



An
Bord
Pleanála

Inspector's Report ABP-302847-18

Development	Construction of a new wastewater treatment plant adjacent to the existing Craft Village WWTP.
Location	An Spidéal, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	18766
Applicant(s)	Irish Water
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Bríd Uí Mhaolallaigh Scoil Éinne
Observer(s)	Grúpa Pobail Chéibh an tSrutháin – An Chearthrú Rua Catherine Connolly TD Baile Éamoinn Teoranta
Date of Site Inspection	18th February 2019
Inspector	Patricia Calleary

Contents

1.0 Introduction.....	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning Authority Decision.....	5
5.0 Planning History.....	7
6.0 Policy and Context.....	8
7.0 The Appeal	10
7.1. Grounds of Appeal	10
7.2. Applicant Response	11
7.3. Planning Authority Response	11
7.4. Observations	11
7.5. Further Responses.....	11
8.0 Assessment.....	12
8.1. Introduction	12
8.2. Principle and Policy.....	12
8.3. Separation / Buffer Distances.....	16
8.4. Traffic.....	18
8.5. Impact on the Irish Language.....	19
8.6. Environmental Considerations	20
8.7. Appropriate Assessment	23
9.0 Recommendation.....	28
10.0 Reasons and Considerations	28
11.0 Conditions	29

1.0 Introduction

- 1.1. This assessment relates to a proposed development of a new wastewater treatment plant (WWTP) in An Spidéal (Spiddal), County Galway. Following a decision by Galway County Council to grant permission for the development, two third party appeals were received by the Board. Three observations on the appeals followed.

2.0 Site Location and Description

- 2.1. The appeal site is located within the settlement envelope of An Spidéal in County Galway, 18km west of Galway city. It is accessed off a private laneway which connects to the local road, L-1320 (Baile Árd road), c.270m to the west. The lane runs through the Ros na Rún Irish Drama series set. It is surfaced for the first 160m and has an unbound gravel road surface for the remainder. Approximately half of the site is occupied by an existing private WWTP operated by Údarás na Gaeltachta and the remainder is an open vacant area. The site occupied by the existing private WWTP is laid out in grassland and the adjoining area proposed to form part of an enlarged site comprises disturbed ground which is mainly made up of bare soil and stones with some revegetation having occurred. The ground levels drop from north to south and there are willow trees and other screen planting along the northern, eastern and southern boundaries. No drains or watercourses are located in or adjacent to the site.
- 2.2. Three detached dwellinghouses have been granted on individual sites to the southeast of the site. Two of these have been constructed, the closest of which is c.60m from the appeal site boundary. Their locations are shown relative to the proposed development on a revised site layout plan which was submitted by the applicant to the Planning Authority at further information stage. A primary school, Scoil Éinne, is located c. 100m to the south-west of the site and the school yard and playing fields associated with the school are located north and closer to the site. There are also a number of commercial premises relatively close to the site, including Spiddal Craft Village development and Cuan Studio facilities and there is a polytunnel and associated vegetable plots located adjoining the site entrance, directly beside the laneway.

- 2.3. There are three bathing water areas proximate to the existing wastewater outfall location, the closest of which is Trá na mBan, located c.80m to the west of the outfall. Ceibh an Spidéil bathing area is located c.650m to the east and Trá Mór, Coill Rua is located c.3km to the west.

3.0 Proposed Development

- 3.1. The proposed development would comprise the construction of a new WWTP providing primary and secondary level treatment for a population equivalent (p.e.) of 1,000 and it is stated that it would meet the emission limit values (ELVs) set out in the wastewater Discharge Licence (D0396-01) issued by the Environmental Protection Agency (EPA). In terms of physical infrastructure, the WWTP would consist of new inlet works, one primary settlement tank, four rotating biological contractor (RBC) units, a final settlement tank, a sludge storage tank and a pumping station (below ground). Ancillary works would include interconnecting pipework and site development works. It is also proposed to decommission an existing private WWTP on site once the new WWTP is in operation.
- 3.2. The treated effluent would discharge to Galway Bay via the existing sea outfall. Sludge generated in the treatment process would be stored on site in a sludge storage tank for a temporary period of 14 days after which it would be removed from the site for further treatment, prior to reuse as a fertiliser on agricultural lands.
- 3.3. It is intended to procure the detailed design and construction of the WWTP using a Design Build type contract and as such the development details have not yet been finalised. However, it is stated that the details submitted with the application are reflective of the 'worst case scenario'. Construction is proposed to commence in 2019 and the expected duration of the construction phase is expected to be 12 months.
- 3.4. Access to the terminal pumping station on site would be via the R-336 regional road (Bearna road) to the south during construction and operation. Access to the WWTP would be via the private laneway off the L-1320 (Baile Árd road) to the west.
- 3.5. In addition to the standard planning application documentation and drawings, the application was accompanied by a Planning and Environmental Considerations Report, an Outline Construction Environmental Management Plan (CEMP), an

