

An
Bord
Pleanála

Ordú Boird
ABP-309759-21

Na hAchtanna um Pleanáil agus Forbairt 2000 go 2021

Údarás Pleanála: Comhairle Contae na Gaillimhe

Uimhir Thagartha an Chláir Phleanála: 18/1605

Achomharc ó Ionad Oidreacht na mBádóirí faoi chúram of McCarthy Keville O'Sullivan Limited i mBloc 1, G.F.S.C., Bóthar Mhóinín na gCiseach, Gaillimh in aghaidh an chinnidh a rinne Comhairle Contae na Gaillimhe an 11 lá d'Eanáir 2019 cead a dhiúltú d'Ionad Oidhreacht na mBádóirí don forbairt a atá beartaithe.

An Fhorbairt atá Beartaithe: Don forbairt ilchuspóra seo a leanas : 1) cead ionad stórála agus struchtúr compún atá ann faoi láthair a leagann go talamh agus 2) cead foirgneamh tráchtála aon urláir comhdhéanta de aonad stórála bád, ceardaíocht tógáil bád, ionad oidhreacht cultúrtha agus spás taispeántas, caifé, oifig agus láthair cruinnithe, aiseanna poiblí le leithris agus seomraí feistis san áireamh, 3) cead iontrála nua do feithicil amach ón ché atá ann cheanna féin ar an suíomh atá molta, 4) cead car chlos chun tosaigh, taobh agus ar chúl an foirgnimh, 5) cead ceangal leis an córas séarachais poiblí, 6) cead do ionad cóireála séarachais ar an suíomh le urscaoileadh isteach sa chóras séarachais poiblí, 7) cead gach oibreacha uasghrádaithe chuig an bóthar rochtain isteach ag an ché, cosáin poiblí, agus soilsiú chomh maith le gach cóireálacha teorainn agus tírdhreach, 8) cead do gach

comharthaíocht agus postanna atá ag teastáil taobh istigh agus timpeall an ionad, 9) cead do gach seirbhísí suímh riachtanacha eile ag an seoladh thuas. Ba mhaith linn a nótáil go mbeidh tuairisc 'Natura Impact' ag dul leis an t-iarratas seo ag an seoladh thuas. Barr an Doire, An Cheathrú Rua, Contae na Gaillimhe.

An Cinneadh

Cead a DHEONÚ don fhorbairt bheartaithe thuas de réir na bpleananna agus na sonraí sin bunaithe ar na cúiseanna agus na breithnithe faoi agus faoi réir na gcoinníollacha atá leagtha amach thíos.

Nithe a Breithníodh

Agus a chinneadh á dhéanamh, d'fhéach an Bord do na nithe sin ar ceanglaíodh air, de bhua na nAchtanna um Pleanáil agus Forbairt agus na Rialachán a rinneadh fúthu, féachaint dóibh. Áiríodh le hábhair den sórt sin aon aighneachtaí agus tuairimí a fuair sé de réir forálacha reachtúla.

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Cúiseanna agus Breithnithe

Ag féachaint do nádúr agus scála na forbartha atá beartaithe, an patrún forbartha sa cheantar, forálacha Phlean Forbartha Chontae na Gaillimhe 2015 - 2021, an “Lámhleabhar Cóireála Fuíolluisce – Córais Chóireála do Phobail Bheaga, Gnó, Ionaid Fóillíochta agus Óstáin” a d’fhoilsigh an Ghníomhaireacht um Chaomhnú Comhshaoil i 1999, “An Córas Pleanála agus Treoirínte Bainistíochta Riosca Tuilte d’Údaráis Phleanála” arna bhfoilsiú ag Oifig na nOibreacha Poiblí in 2009, agus cuspóirí na Creat-Treorach Uisce, chinn an Bord, faoi réir chomhlíonadh na gcoinníollacha atá leagtha amach thíos, nach mbeadh tionchar do-ghlactha ag an bhforbairt atá beartaithe ar an gcomhshaol agus ar shláinte an duine, lena n-áirítear trí thionchair ar cháilíocht an uisce, go mbeadh cineál inghlactha cóireála fuíolluisce ann, nach mbeadh baol tuilte ann agus nach mbeadh sí ina bhaol tuilte do láithreáin eile, nach ndéanfaí díobháil thromchúiseach do thaitneamhachtaí an cheantair, agus go mbeadh sé inghlactha ó thaobh shábháilteacht agus áisiúlacht an tráchta. Mar sin bheadh an fhorbairt atá beartaithe ag teacht le pleanáil chuí agus forbairt inbhuanaithe an cheantair.

