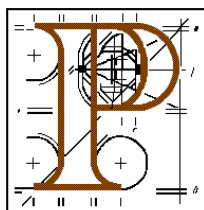


An Bord Pleanála



Inspector's Report

Development: Construction of a foul wastewater pumping station, control building and associated site works.

Location: Croghan Killala, Co. Mayo.

Planning Application

Planning Authority:	Mayo County Council
Planning Authority Reg. Ref.:	15/194
Applicant:	Irish Water
Type of Application:	Permission
Planning Authority Decision:	Grant Permission

Planning Appeal

Appellant: Irish Water

Type of Appeals:	1 st v Conditions
Date of Site Inspection:	15 th December 2015
Inspector:	Dolores McCague

1 INTRODUCTION

- 1.1 This appeal is one of two appeals currently before the Board, in respect of wastewater drainage and treatment at Killala County Mayo. This application is in respect of the construction of a pumping station, the other appeal, ref. 245557, is in respect of the waste water treatment plant (WWTP).

2 SITE LOCATION AND DESCRIPTION

- 2.1 The appeal site is situated at Croghan, Killala, Co. Mayo at a seashore location to the north of the town.
- 2.2 The town of Killala is situated on the western shore of Killala Bay, sheltered from the sea by Bartragh Island. The town centre has a dense network of narrow streets and laneways, old and historic buildings, several churches and an intact round tower. There are several graveyards in and around the town. Outside the historic town centre, development has taken place at lower density but the town retains a reasonably compact form. The Asahi complex is located on a ridge some distance south of the town.
- 2.3 The subject site is in the corner of a field, which is low lying and wet. Land in the field rises to the west and north. Immediately adjoining to the west the land is higher than this corner of the field.
- 2.4 The site is close to the existing sewage outfall to the Bay and a smell of wastewater was detectable at the seashore in the vicinity of the site, on the date of inspection.
- 2.5 A large number of waterbirds in the area of the Bay nearest the road, was noted on the date of inspection.
- 2.6 The regional road R 314, which fronts the site, is a touring route between Ballina and Ballycastle / Ceide Fields and is part of the Wild Atlantic Way.

2.7 The site area is given as 0.14ha.

3 PROPOSED DEVELOPMENT

3.1 The proposed development comprises the construction of a foul wastewater pumping station, control building and associated site works.

3.2 Notices describe the development as:

'The development relates to the Killala Sewerage Scheme and consists of the following works:

- i Foul Pumping Station,*
- ii Control Building*
- iii Associated Site Works*

3.3 The proposed development includes a reinforced concrete wastewater pumping station with a pumping capacity of 12 l/sec. which will convey wastewater from the sewerage network in Killala to a new wastewater treatment plant at Tawnaghmore to the south of the town; incorporating a holding tank with capacity to retain a liquid volume of 75m³; storm water in excess of this volume will overflow to the primary outfall location for the existing sewerage scheme following settlement and screening at the pumping station; the majority of the pumping station will be constructed below ground and elements will be visible above ground.

Above ground the pumping station structure will be partly exposed to depths varying from 0-900mm, varying with the existing topography at the footprint of the pumping station. Where this occurs, the exposed surface will be finished in natural stone in order to limit visual impact. A control kiosk is proposed to be constructed over the pumping station top slab. Hand railings will be installed around the edge of the pumping station. A steel gantry will be erected above the pump access for the purpose of pump removal. A green security fence will be erected around the pumping station.

A paved area will be provided within the site for vehicular access. The site will be landscaped using native species to minimise the visual impact of the structures viewed from the public road.

4 PLANNING AUTHORITY DECISION

4.1 The planning application was lodged on the 7th April 2015. The application was accompanied by:

a letter from Mayo County Council consenting to an application being made for the use of their lands;

a planning application report to which are appended, (appendix A) a waste discharge licence (D0067-01); and (appendix B) a report titled 'Screening for Appropriate Assessment';

a document prepared by Kelville & O'Sullivan Environmental Consultants for Ryan Hanley, Consulting Engineers, dated August 2008, titled '*Ecological Assessment, Killala Sewerage Scheme, Co Mayo*'; and

a document prepared by Paul Clarke M.A., Mayo County Council un-dated, titled '*Killala Sewerage Scheme Pumping Station, Archaeological Assessment*'.

4.2 The **Screening for Appropriate Assessment**, states that the wastewater treatment works and associated discharges from the sewerage scheme are subject to a separate screening exercise and appropriate assessment.

In relation to the collection network the report states:

Ballycastle Road Sewer and Pumping Station – it is proposed to divert sewage from the existing outfall pipe on the Ballycastle road to a new pumping station site on the opposite side of the road from the Natural 2000 site. The pumping station will consist of a 6.1m deep underground reinforced concrete structure, complete with a pump house and site works. The pipelaying will run adjacent to the Natural 2000 site boundary between the pumping station site and the existing outfall for approximately 71m. The pipes will consist of a 450mm sewer diversion, a 300mm diameter overflow pipe and a 225mm diameter sewage rising main,

(pressurised pipe). The sewers will be connected into the existing sewers within the road and no work will take place within the Natura 2000 site.

Ballina / Moyne Road Sewer and Pumping Station – it is proposed to construct a sewer extension to the existing collection network on the Ballina and Moyne Roads. The sewage will be pumped from a proposed pumping station into the existing collection network. The extension will serve houses which are currently operating on septic tanks, and therefore improve the quality of local groundwater and surface water. The SAC includes Meelick Lough and the stream which drains the lake to Killala Bay. The pumping station is immediately adjacent to this stream, while the sewer crosses the stream at two locations. The pumping station will consist of a 6.7m deep underground reinforced concrete structure complete with site works. The sewer consists of a 225mm diameter concrete sewer, which will be laid in the public road, with the exception of the two stream crossings, where it is proposed to lay the pipe in the fields adjacent to the road. A 225mm diameter rising main will also be laid along this route.

The existing sewerage collection network in Killala is combined, i.e. it contains both raw sewage and surface water run-off. Heavy rainfall can cause raw sewage to discharge to Killala Bay at the Quay Road pumping station, and to an inland stream at the Crossmolina Road pumping station. The latter drains directly to the Killala Bay/ Moy Estuary SAC at Meelick Lough. It is proposed to construct surface water sewers in Killala Town to reduce the volume of surface water entering the combined collection network and the frequency of overflow at these pumping stations. Two new surface water outfalls will be required at Harbour Hill and at the existing outfall on the Ballycastle Road. The proposed outfall location at Harbour Hill consists of a grass strip, which separates the inter-tidal mud flats from the Steeple Hill public road. The outfall location on the Ballycastle Road will be in direct contact with the inter-tidal mud flats. The surface water sewer on the Ballycastle Road will also cross a stream which drains directly to the Killala Bay/ Moy Estuary Natura 2000 Sites at the inter-tidal mudflats at the Ballycastle Road.

It is also proposed to divert surface water run-off from the existing Crossmolina Road pumping station to an adjacent stream, thus reducing the frequency of overflow of raw sewage to this stream,

which drains directly to the Killaly Bay/ Moy Estuary SAC at Meelick Lough. There are a number of streams and drains in the vicinity of Killala, which although outside the Natura 2000 Sites, drain to the Killala Bay/ Moy Estuary SAC and SPA. The works proposed as part of Killala Sewerage Scheme intersect these streams at the following locations:

Ballycastle Road – 375mm Surface Water Sewer and 225mm foul rising main.

Crosspatrick – 225mm foul rising main.

Tawnaghmore Upper – Wastewater Treatment Works Access Road.

The impacts of the collection network include habitat loss from the two surface water outfalls; potential temporary impact from runoff from work, which can be mitigated; pollution downstream as a result of riparian construction works, which can be mitigated; and polluted storm water run-off, which can be mitigated. There will be minor habitat loss on the periphery of the Natural 2000 site from the two surface water outfalls: temporary loss of habitat at stream crossings. This temporary loss of habitat will result from the construction of a 225mm diameter sewer and 225mm diameter sewage rising main and will affect the habitat of the Thin-lipped Mullet, a fish which is only occasionally found in the region. The effect can be minimised by timing the works to avoid the spawning season of the fish.

In relation to the Wastewater Treatment Works the report states that the sludge produced during the operation of the wastewater treatment works will be transported for further treatment at the Sludge Hub in Castlebar. Screenings generated during the operation phase will be disposed of by an approved waste disposal contractor. Raw sewage will be stored at the treatment works and the operation will also require the storage of harmful chemicals, however these will be controlled and an emergency action plans will be implemented by the plant operator in the event of an environmental accident on site. The screening exercise concludes that no further assessment is required.

- 4.3 The report titled 'Ecological Assessment' prepared by Kelville & O'Sullivan Environmental Consultants for Ryan Hanley, Consulting Engineers, dated August 2008, which was submitted as part of the planning application, includes an Ecological Impact Assessment

Screening (appendix B) which includes scoping responses: a memo from Kelville & O'Sullivan, Consultants recording verbal responses from Dr Julie Fossitt Divisional Ecologist, NPWS; letters from North Western Regional Fisheries Board; and Water Quality Results. The Ecological Assessment refers to concern in relation to the existing sewerage scheme which includes sections of sewers that are in excess of 100 years old, high flows to pumping stations due to surface water drainage to combined sewers and the lack of any sewage treatment. The roadway which crosses, at watercourse crossing no. 5, will require upgrading in order to support the passage of heavy vehicles.

