An Bord Pleanála

# Treoir an Bhoird
# Board Direction
## BD-010517-22
## ABP-311120-21

Breithníodh na haighneachtaí ar an gcomhad seo agus tuarascáil an Chigire ag cruinniú Boird ar 13ú Aibreán 2022.

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13th April 2022.

De réir Alt 8 den Acht Rialtais Áitiúil (Truailliú Uisce), 1997 arna n-ionadú ag Alt 6 den Acht Rialtais Áitiúil (Truailliú Uisce) (Leasú), 1990, chinn an Bord diúltú don achomharc agus coinníollacha a chur ag gabháil leis an gceadúnas. ar na cúiseanna agus na hábhair a cuireadh san áireamh seo a leanas.

In accordance with Section 8 of the Local Government (Water Pollution) Act, 1997 as substituted by Section 6 of the Local Government (Water Pollution) (Amendment) Act, 1990, the Board decided to refuse the appeal and to attach conditions to the licence for the following reasons and considerations.

**Cúiseanna agus Ábhair a Cuireadh san Ábhar**

Ag féachaint do:

- Nádúr (eisilteach teaghlaigh agus trádála) agus uastoirt an eisiltigh a bheidh le scaoileadh (sa raon ó 1.95m$^3$ in aghaidh an lae go dtí uas-scaoileadh 2.75m$^3$ in aghaidh an lae amach anseo) isteach in Abhainn na hAille,

- an Tuarascáil Measúnaithe Acmhainne Ashamhlaithe Dramhaíola (a chuir an t-iarratasóir faoi bhráid an Údaráis Cheadúnúcháin an 28ú lá de Dheireadh Fómhair 2020) arna déanamh de réir an Iarratais ar Cheadúnas chun Doirteadh isteach in Uiscí Dromchla, Treoir don Iarratasóir, Grúpa Oiliúna Seirbhísí Uisce thar ceann na Roinne Comhshaoil, Oidhreachta agus Rialtais Áitiúil,

- Nach bhfuil dobharlach glactha Abhainn na hÁille ainmnithe le haghaidh úsáid áirithe nó mar rud a dteastaíonn cosaint uaidh mar gheall ar a íogaireacht i leith truailliú nó toisc go bhfuil speicis

**Reasons and Considerations**

Having regard to

- The nature (domestic and trade effluent) and maximum volume of effluent to be discharged (ranging from 1.95m$^3$/day to a maximum discharge of 2.75m$^3$/day in the future) to the Áille River,

- the Waste Assimilative Capacity Assessment Report (submitted by the applicant to the Licensing Authority on the 28th day of October 2020) carried out in accordance with the *Application for a Licence to Discharge to Surface Waters*, *Guidance to Applicant*, Water Services Training Group on behalf of the Department of Environment, Heritage and Local Government,

- The fact that the receiving Áille River waterbody is not designated for a particular use or as needing protection due to its sensitivity to pollution or because in contains species or habitats of particularly

nó gnáthóga a bhfuil tábhacht ar leith ag baint leo (is é sin, mar Uisce Salmanaide, Uisce Snámha Intíre, Uisce Diúilicíní Péarla, Uisce Íogair nó Limistéar faoi Chaomhnú Speisialta nó Limistéar faoi Chosaint Speisialta),

- Stádas "Measartha" Abhainn na hÁille faoin gCreat-Treoir Uisce 2013 -2018,
- Go bhfuil sprioc-stádas cáilíochta uisce "Maith" ag Abhainn na hÁille mar atá sainmhínithe sna Rialacháin um Uisce Dromchla 2009 (arna leasú) agus go bhfuil sprioc-stádas cáilíochta uisce "sármhaith" de réir na Rialachán um Cháilíocht Uiscí Snámha, (S.I. Uimhir 79 2008) ag na huiscí cósta glactha snámha agus áineasa síos an abhainn.

Bhí an Bord sásta gur bhunaigh an measúnú ar acmhainn asamhlaithe dramhaíola, ar bhonn monatóireacht chomhthimpeallach suas an abhainn agus síos an abhainn ón bpointe doirte, an chóireáil thánaisteach chaighdeánach le teorainn luachanna sonraithe astaíochta do BOD: 25mg/L, COD: 1.25mg/L agus TSS: Is leor

importance (i.e., as a Salmonid Water, an Inland Bathing Water, Pearl Mussel Water, Sensitive Water or a Special Area of Conservation or Special Protection Area),

- The 2013 -2018 WFD "Moderate" Status of the Áille River,
- The fact that the Áille River has a target water quality status of "Good" as defined in the Surface Water Regulations 2009 (as amended) and the receiving downstream bathing and recreational coastal waters have a target water quality status of "excellent" in accordance with the Bathing Waters Quality Regulations (S.I. No. 79/2008),

The Board was satisfied that the waste assimilative capacity assessment established, on the basis of ambient monitoring upstream and downstream of the discharge point, that standard secondary treatment with specified emission limit values for BOD: 25mg/L, COD: 1.25mg/L and TSS: 35mg/L is sufficient to ensure that the discharge to

35mg/L lena chinntiú nach gcuireann an scaoileadh isteach in Abhainn na hAille cumas an dobharlaigh Stádas Maith a bhaint amach (mar atá sainmhínithe faoin gCreat-Treoir Uisce agus na Rialacháin ghaolmhara) i mbaol nó nach cúis é le haon mheath ar an stádas atá ann faoi láthair agus go ngéilleann sé mar sin do na Rialacháin um Uisce Dromchla 2009 (arna leasú) agus do na Rialacháin um Cháilíocht Uiscí Snámha (S.I uimh. 79/2008).

the Áille River does not compromise the ability of the water body to achieve Good Status (as defined under the Water Framework Directive and associated Regulations) nor cause any deterioration in existing status and is therefore in compliance with the Surface Water Regulations 2009 (as amended) and the Bathing Waters Quality Regulations (S.I No. 79/2008).