Scagadh do Mheasúnacht Chuí

Bhreithnigh an Bord an Ráiteas Tionchair Natura agus na haighneachtaí ábhartha eile go léir agus rinne sé cleachtadh scagtha measúnaithe oiriúnachta maidir le héifeachtaí féideartha na forbartha atá beartaithe ar shuíomhanna Eorpacha ainmnithe. D’aontaigh an Bord leis an mheasúnacht scagtha agus leis an gconclúid a rinneadh i dtuarascáil an Chigire gurb é Ceantar Speisialta Caomhnaithe Chuan agus Oileáin Chill Chiaráin (cód an láithreáin: 002111) an t-aon láithreán Eorpach a bhféadfadh tionchar suntasach a bheith ag an bhforbairt atá beartaithe air.

Measúnacht Chuí

Bhreithnigh an Bord an Ráiteas Tionchair Natura agus gach aighneacht ábhartha eile agus rinne sé measúnacht chuí ar impleachtaí na forbartha atá beartaithe do Limistéar Caomhantais Speisialta Chuan agus Oileán Chill Chiaráin (cód an láithreáin: 002111), i bhfianaise chuspóirí caomhnaithe an tsuímh. Mheas an Bord gur leor an t-eolas a bhí ann roimhe chun go bhféadfaí measúnacht chuí a dhéanamh.

Agus an mheasúnacht chuí á cur i gcrích aige, bhreithnigh an Bord, go háirithe, na nithe seo a leanas:

- (i) na tionchair dhíreacha agus indíreacha dóchúla a d'eascródh as an bhforbairt atá beartaithe, ina n-aonar nó i gcomhcheangal le pleananna nó tionscadail eile,
- (ii) na bearta maolaithe, atá san áireamh mar chuid den togra reatha, agus
- (iii) cuspóirí caomhnaithe an tsuímh Eorpaigh.

Agus an mheasúnacht chuí á tabhairt chun críche aige, ghlac an Bord leis an scagadh agus an mheasúnacht chuí a rinneadh i dtuarascáil na gCigirí ar éifeachtaí féideartha na forbartha atá beartaithe ar an láithreán Eorpach thuasluaite, ag féachaint do chuspóirí caomhantais an tsuímh. Mar chonclúid iomlán, bhí an Bord sásta nach ndéanadh an fhorbairt atá beartaithe, inti féin nó i gcomhcheangal le pleananna nó tionscadail eile, dochar do shláine an láithreáin Eorpaigh, i bhfianaise chuspóirí caomhantais an láithreáin.

Coinníollacha

1. Déanfar an fhorbairt agus cuirfear i gcrích é de réir na bpleananna agus na sonraí a taisceadh leis an iarratas, arna leasú ag na pleananna agus sonraí breise a cuireadh isteach ar an 12ú lá de Nollaig 2018 faoi thagairt chlár pleanála 18/1605 agus leis na pleananna agus sonraí breise a fuair an Bord Pleanála an 7ú lá d’Fheabhra 2019 faoi uimhir thagartha achomhairc ABP-303654-19, ach amháin nuair a cheanglófar a mhalairt chun na coinníollacha seo a leanas a chomhlíonadh. Sa chás go n-éilíonn coinníollacha den sórt sin sonraí a chomhaontú leis an údarás pleanála, aontóidh an forbróir sonraí den sórt sin i scríbhinn leis an údarás pleanála roimh thús na forbartha agus déanfar an fhorbairt agus é a chríochnú de réir na sonraí comhaontaithe.