While the majority of the pipeline route will be laid in the local road network, three sections of the route will be diverted off-road for engineering reasons. None of these sections will be laid within sites designated for nature conservation. The long term negative impact of the construction of the pumping stations and waste water treatment plant is considered slight and mitigation proposed is screening by the planting of local strains of native species. In relation to construction impacts, the mitigation proposed is the examination of the route by an ecologist prior to commencement of works and the use of settlement ponds and filter channels to treat and attenuate all surface water run-off at each of the proposed scheme's constituent construction sites and that any construction works involving the pouring of concrete should only be carried out in dry weather conditions; that all equipment should be serviced and checked for leakage or faults, all equipment should be stored on the available hard surfaces on site and all chemicals stored in bunded containers away from any watercourse; refuelling to be carried out either within a specified bunded area or off-site; and that a floating adsorbent hydrocarbon boom should span the river downstream of the working area during in-stream works; management of excavated and construction material, including the carrying out of works in dry periods during the summer in order to avoid the risk of surface run-off from entering nearby watercourses; and keeping machinery in good working order and not left idling when not in use to mitigate noise impact.

The watercourse crossings on the proposed network are considered to have potential for adverse impact. The report recommends that crossings within the Killala Bay / Moy Estuary SAC should be supervised by an ecologist. There is potential for impact on riparian vegetation, on potential nursery and spawning

habitat, on Kingfisher which could be nesting in the area, potential for sediment loss. Mitigation proposed includes having a project ecologist; the use of sedimats or gabion baskets filled with straw, placed downstream of the working area to trap the heavier silt dislodged by the pipe-laying operations; agreeing a method statement with the relevant authorities (NPWS/NWRFB); and no vehicles to be driven into watercourses. The North Western Regional Fisheries Board (NWRFB) should be consulted with when carrying out these works, and acceptable times to work within watercourses agreed. Mitigation measures in relation to dammed water, if damming is necessary, are proposed. Measures to prevent the spread of zebra mussel are proposed. The operational impact considered is accidental spillages and these are considered unlikely; a surface water monitoring regime will be implemented following agreement to the methods (with NPWS/NWRFB).

- 4.4 The Archaeological Assessment notes the presence of a roofed building in the site on the 1838 OS map, which is no longer in existence, it also notes that given the extremely rich archaeological setting in the Killala hinterland, the potential for new archaeological finds or features is always present. The proposed development site is on a townland boundary, adjacent to a coastal location and this together with the former structure, leads to the recommendation that archaeological testing be undertaken to identify any unrecorded sites present, and mitigate any negative archaeological effects.
- 4.5 Reports:
- 4.6 Ballina Municipal District Engineer – 30th April 2015 – recommending conditions regarding roads.
- 4.7 Mayo National Roads Design – 22nd April 2015 – no impact on national roads.
- 4.8 Senior archaeologist – 5th May 2015 – recommending further information/conditions regarding archaeology.

- 4.9 Inland Fisheries Ireland (IFI) – 11th May 2015 – IFI welcome the proposal for the construction of a new waste water treatment plant for Killala along with modifications to the existing foul sewer collection system which will result in significantly improved water quality in Killala Bay and the Moy Estuary.

Killala Bay offers some of the best sea fishing on the west coast of Ireland along with it being an important corridor for salmon, sea trout and eels migrating to and from the River Moy system, which attracts large numbers of recreational and tourist anglers annually. Up to forty fish species have been recorded by boat anglers in Killala Bay. The Bay is designated Class A and B shellfish Production Areas, as operated by the Seafood Protection Authority. Killala Bay has been allocated 'high ecological status' in the Western River Basin Management Plan and this status must be protected. It has been identified as being at risk from a number of pressures including WWTP discharges and section 4 licences, (Section 4, Local Government (Water Pollution) Act, 1977).

The pumping station should have storm water overflow tanks with sufficient storage to allow for a break down period of 48 hours in case of pump malfunction. A stand pipe should be fitted in the pump sump with a universal connection on the rising main to enable the use of a portable pump in case of emergency. It is not acceptable to have a free running overflow discharging effluent.

Telemetry and appropriate systems should be in place in case of WWTP and pumping station break down. Macerators should be fitted to all pumps to avoid malfunction due to items, such as baby wipes, wrapping around the pumps.

Surface water controls should be put in place during construction of the pumping station to prevent discharges of silted waters to adjoining watercourses. Waters pumped from excavations must not discharge directly to adjoining watercourses.

The mitigation measures provided in the Ecological Assessment document accompanying the application should be implemented during the construction and operational phase of the project so as to ensure no damage to fisheries habitat. The specific foreshore

licence conditions accompanying the application should be strictly adhered to.

The IFI guidance document 'Requirements for the Protection of Fisheries Habitat during Construction and Development work' should also be followed, available at: <http://fisheriesireland.ie/fisheries-management-1/90-requirements-for-the-protection-of-fisheries-habitat-during-construction-and-development-works-at-ri-1>.

Refuelling of machinery should be carried out off site or in a contained bunded area on site. All equipment should be serviced and checked for leakage and faults prior to use.

A floating absorbent hydrocarbon boom should span the stream / watercourse, downstream of the working area during in-stream works.

There are five watercourse crossings to be completed as part of the scheme. A quantitative electrofishing survey carried out by the North Western Regional Fisheries Board, predecessor of the IFI, on 27th May 2008, confirmed healthy populations of Brown Trout, Eel and pollution sensitive invertebrates at some of the proposed crossing locations. IFI recommends that watercourse stream crossings are supervised by a suitably qualified ecologist and confined to the period 1st May to 30th September. It is imperative that the proposed sewerage pipeline route does not impact adversely on these fish and invertebrate populations. IFI requires a detailed method statement for all proposed works three weeks in advance of commencement.

Pipe-laying across watercourses associated with the sewerage upgrade should be carried out during dry weather periods of the summer months. Special care should be taken during the main salmon migration periods of April-May for smolt migration to sea and May-July for adult salmon migration to freshwater. All earthworks should be executed so as to minimise the suspension of solids. Settlement ponds and filter channels should be used to treat and attenuate all surface water run off at each of the proposed scheme's constituent construction sites. In the event that in-stream works are required, silt control measures must be

employed to minimise suspended solids and siltation. Appropriate silt curtains should be employed.

Any stockpile areas for construction materials such as gravel and sand should be kept to a minimum and be situated at the maximum distance possible from any watercourse. Any construction works involving the pouring of concrete must only be carried out in dry weather conditions.

An out of hours contact number for key operating personnel should be provided at the entrance to the pump station. An Emergency Response Plan should be produced, in the event of a major spill or other significant discharge of polluting matter to surface waters with IFI listed as a notifiable body. All relevant staff must be trained to facilitate immediate and effective responses to all incidents.

- 4.10 Roads – 12/5/2015 – recommending conditions re. roads.
- 4.11 Eddie Munnely – 27th May 2015 – recommending further information:

Conclusive evidence that the proposed treatment plant will comply with all conditions of the EPA wastewater discharge licence D0067-01 issued on 2nd October 2014.

As Killala Bay is designated Class A and B shellfish Production Area as operated by the Seafood Protection Authority under EU Regulation No 854/2004, conclusive evidence should be submitted that the quality of the final effluent produced by the proposed plant is compliant with all conditions of Foreshore Licence (MS51/13/343). In this regard, particular attention should be given to conditions 10-17 of this licence.

Full details of proposed method of disposal of all sludges arising from the operation of the plant. The proposed final access road to the constructed plant is via a newly constructed access road to be shared by adjacent developments. Full details of the final access road to the plant should be submitted in the event of the

construction of the new wastewater plant predating those proposed adjacent developments.

Full details of all proposed replacement / refurbishment of existing sewers within the town centre following the recent CCTV survey of same.

Full details of replacement of existing cast iron watermain and lead connections within the town centre. As it is proposed to lay a new sewerage rising main through the town centre it is recommended that, at the very least, the adjacent cast iron watermain / lead connections should be replaced as part of the works.

Full details of proposals to separate storm water from the existing combined system as part of the works.

Full details of proposals to deal with any increased volumetric loads arising at the plant during inclement weather conditions.

4.12 Planning – 28th May 2015 – recommending further information.

4.13 A request for further information issued on 28th May 2015 on 12 points:

1 A detailed brief of the project in its entirety including details of the operation of the proposed treatment plant and pumping station; any associated pipe works including replacement and refurbishment of existing town sewers accompanied by recent CCTV survey; new pipes proposed to include operation and construction; details to separate storm water from the existing combined system; details of any proposal to replace existing cast iron water main and lead connections with the town centre.

2 A project specific AA screening report including proposed treatment plant in Tawnaghmore and the associated pipe work. Revised submission to include the pre-construction, construction and operational activities of the pumping station and determine if

these have the potential to cause significant impact to Natura 2000 sites in the environs of the works and the wider area. Details regarding physical changes that will arise from the project, resource and transportation requirements; and cumulative impacts with other project and plans must be considered.

