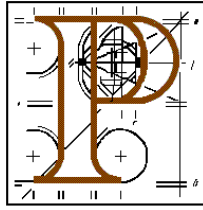


An Bord Pleanála



Inspector's Report

Development: Construction of a new waste treatment plant and associated site works.

Location: Tawnaghmore Upper, Killala, Co. Mayo.

Planning Application

Planning Authority: Mayo County Council
Planning Authority Reg. Ref.: 15/195
Applicant: Irish Water
Type of Application: Permission
Planning Authority Decision: Grant Permission

Planning Appeal

Appellant: Irish Water

Type of Appeals: 1st v Conditions
Date of Site Inspection: 2th 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 treatment plant and the other appeal, ref. 245556, is in respect of the construction of a pumping station.

2 SITE LOCATION AND DESCRIPTION

- 2.1 The appeal site is situated at Tawnaghmore Upper, Killala, Co. Mayo, on a low ridge to the south of Killala, which is occupied by low profile, elongated buildings, formerly a fibre manufacturing factory, part of the international Asahi company, which closed in 1997.
- 2.2 Most of the buildings on the Asahi site appear to be unoccupied; some have been put to new use. Work is underway on lands adjoining the existing buildings, on an electricity generating station. The Asahi site and the electricity station alongside, are accessed via the factory site access from regional road R314 which is to the east. The redeveloped, wide access road runs from the R314 north westwards to the Asahi complex. A newly constructed spur road runs south west from this road, to access the electricity generating station currently under construction. This spur road is close to the northern boundary of the subject site and provides access to the adjoining public water supply reservoir, adjoining and to the west of the subject site. South of the site, local roads running west from the R314 provide access to the subject site via a gated laneway, which extends north from a local road. West of this laneway, an industrial access road, also extending north from the local road runs close to the west of the reservoir site.
- 2.3 The subject site is at a lower elevation and to the south of the Asahi buildings. The low ridge on which they are sited runs in a similar north-west/south-east orientation to other ridges in the area, all of which appear to be quaternary features. The surrounding rural area is characterised by small residential farms

and a low density of rural housing. There are many historic monuments in the area, including the upstanding remains of Moyne Abbey, on the western shore of Killala Bay, beside the location of the take off point for the underwater outfall pipeline.

2.4 The site area is given as 1.1ha.

3 PROPOSED DEVELOPMENT

3.1 The proposed development comprises construction of a new waste treatment plant (WWTP) and associated site works. Notices describe the application as:

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

Construction of a new Waste Water Treatment Plant (WWTP) to a design capacity of 2,400 population equivalent

Associated Site Works.'

3.2 The proposed WWTP includes preliminary treatment (flow measurement, screening, grit removal, and fats, oils and grease removal); biological treatment (in 2 no. anoxic tanks, 2 no. aeration tanks, flow splitting chamber, activated sludge return pumping); secondary settlement (in 2 no. settlement tanks); disinfection (UV disinfection); treated effluent discharge (flow measurement, monitoring & sampling, tidal tank, outfall pipe); sludge treatment and disposal (activated sludge waste pumping, sludge thickening facilities, sludge storage and draw off facilities, supernatant return); and control building, electrical control equipment, SCADA and other units as deemed necessary by the contractor.

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,

an Archaeological Assessment; and

a planning application report to which are appended a waste discharge licence (D0067-01 (appendix A); Environmental Impact Assessment Screening (appendix B); Appropriate Assessment (appendix C); and Foreshore Licence Conditions (appendix D).

4.2 The planning application report refers to the Waste Water Discharge Licence (WWDL) for the Killala Waste Water Agglomeration (Ref D0067-01) which imposed conditions relating to the treatment and disposal of wastewater collected in Killala. The objective of Killala Sewerage Scheme is to provide a new wastewater treatment plant at Tawnaghmore Upper, and modifications to the existing foul sewer collection system at a number of locations in Killala town including of a new pumping station adjacent to the existing outfall point, which is the subject of a separate planning application (15/194). The works include:

- Construction of a new pumping station adjacent to the existing outfall point on the Ballycastle Road,
- Rationalisation of the existing collection network to divert flows to the new pumping station,
- Construction of a new 3.8km long rising main to deliver waste water from the pumping station to the new WWTP,
- Construction of a WWTP and improvements to existing access road, and
- Discharge of treated effluent from the new WWTP to Killala Bay via an existing outfall pipe.

A site has been provided by Mayo County Council for the WWTP which includes space for modular expansion to cater for future growth.

A new access road will be constructed which will be shared by adjacent developments.

The proposed development is sub-threshold. EIA screening and stage 2 appropriate assessment were carried out in conjunction with the Waste Water Discharge Licence Application to the EPA.

A Waste Water Discharge Licence has been granted. A Foreshore Licence Application has been made and draft Foreshore Licence conditions have been received.

- 4.3 The Waste Water Discharge Licence (D0067-01), copy attached as appendix 'A', states that the agency has completed Appropriate Assessment and has determined that the activity will not adversely affect the integrity of a European Site, if carried out in accordance with the licence and conditions. Conditions attached to the licence include:

Under 3 'Discharges' at 3.6 it states that 'storm water overflows shall be as specified in Schedule A.3: Storm Water Overflows, of this licence, and shall include any other storm water overflows identified in the identification and assessment of storm water overflows required under this licence. All storm water overflows identified shall be notified in writing to the Agency.'

Under 4 'Control and Monitoring – it includes detailed requirements in relation to monitoring and data management.

Under 6 - Notifications, Records and Reports' – it includes at 6.1 detailed requirements in relation to notification to the agency of any incident¹, and notification to Inland Fisheries Ireland in the case of discharges to receiving waters; and to the Marine Institute Sea Fisheries Protection Authority, Food Safety Authority of Ireland and an Bord Iascaigh Mhara in the case of discharges to or likely to impact a designated shellfish water; and the local authority in the case of discharges to designated bathing waters.

