

An Bord Pleanála



Inspector's Report

PL17.245760

DEVELOPMENT:- Upgrading of the existing water treatment plant and sludge treatment process at Staleen Water Treatment Plant.

Location: Staleen Water Treatment Plant, Donore, County Meath.

PLANNING APPLICATION

Planning Authority: Meath County Council

Planning Authority Reg. No: LB/150899

Applicant: Irish Water

Application Type: Permission

Planning Authority Decision: Grant

APPEAL

Appellant: Nicholas and Kay Gogan

Types of Appeal: 3rd Party -v- Grant

Observers:
1. Cllr. Paddy Meade
2. Senator Thomas Byrne

DATE OF SITE INSPECTION: 5th February, 2016.

INSPECTOR: Paul Caprani

1.0 INTRODUCTION

PL17.245760 relates to a third party appeal against the decision of Meath County Council to issue notification to grant planning permission to Irish Water for the upgrading of an existing water and sludge treatment centre at Staleen Water Treatment Plant together with the provision of a new external perimeter fence surrounding the treatment plant. Concerns are expressed in the grounds of appeal that the development will impact on adjoining residential amenity and that the landscaping scheme proposed will not properly address these concerns. Concerns are also expressed in relation to the increase traffic and the adequate road network to cater for this traffic. The two observations submitted generally support the concerns raised in the grounds of appeal.

2.0 SITE LOCATION AND DESCRIPTION.

The existing water treatment plant is located on a 2.6 hectare site outside the small village of Donore approximately 5 kilometres south-west of Drogheda Town Centre. The water treatment plant is located on an elevated site accessed via a local third class road which runs south-westwards from the main street running through the village of Donore. The village of Duleek is located 3.5 kilometres due south of the treatment plant. The subject site has a road frontage of approximately 130 metres and a depth of 200 – 250 metres. The water treatment plant is surrounded on all sides by agricultural lands on the north side of the local access road. One dwelling is located directly opposite the site. This house is owned by the appellant of the current appeal. There are a number of dwellings and farm buildings located in the wider area surrounding the treatment plant. A residential estate on the outskirts of the village of Donore is located approximately 350 metres north-east of the subject site.

The existing water treatment plant is located to the east of the Brú na Boinne World Heritage Site. The subject site is located within the buffer zone of this complex.

According to the information contained on file (see planning report submitted with application) the existing water treatment plant was constructed in the mid-1970s. However a facility has existed on the site since the 1930s. The facility serves a potable water for the town of

Drogheda and large areas of East Meath and South Louth. The existing water treatment facilities on site comprise of the following:

- A control building is located on the eastern side of the access road near the entrance. The control building includes an existing transfer pump room together with a series of filter beds, a compression room, a boiler house.
- Adjacent to the existing filter beds six settling tanks are located contiguous to the main access road.
- Two clearwater tanks both of which are situated underground, are located to the immediate north of the existing plant control building.
- In the north-east corner of the site there are a number of disused sludge lagoons.
- On the western side of the access road there are three large raw water balancing tanks, the largest of which has a diameter of 36 metres. A picket fence thickener is located amongst these raw water balancing tanks.
- To the north of the raw water balancing tanks, 2 small single storey houses are located within the site. No works are proposed to these dwellings.

The planning report submitted with the application can confirm that the occupants of the dwellings have been informed in respect of the construction works proposed. There are also a number of semi-mature trees located between the internal access road and the raw water balancing tanks to the west.

Currently the production capacity of the wastewater treatment plant is 31,500 cubic metres per day.

3.0 PROPOSED DEVELOPMENT

The literature submitted with the application indicates that the production capacity of the plant will not increase as a result of the proposed development. The proposed upgrade will involve the following:

Demolition Works

- The demolition and removal of one of the disused former raw water balancing tanks. The tank to be demolished is the largest tank (diameter 36 metres) located in the south-western corner of the site adjacent to the public access road.

- The demolition and removal of the existing sludge dewatering system which is located adjacent to the existing picket fence thickener. The removal of a number of semi-mature trees located in the vicinity of the existing raw water balancing tanks.