If the AA screening determines that there is a risk of significant impacts, applicant shall submit a NIS. The NIS shall detail all proposed mitigation measures and information as to how measures will be implemented and by whom; evidence of the degree of confidence in the likely success of the mitigation measures; a timescale for construction of the development; details of how mitigation measures will be monitored and, in the event that mitigation measures fail, how that failure will be rectified.

3 Submit a revised layout map showing the access to the site and sight lines drawn in accordance with Table 9 of the Mayo County Development Plan 2014-2020. The layout map shall show any works proposed to achieve sight lines shown.

4 Submit details of the front boundary treatment and clarify the requirement to remove the entire front hedgerow.

5 Clarify the proposed surface in the (road boundary) set back area.

6 Show 20m building set-back from the regional road.

7 Details of the proposed control house.

8 Revised layout showing spot levels/contours and finished floor level of control house.

9 Proposals to remove siltation etc from surface water during the construction, before it enters the surface water system.

10 Submit a landscaping plan for the site. The landscaping scheme shall be shown on a layout map and include details of the species, numbers, height when planted and girth of the proposed trees and hedging.

11 The site is located adjacent to a site identified as Flood Zone 'A' where the probability of flooding from the sea is highest: 1 in 200 for coastal flooding. Having regard to the proximity of the site to this area of flooding, the applicant is requested to submit a site specific Flood Risk Assessment prepared by a suitably qualified professional. The Assessment shall have regard to the OPW guidelines; and shall demonstrate that the development is not at risk of flooding and that the development would not increase the flood risk on the relevant catchments.

12 Pre-development testing and details in relation to archaeology.

An advice note was attached to the request.

4.14 A response to the request for further information was submitted on 11th August 2015, including:

Responding to item 1 – the project may involve rehabilitation works to the existing sewerage collection network. Requirements for rehabilitation works will be determined by Irish Water. Rehabilitation works do not form part of the current planning application. Any proposed infrastructure outside the boundary of this application may be subject to a separate application if and when required. Storm water separation does not form part of the current planning application. Watermain rehabilitation does not form part of the current planning application.

Sight lines shown on drawing no. 151, in which boundary treatment and the set-back area are shown, as are site levels (items 3, 4, 5 and 8)

The control building is replaced by a kiosk, (items 6 & 7).

Regarding item no. 9 the contractor will be required to prepare method statements for approval to NPWS and IFI prior to the commencement of any construction works. Implementation of measures will be monitored by an ecologist. Prior to commencement the contractor will be required to prepare an Environmental Operating Plan, containing mitigation measures detailed in the Environmental Report. The method of removing silt will be chosen by the contractor in consultation with Irish Water.

Proposed landscaping is shown on drg no. 151, (item 10).

A flood risk assessment is submitted (item 11).

Pre-development archaeological testing will be carried out (item 12).

- 4.15 RPS consultants – 3rd September 2015 – Appropriate Assessment review. The review states that the screening reports submitted with the two planning applications presented information to make a finding of no significant effects. Elements of the project design relating to how impacts to Natura 2000 sites will be potentially impacted and subsequently avoided are presented and the conclusion that stage 2 of the AA process in line with Article 6(3) of the habitats directive is therefore not required.

They advise that the screening reports submitted with both applications, provide the competent authority with sufficient information to conduct the AA and make a determination for a finding of no significant effects.

They recommend conditions to be attached.

Prepare an Ecological Assessment validating and updating (as necessary) the Ecological Assessment prepared for the Killala Sewerage scheme by Kelville and O'Sullivan on behalf of Ryan Hanley consulting Engineers in 2008,

Undertake ongoing monitoring programme for the proposed wastewater treatment plant, pumping station and all ancillary works during the projects construction phase to

ensure mitigation and pollution control measures are sufficiently addressed,

The construction of the proposed development shall be managed in accordance with a Construction Environmental Management Plan (CEMP). The CEMP will include an Environmental Method Statement (EMS) which will detail how construction works will be completed in environmentally sensitive areas such as those areas fringing or in proximity to European sites in addition to proposed watercourse crossings, and

Should rehabilitation works be required for the marine outfall area then these should be accompanied by the appropriate environmental considerations and licencing; i.e. foreshore licencing and consideration of the works as under the Appropriate Assessment process.

- 4.16 Further Technical Reports
- 4.17 Planning Report – 3/9/2015 - recommending planning permission.
- 4.18 Decision to grant planning permission 4th September 2015 – subject to 30 conditions, (those shown in bold are the conditions the subject of this appeal):
- 1 The development shall be carried out in accordance with the documentation.
 - 2 The pumping station should have storm water overflow tanks with sufficient storage to allow for a break down period of 48 hours in case of pump malfunction. A stand pipe should be fitted in the pump sump with a universal connection on the rising main to enable the use of a portable pump in case of emergency. A free-running overflow discharging effluent is not permitted.**
 - 3 Telemetry and appropriate system should be in place in case of pumping station breakdown. Macerators shall be fitted to all pumps to avoid malfunction.**

- 4 **The IFI Guidance document 'requirements for the protection of Fisheries Habitat during Construction and Development Work' shall be adhered to.**
- 5 **The mitigation measures provided in the ecological assessment document submitted to Mayo County Council on the 07/04/2015 shall be included in the construction contract.**
- 6 **Surface water controls should be put in place during construction of the pumping station to prevent discharges of silted waters to adjoining watercourses, etc.**
- 7 Water course crossings shall be supervised by a suitably qualified Ecologist and confined to the period 1st May to 30th September, etc.
- 8 Pipe laying across watercourses shall take place during dry weather. Special care shall be taken during the main salmon migration periods April-May for smolt migration to sea and May-July for adult salmon migration to freshwater, etc.
- 9 **Any stockpile areas for construction materials to be kept to a minimum etc.**
- 10 **Refuelling of machinery to be carried out off site or in bunded area on site, etc.**
- 11 **Out of hours contact numbers to be available and an Emergency Response Plan to be put in place, etc.**
- 12 **The operational control measures outlined in section 6 of the Appropriate Assessment Screening report submitted to Mayo County Council on the 11/08/2015 to be implemented in full.**
- 13 Requirement to engage Archaeologist etc.
- 14 Entrance details.
- 15 Surface water re roads.

- 16 Front boundary removal and replacement.
 - 17 Advance directional signage.**
 - 18 A method statement for construction works to be prepared by the applicant and approved by the NPWS and IFI.**
 - 19 Implementation of the measures outlined in the method statement to be monitored by a qualified Ecologist.
 - 20 Prior to the commencement of development, an Environmental Operating Plan to be prepared.
 - 21 Landscaping scheme.**
 - 22 Expamet type green fencing.**
 - 23 Paved area.
 - 24 The proposed kiosk to be replaced with a permanent building, etc.**
 - 25 Prepare and submit to Mayo County Council an Ecological Assessment validating and updating (as necessary) the Ecological Assessment prepared for the Killala Sewerage scheme by Kelville and O'Sullivan on behalf of Ryan Hanley consulting Engineers in 2008.**
 - 26 Ongoing monitoring during construction.**
 - 27 The CEMP will include an Environmental Method Statement (EMS).**
 - 28 Should rehabilitation works be required for the marine outfall area then these should be accompanied by the appropriate environmental considerations and licencing; i.e. foreshore.**
- Reason: In the interests of proper planning.**
- 29 A refundable deposit to cover the costs of possible damage/repairs to the public road network associated with construction costs.

30 Development contribution.

- 4.19 The decision was in accordance with the planning recommendation.

5 PLANNING HISTORY

None stated

Pre-planning meeting 2/3/2015 referred to on the application form.

6 GROUNDS OF APPEAL

- 6.1 The first party appeal against conditions, submitted by Irish Water, can be summarised as follows:
- 6.2 On the 2nd October 2014 the EPA issued a Waste Water Discharge Licence (WWDL) Ref D0067-01 for the Killala Waste Water Agglomeration, in which it imposed binding conditions relating to the treatment and disposal of wastewater for the Killala Agglomeration. The objective of the Killala Sewerage Scheme is to provide a new wastewater treatment plant at Tawnaghmore Upper, a new pumping station adjacent to the existing outfall pipe at Croghan and modifications to the existing foul sewer collection system.
- 6.3 The new WWTP and pumping station were subject to individual planning applications.
- 6.4 The development will consist of a new reinforced concrete wastewater pumping station with a pumping capacity of 12 l/sec. The pumping station will convey wastewater from the sewerage network in Killala to a new wastewater treatment plant at Tawnaghmore to the south of the town. The new development will

improve the water quality in Killala Bay by discontinuing the discharge of raw sewage to the tidal mud flats within Killala Bay. The new pumping station will incorporate a storm water holding tank with capacity to retain a liquid volume of 75m³. Storm water in excess of this volume will overflow to the primary outfall location for the existing sewerage scheme following settlement and screening at the pumping station. The majority of the pumping station will be constructed below ground and elements will be visible above ground.