An chúis: Ar mhaithe le soiléire.

2. Cuirfear na bearta maolaithe agus monatóireachta comhshaoil agus tógála ar fad, mar atá leagtha amach sa Ráiteas Tionchair Natura, i bhfeidhm go hiomlán agus de réir na hamlínte atá leagtha amach. Maidir leis seo, sula gcuirfear tús leis an bhforbairt beidh a leithéid de bhearta maolaithe agus monatóireachta leagtha amach i bhfoirm sceideal scríofa lena n-áirítear amlínte tiomanta, agus cuirfear an sceideal faoi bhráid an údaráis phleanála agus aontófar é i scríbhinn leis.

An chúis: Ar mhaithe le soiléire agus chun éifeachtaí comhshaoil na forbartha a bheartaítear a mhaolú.

3. Cuirfear gach beart seachanta éiceolaíochta i bhfeidhm go hiomlán agus cuirfear i gcrích iad de réir an dea-chleachtais éiceolaíochta i gcomhairle le gníomhaireachtaí reachtúla (nuair is gá).

Ceapfar éiceolaí chun comhairle a thabhairt maidir le haon oibreacha, ionas go gcuirfear i gcrích iad de réir na treorach dea-chleachtais.

Tabharfar faoi gach beart maolaithe i gcomhairle le comhlachtaí reachtúla de réir mar is gá. Agus na bearta á gcur i gcrích féachfar do shuirbhé éiceolaíoch a rinneadh sular cuireadh tús leis an bhforbairt chun faisnéis bhonnlíne maidir le speicis mhadra uisce a thabhairt cothrom le dáta.

Ullmhófar agus cuirfear i bhfeidhm agus an fhorbairt á déanamh plean a bhaineann go sonrach leis an láithreán chun cosc a chur ar speicis choimhthíocha ionracha a allmhairiú isteach sa suíomh.

Cuirfear tuarascáil ar chur i bhfeidhm na mbeart éiceolaíochta faoi bhráid an údaráis phleanála ar chéad oibriú na forbartha.

An chúis: Bithéagsúlacht an cheantair a chosaint i gceart.

4. Cuirfear sonraí maidir le hábhair, dathanna agus uigeachtaí gach bailchríoch sheachtrach ar an bhfoirgneamh faoi bhráid an údaráis phleanála, agus aontófar i scríbhinn leis, sula gcuirfear tús leis an bhforbairt.

An chúis: Ar mhaithe le taitneamhachtaí amhairc an cheantair.

5. Cuirfear scéim chuimsitheach cóireála teorann agus tírdhreachaithe faoi bhráid an údaráis phleanála, agus aontófar i scríbhinn leis, sula gcuirfear tús leis an bhforbairt. Áireofar an méid seo a leanas sa scéim seo:
- (a) sonraí ar gach bailchríoch dromchla crua atá beartaithe laistigh den fhorbairt;
 - (b) láithreacha molta crann agus plandú tírdhreacha eile san fhorbairt, lena n-áirítear sonraí an scáthaithe atá beartaithe don ionad cóireála fuíolluisce pacáistithe príobháideach;
 - (c) mionsonraí na gcóireálacha teorann atá beartaithe, lena n-áirítear airde, ábhair agus bailchríocha.

Déanfar an chóireáil teorann agus an tírdhrechtú de réir na scéime comhaontaithe.

An chúis: Ar mhaithe le taitneamhachtaí amhairc an cheantair.

6. Comhlíonfaidh socruithe draenála, lena n-áirítear diúscairt uisce dromchla agus idircheapóirí breosla, ceanglais an údaráis phleanála maidir le hoibreacha agus seirbhísí den sórt sin.