Construction and Upgrading Works

- It is proposed to upgrade the existing chemical storage and dosing systems to include a new system of pH adjustment for both raw water input and final treated water output. This will be achieved by providing the following infrastructure on site.
 - A new chemical dosing building which is to be located at the south-western corner of the site within the footprint of the raw water balancing tank which is to be demolished. This building with a floor area of approximately 90 square metres is surrounded by 8 chemical storage tanks with overall heights ranging from 4.5 metres to 5.7 metres. The dosing buildings and associated storage tanks will be surrounded by a 2.4 metres internal security fence.
 - It is also proposed to provide a larger chemical dosing building on lands adjacent with three separate chemical silos ranging in height from 9.2 to 9.8 metres.
 - To the immediate south of the latter chemical dosing building it is proposed to provide a sludge dewatering building.
 - It is proposed to upgrade and extend the existing filters on site and this will include the construction of an additional filter unit with associated interconnecting pipework valves and controls. The new filtration unit will be approximately 203 square metres and 6.7 metres in height.
 - A new sludge holding tank and sludge dewatering building are to be constructed on site. The proposed sludge holding tank is to replace the existing sludge dewatering system (bellpress) which referred to earlier is to be located between the chemical dosing buildings.
 - It is proposed to provide a new flocculation tank (142 square metres) with an overall height of approximately 6.2 metres. This tank will be located to the immediate west of the internal access road. A proposed underground emergency spill tank is to be located adjacent to the flocculation tank.
 - In terms of water treatment works it is also proposed to provide a new underground UV chamber adjacent to the proposed filtration system on site.

- The proposal also involves upgrading the existing site security and altering the new vehicular entrance arrangements. The upgraded entrance will include the relocation and enlargement of the existing vehicular gated entrance.
- New boundary treatments are proposed incorporating landscaping measures and a new fence.
- Other site development works including the upgrading of hard standing areas, the upgrading of the existing drainage system in order to provide a petrol/oil interceptor together with ancillary works relating to mechanical and electrical services, instrumentation, and upgrading of operational equipment are also proposed.
- In terms of materials and finishes, it is stated that the external finishes on the new buildings and tanks and silos and associated elements will be similar to the existing palette of building finishes which exist on the subject site.

4.0 PLANNING AUTHORITY'S DECISION

The planning application was lodged with Meath County Council on 28th August, 2015. The application was accompanied by a number of documents which are set out below.

4.1 Documentation Submitted

Planning Report

The planning report sets out the rationale for the proposed development and outlines the proposed development in detail. Pre-planning consultation with Meath County Council and the Department of Arts, Heritage and the Gaeltacht are set out in the report. The report goes on to set out the proposal in the context of planning policy and sets out the planning history associated with the subject site and surrounding area. The report makes reference to separate reports prepared in respect of flood risk assessment and appropriate assessment.

Appropriate Assessment Screening Report

An appropriate assessment screening report was submitted. It assesses the site in the context of surrounding Natura 2000 sites. Overall the

screening report has found that the implementation of the proposed wastewater treatment plant upgrade works will not affect the integrity of identified European Sites in the vicinity and are not likely to cause significant impacts on these European sites.

Flood Risk Assessment Report

This report concludes that Staleen Water Treatment Plant is not susceptible to fluvial flooding from the River Boyne by overland flow paths. Risk of pluvial flooding would also be considered to be low. The site is located a sufficient distance inland to be free from risk from coastal storm surge and extreme high lands. However all new proposed site structures, buildings, roads, pavements, drainage etc. will be designed to greenfield run-off rates as per the Greater Dublin Strategic Drainage Study Guidelines ensuring that no additional floor risk will occur downstream. As a result Staleen Water Treatment Plan will remain a low flood risk site.

Archaeological Report

Finally an archaeological impact study was carried out. The report sets out the setting and context of the site within the Brú na Boinne complex. It notes that the water treatment plant at Staleen is located within the outer buffer zone and is 1.4 kilometres at its closest point to the core area of Brú na Boinne. It is located between 2.3 and 4.5 kilometres from the passage tombs at Knowth, Newgrange and Dowth. It is recommended that appropriate sensitive boundary treatment be incorporated within the development works and that a detailed archaeological investigation in the form of test trenching should be undertaken to provide a greater understanding of the potential archaeological risk on the site and to establish the extent of disturbance on site by previous development. As a result of consultation with the Department, a licence application and method statement has been sent into the Department and approval has been granted for this investigative work.

Visual Impact Study

A Visibility Impact Assessment and Landscape Mitigation Report has also been submitted. This report carries out a detailed photomontage analysis of the proposed development, assessing the visual impact of the development from three separate sensitive viewpoints within the village of Donore, from the monument of Dowth and from the monument

of Newgrange. The assessment concludes that the visual impact from the works to be undertaken will not be significant. With the appropriate landscaping the proposed water treatment plant structures become effectively screened from vantage points in the wider landscape. Thus the upgrading can take place without detracting from the landscape characteristics that contribute to the outstanding universal value of the Brú na Boinne World Heritage Site. ZTV mapping and a series of photomontages depicting the development from different vantage points including the existing view, after year 1 and year 10 are also submitted with this study.