- 4.4 The Environmental Impact Assessment Screening (appendix B) is a six page document in tabular form. It refers to the construction and operation of the wastewater treatment plant at the Tawnaghmore site. It does not refer to the associated discharge of treated effluent to Killala Bay. The screening concludes that the

¹ Incident is defined as (i) any discharge that does not comply with the requirements of this licence; (ii) any incident with the potential for environmental contamination of surface water or groundwater, or posing an environmental threat to land, or requiring an emergency response by the licensee and/or the relevant authorities.

development is not likely to result in significant effects and that no further assessment is required.

- 4.5 The Appropriate Assessment (appendix C) is a (black and white) copy of pages 19 – 40 of a document which was part of the Waste Water Discharge Licence application.

It includes:

The nature of marine habitat and species assemblages are largely determined by water depth, wave exposure and substrata. Based on the extrapolation of available information on the study area, it is considered that Killala's wastewater is currently discharged into a sheltered environment with limited dilution capacity. The current primary discharge point enters Killala Bay from the upper shore/supralittoral zone and drains into sheltered estuarine mudflats within a small enclosed bay to an area of approximately 15ha. While the area is subject to diurnal tidal mixing and dispersion, the outlet to this bay is only 100m wide and it is considered that currently, effluent from the primary discharge point is assimilated locally within the mudflats of this bay with little dispersion out to the wider bay. The proposed discharge point from the new WWTP will discharge via a long sea outfall into the outer bay, which is much more open and exposed, with an increased dilution capacity from the increased water depth (from approximately 4m at the discharge point to depths of over 20m within 3km). This would indicate a high capacity for dilution and dispersion of future discharges from the proposed WWTP.

The assessment concludes that the proposed development will greatly improve water and sediment quality in the receiving waters and will reduce the influx of pathogens, nutrients and suspended solids. This will likely lead to a change in the species composition/abundance in the mudflats around Killala town particularly in the small bay, although impacts on bird species is considered neutral as wading birds consume a wide range of invertebrates so the exact species composition of the mudflats should not matter. The new WWTP and discharge will likely lead to subtle changes in the composition of habitats/species in the vicinity of Killala town but these impacts are considered positive/neutral.

- 4.6 The draft Foreshore Licence Conditions (appendix D), includes reference to monitoring of effluent quality, and review and amendment of the licence under certain circumstances.

Reports:

- 4.7 Ballina Municipal District Engineer – 30th April 2015 – conditions regarding roads.
- 4.8 Senior archaeologist – 5th May 2015 – 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. Killala 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 construction of this new WWTP should be given a high priority and constructed at the earliest opportunity. With regard to the above development IFI requests the following:

The proposed discharge point from the WWTP will discharge via a long sea outfall into outer Killala Bay which forms part of the Killala Bay/Moy Estuary SAC. An assessment of the dilution capacity of receiving waters was included in the Discharge Licence application and indicates a high capacity for dilution and dispersion of future discharges from the WWTP. As the proposed

discharge pipe outfall is submerged, an easily accessible final discharge inspection chamber should be made available for inspection/sampling in the WWTP.

Several types of water pollution could occur during the construction of the waste water treatment plant. High suspended solid levels in Killala Bay could interfere with shellfish production and fish migration. Certain types of construction materials (e.g. cement, concrete, grout) are toxic to fish. There is also the potential for the release of oils and fuels, which can have a direct impact on fish, food and habitat. The mitigation measures provided in the Ecological Assessment document accompanying the application should be included in the construction contract. 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>.

If chemical dosing is proposed for use in this WWTP, this dosing should be automated where appropriate with all chemical storage areas fully bunded to 110% capacity. Site monitoring should include assessment of the quality of collected bund waters. The tanks should be designed such that the slope of the floor will be to one corner to facilitate full evacuation of any spilled chemicals. Ideally, all chemicals stores should be roofed over.

The treatment plant outflow pipe should include an electro-mechanical emergency stop valve in case there is a need to shut down the discharge. There should be emergency storage for effluent in case of plant breakdown or poor effluent quality. There are five watercourse crossings proposed as part of the sewerage scheme upgrade. A quantitative electrofishing survey, carried out by the North Western Regional Fisheries Board on 27th May 2008, confirmed healthy populations of Brown Trout, Eel and pollution sensitive invertebrates at some of the proposed crossing locations. Large quantities of Stickelbacks were noted at Crossing Location 5. 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 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. A floating hydrocarbon boom should be placed in each watercourse, downstream of the working area to minimise the amount of hydrocarbon released to the wider environment downstream in the event of a spill/accident.

The proposed pumping station at Croghan 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.

Pipe-laying across watercourses associated with the sewerage upgrade should be carried out during dry weather periods. 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.

Fuels, oils, greases and hydraulic fluids must be stored in bunded compounds well away from watercourses. 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. 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.

A monitoring programme should be developed for both the construction and operational phase. A programme of on-going physico-chemical and biological monitoring should be specified that ensures early identification of any adverse impacts on the Killala Bay/Moy Estuary SAC and on its fish and shellfish stocks.

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.

An out of hours contact number for key operating personnel should be provided at the entrance to the WWTP. 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 Appropriate assessment review for Mayo County Council, prepared by RPS consultants – 12th May 2015 – conclusion – it is not possible for the competent authority to conduct appropriate assessment to determine a finding of no significant effects; insufficient information has been provided to determine if such impacts can be mitigated under the NIS; recommending further information.

4.11 RPS consultants – 19th May 2015 – giving details of the further information recommended:

The 2009 Appropriate Assessment information provided relates to the discharge licence and does not relate to the current proposal. Please provide information relating to the proposed development, particularly including its construction and operation. Further information is required to determine whether the proposed application and the pre-construction, construction and operational activities have the potential to cause significant impact to Natura 2000 sites in the environs of the works and the wider area. This information is required to determine whether there is a risk of significant impacts to the Natura 2000 sites as required under the European Communities (Birds and Natural Habitats) Regulations 2011 and Article 6 of the Habitats Directive (92/43/EEC).