Environmental Impact Assessment (EIA) Screening Report and an Appropriate Assessment (AA) Screening Report.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. The Planning Authority issued a notification of a decision to grant permission subject to nine conditions, the following of which are of note:

- C2: Installation of a disinfection system to be incorporated unless otherwise agreed with the Environment section of Galway County Council;
- C6: No injurious impacts on adjoining properties;
- C9: S.48 Development Contributions.

4.2. First Planning Officer's report (July 2018)

4.2.1. The initial planning officer's report recommended seeking further information on the following matters:

- Rationale/justification for location chosen;
- Risk assessment of bathing waters;
- Submission of Construction/Operational Environmental Management Plan.

4.3. Second Planning Officer's report (October 2018)

4.3.1. Following receipt of the further information, the second Planning Officer's report reflects the recommendation of the Planning Authority and noted the following:

- The applicant provided details of other lands within its ownership, which were deemed unsuitable due to being associated with drinking water infrastructure and other space restrictions;
- The applicant has not submitted sufficient information to determine whether UV disinfection is required to assist in meeting excellent bathing water standards at the two beaches and considers this can be dealt with by way of a planning condition;
- The applicant referred to the CEMP which it submitted with the application;

- Noise levels would lie below appropriate limits and odour would not be an issue because of the type of system proposed;
- No new issues arise that would require the Appropriate Assessment screening report to be updated or result in the requirement for a Natura Impact Statement;
- When assessed against the policies and objectives set out in the 2015-2021 Galway County Development Plan, it is considered that the proposed development is in accordance with the proper planning and sustainable development of the area.

4.4. Other Technical Reports

- Environment (July 2018): No objection; Requests further information and in the event of a grant of permission, recommends a condition requiring a CEMP to be submitted to the Planning Authority for approval.
- Environment (September 2018): Acknowledges that the treatment plant proposed would result in a significant improvement in water quality and recommends a condition be applied requiring UV disinfection to assist in meeting excellent bathing water standards, unless it can otherwise be demonstrated through the submission of a comprehensive risk assessment that this is not required.

4.5. Prescribed Bodies

- Údarás na Gaeltachta: States it's support for the Irish language and that the Irish language needs to be considered when assessing the application.

4.6. Third Party Observations

4.6.1. Fifteen valid submissions were received by the planning authority. A summary of the collective issues raised is set out under:

- Residents are in favour of a wastewater treatment plant to address the current problem of untreated effluent entering the bay;
- By reference to EPA guidance, the proposed WWTP would be sited too close to the school and adjoining house. An adjoining house was not shown on the drawings accompanying the planning application;

- The site is too close to local businesses and it is located in an important tourist destination;
- Development would cause a nuisance during construction, including rock breaking activities and the presence of vermin;
- Visual impacts would arise and landscape/screening proposals are inadequate;
- Concerns raised around air quality and odour (including from open tanks and sludge storage), noise and water pollution;
- Concerns raised regarding underground electric cables;
- Traffic passing the local road would cause unacceptable impacts to filming for local TV production and music companies (Ros na Rún and Cuan studios) as would noise and vibration;
- It is not clear that efforts were made to identify any alternative suitable sites.

5.0 Planning History

5.1. On the appeal site

- 01/522 Údarás na Gaeltachta – Planda cóirithe séarchais a thógail (Meitheamh 2010) - (Permission granted to construct a wastewater treatment plant) (June 2001).