An chúis: Ar mhaithe le sláinte an phobail.

7. Sula gcuirfear tús leis an bhforbairt, rachaidh an forbróir i gcomhaontú(i) ceangail uisce agus/nó fuíolluisce le hUisce Éireann.

An chúis: Ar mhaithe le sláinte an phobail.

8. (a) Déanfar an córas cóireála fuíolluisce pacáistithe atá beartaithe a shuí, a thógáil agus a chothabháil de réir na sonraí a chuirfear faoi bhráid an Bhoird Pleanála an 7ú lá de mhí Feabhra, 2019 faoi achomharc uimhir thagartha ABP-303654 19, agus de réir cheanglais an Bhoird Pleanála. an doiciméad dar teideal “Lámhleabhair Chóireála Fuíolluisce – Córais Chóireála do Phobail Bheaga, Gnólachtaí, Ionaí Fóillíochta agus Óstáin” a d’ullmhaigh an Ghníomhaireacht um Chaomhnú Comhshaoil i 1999. Cuirfear socruithe maidir le cothabháil leanúnach an chórais faoi bhráid an údaráis phleanála, agus aontófar iad i scríbhinn, sula gcuirfear tús leis an bhforbairt.
- (b) Laistigh de thrí mhí ó chéad áitiú an lárionaid, déanfaidh an forbróir tuarascáil a thíolacadh ó dhuine atá cáilithe go hiomchuí ag a bhfuil árachas slánaíochta gairmiúla ina ndeimhneofar go bhfuil an gléasra cóireála fuíolluisce pacáistithe beartaithe suiteáilte agus coimisiúnaithe de réir na sonraí ceadaithe agus go bhfuil sé ag obair ar bhealach sásúil de réir na gcaighdeán atá leagtha amach i Lámhleabhar an GCC agus nach sáraíonn an fuíolluisce éileamh ocsaigine ceimiceach 125mg/l.
- (c) Áireoidh an forbróir nasc leis an ngréasán fuíolluisce atá os comhair an láithreáin chun go mbeifear in ann nasc a dhéanamh amach anseo ar choimisiúnú an ionaid chóireála séarachais chathrach don limistéar, agus díchoimisiúnú agus baint an ghléasra cóireála fuíolluisce pacáistithe atá beartaithe laistigh de. trí mhí de nascadh le líonra cóireála fuíolluisce cóireáilte.

An chúis: Ar mhaithe le sláinte an phobail agus le cosaint an chomhshaoil.

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9. Sula bhfeidhmeofar an tsaoráid, lena n-áirítear an caifé, déanfar gaiste ramhar, de mhéid ceart agus a chomhlíonann na caighdeáin/treoirlínte ábhartha, a shuiteáil agus a chothabháil.

An chúis: Ar mhaithe le sláinte an phobail agus leis an gcomhshaol.

10. Cuirfear soilsiú poiblí ar fáil de réir scéime, a gcuirfear sonraí ina leith faoi bhráid an údaráis phleanála agus a aontófar i scríbhinn leis sula gcuirfear tús leis an bhforbairt. Díreofar, le soilsiú den sórt sin, ar riachtanais éiceolaíochta maidir leis an madra uisce agus soláthrófar é sula gcuirfear an t-ionad oidhreachta muirí agus cultúrtha ar fáil lena áitiú.

An chúis: Ar mhaithe le taitneamhacht, bithéagsúlachta agus sábháilteacht an phobail.