Should there be a risk of significant impacts, a NIS should be provided. This should include clear information in relation to all proposed mitigation including information as to how measures will be implemented and by whom; evidence of the degree of

confidence in their likely success; a timescale relative the construction of the development for their development as well as evidence as to how the measures will be monitored and, should mitigation fail, how that failure will be rectified.

All cetaceans, otters and other species that are listed under Annex IV (and including those in Annex II where listed as features of Natura 2000 sites in the vicinity of the works) of Council Directive 92/43/EEC should be considered. Accordingly, under Article 12 of that Directive, it is an offence to deliberately capture, disturb or kill a cetacean or take actions that result in deterioration or destruction of their breeding sites or resting places within Ireland's Exclusive Economic Zone. Furthermore dolphin species, porpoise species, seal species and whale species are protected wild animals under the Wildlife Amendment Act and it is an offence to wilfully interfere with or destroy the breeding place or resting place of any protected wild animal. With respect to the proposed development the potential for any impacts from construction and operation should be assessed and if appropriate, mitigation to reduce potential risks proposed.

4.12 Roads – 18/5/2015 – recommending further information re. roads.

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

4.14 A request for further information, based on the planning report, issued on 28th May 2015 on 14 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 Proposals to deal with any increased volumetric loads arising from the plant during inclement weather conditions, illustrated on

revised plans and elevation, and the operation of which shall be addressed in the brief requested under item 1.

3 A project specific AA screening report including pumping station. Revised submission to include the pre-construction, construction and operational activities of the plant 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; and details of how mitigation measures will be monitored; and, in the event that mitigation measures fail, how that failure will be rectified.

4 Proposals to construct an easily accessible final discharge inspection chamber for inspection/sampling in the WWTP.

5 Details in relation to archaeology.

6 Applicant is requested to clarify the extent of the site boundary. It would appear from the layout map submitted that the site overlaps with the site adjacent, which was granted planning permission (P15/120).

7 Elevations of the proposed security fencing.

8 A landscaping scheme for the site with particular emphasis on the perimeter of the site so that it is screened/softened, especially when viewed from the R314 and the Mullafarry local road. 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.

9 Clarify how the site will be accessed for the construction phase: show details of upgrading of any tracks; show details of access via the proposed road shown in yellow on Drg no 2000.

10 If access/exit is from the L1111, show details including sightlines.

11 Details of surface water attenuation during construction phase prior to discharge to the public sewer.

12 Confirm if the proposed development will comply with the conditions, particularly the emission limit values, of the EPA waste water discharge license D00067-01 issued on the 2nd October 2014.

13 Confirm if the final effluent produced by the plant will comply with the conditions of the Foreshore license (MS51/13/343), particular attention must be given to conditions 10-17 inclusive.

14 Submit details of how sludge will be disposed of.

4.15 An advice note was attached to the request.

4.16 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.

Responding to item 2 – flow entering the pumping station will be pumped to the inlet works at the new WWTP at 3 times dry weather flow in the collection network. Excess flow will be attenuated in the wet well and storm water holding tank at the pumping station. During periods of prolonged rainfall, the storm tank may overflow to the current outfall point. The treatment process will be designed to cater for pumped flows, therefore inclement weather will not affect the treatment process.

Responding to item 3: appropriate assessment – a revised appropriate assessment screening report is attached.

Responding to item 4: (inspection chamber) - drawing submitted - No 201.

Responding to item 5 – pre-development testing will be undertaken.

Responding to item 6 – site boundary has been revised; drawing submitted.

Responding to item 7: security fencing - drawing submitted.

Responding to item 8: landscaping - drawing (not) submitted.

Responding to item 9: construction access (northern) – access will be via an access road to the north which is under construction, which is partly in the ownership of Mayo County Council and the owner of an adjacent site.

Responding to item 10: construction access (southern) – it is no longer proposed to use the access track to the south.

Responding to item 11: surface water attenuation during construction - the contractor employed to construct will be required to attenuate run-off; to employ an qualified ecologist to supervise works; and to prepare method statements for approval of NPWS and IFI prior to commencement; to prepare an Environmental Operating Plan (EOP) containing mitigation measures detailed in the Ecological Report. The contractor will be required to provide bunded fuel storage and refuelling areas. The method of removing silt from surface water run-off will be chosen by the contractor in consultation with Irish Water and agents acting on its behalf and may include sedimentation tanks or on site settling ponds or other standard preapproved method.

Responding to item 12: Compliance with EPA licence - discharges are subject to EPA licence.

Responding to item 13: Compliance with Foreshore licence - discharges are subject to EPA licence.

Responding to item 14: sludge disposal - sludge will be thickened to 2% dry solids prior to transport off site by an authorised waste collector to a licenced facility.

- 4.17 The Appropriate Assessment Screening Report, prepared by Ryan Hanley Consulting Engineers, dated July 2015, is 26 pages long and includes:

Details of the WWTP: preliminary treatment, (flow measurement, screening, grit removal, and fats, oils and grease removal); biological treatment (2 no. anoxic tanks, 2 no. aeration tanks, flow splitting chamber, activated sludge return pumping); secondary settlement (2 no. settlement tanks); disinfection (UV disinfection); treated effluent discharge (flow measurement, monitoring & sampling, tidal tank, outfall pipe); sludge treatment and disposal (activated sludge waste pumping, sludge thickening facilities, sludge storage and draw off facilities, supernatant return); and control building, electrical control equipment, SCADA and other units as deemed necessary by the contractor.

The WWTP will be designed to meet the requirements of the WWDL issued by the EPA.

The access route will be used for construction, subject to negotiations with Mayo Power Ltd, Nobertune Ltd and other plans and projects operating out of the former Asahi Industrial Complex.