5.2. In the vicinity

- Permission granted (June 2012) by Galway County Council for three houses and detached garages to the south east of the appeal site under three separate file reference numbers 11506, 11507 and 11508 in An Spidéal Thiar.
- ABP-301454-18: Permission refused (October 2018) by Galway County Council for the demolition of a house and other structures located south west of the appeal site and the construction of an 81-number bedroom hotel and two associated serviced detached dwellings, business and food innovation centre and six number detached dwellings. The refusal reason centred on deficiencies in public piped sewerage facilities serving the area.

- GCC Planning Reference 18/179: Permission granted (May 2018) to relocate a building with a GFA of 101.4 sq.m, permitted under planning reg. ref. number 17/795 to the rear of Centre 7, Media Park, Spidéal. This site is located south of the appeal site.

6.0 Policy and Context

6.1. Planning and related policy

6.1.1. National Policy

- National Planning Framework – Ireland 2040 (NPF)
- Irish Water’s Water Services Strategic Plan – A Plan for the Future of Water Services 2015 – 2040 (WSSP)

6.1.2. Regional Policy

- Regional Planning Guidelines (RGPs) for the West Region 2010 – 2022 Local Policy
- Galway County Development Plan 2015-2021 including Variation No.2 (b) – Gaeltacht Plan (for the settlements of An Cheathrú Rua, An Spidéal and Baile Chláir) which was adopted 28th May 2018. Under the settlement Strategy of the County Development plan, An Spidéal is designated an ‘Other village’ with a population of less than 1,500.

6.2. Designated sites

- 6.2.1. The closest European site relative to the appeal is Connemara Bog Complex SAC (Site code 002034) which, at its nearest point is located c.1.5 km north of the site. Other European sites that have the potential for connectivity to the project are listed and considered under the heading of Appropriate Assessment Screening section below.

6.3. Environmental Impact Assessment Screening

- 6.3.1. This application was received by the Board on the 6th of June 2018 and, therefore, having regard to the provisions of the Departmental Circular Letter PL1/2017, the application falls within the scope of the amending 2014 EIA Directive (Directive

2014/52/EU) on the basis that it was lodged after the last date for transposition on the 16th May 2017.

- 6.3.2. Class 11(c) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001-2019, includes 'waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6) of Directive 91/271/EEC¹ not included in Part 1 of this schedule'. The proposed development would result in a wastewater treatment plant with a p.e. for up to 1,000 persons, which though below the threshold, is a sub-threshold development category for the purpose of EIA and therefore requires examination as to whether or not the development would result in likely significant effects on the environment and accordingly require EIA.
- 6.3.3. The development would provide primary and secondary treatment where currently there is neither. It would be of a scale that falls substantially below the threshold for triggering mandatory EIA. Having regard to the nature, size and location of the proposed development, it would not result in a real likelihood of significant effects on the environment. Issues arising from the potential for connectivity with European Sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment), a matter which I address under the heading of 'Appropriate Assessment' in Section 8.7 below. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage and a screening determination is not required.
- 6.3.4. I note that the applicant submitted an EIA Screening Report. This information was submitted with the application on 6th June of 2018, prior to the amendment of the planning and development regulations 2001-2018 by the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018. Accordingly, it does not constitute Schedule 7A information under those Regulations and therefore does not trigger the necessity for a Screening Determination under Article 193(1B) under the regulations.

¹ Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (Urban Waste Water Treatment Directive).

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. Two appeals were received by the Board. The issues raised are broadly similar to those raised in submissions made to the Planning Authority. A summary of the issues raised is provided below:

- Recognises the need for a WWTP to address the serious issue of untreated wastewater being discharged into Galway Bay;
- Proposal would be sited too close to houses, commercial businesses and the adjoining primary school;
- Adjoining houses beside the school pitch are not shown on drawings and information regarding the location of the closest houses c.130m south of the site is inaccurate as the nearest resident is c.50m from the site boundary;
- By reference to EPA guidance, insufficient buffer zone and separation distances are proposed;
- Human health concerns arise including noise, air quality and odour, spread of disease, vermin, fly and insect control;
- Construction noise and timeframe;
- Concerns regarding unmanned plant and procedures in case of emergency;
- Pollution of bathing water quality would result;
- Visual impacts would arise and landscape/screening proposals are inadequate;
- Concerns raised regarding underground electric cables;

7.1.2. A number of supporting attachments were received with the appeals. Included in these are EPA documents, Scottish Executive Environment Group document in relation to control of odour nuisance at waste water treatment works, site assessment report for a wastewater treatment works in Arklow, extract from Galway County Council (previous) Gaeltacht Local Area Plan (2008-2018) and Extract from

Galway County Development Plan 2015-2021. Annotated photographs are also included.