Ownership Consent

A letter was received from Louth County Council stating that Louth Co. Council is the owner of the existing water treatment plant and hereby gives consent for the planning application being made by Irish Water for the development of the said lands.

4.2 Planning Authority's Assessment

A letter of objection from the current appellants was received by Meath County Council on the 24th September, 2015. The contents of this letter have been read and noted.

A letter of objection was also received from Councillor Paddy Meade the contents of which has been read and noted.

A report from the Department of Arts, Heritage and the Gaeltacht notes the archaeological impact study report submitted with the application and on the basis of the information submitted, it is stated that there are no archaeological objections to grant planning permission for this development.

A report from Meath County Council's Conservation Officer states that the Conservation Officer is satisfied that every effort has been made to minimise the impact on the landscape setting of the monuments of Brú na Boinne and provided mitigation measures proposed are implemented as described, the visual impact of the facility as it exists would be reduced.

A report from the Environment Section states that there is no objection to the proposed development having particular regard to the flood risk assessment submitted with the application.

The planning report assesses the proposed development and concludes the following:

- The principle of the development is acceptable and fully in accordance with the policy statements contained in the Development Plan.
- In terms of traffic and access it is noted that the new arrangements to be implemented on site would decrease traffic volumes to and from the site and in this regard would have a slight positive impact.
- From a visual point of view it is considered that the proposed development is acceptable subject to the landscaping plan being implemented.
- The archaeological report submitted with the application demonstrates that the impact would be acceptable from an archaeological point of view and it is noted that a report was received from the Development Application Unit of the DAHG which expresses no objection to the proposal.
- The contents of the flooding report is also noted and it is concluded that there are no concerns in this regard.
- Finally an appropriate assessment screening was undertaken as part of the planner's report and it likewise agrees with the conclusions contained in the report submitted with the application that the water treatment plant upgrade will not have a significant effect on the Natura 2000 network and as such a Stage 2 Appropriate Assessment is not required.
- Finally is noted that there are two existing dwellings on the subject site which appear to be under the ownership of Louth County Council. It is not considered that the proposal will have greater impact on a residential amenity than the existing facility. The planner's report therefore recommends that planning permission be granted for the proposed development. In its decision dated 19th October, 2015 subject to 7 standard conditions.

5.0 PLANNING HISTORY

The planning history associated with the site are outlined in both the planning report submitted with the application and the local authority planner's report. The pertinent planning history is set out below.

Under Reg. Ref. SA/120738 planning permission was granted by Meath County Council to Louth County Council for the upgrading of the existing water treatment plant to include chemical storage and dosing facilities, new filter automation and control system, upgrading of the washwater treatment and ancillary services and site works. The decision was granted on 16th November, 2012 however the application was not commenced or implemented by Louth County Council.

Details of various applications relating to mobile telephony equipment are also referred to in both reports. It is not altogether clear whether or not the applications relate to the subject site or lands in the vicinity of the subject site.

6.0 GROUNDS OF APPEAL

The decision of Meath County Council to issue notification to grant planning permission was the subject of one third party appeal. The grounds are outlined below.

- The appellants live directly opposite the subject site and concerns are expressed that large structures are to be placed a mere 30 metres from the appellant's home (photomontages are attached depicting the visual impact).
- It is suggested that the landscaping proposed to ameliorate the visual impact is not fit for purpose as the trees are only 2 feet high. Concern is also expressed that the landscaping proposal will fail to grow in such an open and exposed area. As a result the proposal will be readily visible from the UNESCO World Heritage Sites at Newgrange, Dowth and Knowth.
- Concerns are expressed from a health and safety point of view with the location of three chemical storage silos. These silos are almost 30 feet high and will be located only 6 metres from the appellants' front gate.
- Concern is expressed that trucks will be loading and unloading outside the appellants' front gate which will lead to noise pollution.

There will be a significant increase in the volume of traffic on the road. The country road serving the development is very steep and narrow. The road has become overburdened in recent years due to traffic generation to local schools and into the local village. Currently cars have to reverse on the local road in order to allow trucks to gain access to the water works.

