

An  
Coimisiún  
Pleanála

**Commission Order**

**ABP-320864-24**

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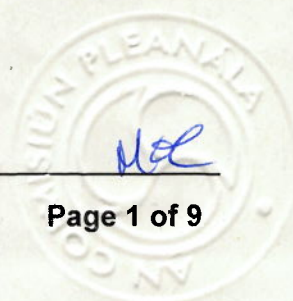
**Planning and Development Acts 2000 to 2022**

**Planning Authority: Galway City Council**

**Planning Register Reference Number: 24/60226**

**Appeal** by An Taisce Galway Association care of 26 Manor Avenue, Kingston, Galway against the decision made on 27<sup>th</sup> day of August, 2024 by Galway City Council to grant subject to conditions a permission to Uisce Éireann care of RPS Consulting Engineers Limited of Lyrr Building 2, Mervue Business and Technology Park, Wellpark Road, Mervue, Galway in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** New circa 950-cubic-metre underground storage tank that will provide additional wastewater storage capacity to the Merlin Park pumping station. Associated works include overground kiosks and passive odour control units, underground sewerage manholes, watermain, chambers, tank washdown units, tank mixer, two-metre-high perimeter security fencing, including vehicular and pedestrian gates and 0.45-metre wall, filter drains, replacement of the existing pumps and control panel, associated landscaping and all associated site development works above and below ground, all at Merlin Park, Old Dublin Road, Galway.





## **Decision**

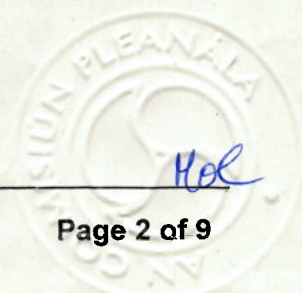
**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the zoning objective Recreation and Amenity (RA) 'to provide for and protect recreational uses, open space, amenity uses and natural heritage', Policy 9.3 (Water Services) and the provisions of the Galway City Development Plan 2023-2029, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment: Stage 1:**

The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.





## **Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the Galway Bay Complex Special Area of Conservation (Site Code: 000268) and the Inner Galway Bay Special Protection Area (Site Code: 004031) in view of the sites' Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

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

In completing the Appropriate Assessment, the Commission 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.

In overall conclusion, the Commission was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.



## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. All mitigation and environmental commitments identified in the Natura Impact Statement and the Ecological Impact Assessment shall be implemented in full as part of the proposed development. All works shall be monitored by an Ecological Clerk of Works to ensure the implementation of mitigation and environmental commitments.

**Reason:** To protect and conserve ecology, protect the environment and water quality in the interest of proper planning and sustainable development.

3. All mitigation, environmental commitments and monitoring measures identified in the planning particulars submitted shall be implemented in full as part of the proposed development, including inter alia:
  - (a) The Construction and Environmental Management Plan (CEMP).
  - (b) The Flood Risk Assessment.
  - (c) The Archaeology Assessment.
  - (d) The Arboricultural Assessment and Landscape Plan.



Where such measures 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.

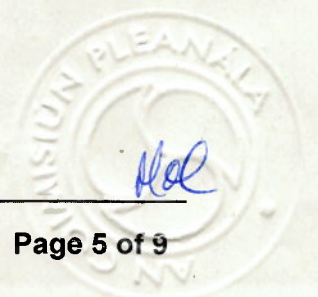
**Reason:** To protect the environment and water quality in the interest of proper planning and sustainable development.

4. The proposed security fencing shall not exceed two metres in height and shall be continuously maintained in good repair.

**Reason:** In the interest of visual amenity and to protect the residential amenities of the area.

5. (a) Surface water run-off associated with the proposed development shall not be permitted to discharge onto the public road or footpath or onto adjacent properties.
- (b) Surface water drainage from the proposed development shall discharge to a suitably designed soakaway. Design details of the proposed soakaway system shall be agreed in writing with the planning authority prior to commencement of development. An alternative solution incorporating discharge attenuation or other appropriate SUDS measures may be developed and agreed with the planning authority in the event that discharge to ground is rendered inappropriate due to ground conditions.