7.2. Applicant Response

7.2.1. No response to the appeal was received from the applicant within the statutory timeframe.

7.3. Planning Authority Response

7.3.1. None

7.4. Observations

7.4.1. Observations on the appeal were received from three parties and the following provides a summary of the issues raised.

- Request that a planning condition would be applied requiring a separation distance of 100m between the site and the nearest sensitive receptor similar to that required for WWTPs in other areas in the County and beyond;
- Request that a condition would be applied requiring tanks to be covered as an odour mitigation measure;
- Encloses a copy of a research paper in relation to odour emission and separation distances (Schauberger *et al*, 2016);
- States that the site is not suitable and is located too close to the primary school.

7.5. Further Responses

7.5.1. Matters raised in further responses received from the appellants reaffirm matters raised in the grounds of appeal and included the following additional concerns:

- School expansion risks being sterilised because of the location of the proposed WWTP;
- Buffer zone inadequate;

- Absence of overall masterplan with regard to the need for sludge management hubs;

7.5.2. Written correspondence received from Councillors Niamh Byrne, Seosamh Ó Cualáin, Sean Ó Tuairisg Thomas Welsby, Seamus Breathnach, Tomás Ó Curraoin, Noel Thomas, Kevin O' Hara and Tom Healy were attached. All expressed concern regarding inadequate buffer zone / separation distances and one states that the development would be contrary to Objective UHO 7 (High Quality/Mix and Sensitive Design) and Policy CF1 (Assist development of community facilities and services) of the Galway County Development Plan.

8.0 **Assessment**

8.1. **Introduction**

8.1.1. Having read through the file and noting the matters raised by all parties and having attended the site, I consider the substantive planning issues which arise, relate to the following:

- Principle and Policy
- Buffer / Separation distance
- Traffic
- Impact on Irish Language
- Environmental Considerations
- Appropriate Assessment Screening

8.2. **Principle and Policy**

8.2.1. Currently, all wastewater from the foul sewer network in An Spidéal is directed by gravity to a holding tank adjacent to the shore and untreated effluent discharges into Galway Bay, via a long sea outfall. Private wastewater treatment plants treat the wastewater from Údarás na Gaeltachta to the east of the village centre and from a new housing development to the west. It is stated that treated effluent from these

combine with the untreated effluent from the wider village prior to discharge to the bay.

8.2.2. It is abundantly clear and recognised by all parties to the appeal that the current treatment of wastewater at An Spidéal is wholly inadequate and falls below the requirements of the Urban Waste Water Treatment Directive (UWWTD) and those required under the Discharge licence (Reg. No. D0396-01) issued by the EPA under the Waste Water Discharge (Authorisation) Regulations 2007, as amended. ELVs of 6-9 pH, 25 mg/l cBOD, 125 mg/l COD, 35 mg/l SS, 35mg/l TON (as N) and 15mg/l Ammonia (as N) are set in the licence and the latest available Annual Environmental Report (2017) on the EPA's website demonstrates that based on monitoring results, An Spidéal agglomeration has failed to meet the ELVs set in respect of cBOD, COD and SS. (The remaining ELVs are not recorded). It is stated by the applicant that the proposal would result in c.80% reduction in pollution loading when compared to that which is currently discharged to the Bay. The proposed WWTP would be designed to serve 1,000 p.e. and meet the ELVs set out in the EPA Wastewater Discharge licence referenced above.

8.2.3. As stated above, the outfall discharges to Galway Bay. At this point, the Bay has a status 'unassigned' under the Directive 2000/60/EC, i.e. the Water Framework Directive (WFD). The outer part of Galway Bay located c.1 km east of the outfall has been assigned a 'high' status. The development would clearly contribute to meeting the aim of the WFD by improving water quality.

