



Planning and Development Acts 2000 to 2021

Planning Authority: Donegal County Council

Planning Register Reference Number: 20/51157

Appeal by Declan Meehan on behalf of Ray Action Group of Drumherrive, Ramelton, County Donegal against the decision made on the 24th day of June, 2021 by Donegal County Council to grant subject to conditions a permission to Irish Water care of Jennings O'Donovan and Partners of Finisklin, Sligo in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Construction of a new wastewater treatment plant (WwTP) in the townland of Tirroddy with associated and ancillary development works including internal access road, inlet works, wastewater treatment plant process tanks, sludge storage tanks, chemical storage tanks, ancillary treatment units, administration and ESB substation building, sludge press building, internal pumping stations, surface water attenuation pond, 2.4 metres high boundary fence around the perimeter of the wastewater treatment plant works, 1.2 metres fencing around the site boundary, entrance via an existing Coillte roadway and entrance onto the L-5612-1 and widening and strengthening of the L-5612-1; (2) approximately 1,590 metres of treated effluent outfall pipeline in the townlands of Tirroddy and Brownknoe, including approximately 160 metres marine section and outfall diffuser located in Lough

Swilly; (3) one number main wastewater pumping station at Ramelton in the townland of Ramelton including all ancillary development works, demolition of existing single-storey building, flood protection measures, below ground storage tank and structures, pump house building, ESB sub-station unit, rubble stone perimeter walls, new entrance onto Castle Street, reconstruction of an existing stone boundary wall approximately 15 metres long along Castle Street and connection to existing storm outfalls; (4) one number main wastewater pumping station at Rathmullan in the townland of Rathmullan and Ballyboe including all ancillary development works, flood protection measures, below ground storage tank and structures, pump house building, rubble stone perimeter walls, ESB sub-station unit, demolition of an existing subterranean municipal septic tank, new turning hammerhead at the end of the existing turning circle at Abbey View Estate, new entrance to Abbey View Estate, temporary working area during construction and connection to existing storm outfalls; (5) one number network wastewater pumping station at Rathmullan in the townland of Rathmullan and Ballyboe including all ancillary development works, flood protection measures, below ground pumping station, storage tank and structures, low-level control kiosk, 7.6 metres high ornate ventilation stack, rubble stone perimeter walls, demolition of an existing subterranean municipal septic tank, new entrance onto Main Street, temporary working area during construction, temporary entrance onto Main Street during construction, relocation and upgrade of existing storm drain and connection to existing storm outfall; (6) approximately 18,950 metres of below ground pumped rising main pipelines from Milford to the proposed wastewater treatment plant, from Rathmullan to the proposed wastewater treatment plant, from Ramelton to the proposed wastewater treatment plant and from the network pumping station to the main pumping station in Rathmullan in the townlands listed above including six number ventilation stacks located in the townlands of Forquar, Ray, Rathmullan and Ballyboe, and Rossereagh; (7) approximately 830 metres of below ground gravity sewer upgrades in Ramelton Town; and (8) all associated site development works above and below ground, all in the towns of Ramelton, Milford and Rathmullan and the townlands of Milford, Forquar,

Glenkeen, Loughnakey, Legmuckduff, Fawninoughan, Clooney, Carn High, Ardnaree, Brownknowe, Tirroddy, Drumherrive, Ray, Craigmaddyroe Far, Craigmaddyroe Near, Crevary Lower, Rathmullan and Ballyboe, Carraleena, Rathmullan, Ramelton, Rossreagh, Ballyboe and Carn Low, County Donegal and in Lough Swilly and the River Leannan Estuary. Further public notices were received by the planning authority on the 7th day of May, 2021.

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

The proposed development of a new wastewater treatment plant and associated infrastructure to serve the agglomerations of Ramelton, Milford and Rathmullen is required to address problems of untreated wastewater discharge from the above agglomerations and to improve the quality of effluent discharged into Lough Swilly. It is considered that the provision of a wastewater treatment plant with the associated infrastructure would result in a higher quality of effluent being discharged into Lough Swilly which would be beneficial to the receiving environment. Furthermore, it is considered that the location of the wastewater treatment plant and, subject to compliance with the conditions set out below, the associated sewerage infrastructure would be generally acceptable in terms of traffic safety and convenience, would not seriously injure the amenity of the area or of property in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 the European Sites – the Lough Swilly Special Area of Conservation (Site Code 002287), the Lough Swilly Special Protection Area (Site Code 004075), the Leannan River Special Area of Conservation (Site Code 002176) and the Lough Fern Special Protection Area (Site Code 004060) 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 Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Conditions

1. The development shall be completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 15th day of February 2021, 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 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 and 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 areas 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 management of traffic flows on all related public roads during the various phases of on-site decommissioning, pipe laying and construction works, including:
 - (i) the location and details of any temporary construction access points to the site and temporary construction compounds,
 - (ii) the phasing of decommissioning, demolition and construction works,
 - (iii) details of locations for the disposal off-site of demolition/construction waste materials, and
 - (iv) restorative details of any temporary construction works including closure details for temporary construction access,

- (f) 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,
- (g) measures to obviate queuing of construction traffic on the adjoining road network,
- (h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (i) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (k) 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,
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (m) 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 Management Plan shall be kept for inspection by the planning authority.