7.0 APPEAL RESPONSES

4.1 Applicants Response

A response was received on behalf of Irish Water from RPS Limited. The response is summarised below. Section 1 sets out the introduction to the appeal response. Section 2 sets out a description of the subject site and the proposed development while Section 3 sets out the planning history.

Section 4 of the response specifically addresses the issues raised in the third party appeal. It is noted that the nearest proposed structure is approximately 46 metres from the appellants' house and approximately 27 metres from the property roadside boundary fence. In designing the development the applicant and project team were mindful at all times of adjoining development. Extensive landscaping proposals have been prepared in order to safeguard the visual amenity. Furthermore it is stated that the photomontages submitted by the applicant do not constitute an accurate representation of the proposed development. More accurate photomontages are enclosed in Appendix 5 of the submission.

With regard to landscaping it is stated that the landscaping schedule prepared on behalf of the applicant and submitted with the planning application refers to a tree height at the time of planting of between 0.6 and 0.9 metres. After a decade of maturity the height will range from 8 to 10 metres and this is indicated on the drawing submitted in Appendix 3. A specific response by a landscape specialist (Deirdre Black Associates) is set out in Appendix 2. With regard to previous landscaping proposals being ineffective, the Board are requested to note the conifers planted in the vicinity which have grown well. Details of specified planting techniques to ensure maximum effectiveness are set out in the response. It is also noted that it will be possible to increase the percentage of taller plants 2 to 2.5 metre high along the boundary of the site adjacent to the appellants' property in order to provide a taller screen. The applicant can confirm that the landscaping proposals are

based on best practice and will fully comply with the requirements set out in Condition No. 2 of the Planning Authority's grant of permission.

With regard to health and safety aspects of storage chemicals on site it is stated that the chemicals will be used for pH correction, coagulation and disinfection and are approved by the Drinking Water Inspectorate UK as chemical used for drinking water treatment. The chemicals will fully comply with European and British standards. Each chemical storage tank has been specifically designed in order to have its own independent fully integrated bund in the case of leakage. The bund will be designed for a 110% of the capacity of the tank and will be fully alarmed in case leakages arise. The applicant can confirm that appropriate health and safety measures have been factored into the proposals to upgrade the water treatment plant. The requirement for bunding is reflected in Condition No. 5 of the local authority's grant of permission.

With regard to the issues of truck parking, noise and traffic volumes, the following is stated. With regard to noise the applicant wishes to clarify that the loading and unloading of vehicles would not take place directly outside the appellants' gate but will take place within the confines of the site as indicated in Drawing 1 submitted with the response to the grounds of appeal. It is stated that traffic delivering and collection will amount to approximately 223 HGV visits per year which is a reduction of 25 truck visits over and above that associated with the current operation of the site. Noise predictions have been carried out and the anticipated noise levels at the appellants' front wall ranges between 52 and 58.9 dB(A). Noise levels at the appellants' house range between 49 and 54.3 dB(A). A noise analysis indicates that the extent of the increase at the appellants' dwelling is less than 2 dB(A) in a worst case scenario. This is below the threshold regarded as being just perceptible (3 dB(A)).

With regard to the existing entrance gate, the works proposed will enlarge the gate from approximately 4 metres to 8 metres. This gate is approximately 17 metres away from the appellants' entrance. It is considered that the proposed enlargement of the entrance will not impact on the appellants' use of the entrance.

With regard to the suitability of the road serving the water treatment plant to cater for HGV traffic, the applicant has carried out a heavy good vehicle movement assessment and this is contained in Appendix 4. It is noted that while the number of HGV movements associated with chemical delivery will increase by approximately 10% in any given year,

the number of sludge disposal HGV movements will decrease by approximately 25%. This will result in an overall decrease in 35 HGV movements per year. There will be a reduction therefore of HGV deliveries in and out of the treatment plant and this will have consequent positive implications in terms of traffic volumes. The applicant would welcome any condition which requires Irish Water to submit a construction and operational traffic management plan for the written agreement of the Planning Authority as part of any grant of planning permission.

By way of conclusion it is stated that the proposed development is fully in accordance with Council policies supporting the upgrading of such facilities and that the issues raised in the grounds of appeal have been suitably addressed in the applicant's rebuttal submitted to the Board.