8.2.4. In terms of Bathing Waters, Directive 2006/7/EC (Bathing Water Directive) and corresponding Bathing Water Quality Regulations 2008, as amended, established a classification system for bathing water quality based on four parameters (poor, sufficient, good and excellent). The parameters and reference methods are set out in Schedule 4 of the regulations and the regulations required that bathing water quality classification would not be less than 'sufficient' by 15th September 2015. Local Authorities are required to take appropriate measures with a view to improving waters which are classified as 'poor' and increasing the number of bathing waters classified as 'good' or 'excellent.' Under the EPA Bathing Water Quality Report 2017, water quality at Trá na mBan c. 80m west of the outfall is classified as 'sufficient'. Water quality at Céibh an Spidéal c.650m east of the discharge has a 'good' water

quality status and An Trá Mór has an 'excellent' status. The ultimate aim would be for all three to obtain and maintain an 'excellent' status. The proposal for a new WWTP to treat effluent prior to discharge would greatly assist in improving the quality of the bathing waters and remove the threat of untreated effluent entering the bay. During the Planning Authority's assessment of the application, while noting the proposal would result in a significant improvement in water quality, the Planning Authority were not altogether satisfied that the proposals would be adequate to ensure that the bathing areas would meet 'excellent' water quality standards under the Bathing Regulations 2008, as amended, on an ongoing basis. Following consideration of the applicant's response to a request for further information on this matter, the Planning Authority were of the view that sufficient information was not provided to determine whether or not UV disinfection would be required to assist in meeting the standards. A condition requiring the installation of a UV disinfection system as part of the wastewater plant to assist in meeting 'excellent' bathing water standards or the submission of a comprehensive risk assessment to demonstrate this was not necessary was recommended and subsequently a condition of this nature attached to the planning decision. Equally I note that the WWTP proposed would result in a vast improvement of the treatment of wastewater, however, I also recommend that should the Board be minded to grant permission, a condition of this nature should attach in order to address the remaining concerns in relation to bathing water standards. This is a matter of detail that can be resolved between the developer and the Planning Authority post a grant of permission. Otherwise, the proposed development would contribute towards protecting the amenity value and quality of the bathing waters referenced above.

- 8.2.5. Under the National Planning Framework – Ireland 2040 (NPF), key growth enablers for County Galway include 'ensuring water and wastewater needs are met by new national projects to enhance Galway's water supply and increase waste water treatment capacity'. In addition, National Policy Objectives including NPO6 (regenerate and rejuvenate cities, towns and villages) support the proposal for a new WWTP incorporating secondary treatment. The proposal would assist in achieving Irish Water's WSSP objectives and aims including in particular Objective WW (Provide Effective Management of Wastewater), EN (Protect and Enhance the Environment), SC (Support Social and Economic Growth) and IF (Invest in Our

Future). Irish Water has set a target to provide an appropriate level of treatment for all 44 untreated agglomerations (including the An Spidéal Agglomeration) by the end of 2021.

8.2.6. Until such time as the Regional Assembly Strategies are prepared and finalised for the restructured Regional Assemblies, the Regional Planning Guidelines for the West Region 2010-2022 are relevant. The development is supported by and would be consistent with the following policies and objectives: IP25 (ensure adequate infrastructure is in place to meet growth), IP30 (support investment for water and wastewater services of many small towns and villages in the region), IP33 (ensure protection and improvement of all waters) and IO38 (provide quality water and wastewater services necessary for environmental purposes and rural economic development).

8.2.7. Key policies and objectives of relevance in the Galway County Development Plan 2015-2021 include:

Policies

- Policy WS2 (Work with Irish Water to provide water and wastewater infrastructure in rural towns and villages);
- Policy WW1 (Co-operate with Irish Water to deliver their Capital Investment Plan);

Objectives

- Objective WW1 (Wastewater generated to comply with EU Policies and Directives), Objective WW 4 (Implement the objectives of the Sludge Management Plan), Objective WW6 (Promote provision of safe and secure wastewater infrastructure) and WW8 (Support and facilitate as appropriate the upgrading of substandard public wastewater treatment plants).

8.2.8. The proposed development is clearly consistent with the above policies and objectives and its delivery would be an enabler for future sustainable growth.