11. Déanfar tógáil na forbartha a bhainistiú de réir Plean Bainistíochta Tógála Comhshaoil, a chuirfear faoi bhráid an údaráis phleanála agus a aontófar i scríbhinn leis sula gcuirfear tús leis an bhforbairt. Soláthróidh an plean seo sonraí faoin gcleachtas tógála atá beartaithe don fhorbairt, lena n-áirítear:

- (a) suíomh an tsuímh agus chompún na n-ábhar lena n-áirítear an limistéar/na limistéir a aithníodh le haghaidh stóráil bruscair tógála;
- (b) suíomh na limistéar le haghaidh oifigí láithreán tógála agus áiseanna foirne;
- (c) sonraí maidir le fálú slándála an tsuímh agus na mballaí cláir;

- (d) mionsonraí na n-áiseanna páirceála ar an láthair le haghaidh oibríthe ar an láthair le linn na tógála;
- (e) gnéithe chun scuaine tráchta foirgníochta ar an gcé agus ar an ngréasán bóithre tadhlach a sheachaint;
- (f) gnéithe chun doirteadh nó sil-leagan cré, spallaí nó smionagar eile ar an gcé agus ar an ngréasán bóithre poiblí a chosc;
- (g) gnéithe a thugann aghaidh ar thorann, soilsiú, deannach agus creathadh, agus na leibhéil sin a fhéachaint/a athbhreithniú;
- (h) an breosla agus an ola go léir a bhaineann le tógáil a shrianadh laistigh de bhundáí a rinneadh go speisialta le cinntiú go ndéanfar doirteadh breosla a chuimsiú go hiomlán. Cuirfear díon ar bhundáí den sórt sin chun uisce báistí a choimeád amach;
- (i) modhanna lena chinntiú go ndéantar rith chun srutha uisce dromchla a rialú; agus
- (j) sonraí bhainisteoir an láithreáin, uimhreacha teagmhála (lena n-áirítear lasmuigh d'uaireanta oibre) agus comharthaí faisnéise poiblí ag an mbealach isteach chuig an tsaoráid.

Coinneoidh an t-údarás pleanála taifead de sheiceálacha laethúla go bhfuil na hoibreacha á gcur i gcrích de réir an Phlean Bainistíochta Tógála Timpeallachta, le gur féidir iad a sheiceáil.

An chúis: Ar mhaithe le soiléire, taitneamhachtaí, sláinte an phobail, sábháilteacht, cáilíocht an uisce agus cosaint na bithéagsúlachta.

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12. Ní dhéanfar forbairt láithreáin agus oibreacha tógála ach idir na huaireanta 0800 agus 1900 ó Luan go hAoine san áireamh, idir 0800 agus 1400 uair ar an Satharn agus ní ar chor ar bith ar an Domhnach agus ar laethanta saoire poiblí. Ní cheadófar imeacht ó na hamanna seo ach amháin i gcúinsí eisceachtúla nuair a bhíonn cead scríofa roimh ré faighte ón údarás pleanála.

An chúis: Chun taitneamhachtaí na maoine sa chomharsanacht a chosaint.

13. Cuirfear faoi bhráid an údaráis phleanála, agus aontófar leis i scríbhinn, sula gcuirfear tús leis an bhforbairt, plean ina mbeidh sonraí maidir le bainistiú dramhaíola/ábhair in-athchúrsáilte laistigh den fhorbairt, lena n-áirítear soláthar áiseanna do stóráil, scaradh agus bailiú na dramhaíola/ábhar in-athchúrsáilte agus d'oibriú leanúnach na n-áiseanna sin. Ina dhiaidh sin, déanfar an dramhaíl a bhainistiú i gcomhréir leis an bplean comhaontaithe.

An chúis: Soláthar a dhéanamh do bhainistiú cuí dramhaíola/ábhar in-athchúrsáilte ar mhaithe leis an gcomhshaol a chosaint.