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

3. (a) Prior to the commencement of development, the developer shall agree in writing with the planning authority, a detailed method statement for dealing with incoming effluent during the transition/construction phase, following the decommissioning of the existing wastewater treatment plant/septic tanks serving the existing agglomerations and prior to connecting to the operational wastewater treatment plant.
- (b) Development shall not commence without the written agreement of the planning authority in accordance with the above condition. Thereafter, the development shall proceed in strict conformity with the agreed method statement.

Reason: To define the terms of the permission and in the interest of orderly development.

4. All works shall be completed in strict accordance with the Invasive Alien Species Management Plan submitted with the application. Details of these measures shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To control the spread of invasive species.

5. All mitigation measures contained in the Natura Impact Statement (NIS) received with the planning application on the 25th day of August, 2020 shall be implemented in full. Details of the exact nature of all mitigation measures shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To protect the integrity of European sites in the vicinity.

6. All mitigation measures contained in the Ecological Impact Assessment (ECIA) received by the planning authority on the 25th day of August, 2020 shall be implemented in full.

Reason: To protect the biodiversity of the area.

7. All mitigation measures contained in the Construction and Environmental Management Plan received by the planning authority on the 25th day of August, 2020 shall be implemented in full. Details of these measures shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To protect the receiving environment.

8. All mitigation measures contained in the Flood Risk Assessment received on by the planning authority on the 25th day of August, 2020 shall be implemented in full.

Reason: To prevent flooding.

9. Site preparation and construction shall adhere to best practice and shall conform with the requirements of Inland Fisheries Ireland. Details of all works to be carried within 10 metres of the banks of any streams or watercourses shall be submitted to, and agreed in writing with, the planning authority in consultation with Inland Fisheries Ireland prior to the commencement of development.

Reason: To protect the aquatic environment.

10. All mitigation measures contained in the documentation submitted with the archaeological reports and the underwater archaeological impact assessment carried out by Mizen Archaeology submitted to the planning authority on the 25th day of August, 2020 shall be adhered to in full. Details of all mitigation measures shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To protect the cultural heritage of the area.

11. An ecological clerk of works shall be engaged on site for the duration of the works to supervise, monitor and ensure the strict implementation of all mitigation measures set out in the documents referred to above.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the preservation of the integrity of the qualifying interests associated with European sites in the vicinity.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

13. All tank containers located on all sites shall be structurally sound in order to prevent leaks. All tanks shall as a minimum be bunded locally to a volume of not less than 110% of the capacity of the largest tank within the bunded area.

Reason: In the interest of public health.

14. Details of any artificial lighting proposed within the confines of the wastewater treatment plant shall be appropriately cowled and shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity.

15. Where chemicals are to be stored within the compound of the wastewater treatment plant such chemical shall be stored in bunded areas.

Reason: In order to prevent pollution.

16. Water supply and drainage arrangements, including the attenuation of surface water from the wastewater treatment plant, shall be agreed in writing with the planning authority prior to the commencement of development. No surface water from any of the sites shall be permitted to discharge to the public road.

Reason: In the interest of public health.

17. Prior to the commencement of development, the developer shall apply to Donegal County Council for a formal road opening licence. All road opening licences shall be in compliance with the Guidelines for Managing Openings in Public Roads (Department of Transport, Tourism and Sport) (April 2017).

Reason: In the interest of traffic safety and to avoid flooding.

18. Odour levels at the site boundary shall comply with an odour concentration limit of 3 odour units per cubic metre on a 98th percentile basis of hourly averages. Procedures for the purposes of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To protect residential amenity of property in the vicinity.

19. During the operation of the wastewater treatment plant, the maximum noise level along the southern boundary of the site shall not exceed 50dB(A) (15 mins LAeq) at any time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To protect residential amenities to the south of the subject site.

20. A scheme indicating all landscaping around the proposed wastewater treatment plant shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the commencement of construction works. Any plants which die or become seriously damaged or diseased shall be replaced within the next planting season with other trees of similar size and species unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development in the interest of visual amenity.

21. The developer shall submit to the planning authority and to the Regional Office of Inland Fisheries Ireland formal written notification of the date of the commencement of construction works on site.

Reason: In the interest of clarity.



Dave Walsh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 12th day of April 2022.