**Reason:** In the interest of the proper planning and sustainable development of the area.



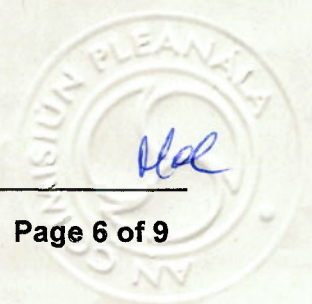


6. Any alterations to public services, public areas or utilities necessitated by the proposed development shall be carried out at the developers' expense having firstly obtained the agreement in writing of the planning authority or other public bodies responsible for such areas or utilities, before any alterations are carried out.

**Reason:** In the interest of public safety and the proper planning and sustainable development of the area.

7. The developer shall ensure that all construction activity within the site shall comply with the following:
- (a) All construction activity shall be restricted to between 0700 hours and 1900 hours Mondays to Fridays, inclusive, between 0800 hours and 1400 hours on Saturdays, unless otherwise agreed in writing with the planning authority. No works shall take place on Sundays, bank holidays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been issued by the planning authority.
  - (b) All workers and visitors to the site shall not park on the adjacent public footpaths or roadways.
  - (c) In the event that rock breaking is required on the site, a schedule of works, including mitigation measures and the hours and days of operations, shall be submitted for the written agreement of the planning authority.

**Reason:** In the interest of residential amenity and the proper planning and sustainable development of the area.





8. All works shall be carried out in accordance with the requirements for "Site Development Works for Housing Areas" issued by The Department of the Environment, Community and Local Government, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of orderly development and the proper planning and sustainable development of the area.

9. (a) The developer shall engage a suitably qualified Archaeologist (licensed under the National Monuments Acts) to monitor all site clearance and preparatory works, engineering trial pits, site investigations, breaking/removal of existing surfaces, topsoil stripping and other groundworks associated with the proposed development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No sub-surface work shall take place in the absence of the Archaeologist without his/her express consent.
- (b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall be suspended in the area of archaeological interest pending a decision of the planning authority in consultation with the National Monument Service regarding appropriate mitigation (preservation in situ/excavation).
- (c) The developer shall facilitate the Archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monument Service, shall be complied with by the developer.



- (d) Following the completion of all archaeological works on site, and any necessary post excavation specialist analysis, the planning authority and the National Monument Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required.
- (e) All resulting and associated archaeological costs shall be borne by the developer.

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

10. With regard to the landscaping of the proposed development, the following shall be applicable:
- (a) The developer shall appoint a qualified landscape architect.
  - (b) On completion of the landscaping/amenity scheme for the proposed development, the developer shall submit to the planning authority a certificate of completion from a suitably qualified landscape designer confirming that the landscaping works have been satisfactorily carried out in accordance with the approved landscaping/amenity scheme. The developer shall be responsible for full maintenance of the landscaping and for the replacement of all failed stock. A copy of the maintenance agreement with a suitably qualified person shall be submitted to the planning authority with the required certification.
  - (c) Tree protection areas, root protection areas and tree protection measures, including protective fencing and monitoring, as outlined in the submitted Arboricultural Assessment, shall be carried out under the direct supervision of a qualified consultant Arborist.

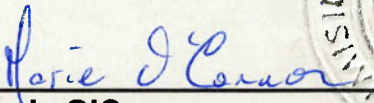
**Reason:** In the interest of visual amenity.






11. The developer shall ensure that all demolition/construction activity within the site shall comply with the following:
- (a) Prior to commencement of development, the developer shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Development Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.
  - (b) All wastes, including construction spoil and hazardous waste, arising from the proposed development shall be disposed of by a suitably licenced service provider to a suitably licensed facility.

**Reason:** In the interest of the proper planning and sustainable development of the area.

  
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**Marie O'Connor**  
**Planning Commissioner of An Coimisiún**  
**Pleanála duly authorised to authenticate**  
**the seal of the Commission.**



Dated this 11<sup>th</sup> day of July 2025.