



An
Bord
Pleanála

**Board Order
PL 93.248482**

Planning and Development Acts 2000 to 2017

Planning Authority: Waterford City and County

Planning Register Reference Number: 16/682

Appeal by Sean Furlong on behalf of Crooke Road Residents' Group care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the on the 12th day of April, 2017 by Waterford City and County Council to grant subject to conditions a permission to Irish Water care of Nicholas O'Dwyer Limited of Unit E4, Nutgrove Office Park, Nutgrove Avenue, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: New underground pumping station with storm water retention capacity, within the existing site boundary in Passage East, and a new underground transfer rising main from the new pumping station in Passage East to the existing wastewater treatment plant in Crooke. The existing septic tank at Passage East is to be demolished; all at Passage East and Crooke, County Waterford.

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 decommissioning of the existing septic tank and outfall at Passage East and the associated transfer of wastewater to the existing wastewater treatment plant at Crooke where spare capacity exists, and where the treatment plant treats effluent to a higher standard would, subject to compliance with the conditions set out below, reduce the potential or adverse impacts on the water quality in the receiving water of Waterford Harbour, would not seriously injure the residential amenities of the area or the amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 completing 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 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 the River Barrow and River Nore Special Area of Conservation (Site Code 002162) or any other European site in view of the site's conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

Conditions

1. The proposed 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 21st day of March 2017, 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. Prior to the decommissioning of the septic tank and outfall at Passage East, the applicant shall apply to the Environmental Protection Agency for a Wastewater Discharge Authorisation for the existing wastewater treatment plant at Crooke.

Reason: To ensure that the proposed development fully complies with any requirements of the Environmental Protection Agency in respect of wastewaters being discharged from the wastewater treatment plant.

3. Odour levels at any site boundary shall comply with an odour concentration limit of 3 OUE/m³ on a 98 percentile basis of hourly averages. Monitoring and recording of odour concentration levels shall be carried out at intervals to be agreed with the planning authority. Details of all surveys to be undertaken shall be submitted to the planning authority at agreed intervals.

Reason: To protect residential amenity.

4. (1) The maximum noise level at any boundary of the Crooke wastewater treatment plant shall not exceed 50 dB(A) (15 mins LAeq) at any time.

(2) All sound measurement shall be carried out in accordance with ISO Recommendation 1996 "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R1996 1, 2 or 3 (Description and Measurement of Environmental Noise as Applicable).

Reason: To protect the residential amenities of the area.

5. The applicant shall fully comply with the monitoring and reporting requirements as set out in S.I. No. 787/2005: European Communities (Wastewater Treatment) (Prevention of Odours and Noise) Regulations, 2005.

Reason: To protect residential amenity.

6. The internal access road and the proposed works for the section of rising main located adjacent within the area of open space at Passage East together with boundary and landscaping shall be in accordance with the detailed requirements of the planning authority for such works.

Reason: In the interest of amenity, and of traffic and pedestrian safety.

7. The developer shall facilitate the archaeological appraisal of the pipeline and shall provide for the preservation, recording and protection of archaeological materials or features which 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 (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and implement the mitigation strategy outlined in the 'Archaeological Assessment at Passage East and Crooke' submitted to the planning authority on 21 March 2017.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

8. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the proposed construction practice for the development including traffic management and noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

9. Prior to the commencement of works on the proposed rising main, full details of the programme of works including safety plan, road opening and method statement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

10. Prior to the commencement of development, the applicant shall apply to the planning authority for a road opening licence.

Reason: In the interest of road safety.

11. The applicant shall submit details/specifications for the proposed pumping station for the written agreement of the planning authority prior to commencement of development. The developer shall be responsible for the immediate reinstatement and repair of any open space around the proposed pumping station. Such reinstatement shall be in accordance with the detailed requirements of the planning authority.

Reason: In the interest of the visual amenity of the area.

12. Details of all boundary treatment around the proposed pumping station 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.

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 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 2017