8.2.9. Variation No.2(b) of the County Development Plan as adopted on 28th May 2018 comprises the current and relevant Gaeltacht Plan (including the settlements of An Cheathrú Rua, An Spidéal and Baile Chláir). The site is shown on lands zoned 'BE - Business & Enterprise' in this plan. Such a zoning has an objective 'To provide for

the development of business and enterprise'. Under section 2.11 - DM Guidelines CSB1 – Land Uses (Page 31 of the Variation) of the same Gaeltacht Plan, a landuse matrix table is set out within which 'public service installations' are open for consideration on 'BE' zoned lands. Therefore, based on the zoning categorisation, the development of a WWTP which clearly fits the category of public installation on these lands, is compatible with the zoning. Also of note, is the location of a private WWTP on a portion of the site and the continuation of such an established landuse on an enlarged site would not be unreasonable. The applicant considered five potential sites (including the site of the current proposal) and following a qualitative assessment against a number of factors, the current site emerged as the optimum one for the provision of primary and secondary level treatment.

- 8.2.10. In conclusion, I am satisfied that the principle of the development which would improve the level of treatment for the agglomeration significantly and in doing so would meet the requirements of the UWWTD and the ELVs of the Discharge licence on a site which is zoned for public utilities, is wholly acceptable. The development is strongly supported by an EU and national legislative context together with applicable planning policy at a national, regional and local level.
- 8.2.11. Notwithstanding my conclusion reached above, it is necessary to consider other planning and environmental matters and in the following sections of my assessment I deal with these matters incorporating the principal relevant concerns raised in the appeals and observations.

8.3. Separation / Buffer Distances

- 8.3.1. A significant matter raised in the grounds of the appeal and by observers to the appeal, centres around a concern that the current proposal would result in inadequate separation distances between the WWTP and sensitive receptors, including houses and the local primary school in particular. It is submitted that a buffer zone / separation distance from existing receptors of 100m should have been applied, similar to that set out in several LAPs in Galway County and in other counties nationally. The applicant submits that based on EPA Guidance and the provisions of the Development Plan, a separation distance of 50m between the WWTP and the closest residential receptor as provided for in the current proposal is adequate.

- 8.3.2. In response to the request for further information, the applicant states that the separation distance between the closest point of the WWTP (sludge holding tank) and the closest house to the southwest is c.73 metres. In addition, it is submitted by the applicant that the existing private WWTP currently on site was in place at the time of the construction of this house. The existing separation distance between the closest point of the WWTP, i.e. the existing RBC units and the school playing fields is stated to be c.27m. It is proposed to decommission the RBC once the new WWTP is in operation. Thus, the distance between the WWTP (sludge storage tank) and the school playing field would be increased to a stated 36m. The nearest corner of the school yard would increase from 79m to 84m to the nearest point of the WWTP, which is the proposed final settlement tank. It is stated that the tank would be covered and fitted with a passive odour system, which would further reduce any odour. It is also stated by the applicant that Cuan music studios is located c. 55m southwest of the site and thus is adequately separated.
- 8.3.3. As referenced in the appeal and throughout the application, Table 4 of the EPAs Wastewater Treatment Manual on 'Treatment Systems for Small Communities, Business, Leisure Centres and Hotels' (1999) sets out recommended minimum separation distances between treatment systems and residential dwellings. A separation distance of 50m is recommended for a WWTP with a p.e. in excess of 161. It must be acknowledged that this guidance document is 20 years old and does not deal with larger WWTPs proposed such as the current proposal to serve a 1,000 p.e. The Local Authority Environmental Scientist also states that following consultation with the EPA, information from the EPA indicated that the guidance manual is general in nature and not specifically relevant for the development of the scale proposed.
- 8.3.4. County Development policy for buffer zones for the three settlements (including An Spidéal) are set out in variation No.2(b) of the Galway County Development Plan 2015-2021 under Objective CSB 8 – Public Utilities, in which a 50m buffer zone around the new wastewater treatment facilities is a stated objective.
- 8.3.5. There are various factors likely to have been at play when the Local Authority were deciding on the applicable buffer distance during the plan-making process, for instance the population which it would serve, scale of the development envisaged and perhaps emerging technologies attributed to more modern WWTPs, where

environmental impacts such as noise and odour can be more readily controlled at source. It is clear based on Objective CSB 8 that for An Spidéal, provision of a buffer of 50m around the new WWTP is required. The exact interpretation of the requirement of a 50m buffer from the new WWTP is slightly different to requiring a 50m separation distance from all existing development *perse*. In any case, a separation distance of 50m would be exceeded in terms of the closest residential house and for the main part would also be exceeded from the primary school building and the play yard as well as Cuan studios. In relation to the school playing fields it is stated that the distance from the closest corner of the field and the sludge storage tank would be 36m, which it must be acknowledged is less than 50m. As stated above, the tank is proposed to be covered and fitted with a passive odour control system, minimising odour nuisance. I deal with the matter of odour, dust and noise emissions under the heading of Environmental Considerations in my assessment further below. I am satisfied that subject to adopting good practice and complying with appropriate limits in terms of these environmental factors, the separation distance available between the plant and the sensitive receptors referenced above is acceptable.

