, would be acceptable in terms of environmental protection and would constitute an appropriate form of development at this location.. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment in relation to the potential effects of the proposed development on designated European Sites, the Board took into account the nature, scale and location of the proposed development, the Screening for Appropriate Assessment and the Natura Impact Statement report received by the planning authority, the Inspector's report and the submission on file. In completing the screening exercise, the Board accepted and adopted the screening assessment and conclusion 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 potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's 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 European sites The River Suck Callows SPA (Site Code: 004097), The Middle Shannon Callows SPA (Site Code: 004096), River Shannon Callows SAC (Site Code 00216), or any other European site in the view of the conservation objectives of any such sites. This determination is based on the fact that the distance between the proposed development and the European Sites results in a lack of any meaningful ecological connections to those sites.

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 on the 15th day of March 2021, 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. The life of the planning permission shall be for a period of 10 years from the date of this order.

Reason: In the interest of clarity.

3. The wastewater treatment plant shall be operated to ensure that it will not give rise to any odour nuisance to sensitive receptors. Odour levels at the nearest sensitive receptors shall not exceed an odour concentration limit of 3 Oue/m³ 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 the commencement of development.

Reason: To protect adjoining amenities.

4. The construction of the development shall be managed in accordance with details provided in the Construction and Environmental Management Plan submitted with the application, details contained in this plan shall be the subject of the written agreement with the planning authority and shall provide details of the intended construction practice for all aspects of the development including the wastewater treatment plant, pumping stations, rising mains and gravity mains. Details of all aspects of the construction management shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

5. Site development and building works shall be carried out between the hours of 0700 to 1900 hours Monday to Friday inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or bank holidays. Deviations 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 the area.

6. Prior to the commencement of development, a detailed Construction and Operational Management Plan shall be submitted to and agreed in writing with the planning authority. This plan shall ensure continuous access to the Mountbellew Livestock Mart and the Galway Telework Co-Op Society shall be implemented at all times during both construction and operation in accordance with the planning authority's requirements.

Reason: In the interest of orderly development and in the interest of vehicular and pedestrian safety.

7. Construction and demolition waste associated with the existing wastewater treatment plant in order to facilitate the pumping station shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This plan shall be prepared in accordance with the "*Best Practice Guidelines of the Preparation of Waste Management Plans for Construction and Demolition Projects*" published by the Department of the Environment, Heritage and Local Government in July, 2006.

Reason: In the interest of sustainable waste management.

8. Details of water supply and drainage arrangements, including the attenuation of surface water during the construction period, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

9. Details of the proposed landscaping plans associated with the proposed wastewater treatment plant shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

10. All external lighting associated with the proposed development shall be sufficiently cowled to ensure that light spillage beyond the boundary of the wastewater treatment plant and the proposed pumping station is minimised.

Reason: In the interest of visual amenity.

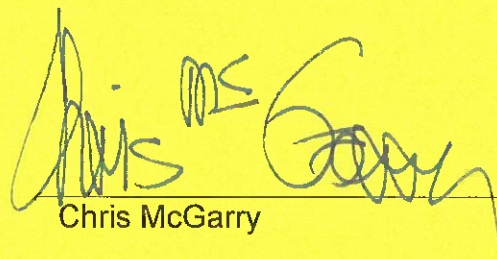
11. Where chemicals are to be used or stored on site, such chemicals shall be stored in bunded areas details of which are to be agreed in writing with the planning authority.

Reason: In the interest of pollution prevention.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member



Chris McGarry

Date: 19/08/2022

