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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 17/1830**

**Appeal** by Walsh Waste Limited care of Stephen Dowds Associates of 5 Mary Street, Galway against the decision made on the 21<sup>st</sup> day of February, 2018 by Galway County Council to refuse permission to the said Walsh Waste Limited for the proposed development.

**Proposed Development:** Alterations and additions to an existing Materials Recovery Facility (register references 13/1350 and 16/412) to accept increased tonnage of waste from previously permitted limit of 22,000 tonnes per annum to 50,000 tonnes per annum. The development will also include the introduction of liquid waste treatment onto the site. The development will include the construction of four liquid waste, bunded storage tanks and on-site liquid waste treatment plant. Permission is also sought for all associated works and services, all at Deerpark, Oranmore, County Galway. Further public notices were received by An Bord Pleanála on the 8th day of April, 2019.

## **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**

Having regard to the nature and scale of the proposed development, to the industrial zoning objectives for the area, as set out in the Galway County Development Plan 2009-2015 and the Oranmore Local Area Plan 2012-2022, to the Connaught Ulster Waste Management Plan 2015-2021, the pattern of development in the area and to the proximity of the site to the regional and local road network and to the Galway metropolitan area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity 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.

## **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development;
- (b) the environmental impact assessment report and associated documentation submitted in support of the application;
- (c) the submissions from the planning authority and the prescribed bodies during the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, as set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made during the course of the application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be, mitigated as follows:

- (1) Potential effects on human health and air during which will be mitigated against by the existing odour suppression system, and compliance with the dust control measures of the existing Waste Permit.

- (2) Potential direct effects on surface and ground waters which will be mitigated by the existing system for surface water management and attenuation with respect to stormwater run-off and the drainage of foul effluent to the public foul sewerage system, compliance with the existing Trade Effluent Discharge Licence, implementation of a discharge monitoring inspection programme and standard good construction practices.

The proposed development would not be likely to have significant adverse effects on population, land, soils and geology, noise and vibration, landscape and visual and cultural heritage.

The likely significant environmental effects arising as a consequence of the proposed development have, therefore, been satisfactorily identified, described and assessed. The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, both by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

## 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 information received by An Bord Pleanála on the 8<sup>th</sup> day of April, 2019, 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 mitigation and monitoring measures, as set out in the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** To protect the environment.

3. The volume of materials to be handled at the facility shall be restricted to a maximum of 30,000 tonnes per annum of construction and demolition waste and dry commercial/municipal waste and 20,000 non-hazardous liquid waste only and shall not be used for any other purposes save with a prior grant of planning permission.

**Reason:** To regulate and control the development and to safeguard the amenities of the area.

4. Specific materials under the European Waste Codes (EWCs), as set out under Council Decision 2003/33/EC to be accepted at the facility, shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of clarity and in order to safeguard the amenities of the area.

5. All storage, inspection and processing of dry waste material shall take place indoors. Outdoor storage or processing of dry waste materials including temporary and/or occasional storage is prohibited.

**Reason:** In the interest of clarity and in order to safeguard the amenities of the area.

6.
  - (a) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.
  - (b) Wastewater shall be connected to the public foul sewer.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

7. Leachate generated by the development within the confines of the building shall be stored in a separation retention tank underneath the building and shall be disposed of off-site by a suitably licensed waste contractor and shall be disposed of in a licensed waste facility.

**Reason:** In the interest of public health.

8. The site and building works required to implement the development shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, and between the hours of 0900 and 1700 on Saturdays unless otherwise agreed in writing with the planning authority. No construction activity shall take place on site on Sundays or 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 the interest of residential amenity.

9. No signage, advertising structures/advertisements, security shutters or other projecting elements including flagpoles shall be erected within the site unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

10. 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 the Board 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

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**Maria FitzGerald**

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

**Dated this            day of            2019.**