The pumping station structure will be partly exposed above ground to depths varying from 0-900mm, varying with the existing topography on the footprint of the pumping station. Where this occurs, the exposed surface will be finished in natural stone in order to limit visual impact.

A control kiosk is proposed to be constructed over the pumping station top slab as shown on drg no. 151 and 152. The kiosk is proposed in lieu of the control building shown on earlier drawings. The kiosk will occupy a smaller footprint (5m²) and have a lower profile (2.6m height) than the previously proposed building; and it will be possible to locate it at a greater distance from the road edge.

Hand railing will be installed around the edge of the pumping station.

A steel gantry will be erected above the pump access for the purpose of pump removal.

A green security fence will be erected around the pumping station.

A paved area will be provided within the site for vehicular access. The site will be landscaped using native species to minimise the visual impact of the structures viewed from the public road.

6.5 The conditions are appealed for the following reasons:

Technical specifications are inconsistent with best practice and conflict with environmental legislation.

Conditions apply to works that do not form part of the planning application and are inconsistent with the Development Management Guidelines;

Conditions are too specific and time bound.

Conditions relating to the preparation of a construction method statement and/or environmental monitoring could be rationalised into a single condition.

6.6 Conditions are grouped into 4 groups in the grounds of appeal.

6.7 In group 1 are conditions 2, 3 and 24: general conditions relating to specifications and structural design.

6.8 Condition 2 is as follows:

The pumping station should have storm water overflow tanks with sufficient storage to allow for a break down period of 48 hours in case of pump malfunction. A stand pipe should be fitted in the pump sump with a universal connection on the rising main to enable the use of a portable pump in case of emergency. A free-running overflow discharging effluent is not permitted.

Reason: To avoid pollution.

6.9 The first party states that as part of the Killala Sewerage Scheme the proposed treatment plant has been assessed by the EPA and is licensed. The EPA is the competent authority, as set out in the Waste Water Discharge (Authorisation) Regulations 2007 for the purposes of authorising a waste water discharge. Condition no. 2 is not in accordance with the conditions attached to the licence. The first party is not aware that the EPA has attached such a condition to any wastewater treatment plant licence. The pumping station has been designed, and will be equipped with sufficient storm water storage to mitigate against combined storm water overflows and interruptions to service. The storage proposed in the application was determined following the completion of a

comprehensive network hydraulic modelling exercise which was validated with on-site flow and rainfall studies and model auditing. The pumping station will be equipped and managed in accordance with best international practice in order to mitigate against interruptions to service and will include the following:

- Duty and standby pumps with automatic change over
- Automatic control and monitoring using a customised SCADA system
- Automatic alarm generation and notification using texting;
- Monitoring via Irish Water's National Telemetry System and the National Operations Management Centre;
- Facilities for the connection of an external electrical generator in the event of a power outage from the national grid;
- Equipment service and maintenance in accordance with manufacturer's recommendations and scheduling of same via Irish Water's Asset Management Systems including Maximo; and
- Management of incidents using Irish Water's Wastewater Incident Response Plan (WINREP).

The condition prescribes 48 hours storage which is not consistent with wastewater engineering best practice. The condition specifies controls that are regulated by legislation other than the planning code and the removal of the condition is sought.

6.10 Condition 3 is as follows:

Telemetry and appropriate system should be in place in case of pumping station breakdown. Macerators shall be fitted to all pumps to avoid malfunction.

Reason: To avoid pollution.

The first party states that appropriate pumping technology for this installation is best selected by Irish Water to ensure compliance with all environmental legislation and EPA conditions. Notwithstanding that a SCADA system will be installed it is considered that this condition is not appropriate. The use of macerator pump will not avoid malfunction. While macerator pumps may reduce the risk of pump blockage, other design considerations including solids handling capacity, pump rotational speed, sump sizing and use of static mixers are considered more appropriate factors in reducing the risk of pump blockage.

The condition specifies controls that are regulated by legislation other than the planning code and the removal of the condition is sought.

6.11 Condition 24 is as follows:

The proposed kiosk shall be replaced with a permanent building of block construction and finished in nap plaster or dash with no colour components. Any stone used shall be a local stone indigenous to the area. Roof slates/tiles shall be blue black/grey in colour. The front door shall be of simple design in timber. Windows shall be timber or shall have a timber effect finish. No white PVC permitted. Gutters, fascia and eaves details shall be black in colour and shall project no more than 75mm proud of the main masonry finish. Prior to the commencement of development, elevations and plans of same shall be submitted. This shall be agreed in writing with Mayo County Council.

Reason: In the interests of visual amenity.

The planning authority, by way of further information, requested that building be set-back from the regional road by 20m. It was not possible to achieve that building line and the first party reviewed its requirements and revised the proposal; addressing the planning authority's concerns and providing cost savings

The kiosk will occupy a smaller footprint (5m²) and have a lower profile (2.6m height) than the previously proposed building; and it will be possible to locate it at a distance of 24m from the road edge.

The planning authority have not identified any issues with the proposal and the removal of the condition is sought.

6.12 In group 2 are conditions 11, 17, 18 and 28: general conditions relating to water courses, marine outfall and directional signage which the first party considers to be outside the scope of the planning application.

6.13 Condition 18 is as follows:

Prior to commencement of development, a method statement for construction works shall be prepared by the applicant and approved by the NPWS and IFI. Evidence of this shall be submitted to Mayo County Council.

Reason: To avoid pollution.

6.14 The first party states that the relevance of the condition to the pumping station is unclear. In addition Section 7.9 of the Development Management Guidelines is referred to and quoted: '*conditions requiring matters to be subject of consultation with...another public authority should not be attached to a condition.*' The first party considers the requirement to get approval from the NPWS and IFI is inconsistent with the Development Management Guidelines.

6.15 Condition 28 is as follows:

Should rehabilitation works be required for the marine outfall area then these should be accompanied by the appropriate environmental considerations and licencing; i.e. foreshore.

Reason: In the interests of proper planning.

The marine outfall exists already in Killala Bay and the purpose of this application, together with the application for the Pumping Station is to regularise existing environmental conditions. The marine outfall is outside the remit of this planning application.

6.16 Condition 11 is as follows:

An out of hours contact number for key operating personnel should be provided at the entrance to the pump station. An Emergency Response Plan should be produced, in the event of a major spill or other significant discharge of polluting matter to surface waters with IFI listed as a notifiable body. All relevant staff must be trained to facilitate immediate and effective responses to all incidents.

Reason: To avoid pollution.

The first party states that as part of the Killala Sewerage Scheme the proposed treatment plant has been assessed by the EPA and is licensed. The conditions attached to the licence are referred to.

The condition specifies controls that are regulated by legislation other than the planning code and the removal of the condition is sought.

6.17 Condition 17 is as follows:

Applicant shall consult with Mayo County Council in relation to the details and of location of any proposed advanced directional signage along the public network to the pumping station.

Reason: In the interests of traffic safety and visual amenity.

Directional signage is not proposed and the application does not refer to any such.

6.18 In group 3 are conditions 21, and 22: which the first party considers are too specific or time bound.

6.19 Condition 21 is as follows:

Within three months of any grant of permission, submit a landscaping scheme for the site. The landscaping scheme shall be shown on a layout map and detail the species, numbers, height when planted and girth of proposed trees and hedging.

Reason: In the interests of visual amenity.

The Board is requested to amend the condition which is too onerous in requiring a landscaping scheme within three months of any grant of permission; a wording or similar which they request to be used: *prior to the commencement of development the applicant shall submit a landscaping scheme to be agreed with Mayo County Council.*

6.20 Condition 22 is as follows:

The compound shall be secured with 2.4metre expamet type green fencing.

Reason: In the interests of visual amenity.

Irish Water is subject to national and European procurement laws and therefore if not permitted to specify specific products. The first party suggests a wording or similar to be used: *prior to the commencement of development the applicant shall submit details of the proposed boundary treatment to be agreed with Mayo County Council.*

6.21 In group 4 are conditions 4, 5, 6, 9, 10, 12, 19, 20, 25 26 and 27: which the first party considers should be harmonized into a single condition in relation to a construction method statement and/or environmental monitoring in order to avoid duplication, confusion

and conflicts; and also considering any revisions with respect to condition 18.

6.22 Condition 4 is as follows:

The IFI Guidance document 'requirements for the protection of Fisheries Habitat during Construction and Development Work' shall be adhered to.

Reason: To avoid pollution.

6.23 Condition 5 is as follows:

The mitigation measures outlined in the ecological assessment document submitted to Mayo County Council on the 07/04/2015 shall be implemented during the construction and operational phase of the project.

Reason: To avoid pollution.

6.24 Condition 6 is as follows:

Surface water controls should be put in place during construction of the pumping station to prevent discharges of silted waters to adjoining watercourses. This shall be agreed in writing with Mayo County Council prior to development commencing on site. Waters pumped from excavations must not discharge directly to adjoining watercourses.

Reason: To avoid pollution.

6.25 Condition 9 is as follows:

Any stockpile areas for construction materials such as gravel and sand should be kept to a minimum and be situated at the maximum distance possible from any watercourse. Any construction works involving the pouring of concrete must only in dry weather conditions.