The project is described:

There are three pumping stations at Killala: Crossmolina Road, Ballina Road industrial estate, and the Quays, which currently discharge into a 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 diameter (OD) rising main to serve the new wastewater treatment works. The pumps will be sized to pump three times dry weather flow (3DWF) with additional storm water storage provided at the pumping station. It is also proposed to carry out remedial works to the existing pumping station on the Quay Road, including: replacement of existing pumps; flow metering, level measurement and telemetry systems, which will link up with the SCADA at the WWTP and avoid simultaneous pumping; and general improvement works required on grounds of health and safety.

It will be necessary to construct new combined sewers to convey wastewater to the existing outfall point, to Ballycastle Road pumping station. It will be necessary to construct a new rising main to convey foul sewage from the new pumping station to the WWTP. Significant portions of the existing network in Killala were constructed in 1880 and these and some more recent sewers are in need of rehabilitation, mainly to reduce infiltration, improve accessibility and on grounds of health and safety. The reduction of infiltration to the collection network will lead to savings in pumping and treatment and will also reduce potential groundwater pollution. The works proposed include: construction of new manholes on existing sewers; replacement of sections of existing sewers including relining; and localised repairs to existing sewers.

Use will be made of an existing outfall pipe which runs from the industrial complex to a diffuser in Killala Bay, beyond Bartragh Island and the Moy Sandbar. The pipe was originally laid in the 1970's to convey treated effluent. The plant has since closed and the pipe currently serves as a surface water conduit with an insignificant quantity of foul effluent. The foul and surface water currently flow through an abandoned industrial water treatment works and an open channel before discharging to the existing outfall pipe. The outfall pipe is approx. 5.3km in length consisting of an onshore, foreshore and offshore section. Much of the outfall pipe has been surveyed by CCTV and a diving crew is currently undergoing re-survey with the use of specialist sonar imaging equipment. Based on surveys to date, it is likely that remedial works will be required to the pipe. Repairs are required to the invert along the length (2,600m) of on-shore concrete section of pipe. The invert of the pipe is damaged to the extent that the steel reinforcing on the invert is exposed along much of the length already surveyed. Removal of sea life from the diffuser section of the pipe and the replacement of 2 diffusers. The project may include construction of surface water sewers in Killala Town centre to facilitate surface water separation from the combined network. It is proposed to replace watermains in Killala Town as part of the County Mayo Water Conservation Project Stage 3 Watermain Rehabilitation works, where these watermains have been laid in streets parallel to the route of the proposed rising main. The watermain upgrades involve hydraulic upsizing and replacement of cast iron mains.

The report considers Natura sites 5km downstream in freshwaters and 3km downstream in marine environment.

Killala Town/ Moy Estuary SAC comprises a long, narrow estuarine channel and north facing triangular bay. A long sandy island (Bartragh Island) separates the south western side of the bay from open water. Much of the inner part of the bay is intertidal while the northern part shelves to approximately 10m. Extensive sand flats and mudflats are exposed in the estuary and bay at low tide, which are largely un-vegetated. Mats of *Zostera* spp., beaked tasselweed and green algae occur and provide important feeding grounds for birds. The estuary is considered to be one of the best examples of a largely unpolluted system in Ireland. On Bartragh Island the dunes are well-developed with a rich and diverse flora. The area is largely undisturbed and considered one of the best in the country in terms of naturalness and its intact

state. Dunes dominated by marram run the length of the island along with embryonic fore dunes. Saltmarshes are present in association with the dune system along the southern length of the island. The site holds populations of three species listed on annex II of the Habitats Directive: common seal, sea lamprey and narrow mouthed whorl snail. As an SPA the site is important for 8 nationally important species: red-breasted merganser, ringed plover, grey plover, knot, sanderling, dunlin, bar-tailed godwit and greenshank. Golden plover and brent goose are also present, the latter sometimes in numbers of international importance.

The report lists the conservation objectives of the Natural sites; the threats per Development Plan and NPWS; and the zone of influence of the project,

The potential impacts considered are: 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 current discharge is into a sheltered environment with limited dilution capacity: from the upper shore/ supralittoral zone draining to sheltered estuarine mudflats within a small enclosed bay to an area of approximately 15ha. While the area is subject to diurnal tidal mixing and dispersion, the outlet to this bay is only 100m wide and it is considered that effluent from the primary discharge point is assimilated locally within the mudflats of this bay with little dispersion out to the wider bay. The proposed discharge point from the new WWTP will discharge via a long sea outfall into the outer bay, which is much more open and exposed, with an increased dilution capacity from the increased water depth. This area has a significantly higher capacity for dilution and dispersion of future discharges from the proposed WWTP.

It is considered that the current sewerage scheme is having a localised negative impact on its environs where sediments are

highly anoxic. However, there is a high abundance of polychaetes and bivalves in these sediments which provide food for a range of bird species. It is not considered that these impacts are significant to marine communities of nature conservation value and do not comprise a risk of compromising the conservation objectives of either the SAC or SPA.

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.

There will be no impact on Natura 2000 sites as a result of construction of the WWTP.

The pumping station at Ballina road is directly adjacent to the SAC. The habitat within the pumping station is amenity grassland and two drainage ditches are present which flow into the SAC/SPA. No qualifying habitats or species are known to be present within the footprint of the site. Best practice pollution control measures will ensure no impact on the designated sites.

Ballycastle Road pumping station is located across the road from the muddy shores of the SAC/SPA. It consists of an area of wet grassland with some areas of recolonizing bare ground with hedgerow boundaries. The grassland is of no conservation value. No qualifying habitats or species are known to be present within the footprint of the site. Best practice pollution control measures will ensure no impact on the designated sites.

The minor habitat loss associated with the two proposed surface water outfalls, will be insignificant in the context of the two Natura sites. These outfalls are located on the periphery of the Sites, do not contain qualifying habitats and will not cause fragmentation of habitats or affect species density.