7.2 Meath County Council's Response to the Grounds of Appeal

It is stated that the proposed development was not intended to increase output capacity but is rather designed as an upgrade of the facility in order to provide water quality in compliance with the current Drinking Water Regulations. The proposed upgrade is fully in accordance with policies set out in the Development Plan. The principle is therefore acceptable to the Planning Authority. All matters pertaining to access, visual impact etc. were assessed in the planner's report and considered to be acceptable. The Council's Conservation Officer and the Department of Arts, Heritage and the Gaeltacht confirmed no objection to the proposed development. The Board are therefore requested to uphold the Planning Authority's decision in respect of this application.

7.3 Further Submission from Appellant

The response stated the following.

There has been a lack of effective communication between the applicant and the appellant. The applicant has essentially ignored the applicants concerns.

The photomontages do not accurately reflect the visual impacts arising from the development at the entrance to the appellant's house.

A detailed traffic management plan needs to be put in place for an application of this size.

Concerns in relation to the lack of adequate landscaping and the consequent impact on the visual amenity of the appellant's dwelling and the UNESCO world heritage site are reiterated.

Family members suffer from respiratory problems and concerns are expressed with regard to the storage and transport of chemical to and from the facility from a health and safety point of view.

8.0 OBSERVATIONS

Submission from Paddy Meade

An observation was received from Councillor Paddy Meade, Chairperson of the Laytown/Bettystown District Council. The contents of the observation is set out below.

- The access road to the proposed development from Donore Village is currently unfit for purpose and requires widening. The proposal will give rise to noise and light pollution and the hardstanding area within the site will accommodate heavy goods vehicles. This type of activity is totally unsuitable within a residential area. The hardstanding area should be relocated to the north.
- It is contended that the site currently has two breaches of planning permission and therefore it would be totally inappropriate to permit an extension to the site that is currently not in full compliance with the Planning Regulations.
- Neolithic remains on the site would be expected in view of the site's location within the Boyne Valley across from the historical site of Newgrange. The applicant has however failed to record this.
- The applicant has failed to highlight the currently dormant heavy duty water pipe leaving the site. Ownership is currently contested on one of these pipes. A granting of planning permission for the expansion of works may have serious impact on these arrangements. This should be resolved prior to the grant of planning permission.
- The proposed development is contrary to the Draft National Landscape Strategy for Ireland 2014-2024.
- The proposed development negatively interferes with a Special Area of Conservation under the EU Habitats Directive.

- Permitting such a development will undermine the Planning Department of Meath County Council in any decision they made in the past or make forthwith regarding domestic dwellings not fitting into the surrounding landscape. It would by extension undermine a number of An Bord Pleanála decisions.
- The Aarhus Convention has been broken in this submission due to failing to allow people sufficient access to see the planning file.

Submission from Senator Thomas Byrne

This submission states that the points raised by the appellant in his submission are of substance and worthy of note although Mr. Byrne also fully supports the water treatment plant planning application. The Board are asked to take the points raised by Mr. Gogan into consideration when adjudicating on the planning appeal.

9.0 DEVELOPMENT PLAN PROVISION

The site is governed by the policies and provisions contained in the Meath County Development Plan 2013-2019. The Council's overall goal in respect of water and wastewater infrastructure is to *“develop, protect, improve and extend water, wastewater, surface water and flood alleviation services throughout the county and to prioritise the provision of water services infrastructure to complement the overall strategy for economic and population growth and to achieve improved environmental protection”*. The improvement of the East Meath, Drogheda and South Louth Water Supply Scheme is included as a key priority area in the Development Plan. It is noted that Meath Local Authorities continue to face a number of infrastructural challenges particularly in the supply and demand for high quality drinking water. With regard to strategic objectives the following is relevant:

1. **WSS 01** to advance the water supply and wastewater collection and treatment infrastructural requirements of the county by reviewing the assessment of water services needs as required and implement the water services investment programme, the rural water programme and the water conservation programme.
2. **WSS 02** to improve and extend the county's water supply and wastewater collection and treatment infrastructure to serve the planned levels of growth during the lifetime of this plan in order to facilitate development.

3. **WSS 04** seeks to upgrade existing water and wastewater facilities where deficient in order to meet the Drinking Water Regulations, the Urban Wastewater Directive/Regulations, the Discharge Licence Regulations and the EU Water Framework Directive or any future amendment thereof.
4. In terms of policies **WS POL1** seeks to continue to develop the upgrading of the water supply system to ensure that an adequate, sustainable and economic supply of piped water of suitable quality is available for domestic, commercial, industrial, fire safety and other use in accordance with the settlement, economic and core strategies identified in this plan as finances permit.

The planner's report notes that there is a recorded monument on the site Ref. ME027-001- Burial.