Reason: To avoid pollution.

6.26 Condition 10 is as follows:

Refuelling of machinery should be carried out off site or in a contained bunded area on site. All equipment should be serviced and checked for leakage and faults prior to use. A floating hydrocarbon boom shall be placed in each watercourse, downstream of the working area during in-stream works.

Reason: To avoid pollution.

6.27 Condition 12 is as follows:

The operational control measures outlined in section 6 of the Appropriate Assessment Screening report submitted to Mayo County Council on the 11/08/2015 shall be implemented in full.

Reason: To avoid pollution.

6.28 Condition 19 is as follows:

Implementation of the measures outlined in the method statement for construction works shall be monitored by a qualified Ecologist to be employed by the applicant.

Reason: To avoid pollution.

6.29 Condition 20, referred to in the lead paragraph but not quoted in the detailed statement of grounds, is as follows:

Prior to the commencement of development, the applicant shall prepare an Environmental Operating Plan which shall

be approved by qualified Ecologist. This plan shall include mitigation measures included in the ecological statement submitted to Mayo County Council on the 07/04/2015.

Reason: In the interests of proper planning.

6.30 Condition 25 is as follows:

Prepare and submit to Mayo County Council an Ecological Assessment validating and updating (as necessary) the Ecological Assessment prepared for the Killala Sewerage scheme by Kelville and O'Sullivan on behalf of Ryan Hanley consulting Engineers in 2008.

Reason: In the interests of proper planning.

6.31 Condition 26 is as follows:

Ongoing monitoring shall be undertaken for the proposed pumping station and all ancillary works during the projects construction phase, to ensure mitigation and pollution control measures are sufficiently addressed.

Reason: In the interests of proper planning.

6.32 Condition 27 (misquoted as a repeat of condition 26) is as follows:

The construction of the proposed development shall be managed in accordance with a Construction Environmental Management Plan (CEMP). The CEMP will include an Environmental Method Statement (EMS) which will detail how construction works will be completed in environmentally sensitive areas such as those areas fringing or in proximity to European sites in addition to proposed watercourse crossings.

Reason: In the interests of proper planning.

7 RESPONSES

7.1 Planning Authority Response.

7.2 The Planning Authority has responded to the grounds of appeal. The response includes:

7.3 Conditions 2 and 3 were proposed by the Inland Fisheries Ireland, a prescribed body.

7.4 Conditions 24, it is solely within the remit of the planning authority to consider the design of proposed buildings and to stipulate finishes. The proposed construction of a kiosk would set an undesirable precedent and is inappropriate for a rural area. Financial considerations cannot override issues such as protecting the visual amenity of an area or adhering to the traditional building vernacular. The condition does not hinder the operational requirements of the first party.

7.5 The relevance of condition 18 is questioned, the procedure stated in this condition was specifically detailed by the first party in the further information response received by Mayo County Council on 28/5/2015.

7.6 Condition no 11 was proposed by IFI, a prescribed body.

7.7 Condition no 17 was stipulated by Ballina Municipal District Engineer and is considered to be integral to the proposed development. Removal of this condition may seriously hinder the process of the development in terms of traffic safety, potential damage to the surrounding road network and infrastructural support. Such conditions are normal for commercial development.

7.8 Amendment of condition no 21 - Mayo County Council does not object to the proposed amendment.

7.9 Amendment of condition no 22 - Mayo County Council believes this condition should not be altered. The condition specifies a 'type' of fencing. It was considered that this provided the best description of the type required at this location. This type of fence is increasingly being conditioned by MCC for commercial industrial developments to soften the visual impact.

- 7.10 Re harmonization of conditions 4, 5, 6, 9, 10, 12, 19, 20, 25 26 and 27 into a single condition; Mayo County Council considers that the individual conditions do not lead to duplication, confusion or confliction, but provide a concise, clear methodology in relation to the construction phase of the development.

8 BOARD CORRESPONDENCE

- 8.1 The Board informed: The Heritage Council, the Development Applications Unit of the Department of Arts, Heritage and The Gaeltacht; and An Taisce of the appeal on the 9th November 2015. A reply was received from the Development Applications Unit of the Department of Arts, Heritage and The Gaeltacht, in relation to nature conservation, which includes:
- 8.2 The proposed wastewater treatment plant is not within any lands designated, however the outfall pipe discharges directly into the Killala Bay/Moy Estuary SAC (000458) SPA (004036). The proposed development has the potential to impact on these two European sites. The Department believes that the potential may exist for the proposal to adversely impact on marine and coastal habitats and species within the SAC and SPA. The potential impacts would be caused by the possible deterioration in the water quality within Killala Bay and the consequential impacts on habitats and species therein, from pollution from the treated effluent from the development. The discharges are subject to a waste water discharge licence (D0067-01) from the EPA and this licence was subject to an Appropriate Assessment by the EPA.
- 8.3 The Board as a public authority has clear obligations under the European Communities (Birds and Natural Habitats) Regulations, 2011, when exercising its functions, including consent functions, which may have implications for or effects on nature conservation, to ensure that these functions are exercised in compliance with and as appropriate, so as to secure compliance with, the requirements of the Habitats Directive and the Birds Directive and these Regulations.
- 8.4 They request the Board to note the need to carry out screening for appropriate assessment and to note regulation 42 (1) A screening for Appropriate Assessment of a plan or project for which an

application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.

8.5 Screening for Appropriate Assessment must be undertaken by the competent/regulatory authority. It is unclear whether screening for Appropriate Assessment was undertaken by MCC. Guidance regarding AA is referred to. It is the responsibility of the Board to ensure that the assessment of this proposal is in compliance with the requirements of the Habitats Directive and the Birds Directive and the European Communities (Birds and Natural Habitats) Regulations, 2011.

8.6 **First Party Response.**

8.7 The First Party has responded to the DAU DAHG response, enclosing a copy of the report Killala Sewerage Scheme, Ballycastle Road Pumping Station and Wastewater Treatment Plant, Appropriate Assessment Screening Report, July 2015, which was supplied to the planning authority in response to a request for further information, on 11th August 2015, and is on the Board's file. The first party response states that the DAU highlights that screening for Appropriate Assessment is required for the proposed development; this was prepared and submitted as part of the planning application; it would appear from the Department's letter that they were not in possession of a copy of the screening report and a copy is now enclosed.

The First Party states that, in the context of the Natura sites, their qualifying interests and conservation objectives, the screening assessment considered the potential impacts during the construction and operation of the proposed wastewater treatment plant; there will be no significant impact on any of the qualifying habitats or species, either alone or in combination; the conservation objectives for the Natura 2000 site will not be compromised by the proposed development, and the project can be screened out under the Habitats Directive.

9 POLICY CONTEXT

- 9.1 The Mayo County Development Plan 2014-2020 is the operative plan.
- 9.2 Killlala sewerage scheme is listed (in table 3) as a priority infrastructure project for the 2014-2020 period.
- 9.3 The Development Plan includes an area plan for the key town of Killlala. The area plan includes the objective of providing, or facilitating the provision of, a waste water treatment plant and associated works for the town. It also includes as an objective to protect Killlala Bay / Moy Estuary SAC and SPA.
- 9.4 The subject site is immediately outside the zoned area of the area plan.

10 ASSESSMENT

- 10.1 This appeal is an appeal against conditions. The Board has the discretion, under Section 139 of the Planning and Development Acts, to restrict its consideration of the appeal to the conditions referred to in the grounds. Having regard to: the number of conditions appealed, the extent of the subject areas covered by these conditions and also to the matters set out in 34 (2) (a), including proximity to European sites; it is considered that it would be inappropriate for the Board to restrict its consideration to these conditions and that determination of the application as if it had been made to it in the first instance is warranted.
- 10.2 The issues which arise in relation to this development are: description of the proposed development, environmental impact assessment, appropriate assessment, and the conditions appealed, and the following assessment is addressed under these headings.

10.3 Description of the Proposed Development

10.4 The proposed development in this application/appeal is described in the notices accompanying the application as:

The development relates to the Killala Sewerage Scheme and consists of the following works:

- i Foul Pumping Station,*
- ii Control Building*
- iii Associated Site Works*

10.5 The proposed development is a pumping station at Ballycastle Road. This proposal is part of a larger sewerage scheme development for Killala, intended to be carried out by Irish Water, which includes:

upgrading the existing combined sewerage system, which has pipework dating from various historic periods;

some separation of surface water;

some extensions to the existing network;

the provision of a wastewater treatment plant (245547);

provision of a rising main from the subject pumping station;

the refurbishment and re-use of an existing outfall, provided originally to serve the Asahi chemical factory development; and

the discharge of treated effluent to Killala Bay into the open bay, via the Asahi outfall, at a point east of Bartragh Island, replacing the current discharge of untreated effluent close to shore in a sheltered part of the Bay at Croghan.

10.6 Of this overall development, which is described in reports on the two files currently before the Board, only two parts are the subject of planning applications/appeals: the pumping station at Ballycastle Road and the wastewater treatment plant. Other aspects of the development, including alterations and improvements to the network, the rising main linking the pumping station to the treatment plant, the outfall pipeline, and the effluent discharge, are not the subject of either application; although information has been supplied in relation to these aspects of the overall development.