Assessment of the marine outfall has determined that rehabilitation works required are likely to consist of repairs to the

invert of the onshore concrete section of pipe, removal of sea life from diffuser sections of pipe the replacement of 2 diffusers and replacement of air valves. The area, where repairs are required to the concrete sections of pipe, is located in agricultural grassland and outside the SAC. Removal of sea life and replacement of diffusers will be carried out by a dive team and will not impact on the SAC/SPA. It is currently anticipated that no work will be required to the pipeline located between the mainland and the outfall point. Should it be determined that remedial works are required within the SAC / SPA, then these works will require screening for AA. The majority of the new pipeline route and rehabilitation works will be laid in the local road network. Three sections of the route will be diverted from the road for engineering reasons. None will be laid within designated sites. Pipelaying works are located in Killala and therefore adjacent to the SAC/SPA. On the Ballycastle road they are located in the vicinity of Natura 2000 sites; at Ballina road pumping station they are in the immediate vicinity of the SAC at Meelick bridge. It is proposed to construct a surface water sewer outfall on the boundary with the Natura 2000 site at Harbour and Ballycastle roads. Pipelines outside roads are on improved agricultural grassland etc. There are 5 watercourse crossings proposed: 4 crossings of drainage ditches and one of a stream on the Ballina road; all flow into Killala Bay. Temporary loss of habitat will occur at the stream on the Ballina road, from the construction of a 225mm diameter sewer and a 280mm diameter sewage rising main. This will affect the habitat of the Thin-lipped mullet, a fish which is only occasionally found in the region. The effect will be minimised by timing the works to avoid the spawning season of the fish and does not result in an impact on the qualifying interests of the SAC/SPA.

The report considers cumulative impacts: worthy of note is the potential cumulative impact with the 50 megawatt electricity generating CHP station for the combustion of biomass, currently under-construction at the former Asahi site. The NIS for the project considered the potential impact of the discharge of cooling waste and occasional use of chlorine as an antifouling agent for the discharge pipeline. The study determined that the net increase in temperature from cooling water will be negligible. This combined with the dynamic nature of the marine environment will result in the rapid dispersion of the minimal thermal impact and the impact on the marine environment is predicted to be imperceptible. The predicted chlorine produced oxidants are of significantly low levels and are determined not to have an impact on the marine environment. The discharge will be significantly

diluted at the point of release. The impact on the marine environment is predicted to be imperceptible. It is proposed that discharge from the WWTP development will be limited to domestic sewage, however, it is proposed to discharge the effluent from the proposed development to the existing Asahi outfall pipe as follows:

- Process effluent and cooling water purge 100m³/28l/sec
- Surface water discharge (pumped) 40l/sec
- Surface water discharge access road TBC.

The report screens out potential impact on each of the qualifying interests of the SAC/SPA; and lists specific mitigation / pollution control measures.

The report concludes that there is no potential for significant impacts on the designated sites and that a stage 2 AA is not required.

4.18 Revised drawings are attached to the further information submission.

4.19 Further Technical Reports

4.20 Senior Archaeologist – 31/8/2015 – conditions.

4.21 Planning Report – 3/9/2015 - recommending planning permission.

4.22 Decision to grant planning permission 4th September 2015 – subject to 36 conditions, (those shown in bold are the conditions the subject of this appeal):

- 1 The development to be carried out in accordance with the documentation.
- 2 Submit a revised cross section through the settlement tanks.

- 3 The mitigation measures provided in the ecological assessment document submitted to Mayo County Council on the 07/04/2015 to be included in the construction contract.
- 4 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.
- 5 The IFI Guidance document to be adhered to.**
- 6 If chemical dosing is proposed for use in the WWTP, this dosing should be automated where appropriate with all chemical storage areas fully bunded to 110% capacity. Site monitoring should include assessment of the quality of collected bund waters. The tanks should be designed such that the slope of the floor will be to one corner to facilitate full excavation of any spilled chemicals. All chemical stores shall be roofed over.
- 7 Outflow pipe to include an electro-mechanical stop valve.**
- 8 Water course crossings to be supervised by Ecologist and confined to the period 1st May to 30th September, etc.
- 9 Pipe laying across watercourses shall take place during dry weather, etc.
- 10 Fuels, oils, greases and hydraulic fluids to be stored in bunded compounds etc.
- 11 A monitoring programme shall be developed for both the construction and operational phase, etc.**
- 12 Telemetry and appropriate system should be in place in case of WWTP breakdown. Macerators shall be fitted to all pumps to avoid malfunction.**
- 13 Out of hours contact numbers to be provided and an Emergency Response Plan to be put in place.**
- 14 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.**

- 15 **Surface water attenuation during construction phase to be agreed, etc.**
- 16 **A method statement for construction works to be prepared and approved by the NPWS and IFI.**
- 17 **Implementation of the measures outlined in the method statement, etc.**
- 18 **Prior to the commencement of development an Environmental Operating Plan to be prepared.**
- 19 Sludge management.
- 20 Finishes of the control building.
- 21 No surface water runoff onto the public road, etc.
- 22 Requirement to engage Archaeologist, etc.
- 23 **The applicant in conjunction with Mayo County Council shall undertake a joint video survey of R214 Killala-Asahi road prior to any works commencing on site. The cost of the survey shall be borne by the applicant.**
- 24 **Road opening licence.**
- 25 **Advance directional signage.**
- 26 Access gates to open inwards.
- 27 **Road lining and warning signage.**
- 28 **Expamet type fencing.**
- 29 Utility poles.
- 30 **Landscaping scheme.**
- 31 **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.**
- 32 **Ongoing monitoring.**

33 Construction Environmental Management Plan (CEMP).

34 Any rehabilitation works required for the marine outfall to be accompanied by the appropriate environmental considerations and licencing; i.e. foreshore.

35 Development contributions.

4.23 The decision was in accordance with the planning recommendation.

5 PLANNING HISTORY

A pre-planning meeting between representatives of Irish Water and planners from Mayo County Council is referred to.