14. Íocfaidh an forbróir ranníocaíocht airgeadais leis an údarás pleanála i leith infrastruchtúir agus áiseanna poiblí a théann chun tairbhe d'fhorbairt i limistéar an údaráis phleanála a sholáthraíonn nó a bheartaítear a sholáthar ag an údarás nó thar ceann an údaráis de réir théarmaí na Scéime do Ranníocaíocht Forbartha a rinneadh faoi alt 48 den Acht um Pleanáil agus Forbairt 2000, arna leasú. Íocfar an ranníocaíocht roimh thús na forbartha nó i cibé íocaíochtaí céimnithe a éascóidh an t-údarás pleanála agus beidh sé faoi réir aon fhorálacha innéacsaithe infheidhmithe den Scéim tráth na híocaíochta. Aontófar sonraí maidir le cur i bhfeidhm théarmaí na Scéime idir an t-údarás pleanála agus an forbróir nó, d'éagmais an chomhaontaithe sin, cuirfear an cheist faoi bhráid an Bhoird Pleanála chun a chinneadh an bhfuil téarmaí na Scéime á gcur i bhfeidhm i gceart.

An chúis: Tá sé ina cheanglas faoin Acht um Pleanáil agus Forbairt 2000, arna leasú, go gcuirfí coinníoll a éilíonn ranníocaíocht de réir na Scéime do Ranníocaíocht Forbartha a rinneadh faoi alt 48 den Acht i bhfeidhm ar an gcead.

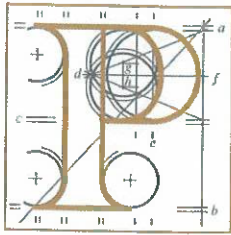


Dave Walsh

Ball den Bhord Pleanála

**atá údaraithe go cuí chun séala an Bhoird
a fhíordheimhniú.**

Dátaithe an 31^ú lá seo de Márta 2022.



An
Bord
Pleanála

Board Order
ABP-309759-21

Planning and Development Acts 2000 to 2021

Planning Authority: Galway County Council

Planning Register Reference Number: 18/1605

Appeal by Ionad Oidreachta na mBádóirí care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C., Moneenageisha Road, Galway against the decision made on the 11th day of January 2019 by Galway County Council to refuse a permission to Ionad Oidreachta na mBádóirí for the proposed development.

Proposed Development: Don forbairt ilchuspóir seo leanas : 1) cead ionad stórála agus struchtúr compún atá ann faoi láthair a leagann go talamh agus 2) cead foirgneamh tráchtála aon urláir comhdhéanta de aonad stórála bád, ceardaíocht tógáil bád, ionad oidhreachta cultúrtha agus spás taispeántas, caifé, oifig agus láthair cruinnithe, aiseanna poiblí le leithris agus seomraí feistis san áireamh, 3) cead iontrála nua do feithicil amach ón ché atá ann cheanna féin ar an suíomh atá molta, 4) cead car chlos chun tosaigh, taobh agus ar chúl an foirgnimh, 5) cead ceangal leis an córas séarachais poiblí, 6) cead do ionad cóireála séarachais ar an suíomh le urscaoileadh isteach sa chóras séarachais poiblí, 7) cead gach oibreacha uasghrádaithe chuig an bóther rochtain isteach ag an ché, cosáin poiblí, agus soilsiú chomh maith le

gach cóireálacha teorainn agus tírdhreach, 8) cead do gach comharthaíocht agus postanna atá ag teastáil taobh istigh agus timpeall an ionad, 9) cead do gach seirbhísí suímh riachtanacha eile ag an seoladh thuas. Ba mhaith linn a nótáil go mbeidh tuairisc 'Natura Impact' ag dul leis an t-iarratas seo ag an seoladh thuas. Barr an Doire, An Cheathrú Rua, Contae na Gaillimhe.

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, the pattern of development in the area, the provisions of the Galway County Development Plan 2015 - 2021, the "Wastewater Treatment Manual – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels" published by the Environmental Protection Agency in 1999, "The Planning System and Flood Risk Management Guidelines for Planning Authorities" published by the Office of Public Works in 2009, and the objectives of the Water Framework Directive, the Board concluded that, subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on the environment and human health, including via impacts on water quality, would feature an acceptable form of wastewater treatment, would not be at risk of flooding and would not present a risk of flooding to other sites, would not seriously injure the 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.