- 10.7 Since the 1 January 2014 the functions of water services authorities have transferred to Irish Water. Many of these functions were included within the planning exemption enjoyed by Councils' in relation to their development in their own functional areas.
- 10.8 In relation to the circumscribed nature of the applications before the Board, it appears from the documentation provided that Irish Water's priority is to provide effluent treatment, a rising main and pumping station. Other aspects of network improvements may take place at a later date.
- 10.9 I am satisfied that the Board has before it sufficient information to enable it to reach determinations and decisions in relation to each of the two proposals the subject of these appeals: the wastewater treatment plant and the pumping station at Ballycastle Rd.

10.10 Environmental Impact Assessment

- 10.11 The proposed development is a foul pumping station, control building and associated site works.
- 10.12 In relation to sub-threshold EIA, the site is located close to European sites, a matter which is dealt with separately under the heading 'appropriate assessment'. With reference to the criteria for determining whether a development would or would not be likely to have significant effects on the environment, there are no particular characteristics of the proposed development or of the site which require the carrying out of EIA. In relation to the characteristics of potential impacts, there is nothing in the extent of the impact, the magnitude, complexity, probability, duration, frequency or reversibility of the impact which would require the carrying out of EIA. There are no transfrontier issues associated with these impacts.
- 10.13 Environmental Impact Assessment is not required in this case.

10.14 Appropriate Assessment

10.15 In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision on the proposed development. The process is known as appropriate assessment. In this regard a guidance document 'Appropriate Assessment of Plans and Projects in Ireland' was published by the DoEH&LG on the 10 December 2009.

10.16 The first stage in the process is screening: to determine, on the basis of a preliminary assessment and objective criteria, whether the project, alone and in combination with other plans or projects, could have significant effects on a Natura 2000 site in view of the site's conservation objectives and whether therefore appropriate assessment is required.

10.17 In this regard the Board should note that where Stage 1 Screening or Stage 2 AA has been carried out by another public authority, for example the EPA, the Board must take account of the Screening or AA carried out by that body.

10.18 In this case the project is the pumping station, in order to carry out screening: the Board must consider whether or not the project either individually or in combination with other plans and projects, could have significant effects, in view of the sites' conservation objectives, on Killala Bay Moy Estuary SAC or Killala Bay/Moy Estuary SPA, which are the European sites with potential to be impacted by development at this location.

10.19 Conservation Objectives for the SPA could be summarised as:

to maintain the favourable conservation condition of the listed species: Ringed Plover, Golden Plover, Grey Plover, Sanderling, Dunlin, Bar-tailed Godwit, Curlew, and Redshank in Killala

Bay/Moy Estuary SPA; defined by the list of attributes and targets in the NPWS (2013) Conservation Objectives document; and

to maintain the favourable conservation condition of the wetland habitat in the SPA as a resource for the regularly occurring migratory waterbirds that utilise it; defined by the list of attributes and targets in the NPWS (2013) Conservation Objectives document.

10.20 The Conservation objectives for the SAC could be summarised as:

to maintain the favourable conservation condition of the listed species Narrow-mouthed Whorl Snail, Sea Lamprey and Common Seal in Killala Bay/Moy Estuary SAC; defined by the list of attributes and targets in the NPWS (2012) Conservation Objectives document;

to maintain the favourable conservation condition of the listed habitats: Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Humid dune slacks, in Killala Bay/Moy Estuary SAC; defined by the list of attributes and targets in the NPWS (2012) Conservation Objectives document; and

to restore the favourable conservation condition of listed habitats: Embryonic shifting dunes, Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes), and Fixed coastal dunes with herbaceous vegetation (grey dunes), in Killala Bay/Moy Estuary SAC; defined by the list of attributes and targets in the NPWS (2012) Conservation Objectives document.

10.21 A document titled 'Screening for Appropriate Assessment' is attached as appendix B to the application documents.

10.22 The report refers to the collection network and states that the existing sewerage collection network in Killala is combined, i.e. it contains both raw sewage and surface water run-off. Heavy rainfall can cause raw sewage to discharge to Killala Bay at the Quay Road pumping station, and to an inland stream at the Crossmolina Road pumping station. The latter drains directly to the Killala Bay/ Moy Estuary SAC at Meelick Lough. It is proposed to construct surface water sewers in Killala Town to reduce the

volume of surface water entering the combined collection network and the frequency of overflow at these pumping stations. Two new surface water outfalls will be required at Harbour Hill and at the existing outfall on the Ballycastle Road. The proposed outfall location at Harbour Hill consists of a grass strip, which separates the inter-tidal mud flats from the Steeple Hill public road. The outfall location on the Ballycastle Road will be in direct contact with the inter-tidal mud flats. The surface water sewer on the Ballycastle Road will also cross a stream which drains directly to the Killala Bay/ Moy Estuary Natura 2000 Sites at the inter-tidal mudflats at the Ballycastle Road.

- 10.23 The assessment concludes that no impact is significant and that no further ecological assessment is necessary.
- 10.24 A report titled Ballycastle Road Pumping Station and Wastewater Treatment Plant, Appropriate Assessment Screening Report, prepared by Ryan Hanley Consulting Engineers was submitted to the planning authority, in response to a request for further information. It describes the project as:
- Construction of new WWTP,
 - Construction of new pumping station,
 - New combined sewers and rising main,
 - Rehabilitation of existing wastewater collection network and marine outfall,
 - Separation of surface water collection from waste water collection,
 - and
 - Watermain rehabilitation.
- 10.25 The report includes: there are three pumping stations at Killala (Crossmolina Road, Ballina Road industrial estate and the Quays) which currently discharge into the gravity collection network, which itself discharges to the existing outfall near the Ballycastle Road. It is proposed to construct a new pumping station at Ballycastle Road in close proximity to the location of the existing outfall along with a 180mm O.D. rising main to serve the new wastewater treatment works. The pumps will be sized to pump three times dry weather flow, while additional storm water storage will be provided at the pumping station. It will be necessary to construct new combined sewers to convey wastewater from the existing outfall point to Ballycastle Road pumping station, from where it will be

pumped to the new WWTP. This sewer construction will be localised to the Ballycastle Road. Remedial works to the Quay Road pumping station, the new rising main to the WWTP, rehabilitation of the existing sewers, and rehabilitation of the marine outfall, are referred to. The project may also involve the construction of surface water sewers to facilitate surface water separation from the combined network; and water main upgrade/replacement.

10.26 The report identifies potential significant effects as:

the movement of vehicles within the SAC/SPA resulting in erosion, compaction and direct loss of habitat and species, movement of vehicles and noise resulting in disturbance to birds and mammals, direct loss of habitat due to construction of main site pumping stations or pipelines, vegetation clearance, fragmentation of habitat due to construction of main site pumping stations or pipelines, changes in water quality and eutrophication from operational discharge, changes in water quality from construction phase, and the spread of invasive alien species during construction phase via the movement of materials and vehicles.

The report outlines the measures which will be taken to ensure that there will be no impacts arising from the construction of the project, alone or in combination with other projects.

In relation to operational impacts the report states that the proposed development will greatly improve water and sediment quality in the receiving waters through proper treatment of sewage effluent which will reduce the influx of pathogens, nutrients and suspended solids. This is likely to lead to a change in the species composition/abundance in the mudflats around Killala town, particularly in the small bay.

10.27 A report titled '*Ecological Assessment, Killala Sewerage Scheme, Co Mayo*' dated August 2008, prepared by Kelville & O'Sullivan Environmental Consultants for Ryan Hanley, Consulting Engineers, accompanied the application.

10.28 The Ecological Assessment refers to concern in relation to the existing sewerage scheme which includes sections of sewers that are in excess of 100 years old, high flows to pumping stations due to surface water drainage to combined sewers and the lack of any sewage treatment.

- 10.29 The long term negative impact of the construction of the pumping stations and waste water treatment plant is considered slight.
- 10.30 In relation to construction impacts, the mitigation proposed is the examination of the route by an ecologist prior to commencement of works, the use of settlement ponds and filter channels to treat and attenuate all surface water run-off at each of the proposed scheme's constituent construction sites, that any construction works involving the pouring of concrete should only be carried out in dry weather conditions, that all equipment should be serviced and checked for leakage or faults, and should be stored on the available hard surfaces on site, all chemicals should be stored in bunded containers away from any watercourse, refuelling to be carried out either within a specified bunded area or off-site, a floating adsorbent hydrocarbon boom should span the river downstream of the working area during in-stream works, there should be careful management of excavated and construction material, the carrying out of works in dry periods during the summer in order to avoid the risk of surface run-off from entering nearby watercourses, and machinery should be kept in good working order and not left idling when not in use to mitigate noise impact.
- 10.31 The watercourse crossings on the proposed network are considered to have potential for adverse impact. The report recommends that crossings within the Killala Bay / Moy Estuary SAC should be supervised by an ecologist. There is potential for impact on riparian vegetation, on potential nursery and spawning habitat, on Kingfisher which could be nesting in the area, and potential for sediment loss. Mitigation proposed includes having a project ecologist; the use of sedimats or gabion baskets filled with straw, placed downstream of the working area to trap the heavier silt dislodged by the pipe-laying operations; agreeing a method statement with the relevant authorities (NPWS/NWRFB); and no vehicles to be driven into watercourses. The North Western Regional Fisheries Board (NWRFB) should be consulted with when carrying out these works, and acceptable times to work within watercourses agreed. Mitigation measures in relation to dammed water, if damming is necessary, are proposed. Measures to prevent the spread of zebra mussel are proposed. The operational impacts considered are accidental spillages and these are considered unlikely; a surface water monitoring regime will be implemented following agreement to the methods (with NPWS/NWRFB).