07/707 – permission refused – 100 megawatt electricity power generating station for combustion of peat, wood, coal and fuel oil for boiler start-up; CHP station.

10/997 - permission granted – 50 megawatt, electricity generating CHP station, combusting biomass material (wood & herbaceous) and a small amount of fuel oil for boiler start-up.

13/158 – permission granted – 110 kV electricity transformer station including two 16m steel lattice towers.

08/570 - permission granted – retention of 2 no. portacabins (office accommodation) and 1 no. container for storage, and construction of building for machinery storage and repair associated with existing plant.

15/120 - permission granted – single storey cable landing station with security fence 2,282 sq m site to be connected to the Killala business park via new access road previously approved.

12/23 - permission granted – two storey amenity park centre, all-weather multi-purpose playing pitches, athletics track, outdoor tennis courts, outdoor basketball courts etc.

03/3442 - permission granted – install new effluent treatment system and percolation areas and reroute existing sewer lines at unit 1 formerly Asahi administration offices.

05/202 - permission granted – change of use of existing canteen to commercial / light industrial in unit 1 (205 sq m), change of use of existing kitchen and dining room to commercial / light industrial in unit 2 (159 sq m), construct extension to unit 2 to comprise commercial floor space (6 sq m), and ancillary works, at former Asahi canteen.

6 GROUND S OF APPEAL

- 6.1 The first party appeal against conditions, submitted by Irish Water, can be summarised as follows: 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.

The new WWTP and pumping station were subject to individual planning applications. The WWTP will have a capacity of 2,400 population equivalent (PE); will provide primary and secondary treatment, as well as disinfecting the final treated effluent prior to discharge to Killala Bay via an existing marine outfall. The primary treatment process will consist of screening and grit removal. The secondary treatment will comprise biological treatment. Disinfection of the treated effluent from the secondary treatment will be achieved using Ultra-Violet (UV) light. The WWTP site

has been provided by Mayo County Council which includes space for modular expansion.

The WWTP site will be designed hydraulically on the basis of 3 times dry weather flow (DWF).

The site is currently accessed via an existing unsurfaced single lane road, c400m in length, and will be used to facilitate construction.

A new access road is currently under construction as part of a 50 megawatt electricity generating CHP station.

The proposed WWTP will be constructed and operated in accordance with the proposals as set out in the Waste Water Discharge Licence application submitted to the EPA and in accordance with the licence issued (ref. D0067-01).

- 6.2 The conditions are grouped into 4 groups in the grounds of appeal.
- 6.3 In group 1 are conditions 7, 11 and 12: general conditions relating to design specifications.
- 6.4 Condition 7 is as follows:
The treatment plant outflow pipe shall include an electro-mechanical stop valve in the event that the discharge needs to be shut down. There shall be emergency storage for effluent in the event of plant breakdown or poor effluent quality.
- 6.5 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. 7 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. All flows to the wastewater treatment plant will be pumped from the proposed Ballycastle Road Pumping Station. All flows to the plant can therefore be terminated by inhibiting pumping from the pumping station. 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 and wastewater treatment plant will be equipped and managed in accordance with best international practice in order to mitigate against interruptions to service and will include the following:

- Dual lane treatment system;
- Duty and standby pumps with automatic change over;
- Duty and standby air blowers with automatic change over;
- 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 specifies controls that are regulated by legislation other than the planning code and the removal of the condition is sought.

6.6 Condition 11 is as follows:

A monitoring programme shall be developed for both the construction and operational phase. A programme of on-going physico-chemical and biological monitoring should be specified that ensures early identification of adverse impacts on the Killala Bay/Moy Estuary SAC and its fish and shell fish stocks.

6.7 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.

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

6.8 Condition 12 is as follows:

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

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.

6.9 In group 2 are conditions 13, 16, 23, 24, 25, 27 and 34: general conditions relating to monitoring, video surveying, marine outfall and directional signage; which the first party considers are outside the planning application.

6.10 Condition 16 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.

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.

6.11 Condition 23 is as follows:

The applicant in conjunction with Mayo County Council shall undertake a joint video survey of R214 Killala-Asahi road prior to any works commencing on site. The cost of the survey shall be borne by the applicant.

The first party considers that the relevance of the condition is unclear. Works to the R314 do not form part of the proposed waste water treatment plant.

6.12 Condition 24 is as follows:

Applicant shall apply to Mayo County Council for any road opening license required for the waste water treatment plant in relation to proposed locations for longitudinal / and rising main from the proposed pumping station located at Cloghans, Killala. Applicant shall liaise with Mayo County Council in relation to proposed locations for Longitudinal / transverse cuttings and to agree amounts for road opening refundable deposit and non-refundable long term damage fees.

Works that would be subject to a road opening licence did not form part of the planning application.

6.13 Condition 13 is as follows:

An out of hours contact number for key operating personnel should be provided at the entrance to the WWTP. 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.

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.

6.14 Condition 25 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 proposed wastewater treatment plant.

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

6.15 Condition 27 is as follows:

Adequate road lining and warning signage is provided in advance of the main access road within the Asahi Development.

The relevance of the condition to the development is unclear.

6.16 Condition 34 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.

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.

6.17 In group 3 are conditions 28 and 30, which the first party considers are too specific and time bound.

6.18 Condition 28 is as follows:

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

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.*

6.19 Condition 30 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.

The Board is requested to amend the condition; 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 In group 4 are conditions 5, 14, 15, 17, 18, 31, 32 and 33: 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 16.

6.21 Condition 5 is as follows:

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

6.22 Condition 14 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.

6.23 Condition 15 is as follows:

Details of surface water attenuation during construction phase will be agreed in writing with Mayo County Council prior to construction commencing on site. A qualified ecologist shall be employed by the applicant to supervise the construction works.

6.24 Condition 17 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.

6.25 Condition 18 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 plans shall include mitigation measures included in the ecological statement submitted to Mayo County Council on the 07/04/2015.