10.0 PLANNING ASSESSMENT

I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of appeal and the observation submitted. I consider the critical issues in determining the application and appeal before the Board are as follows:

- Principle of Development
- Visual Impact Arising from the Development
- Archaeological Considerations
- Traffic and Transport Considerations
- Noise and Other Amenity Issues
- Other Issues

10.1 Principle of Development

What is proposed in this instance is a reconfiguration and general facility upgrade of the existing water treatment plant which serves Drogheda, the East Meath and South Meath Area. It is not proposed to expand the existing works but rather carry out an upgrade to ensure appropriate standards in potable water quality. The proposed upgrade fully accords with the overall goal set out in the Meath County Development Plan in respect of water supply services which seeks to 'develop, protect, improve and extend water services throughout the county' and to prioritise the provision of water services infrastructure. Specifically the

proposed development will contribute towards policy statements WSS 01, WSS 02 and WS POL1, all of which seek to develop and upgrade the water supply system so as to ensure that there is an adequate sustainable and economic supply of piped water of a suitable quality for domestic, commercial and industrial uses. The proposed development will also assist the requirement under WSS04 which specifically seeks to upgrade existing water (and wastewater) facilities where deficient in order to meet the Drinking Water Regulations. I am satisfied therefore that the overall project is fully in accordance with the goals, objectives and policies as set out in the Development Plan in relation to water supply infrastructure.

10.2 Visual Impact

Concern is expressed in relation to the overall visual impact arising from the proposed upgrade.

Impact on the Appellant's Home

The appellant in the grounds of appeal raises concerns in relation to the overbearing nature of the proposed structures to be located on site. Concerns are expressed that the structures in question are placed a mere 30 metres from the appellants' home. I would agree somewhat that the proposed structures particularly the proposed chemical dosing building and associated silos/storage tanks and the sludge dewatering buildings will represent a significant visual intervention particularly as they are located close to the southern boundary of the site. While these structures are large, the closest structures ranging from 4.5 metres to 5.7 metres in height they are nevertheless located in excess 40 metres from the appellants' dwelling. The larger structures which incorporate an overall height of 9.2 and 9.8 metres respectively are located almost 80 metres from the appellants' dwelling. While I accept that the structures in question are significantly larger than the existing obsolete raw water balancing tank, I further consider the separation distance between the tanks in question are acceptable. Most of the structures in close proximity to the house range between 4 and 5 metres in height and therefore are of a similar height to a single storey dwelling. Furthermore it is proposed to incorporate dense mature planting along the southern boundary of the site which will over time screen views of the proposed structure from the appellants' dwelling. The appellant expresses concerns that the landscaping will have difficulty taking root along the site boundary having regard to the site's elevated and exposed location. The site in question is not particularly elevated, being approximately 120 metres above sea level. I note that the wider area is characterised with

mature trees and natural landscaping. I have no concerns that the lands in question are unsuitable for boundary planting.

I consider the applicant has provided detailed landscaping plans together with photomontages depicting the boundary treatment over a 10 year period (see Appendix 5 of the applicant's response to the grounds of appeal). I am satisfied therefore that appropriate landscaping can take place which would mitigate against significant adverse visual impacts which could be experienced by the appellant. The landscaping plans submitted with the application are a requirement of Condition No. 2 on Meath County Council's grant of planning permission. I would recommend that the Board incorporate a similar type landscaping condition with the specific stipulation that the applicant be required to replace any landscape which dies or is damaged in the 5 year period after the grant of planning permission. This should in my opinion allay the appellants' concerns with regard to the effectiveness of the landscaping proposals.

Wider Visual Impacts and Impacts on the Brú Na Bóinne World Heritage Site

The observation submitted also expressed concerns in relation to the visual impact arising from the proposed development over the wider area and particularly in relation to the Brú na Boinne International Heritage Landscape. The original application submitted with the Planning Authority incorporated a detailed visibility impact assessment including photomontages together with landscape mitigation proposals. In assessing the proposal reference was made to the Brú na Boinne Draft Management Plan 2015, the Meath County Council Development Plan and the Meath County Landscape Character Assessment. The report specifically assessed the proposal from existing views from Dowth and Newgrange and assessed the site visibility in the context of the wider landscape. Photomontages depicting the visual impact from these locations were also submitted with the application. The assessment clearly demonstrates in my view that the proposed upgrade will not have a significant adverse visual impact in the context of the Brú na Boinne landscape and in particular from views in the vicinity of the passage tombs at Newgrange and Dowth.