- 10.32 The Board should note that the EPA, as part of their assessment of the application for a wastewater discharge licence, carried out screening for AA and required the applicant to submit a Natura Impact Statement. The EPA completed Appropriate Assessment, in relation to the larger project, and determined that the activity, individually or in combination with other plans or projects, will not adversely affect the integrity of a European Site(s) in particular the European Sites at Killala Bay (site codes: 000458 and 004036), having regard to their conservation objectives, and will not affect the preservation of these sites at favourable conservation status if carried out in accordance with the Licence and the conditions attached thereto. The EPA gave as reasons for this assessment that the contribution of the discharges from the proposed Killala WWTP towards the cumulative impacts on the European sites in question were considered in terms of the Marine Study provided by the applicant, which demonstrated that, provided that the agglomeration's wastewater receives secondary treatment and is discharged via the proposed discharge point (in accordance with the conditions and schedules of the licence), nutrient enrichment in the vicinity of the discharge would be prevented, and further ensure the high status of the wider waters of Killala Bay.
- 10.33 The EPA was satisfied that no reasonable scientific doubt remained as to the absence of adverse effects on the integrity of the European Sites at Killala Bay (site codes: 000458 and 004036).
- 10.34 The overall project will involve the pumping to sewage for treatment at Tawnaghmore (245557) with discharge of final effluent to the open Bay (which has been subject to Appropriate Assessment by the EPA). The proposed development the subject of this application, will mainly have the effect of removing the discharge or raw sewage at this location in the inner Bay. On-site storm water storage will be provided and on the occasions when this is full, overflow will discharge to the inner Bay. I am satisfied that there will be no adverse effects on the protected sites from the proposed development and that, in relation to the operational effects of the proposed development individually and in combination with other plans or projects, no reasonable scientific doubt remains as to the absence of adverse effects on the integrity of these European Sites (000458 and 004036), from the operation of the proposed development.

10.35 In relation to effects from construction, these effects have been considered as part of the construction methodology, in particular in relation to crossings of the four drains and one stream which drain to the protected site and the measures proposed to control the spread of invasive alien species during the construction phase via the movement of materials and vehicles. These measures are also referred to in the planning authority's conditions, which are appealed. I am satisfied that no significant effects are likely to arise from the construction phase of this project in combination with with other plans or projects.

10.36 I consider that there will be no significant effects on Natura 2000 sites as a result of construction of the pumping station.

10.37 Conditions

10.38 Conditions are grouped into 4 groups in the grounds of appeal, which I propose to follow in this assessment.

10.39 In group 1 are conditions 2, 3 and 24: general conditions relating to specifications and structural design.

10.40 Condition 2 requires the pumping station to have 48 hours storage and a portable pump in case of emergency

The grounds of appeal states that the proposed treatment plant has been assessed by the EPA and is licensed. The EPA is the competent authority, as set out in the Waste Water Discharge (Authorisation) Regulations 2007 for the purposes of authorising a waste water discharge. The grounds states that condition no. 2 is not in accordance with the conditions attached to the licence, and it details how the pumping station and wastewater treatment plant will be equipped and managed in accordance with best international practice in order to mitigate against interruptions to service. The condition prescribes 48 hours storage which is not consistent with wastewater engineering best practice. The

condition specifies controls that are regulated by legislation other than the planning code and the removal of the condition is sought.

I note the Planning Authority's response is that the condition was proposed by a prescribed body: Inland Fisheries Ireland, nevertheless I accept that the condition is related to controlling emissions from a licensed activity and is therefore subject to section 256 of the Planning Act. The requirements set out in the condition are requirements which should not be conditioned as part of this permission, being subject to licence by the EPA.

- 10.41 Condition 3 requires telemetry to be in place in case of treatment plant breakdown and macerators to be fitted to all pumps to avoid malfunction.

The ground of appeal states that appropriate pumping technology for this installation is best selected by Irish Water to ensure compliance with all environmental legislation and EPA conditions. Notwithstanding that a SCADA system will be installed it is considered that this condition is not appropriate. The condition specifies controls that are regulated by legislation other than the planning code and the removal of the condition is sought.

I note the Planning Authority's response is that the condition was proposed by a prescribed body: Inland Fisheries Ireland, nevertheless I accept that the condition is related to controlling emissions from a licensed activity and is therefore subject to section 256 of the Planning Act. The requirements set out in the condition are requirements which should not be conditioned as part of this permission, being subject to licence by the EPA.

- 10.42 Condition 24 requires the provision of a control building rather than a kiosk.

The grounds of appeal states that the kiosk was proposed in response to the planning authority's request for further information, the kiosk will occupy a smaller footprint (5m²) and have a lower profile (2.6m height) than the previously proposed building; and it will be possible to locate it at a distance of 24m from the road edge.

The Planning Authority's response is that a kiosk is inappropriate for a rural area and the proposed construction of a kiosk would set an undesirable precedent.

In my opinion a kiosk is a more appropriate design than a bungalow style building, for a utility structure, in addition it has the benefit of being smaller and therefore easier to screen than the building originally proposed. I consider that the condition should be deleted.

10.43 In group 2 are conditions 11, 17, 18 and 28: general conditions relating to water courses, marine outfall and directional signage which the first party considers to be outside the scope of the planning application.

10.44 Condition 11 requires an out of hours contact number for key operating personnel to be provided at the entrance to the pump station, an Emergency Response Plan to be produced, to deal with a major spill or other significant discharge of polluting matter to surface waters with IFI listed as a notifiable body; and the training of all relevant staff to facilitate immediate and effective responses to all incidents.

The first party states that the proposed pumping station has been assessed by the EPA and is licensed; and that the condition specifies controls that are regulated by legislation other than the planning code.

The planning authority has responded that condition no. 11 was proposed by a prescribed body: IFI.

I accept that this condition is regulated by the licence and should not be conditioned as part of this permission.

10.45 Condition 17 requires consultation with Mayo County Council in relation to the details and location of any proposed advanced directional signage along the public network to the pumping station.

The first party states that directional signage is not proposed and the planning application does not refer to any such proposal.

The planning authority states that the condition was stipulated by Ballina Municipal District Engineer and is integral to the proposed development, and that its removal may seriously hinder the process of the development in terms of traffic safety, potential damage to the surrounding road network and infrastructural support.

I consider that directional signage should be included in a condition requiring a Construction Environmental Management Plan and therefore that this condition should be omitted.

- 10.46 Condition 18 requires a method statement for construction works to be prepared by the applicant and approved by the NPWS and IFI.

The first party considers that the requirement to get approval from the NPWS and IFI is inconsistent with the Development Management Guidelines, and they refer to Section 7.9: *'conditions requiring matters to be subject of consultation with...another public authority should not be attached to a condition.'*

The planning authority states that the procedure stated in this condition was detailed by the first party in the further information response.

I accept that the condition should not require consultation or agreement with another public authority, rather it should require agreement with the planning authority. Construction management issues are referred to in other conditions which are the subject of this appeal and the condition can be considered further in that context.

- 10.47 Condition 28 requires requires that if rehabilitation works are required for the marine outfall area then these should be accompanied by the appropriate environmental considerations and licencing; i.e. foreshore.

The first party states that the marine outfall exists already in Killala Bay and the purpose of this application, together with the application for the Pumping Station is to regularise existing environmental conditions. The marine outfall is outside the remit of this planning application.

I accept that works to the marine outfall do not form part of this application and I consider that this condition should be omitted.

10.48 In group 3 are conditions 21, and 22: which the first party considers are too specific or time bound.

10.49 Condition 21 requires that a landscaping scheme for the site be submitted within three months of any grant of permission. The landscaping scheme shall be shown on a layout map and detail the species, numbers, height when planted and girth of proposed trees and hedging.

The first party requests that the condition be amended to the wording suggested or similar: *prior to the commencement of development the applicant shall submit a landscaping scheme to be agreed with Mayo County Council.*

The planning authority in response does not object to the proposed amendment.

I consider that the wording suggested by the first party is reasonable and that the condition should be amended accordingly

10.50 Condition 22 requires that the compound be secured with 2.4 metre expamet type green fencing. 'Expamet' is a brand name.

The first party states that they are subject to national and European procurement laws and therefore are not permitted to specify specific products. They suggest a wording or similar to be used: *prior to the commencement of development the applicant shall submit details of the proposed boundary treatment to be agreed with Mayo County Council.*

The planning authority states that this condition should not be altered. The condition specifies a 'type' of fencing. It was considered that this provided the best description of the type

required at this location. This type of fence is increasingly being conditioned by Mayo County Council for commercial / industrial developments to soften the visual impact.

