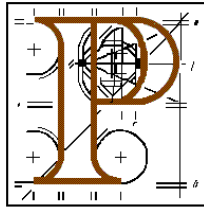


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Mayo County

Planning Register Reference Number: P15/194

An Bord Pleanála Reference Number: PL 16.245556

APPEAL by Irish Water of PO Box 6000, Dublin against the decision made on the 4th day of September, 2015 by Mayo County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a foul pumping station, control building and associated site works at Croghan, Killala, County Mayo. The development relates to the Killala Sewerage Scheme.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

It is considered that the proposed development, by reason of its nature and purpose, would provide necessary public infrastructure for the benefit of the local community and for the improvement of the environment and that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted the Appropriate Assessment Stage 1 Screening Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted her conclusions and recommendations in this regard. The Board was therefore satisfied, having regard to the nature and scale of the subject development, and in the light of the work methods/mitigation measures set out in the applicant's Screening Report and ecological assessment, which would constitute normal construction and management practice, that the proposed development would not be likely to have a significant effect, individually or in combination with other plans or projects, on the Killala Bay/Moy Estuary Special Area of Conservation (Site Code 000458) and the Killala Bay/Moy Estuary Special Protection Area (Site Code 004036), or on any other European sites, in view of their 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 on the 11th day of August 2015, 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 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 construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The Construction Environmental Management Plan shall include an Environmental Method Statement (EMS) which will detail how construction works will be completed in environmentally sensitive areas such as those areas fringing or in proximity to European sites in addition to proposed watercourse crossings, and shall incorporate all of the work methods/mitigation measures set out in submitted documentation. The plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
 - (i) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

3. The proposed kiosk shall be replaced by a permanent building, with a pitched roof. The walls shall be of block construction which shall be finished in nap plaster or dash with no colour components. Any stone used shall be a local stone indigenous to the area. Roof slates/tiles shall be blue/black or grey in colour. The front door shall be of simple design in timber, and windows shall be of timber, or with a timber effect finish. Prior to commencement of development, elevations and plans of the building shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity, and as it is considered that the proposed kiosk structure would not be consistent with the vernacular built heritage of the area.

4. The Inland Fisheries Ireland Guidance document 'requirements for the protection of Fisheries Habitat during Construction and Development Work' shall be adhered to in the construction of the proposed development.

Reason: To avoid pollution.

5. Water course crossings shall be supervised by a suitably qualified Ecologist and shall be confined to the period 1st May to 30th September. The developer shall submit to, and obtain the planning authority's agreement for, a detailed method statement for all proposed works in the vicinity of water crossings, prior to commencement of development.

Reason: To avoid pollution.

6. Pipe laying across watercourses shall take place during dry weather. Special care shall be taken during the main salmon migration periods April-May for smolt migration to sea and May-July for adult salmon migration to freshwater. All earthworks shall be executed so as to minimise the suspension of solids. Settlement ponds and filter channels shall be used to treat and attenuate all surface water runoff at each of the proposed scheme's constituent construction sites. In the event that in-stream works are required, silt control measures must be employed to minimise suspended solids and siltation. Appropriate silt curtains shall be employed.

Reason: To avoid pollution.

7. The entrance for the proposed development shall be located as shown on drawing number 151 submitted to the planning authority on the 7th day of April 2015, and shall be recessed in accordance with Figure 4.2 of the Mayo County Development Plan 2014-2020. The gates shall open inwards only.

Reason: In the interests of traffic safety.

8. No surface water runoff from the site shall discharge onto the public road. Existing road side drainage shall not be impaired and new entrance shall be designed and shaped to ensure the uninterrupted flow of existing roadside drainage. The area between the new front boundary and the existing roadway shall be excavated out, filled up, levelled with a suitable bound material. An adequate joint between hard standing area and proposed road edge shall be constructed in order to protect the integrity of the road. A drainage channel shall be constructed at the location of the gates and this channel shall be drained to a drainage system. All surface water generated by the development during and after construction shall be disposed of to the public sewer. The developer shall not cause any water to impinge on the road and/or adjacent properties and shall bear the cost of any works carried out by the planning authority to correct any such drainage problems.

Reason: In the interests of proper drainage and traffic safety.

9. The existing front boundary hedge shall be removed over the entire site frontage and a boundary shall be developed setback three metres from the edge of the carriage way along the entire site frontage. Details of the new front boundary, all fencing and landscaping shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic safety and visual amenity.

10. Detail of the paved area as shown on layout plan drawing number 151 submitted on the 11th day of August, 2015 shall be agreed in writing with the planning authority. The remainder of the site shall be reseeded and maintained accordingly.

Reason: In the interests of visual amenity.

11. The developer is required to engage the services of a suitably qualified Archaeologist (licensed under the National Monuments Acts 1930-2004) to carry out pre-development testing on the entire site of the proposed development. All geotechnical trial holes and associated works must also be monitored by a suitably qualified Archaeologist. No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent.

The Archaeologist is required to notify the National Monuments Section of the Department of Arts, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of the pre-development testing of the site. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.

The Archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the Archaeologist, having consulted the plans for the proposed development.

Should archaeological features or small finds be uncovered during the course of the archaeological testing the Archaeologist shall have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the National Monuments Section of the Department of Arts, Heritage and the Gaeltacht with regard to any necessary mitigating actions (e.g. preservation in situ, or excavation) and shall facilitate the Archaeologist in recording any material uncovered.

Having completed the work, the archaeologist shall submit a written report to the planning authority and to the National Monuments Section, Department of Arts, Heritage and the Gaeltacht. Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and or monitoring may be required. The National Monuments Section of the Department of Arts, Heritage and the Gaeltacht will advise the developer with regard to these matters.

No site preparation or construction work shall be carried out until after the Archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

12. A refundable deposit of €5,000 (five thousand euro) shall be lodged with the planning authority prior to works commencing on site.

Reason: To cover the costs of possible damage/repairs to the public road network associated with construction costs.

13. 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 the 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.