6.26 Condition 31 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.

6.27 Condition 32 is as follows:

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

6.28 Condition 33 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.

7 RESPONSES

7.1 Planning Authority Response.

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

7.3 Part 1

7.4 Conditions 7, 11 and 12 were proposed by the Inland Fisheries Ireland, a prescribed body.

7.5 Part 2

7.6 The relevance of condition 16 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.

7.7 Conditions 23, 24, 25 and 27 were stipulated by Ballina Municipal District Engineer and are considered to be integral to the proposed development. Removal of these conditions 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 Condition no 13 was proposed by IFI, a prescribed body.

7.9 Part 3

7.10 Condition no 28 – 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.

7.11 Condition no 30 – Mayo County Council does not object to the proposed amendment.

- 7.12 Part 4
- 7.13 Re. harmonization of conditions 5, 14, 15, 17, 18, 31, 32 and 33 into a single condition; Mayo County Council considers that the individual conditions do not lead to duplication, confusion or conflict, 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.
- 8.2 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:

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. 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. 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.

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.

- 8.3 The Board circulated the DAU DAHG response for comment.
- 8.4 **First Party Response.**
- 8.5 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 Development Plan 2014-2020 is the operative plan. Killala Sewerage Scheme is listed as a priority water services infrastructure project for the county over the plan period. The plan includes an Area Plan for the Key Town of Killala which is defined by a plan boundary. The subject site is outside the boundary of the area plan. The area plan includes as an objective *'to provide, or facilitate the provision of, a waste water treatment plant and associated works for the town'*. The area plan also includes as an objective to protect Killala Bay / Moy Estuary SAC and SPA.

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 a wastewater treatment plant. 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 pumping station (245546) and a rising main to the proposed treatment plant; 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 (i.e. into the open bay), via the Asahi outfall, at a point east of Bertragh Island, replacing the current discharge of untreated effluent close to shore in a sheltered part of the Bay at Croghan.

- 10.5 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 and the wastewater treatment plant. Other aspects of the development, including 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.
- 10.6 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 Councils' enjoy in relation to their development in their functional areas.
- 10.7 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 the pumping station, rising main, effluent treatment, and discharge and that other aspects of network improvements may take place at a later date.
- 10.8 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.

10.9 **Environmental Impact Assessment**

10.10 The proposed development is a wastewater treatment plant with a capacity of 2,400 population equivalent (PE).

10.11 Environmental Impact Assessment (EIA) is required for wastewater treatment plants with a capacity of 10,000 population equivalent. The proposed development falls below the threshold at which EIA is mandatory. 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.

10.12 Environmental Impact Assessment is not required in this case.

10.13 **Appropriate Assessment**

10.14 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.

10.15 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.

10.16 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.

10.17 In this case the project is the wastewater treatment plant, 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.

10.18 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.

10.19 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.

- 10.20 An Appropriate Assessment Screening Report, prepared by Ryan Hanley Consulting Engineers and submitted to the planning authority in response to a request for further information, 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.

- 10.21 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

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.

- 10.22 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).
- 10.23 Part of the NIS, on which the EPA based their assessment, was submitted with the planning application and is referred to at paragraph 4.5 above.
- 10.24 I am satisfied that the operational effects of the proposed development individually and in combination with other plans or projects are those in respect of which Appropriate Assessment has been carried out by the EPA and therefore that no reasonable scientific doubt remains as to the absence of adverse effects on the integrity of these European Sites, from the operation of the proposed development.
- 10.25 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.

- 10.26 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.
- 10.27 I consider that there will be no significant effects on Natura 2000 sites as a result of construction of the WWTP.

10.28 **Conditions**

- 10.29 The grounds of appeal groups the conditions appealed into 4 groups, which I propose to follow in this assessment.
- 10.30 The first group comprises general conditions relating to design specifications: conditions 7, 11 and 12.

Condition 7 requires emergency effluent storage at the treatment plant in the event of plant breakdown or poor effluent quality and a stop valve so that the discharge can be shut down, if necessary.

Condition 11 requires a monitoring programme to be developed for both the construction and operational phases.

Condition 12 requires telemetry to be in place in case of treatment plant breakdown and macerators to be fitted to all pumps to avoid malfunction.

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. 7 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 grounds states that the other conditions specify

controls that are regulated by legislation other than the planning code.

I note the Planning Authority's response is that these conditions were proposed by a prescribed body: Inland Fisheries Ireland, nevertheless I accept that the three conditions, with the exception of that part of condition no. 11 which refers to a programme of monitoring for the construction phase of the project, are related to controlling emissions from the operation of the wastewater treatment plant and are therefore subject to section 256 of the Planning Act. Being subject to licence, these are requirements which should not be conditioned as part of this permission.

- 10.31 The second group of conditions: 13, 16, 23, 24, 25, 27 and 34, are general conditions relating to monitoring, video surveying, marine outfall and directional signage; which the first party considers are outside the planning application.
- 10.32 Condition 13 requires an out of hours contact number for key operating personnel to be provided at the entrance to the WWTP, 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 treatment plant 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. 13 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.

- 10.33 Condition 16 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 a 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.

- 10.34 Condition 23 requires the applicant in conjunction with Mayo County Council to undertake a joint video survey of R214 Killala-Asahi road prior to any works commencing on site, with the cost of the survey being borne by the applicant. The first party points out that works to the R314 do not form part of the proposed waste water treatment plant and they question the relevance of the condition.

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.

The proposed development will require road access to the construction site. I consider that this is a valid condition.

- 10.35 Condition 24 requires the applicant to apply to Mayo County Council for any road opening license required for the waste water treatment plant in relation to proposed locations for longitudinal / and rising main from the proposed pumping station located at Cloghans, Killala and to liaise with Mayo County Council in

relation to proposed locations for longitudinal / transverse cuttings and to agree amounts for road opening refundable deposit and non-refundable long term damage fees.