I am satisfied therefore that the proposed development would be acceptable from a visual impact point of view.

10.3 Archaeological Considerations

The observations submitted expressed concerns that the applicants have failed to record the Neolithic mound at the northern end of the site and what measures will be taken during construction to safeguard this mound.

The Heritage Report and Archaeological Impact Study undertaken by Courtney and Deery which was submitted with the original application fully acknowledges that there is one recorded monument within the boundary of the site, a burial mound (ME027-001) which was discovered in 1935 during the excavation of the reservoir. The report clearly states that it is proposed to test excavate an archaeologically supervised site investigation works in order to understand the level of disturbance that previously occurred within the site and to identify any remains of an archaeological nature if present. In addition this all ground breaking and excavation works which occur on site will be archaeologically monitored. It is also noted that the applicant was in consultation with the DAHG in respect of the proposed development and these consultations are clearly referred to in page 5 of the Planning Report submitted with the application. Issues raised by the Department were taken into account in designing the facility upgrade. Furthermore I refer the Board to the letter on file from the DAHG which specifically states that there are no archaeological objections to the grant of planning permission for this development. I am therefore satisfied that the applicant in formulating the design and application which is currently before the Board had full regard and took full cognisance of the archaeological considerations relating to the site.

10.4 Traffic and Transport Considerations

Both the observations and the grounds of appeal expressed significant concerns in relation to traffic, HGV movement and the suitability of the access road serving the site.

Concerns are expressed that the HGV movements in and out of the site would give rise to traffic and transport congestion and give rise to amenity issues. HGV movements in and out of the site are a necessary requirement in terms of (a) the delivery of chemicals for wastewater treatment and (b) the removal of sludge resulting from the treatment. A critical element in the Board's determination of the current proposal should relate to the fact that the number of HGV movements will be reduced as a result of the proposed development. While the proposed development will result in an increase of delivery of chemicals to the site

by approximately 10% a commensurate reduction in sludge collection of approximately 25% will take place. It is estimated therefore that a reduction of 35 truck visits per annum will take place to the site in question. The proposed development therefore represents a positive gain in terms of traffic generation to and from the site and along the access road. Thus if no development were to take place on the site traffic levels generated by the existing facility would be above that proposed, giving rise therefore to a greater impact on residential amenity.

Furthermore it should be borne in mind that the proposed development will generate approximately 223 HGV visits per year. This equates to less than 1 trip a day. The generation of c.1 HGV trip per day cannot be considered to be significant in terms of impacting on amenity. Most local roads in rural areas would experience at least HGV movement per day associated with agricultural activity.

With regard to the issue of the suitability of the access road to cater for the HGV truck's the access road in question is narrow but is in my opinion suitable to accommodate HGV trucks. The narrow section of road between the site and the village of Donore is only approximately 250 metres in length and there are a number of points where the carriageway widens slightly along the alignment which permits traffic to pull in in order for traffic to pass safely in opposite directions. Furthermore I note that forward sightlines along the road alignment are generally good which allows oncoming traffic to be visible. I therefore do not consider that planning permission should be refused on issues relating to the suitability of the access road serving the site. I would again reiterate that the number of HGV traffic using the proposed facility will be less than that associated with the existing facility and therefore it is anticipated that an overall improvement will occur in traffic terms.

10.5 Amenity Issues

The grounds of appeal express concerns that the proposed development will give rise to significant noise generation which could impact on the residential amenity of the area. The observation submitted also expresses concerns that the hardstanding area should be relocated to the rear of the site in order to protect residential amenity. I would reiterate that loading and unloading of chemicals/sludge will only take place during a limited period of the day. Furthermore the applicant in response to the grounds of appeal has indicated that the noise generated by these activities would be below 55 dB(A) at the nearest

noise sensitive location (the appellants' house). This is in accordance with EPA guidelines which seek to ensure that daytime noise levels do not generally exceed 55 dB(A) L_{Aeq} . Relocating the hardstanding area for loading and unloading purposes as suggested in the observation would in my opinion require the relocation of the chemical storage area/silos to the rear of the site which in turn is likely to require a fundamental and profound reconfiguration of the entire site. I do not consider that such a reconfiguration is either necessary or practical in the case of the current application. The applicant has adequately demonstrated in my opinion that the proposed development will not give rise to significant noise generation over and above acceptable standards.