**Nóta 1**: Thug an Bord faoi deara nach raibh scagadh suíomh-shonrach do thuarascáil mheasúnaithe chuí curtha isteach ag an iarratasóir leis an iarratas ar cheadúnas scaoilte ach bhí sé sásta ar bhonn an scagtha le haghaidh measúnú cuí a rinne an Cigire Sinsearach Pleanála nárbh amhlaidh go mbeadh an tionscadal ina aonar nó i gcumasc le pleananna nó tionscadail ina údar le héifeachtaí suntasacha ar aon láithreán Eorpach, i bhfianaise Chuspóirí Caomhnaithe na Láithreán agus nach bhfuil gá mar sin le Measúnú Oiriúnachta Céim 2.

**Note 1**: The Board noted that a site specific screening for appropriate assessment report had not been submitted by the applicant with the discharge licence application but was satisfied on the basis of the screening for appropriate assessment that was undertaken by the Senior Planning Inspector that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European site, in view of the Sites' Conservation Objectives and that a Stage 2 Appropriate Assessment is therefore not required.

Thug an Bord faoi deara go háirithe nach bhfuil aon nasc hidreolaíoch idir an pointe scaoilte agus Limistéar

The Board noted in particular that there is no hydrological link between the discharge point and the Connemara

Caomhantais Speisialta Choimpléasc Phortach Chonamara (Cód Láithreáin: 002034) atá suas an abhainn ón bpointe scaoilte. Ina theannta sin, d'fhéach an Bord do na láithreáin Eorpacha ar an gcósta síos an abhainn (m.sh. Limistéar faoi Chaomhnú Speisialta Chuan agus Oileáin Chill Chiaráin (Cód Láithreáin: 002111); Limistéar Choimpléacs Bhá na Gaillimhe faoi Chaomhnú Speisialta (Cód Láithreáin: 0002888), agus Limistéar Bhá na Gaillimhe faoi Chosaint Speisialta (Cód Láithreáin: 004031) agus Limistéar Oileáin Árann faoi Chaomhnú Speisialta (Cód Láithreáin: 000213) i bhfoisceacht pointe scaoilte cósta Abhainn na hAille agus i bhfianaise a gCuspóirí Caomhantais faoi seach, bhíothas sásta go raibh an scaoileadh beartaithe ar scála teoranta, go raibh sé i bhfad ó na láithreáin Eorpacha seo agus nach raibh ach ceangal indíreach eatarthu trasna uiscí leathana oscailte, agus nach dócha go mbeadh éifeacht shuntasach acu,  ina n-aonar nó i gcomhcheangal le pleananna nó tionscadail eile, ar na láithreáin Eorpacha seo, i bhfianaise Cuspóirí Caomhnaithe na láithreán.

Bog Complex Special Area of Conservation (Site Code: 002034) which lies upstream of the discharge point. Furthermore, the Board had regard to the downstream coastal European sites (e.g. Kilkieran Bay and Islands Special Area of Conservation (Site Code: 002111), Inner Galway Bay Complex Special Area of Conservation (Site Code: 0002888), and Inner Galway Bay Special Protection Area (Site Code:004031) and Inishmore Island SAC (Site Code: 000213) in the vicinity of the coastal discharge point of the Áille River and in view of their respective Conservation Objectives was satisfied that the proposed discharge of limited scale, which was at a significant remove from these European sites and only indirectly linked across expansive open marine waters, either individually or in combination with other plans or projects, would not be likely to have a significant effect on these European sites, in view of the sites' Conservation Objectives.

**Nóta 2**: Thug an Bord faoi deara gur dúradh sa Mheasúnú Acmhainne Ashamhlaithe Dramhaíola (a chuir an t-iarratasóir faoi bhráid an Údaráis Cheadúnaithe ar an 28ú lá de Dheireadh Fómhair 2020) agus i dTuarascáil an Chigire Pleanála go raibh Stádas Abhainn na hAille ”neamhshannta” faoin gCreat-Treoir Uisce 2013-2018. Dhearbhaigh an Bord, áfach, gurb é “Measartha” a stádas de réir an eolais atá ar fáil faoi láthair ar Léarscáileanna an EPA. (Abhantrach, Léarscáileanna, Uisce. Ar fáil ag https://gis.epa.ie/EPAMaps/Water [Fuarthas rochtain orthu an 6 Bealtaine 2022].

**Note 2**: The Board noted that the Waste Assimilative Capacity Assessment (submitted by the applicant to the Licensing Authority on the 28th day of October 2020) and the Planning Inspector's Report noted that the 2013-2018 WFD Status of the Áille River was “Unassigned”. However, the Board confirmed that the Status was “Moderate” in accordance with the information currently available on EPA Maps. (Catchments, Maps, Water. Available at https://gis.epa.ie/EPAMaps/Water [Accessed 6 May 2022].

**Board Member** Maria FitzGerald **Date:**

Maria FitzGerald 6th May 2022