I consider that the wording suggested by the first party is reasonable and that the condition should be amended accordingly.

- 10.51 In group 4 are conditions 4, 5, 6, 9, 10, 12, 19, 20, 25 26 and 27: which the first party considers should be harmonized into a single condition in relation to a construction method statement and/or environmental monitoring in order to avoid duplication, confusion and conflicts; and also considering any revisions with respect to condition 18.
- 10.52 Condition 4 requires the IFI Guidance document 'requirements for the protection of Fisheries Habitat during Construction and Development Work' shall be adhered to.
- 10.53 Condition 5 requires that the mitigation measures outlined in the ecological assessment document submitted to Mayo County Council on the 07/04/2015 be implemented during the construction and operational phase of the project.
- 10.54 Condition 6 requires that surface water controls should be put in place during construction of the pumping station to prevent discharges of silted waters to adjoining watercourses, to be agreed in writing with Mayo County Council prior to development commencing on site. Waters pumped from excavations must not discharge directly to adjoining watercourses.
- 10.55 Condition 9 requires that any stockpile areas for construction materials such as gravel and sand should be kept to a minimum and be situated at the maximum distance possible from any watercourse. Any construction works involving the pouring of concrete must only in dry weather conditions.

- 10.56 Condition 10 requires that refuelling of machinery should be carried out off site or in a contained bunded area on site. All equipment should be serviced and checked for leakage and faults prior to use. A floating hydrocarbon boom should be placed in each watercourse, downstream of the working area during in-stream works.
- 10.57 Condition 12 requires that the operational control measures outlined in section 6 of the Appropriate Assessment Screening report submitted to Mayo County Council on the 11/08/2015 be implemented in full.
- 10.58 Condition 19 requires the implementation of the measures outlined in the method statement for construction works shall be monitored by a qualified Ecologist to be employed by the applicant.
- 10.59 Condition 25 requires the preparation and submission to Mayo County Council an Ecological Assessment validating and updating (as necessary) the Ecological Assessment prepared for the Killala Sewerage scheme by Kelville and O'Sullivan on behalf of Ryan Hanley consulting Engineers in 2008.
- 10.60 Condition 26 requires that ongoing monitoring be undertaken for the proposed pumping station and all ancillary works during the projects construction phase, to ensure mitigation and pollution control measures are sufficiently addressed.
- 10.61 Condition 27 (misquoted) requires that the construction of the proposed development be managed in accordance with a Construction Environmental Management Plan (CEMP). The CEMP to include an Environmental Method Statement (EMS) which will detail how construction works will be completed in environmentally sensitive areas such as those areas fringing or in

proximity to European sites in addition to proposed watercourse crossings.

I consider that many of these conditions, together with condition no 18, referred to earlier in this assessment, should be addressed in a single condition as follows:

The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEPM), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall include an Environmental Method Statement (EMS) which will detail how construction works will be completed in environmentally sensitive areas such as those areas fringing or in proximity to European sites in addition to proposed watercourse crossings.

The 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) 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;
- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring 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) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(j) 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 CEMP shall be kept for inspection by the planning authority.

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

10.62 I consider that condition no 4 which is a frequently used condition, is an appropriate condition in this case.

10.63 I consider that condition no. 25: the updating of the 2008 Ecological Assessment is unnecessary since the information before the planning authority was sufficient to enable a decision to be reached on the application, and is sufficient to enable the Board to make a decision. The Board should note that if any post consent, information were necessary to allow for a full and proper appropriate assessment to be carried out, it would be entirely inappropriate to make a decision on the application in the absence of such information.

11 RECOMMENDATION

In accordance with the foregoing assessment, I recommend that planning permission be granted for the following reasons and considerations.

12 REASONS AND CONSIDERATIONS

It is considered that the proposed development would provide necessary public infrastructure for the benefit of the local community and for the improvement of the environment and that, subject to compliance with the conditions set out below, it would not have a significant adverse impact on the landscape or the heritage of the area or affect the integrity of any European site or protected species, and would be acceptable in terms of traffic safety and convenience of road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 11 day of August 2015, 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 construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEPM), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall include an Environmental Method Statement (EMS) which will detail how construction works will be completed

in environmentally sensitive areas such as those areas fringing or in proximity to European sites in addition to proposed watercourse crossings.

The plan shall provide details of intended construction practice for the development, including:

- (k) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (l) Location of areas for construction site offices and staff facilities;
- (m) Details of site security fencing and hoardings;
- (n) Details of on-site car parking facilities for site workers during the course of construction;
- (o) 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;
- (p) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (q) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (r) 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;
- (s) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (t) 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 CEMP shall be kept for inspection by the planning authority.

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

- 4 The IFI Guidance document 'requirements for the protection of Fisheries Habitat during Construction and Development Work' shall be adhered to.

Reason: To avoid pollution.

- 5 Water course crossings shall be supervised by a suitably qualified Ecologist and confined to the period 1st May to 30th September. Three weeks prior to commencement of development, submit a detailed method statement for all proposed works.

Reason: To avoid pollution.

- 6 Pipe laying across watercourses shall take place during dry weather. Special care shall be taken during the main salmon migration periods April-May for smolt migration to sea and May-July for adult salmon migration to freshwater. All earthworks should be executed so as to minimise the suspension of solids. Settlement ponds and filter channels should be used to treat and attenuate all surface water runoff at each of the proposed scheme's constituent construction sites. In the event that in stream works are required, silt control measures must be employed to minimise suspended solids and siltation. Appropriate silt curtains should be employed.

Reason: To avoid pollution.

- 7 The entrance for the proposed development shall be located as shown on drawing number 151 submitted to Mayo County Council on the 07/04/2015 and should be recessed in accordance with Figure 4.2 of the Mayo County Development Plan 2014-2020. The gates shall open inwards only.

Reason: In the interests of traffic safety.

- 8 No surface water runoff from the site shall discharge onto the public road. Existing road side drainage shall not be impaired and new entrance shall be designed and shaped to ensure the uninterrupted flow of existing roadside drainage. The area between the new front boundary and the existing roadway shall be excavated out, filled up, levelled with a suitable bound material. An adequate joint between hard standing area and proposed road edge shall be constructed in order to protect the integrity of the road. A drainage channel shall be constructed at the location of the gates and this channel shall be drained to a drainage system. All surface water generated by the development during and after construction shall be disposed of to the public sewer. The developer shall not cause any water to impinge on the road and/or adjacent properties and shall bear the cost of any works carried out by Mayo County Council to correct any such drainage problems.

Reason: In the interests of proper drainage and traffic.

- 9 The existing front boundary hedge shall be removed over the entire site frontage and a boundary shall be developed setback 3 metres from the edge of the carriage way along the entire site frontage. Details of the new front boundary, security fencing and landscaping shall be submitted for the written agreement of the planning authority prior to completion of the development.

Reason: In the interests of traffic safety and visual amenity.

- 10 Detail of the paved area as shown on layout plan Drg 151 submitted on the 11/08/2015 shall be agreed in writing with Mayo Council. The remainder of the site shall be reseeded and maintained accordingly.

Reason: In the interests of visual amenity.

- 11 The applicant is required to engage the services of a suitably qualified Archaeologist (licensed under the National Monuments Acts 1930-2004) to carry out pre-development testing on the entire site of the proposed development. All geotechnical trial holes and associated works must also be monitored by a suitably qualified Archaeologist. No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent.

The Archaeologist is required to notify the National Monuments Section of the Department of Arts, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of the pre-development testing of the site. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.

The Archaeologist shall to carry out any relevant documentary research and may excavate test trenches at locations chosen by the Archaeologist, having consulted the proposed development plans.

Should archaeological features or small finds be uncovered during the course of the archaeological testing the Archaeologist shall have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the National Monuments Section of the Department of Arts, Heritage and the Gaeltacht with regard to any necessary mitigating actions (e.g. preservation in situ, or excavation) and should facilitate the Archaeologist in recording any material uncovered.

Having completed the work, the archaeologist shall submit a written report to Mayo County Council and to the National Monuments Section, Department of Arts, Heritage and the Gaeltacht. Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and or monitoring may be required. The National Monuments Section of the Department of Arts, Heritage and the Gaeltacht will advise applicant/ developer with regard to these matters.

No site preparation or construction work shall be carried out until after the Archaeologist's report has been submitted and permission to proceed has been received in writing from the National Monuments Section of the Department of Arts, Heritage and the Gaeltacht.

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

- 12 A refundable deposit of €5,000 shall be lodged with Mayo County Council prior to works commencing on site.

Reason: To cover the costs of possible damage/repairs to the public road network associated with construction costs.

- 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. 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 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.

Dolores McCague
Inspectorate

Date

Appendix	1	Map and Photographs
Appendix	2	Extracts from the Development Plan 2014 -2020
Appendix	3	Site synopsis for Killala Bay Moy Estuary SAC site code 000458
Appendix	4	Site synopsis for Killala Bay Moy Estuary SPA site code 004036