Appropriate Assessment Screening

The Board considered the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European sites. The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that Kilkieran Bay and Islands Special Area of Conservation (site code: 002111) is the only European site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for Kilkieran Bay and Islands Special Area of Conservation (site code: 002111), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,
- (ii) the mitigation measures, which are included as part of the current proposal, and
- (iii) the conservation objectives for the European site.

In completing the Appropriate Assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European site, having regard to the site's conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, either by itself or in combination with other plans or projects, would not adversely affect the integrity of the European site, in view of the site's 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 12th day of December 2018 under planning register reference 18/1605 and by the further plans and particulars received by An Bord Pleanála on the 7th day of February 2019 under appeal reference number ABP-303654-19, 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. All the environmental and construction mitigation and monitoring measures, as set out in the Natura Impact Statement, shall be implemented in full and in accordance with the timelines set out. In this regard, prior to the commencement of the development such mitigation and monitoring measures shall be set out as a written schedule including committed timelines, and the schedule shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of clarity and to mitigate the environmental effects of the proposed development.

3. All ecological avoidance measures shall be implemented in full and carried out in accordance with best ecological practice in consultation with statutory agencies (where necessary).

An ecologist shall be appointed to advise on any works, such that they will be carried out in accordance with best practice guidance. All mitigation measures will be undertaken in consultation with statutory bodies as required. The measures shall have regard to an ecological survey carried out prior to the commencement of the development in order to update baseline information regarding other species.

A site-specific plan for the prevention of importing invasive alien species onto the site shall be prepared and implemented throughout the carrying out of the development.

A report on the implementation of ecological measures shall be submitted to the planning authority upon first operation of the development.

Reason: To adequately protect the biodiversity of the area.

4. Details of the materials, colours and textures of all external finishes to the building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This scheme shall include the following:
- (a) details of all proposed hard surface finishes within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed screening to the private packaged wastewater treatment plant;
 - (c) details of proposed boundary treatments, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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

6. Drainage arrangements, including the disposal of surface water and provision of fuel interceptor(s), shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

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8. (a) The proposed packaged wastewater treatment system shall be located, constructed and maintained in accordance with the details submitted to An Bord Pleanála on the 7th day of February, 2019 under appeal reference number ABP-303654 19, and in accordance with the requirements of the document entitled "Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels" prepared by the Environmental Protection Agency in 1999. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first occupation of the centre, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proposed packaged wastewater treatment plant has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA Manual and with wastewaters not exceeding a chemical oxygen demand of 125mg/l.
- (c) The development shall include for a connection to the wastewater network fronting the site to enable a future connection to be made upon commissioning of the municipal sewerage treatment plant for the area, and the decommissioning and removal of the proposed packaged wastewater treatment plant within three months of connecting to a treated wastewater treatment network.

Reason: In the interests of public health and the protection of the environment.

9. Prior to the operation of the facility, including the café, a grease trap, sized correctly and which complies with relevant standards/guidelines, shall be installed and maintained.

Reason: In the interests of public health and the environment.

10. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall address ecological requirements with respect to otter and shall be provided prior to the making available for occupation of the maritime and cultural heritage centre.

Reason: In the interests of amenity, biodiversity and public safety.

11. The construction of the development shall be managed in accordance with a Construction Environmental 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 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) features to obviate queuing of construction traffic on the adjoining pier and road network;
- (f) features to prevent the spillage or deposit of clay, rubble or other debris on the pier and public road network;
- (g) features addressing noise, lighting, dust and vibration, and observing/reviewing 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) means to ensure that surface water run-off is controlled; and
- (j) details of the site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

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 interests of clarity, amenities, public health, safety, water quality and protecting biodiversity.

12. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and 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 order to safeguard the amenities of property in the vicinity.

13. A plan containing details for the management of waste/recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste/recyclable materials and for the ongoing operation of these facilities, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste/recyclable materials in the interest of protecting the environment.

14. 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.



Dave Walsh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *31st* day of *March* 2022.