The observation submitted also expresses concerns in respect of light pollution. Having regard to the separation distances between the site and the appellants' dwellinghouse I do not consider that light spill or light pollution from the proposed development will represent a significant or material adverse impact on the appellants' amenity. If the Board consider it appropriate, it could incorporate a condition requiring that all artificial lighting associated with the site be cowled so as to ensure that light spillage is not a significant amenity issue outside the confines of the site.

10.6 Other Issues

10.6.1 Unauthorised Development

The observation submitted suggests that a number of unauthorised works have taken place on site. These works are not specified nor are they referred to in the planning history set out in the planning report submitted with the application or the local authority's planner's report. In the absence of such details it is not possible to comment on any alleged unauthorised development. Furthermore the issue of unauthorised development is a matter for the Planning Authority as the enforcement authority and not a matter for An Bord Pleanála.

Likewise the reference to the heavy duty dormant water pipe structure does not appear to be particularly relevant or pertinent to the current application before the Board.

10.6.2 *Precedence*

The suggestion that a grant of planning permission in this instance could have implications for other decisions made by both Meath County Council and An Bord Pleanála are not accepted. Both Meath County Council and An Bord Pleanála will assess all applications including those on appeal, in accordance with the planning merits and in accordance with the proper planning and sustainable development of the area. A grant of planning permission in this instance would not in my opinion create any precedent for other developments in the wider area.

10.6.3 *Public Participation Concerns*

Finally reference is made to the Aarhus Convention and the requirement to allow people sufficient access to the see the planning file. There was nothing on file to suggest that third party rights were compromised in processing and assessing the application. The planning application was lodged on 28th August, 2015 and a decision by Meath County Council was issued on the 19th October, 2015. Meath County Council fully accorded with the statutory requirements to ensure that no planning decision was made within 5 weeks of the lodgement of the application in order to facilitate third party objections. Furthermore it is noted that the appellant in this instance appealed the decision of Meath County Council in accordance with the provisions of the Planning Act and his rights and the rights of other third parties were in no way compromised, fettered or prejudiced in dealing with the planning application. I do not agree therefore that the Planning Authority's determination of the application in any way contravened the spirit or provisions of the Aarhus Convention and otherwise fully complied with the statutory requirements set out under Irish Law.

11.0 Appropriate Assessment

I have read the appropriate assessment screening report submitted with the application. I note that the report identifies all Natura 2000 sites within a 15 kilometre radius. The proposal is assessed in terms of direct, indirect and secondary impacts which could arise from the proposed development on the River Boyne and River Blackwater SAC and SPA, the Boyne Estuary SPA and Boyne Coast and Estuary SAC and the River Nanny Estuary and Shore SPA. I consider that it is reasonable to conclude on the basis of the information on file which I consider adequate in order to issue a screening determination, that the proposed development either individually or in combination with other plans or

projects would not be likely to have a significant effect on the European sites referred to above or any other European site in view of the site's conservation objectives and therefore a State 2 Appropriate Assessment and the submission of an NIS is not therefore required.

11.0 CONCLUSIONS AND RECOMMENDATIONS

Arising from my assessment above, I consider the proposed development is acceptable and in accordance with the proper planning and sustainable development of the area and I therefore recommend that the Board uphold the decision of Meath County Council and grant planning permission for the proposed development based on the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

It is considered that the proposed development is fully in accordance with the policies and provisions contained in the Meath County Council Development Plan 2013-2019 to upgrade and enhance water supply infrastructure within the county and it is considered that, subject to conditions set out below the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing –
 - (i) Existing trees, hedgerows and shrubs specifying which are proposed for retention as features of the site landscaping
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder
 - (iv) Details of screen planting which shall not include *cupressocyparis x leylandii*
 - (v) Details of roadside/street planting which shall not include *prunus* species
 - (vi) Hard landscaping works, specifying surfacing materials and finished levels.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
 - (c) A timescale for implementation including details of phasing

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

3. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be

generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. All tank containers located on site shall be rendered impervious to materials stored therein. All tanks shall as a minimum be bunded locally to a volume of not less 110% of the capacity of the largest tank within the bunded area.

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

6. The applicant shall put in place sediment control measures during the construction phase to ensure the protection of the River Boyne and Blackwater SAC. Details of these sediment control measures shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure the integrity of any European Site in the vicinity is not adversely affected during the construction works.

7. Any artificial lighting within the confines of the site shall be appropriately cowed so as to ensure no light spillage onto adjoining lands. Details shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of protecting residential amenity.

**Paul Caprani,
Senior Planning Inspector.**

9th February, 2016. sg