The first party points out that works that would be subject to a road opening licence did not form part of the planning application.

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.

The development as described in this application is a waste water treatment plant. Road opening licences are required for undertakings which affect public roads and operate separately to planning requirements. I consider that this condition should be omitted.

- 10.36 Condition 25 requires the applicant to consult with Mayo County Council in relation to the details of locations of any proposed advanced directional signage along the public network to the proposed wastewater treatment plant.

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.

Directional signage for the construction period should be included in a condition requiring a Construction Environmental Management Plan and therefore that this condition should be omitted.

- 10.37 Condition 27 requires that adequate road lining and warning signage be provided in advance of the main access road within the Asahi Development.

The first party states that the relevance of the condition to the development is unclear.

This refers to works along a private road, which will be subject to agreement between various parties I consider that the relevance of this condition has not been demonstrated and that the condition should be omitted.

- 10.38 Condition 34 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. In addition works within the foreshore area are outside the current remit of the Board.

- 10.39 The third group of conditions: 28 and 30, are conditions which the first party considers are too specific and time bound.

- 10.40 Condition 28 requires that the compound be secured with 2.4metre 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.

- 10.41 Condition no 30 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.

- 10.42 The fourth and final group comprises conditions 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 16.

- 10.43 In group 4 are conditions 5, 14, 15, 17, 18, 31, 32 and 33.

- 10.44 Condition 5 requires the IFI Guidance document 'requirements for the protection of Fisheries Habitat during Construction and Development Work' to be adhered to.

- 10.45 Condition 14 requires 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.
- 10.46 Condition 15 requires details of surface water attenuation during construction phase to be agreed in writing with Mayo County Council prior to construction commencing on site; and the employment of a qualified ecologist to supervise the construction works.
- 10.47 Condition 17 requires the implementation of the measures outlined in the method statement for construction works to be monitored by a qualified Ecologist to be employed by the applicant.
- 10.48 Condition 18 requires the applicant to prepare an Environmental Operating Plan approved by a qualified Ecologist, prior to the commencement of development, which shall include mitigation measures included in the ecological statement submitted to Mayo County Council on the 07/04/2015.
- 10.49 Condition 31 requires the preparation and submission to Mayo County Council of 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.
- 10.50 Condition 32 requires ongoing monitoring to be undertaken for the proposed waste water treatment plant and all ancillary works during the projects construction phase, to ensure mitigation and pollution control measures are sufficiently addressed.
- 10.51 Condition 33 requires the construction of the proposed development to be managed in accordance with a Construction Environmental Management Plan (CEMP), including an Environmental Method Statement (EMS) which details 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.
- 10.52 The planning authority does not consider that the individual conditions lead to duplication, confusion or conflict, but provide

a concise, clear methodology in relation to the construction phase of the development.

I note that condition no. 14 which has been appealed, is a duplicate of condition no 4, which has not been appealed. I consider these conditions can be addressed in a Construction Environmental Management Plan.

I consider that, with the exception of condition no. 31, all of the conditions in this group, together with condition no 16, referred to earlier in this assessment, and that part of condition no. 11 which requires a monitoring programme to be developed for the construction phase, should be addressed in a single condition requiring a Construction Environmental Management Plan. In addition I consider that condition 3

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.

Reason: To avoid pollution.

and condition 4

The pollution 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.

should be similarly addressed in a Construction Environmental Management Plan

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.

I consider that condition no. 31, which requires the preparation of an updated Ecological Assessment to 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.

I consider that condition no 5 which is a frequently used condition, is an appropriate condition in this case.

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 Prior to commencement of development, submit a revised cross section through the settlement tanks which reflects the proposed layout map submitted to Mayo County Council on the 11/08/2015, Dwg. 201.

Reason: In the interests of proper planning and development.

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

Reason: To avoid pollution.

- 4 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.

- 5 If chemical dosing is proposed for use in the WWTP, this dosing shall be automated where appropriate with all chemical storage areas fully bunded to 110% capacity. Site monitoring should include assessment of the quality of collected bund waters. The tanks should be designed such that the slope of the floor will be to one corner to facilitate full excavation of any spilled chemicals. All chemical stores shall be roofed over.

Reason: To avoid pollution.

- 6 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, a detailed method statement shall be submitted to the planning authority. A floating hydrocarbon boom shall be placed in each watercourse, downstream of the working area to minimise the amount of hydrocarbon released to the wider environment in the event of spillage.

Reason: To avoid pollution.

- 7 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 shall be executed so as to minimise the suspension of solids. Settlement ponds and filter channels shall 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 shall be employed to minimise suspended solids and siltation. Appropriate silt curtains shall be employed.

Reason: To avoid pollution.

- 8 Fuels, oils, greases and hydraulic fluids must be stored in bunded compounds well away from watercourses. Refuelling of machinery shall be carried out off site or in a contained bunded area on site. All equipment shall be serviced and checked for leakage and faults prior to use. Stockpile areas for construction materials such as gravel and sand shall be kept to a minimum and be situated at the maximum distance from any watercourse.

Reason: To avoid pollution.

- 9 Sludge shall be transported off site by an authorised waste collector to a licensed waste facility.

Reason: In the interests of proper planning.

- 10 The control building shall be finished in map 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 is permitted. Gutters, fascia and eaves details shall be black in colour and shall project no more than 75mm proud of the main masonry finish.

Reason: In the interests of visual amenity.

- 11 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 finished so that no water is discharged onto the roadway and that no water lodges on the roadway.

Reason: In the interests of proper drainage and traffic safety.

- 12 The applicant in conjunction with Mayo County Council shall undertake a joint video survey of R214 Killala-Asahi road prior to any works commencing on site. The cost of the survey shall be borne by the applicant.

Reason: To protect the public road.

- 13 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.

- 14 All access gates shall open inwards into the site and to be locked as required.

Reason: In the interests of proper planning.

15 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