8.4. Traffic

- 8.4.1. Access for construction and operation traffic to and from the terminal pumping station would be via the existing Craft Village development access road off the R-336. Access to the WWTP site would be via the laneway located off the L-1320, which runs through the Ros na Rún studios facility. Approximately 160m of the laneway has a bitumen surface and the remainder is an unsurfaced gravel road.
- 8.4.2. The construction phase has the potential to generate the highest number of traffic movements. Peak volumes of HGVs are stated would be in the order of 30 movements per day. No abnormal loads are planned to arise.
- 8.4.3. It has been raised in submissions that traffic disruption would impact on the filming business at Ros na Rún. Noting this point, I am satisfied that the applicants proposal for a Traffic Management Plan together with ongoing communication with Ros na Rún is a means of addressing and lessening or eliminating any such disruption during filming sessions.

- 8.4.4. Noting the key role that An Spidéal has as a tourist destination within Connemara, the timing of works and traffic generated would need to be such as to ensure no unacceptable impacts on tourism trade arise during the tourist season. Given the modest nature of the development and the associated level of traffic that is anticipated, I am satisfied that any minor impacts in terms of delays or diversions can be managed by the preparation and adherence to a Traffic Management Plan during the construction phase. Beyond this, it must be recognised that construction traffic is a necessary part of any development, occurring for a temporary period only and would not reasonably constitute grounds for refusal.
- 8.4.5. There would be no unacceptable traffic impact generated as a result of the development during its operation phase as the plant would for the most part be unmanned and remotely controlled. It is stated in the applicant's 'Planning and Environmental Considerations report' that traffic generated during operation would be a maximum of four movements per day and a predicted maximum of one truckload per week drawing sludge from the plant. A local licenced refuse collector would attend on site once per week.
- 8.4.6. Subject to the attachment of a condition regarding a construction traffic management plan, I am satisfied that permission should not be withheld on the basis of unacceptable traffic impacts.

8.5. Impact on the Irish Language

- 8.5.1. Údarás na Gaeltachta sets out its support for the Irish language and in its submission to the Planning Authority states that the Irish language needs to be considered when assessing the application. The proposed development would have a positive impact for the local community in the Gaeltacht area in terms of provision of improved wastewater treatment as set out above. I have no concerns that the proposed development would have any negative impact on the Irish language in this community.

8.6. Environmental Considerations

8.6.1. Introduction

Notwithstanding that I have concluded under Section 6.3 above that the development is not one in respect of which EIA is required, for the purpose of the assessment of the planning application *de novo* and including matters which arise in the appeal, relevant environmental matters are addressed below.

8.6.2. Biodiversity

The development would involve the loss of habitats of low ecological value (grassland, willow and gorse). The existing treeline along the L-1320 is stated to have a moderate bat roost potential and as this treeline would not be disturbed or removed, no loss of habitats would occur. There is no hydrological pathway between the proposed works and the Moycullen NHA (site code 002364) or Connemara Bog Complex pNHA (site code 002034) both which are north of the development and positioned at a higher level. No invasive species are stated to have been recorded on the site and measures are put forward to prevent the introduction of invasive species to the site works. European designated sites are considered below under the heading of Appropriate Assessment.

8.6.3. Cultural Heritage

The applicant's Planning and Environmental Consideration report lists the Record of Monuments & Places (RMP) Archaeological Sites (Table 6) and Monuments Record (SMR) Archaeological Sites (Table 7) which are located in the vicinity of the site. The closest is RMP Monument No. GA092-022, classified as a church, which is located c. 355m to the south west. Table 8 lists the National Inventory of Architectural Heritage (NIAH) sites and Table 9 lists the Record of Protected Structures (RPS) sites. Given the relatively modest nature and scale of the development and the associated construction activities, and available separation distances (between 180m and 550m), I am satisfied that none of the above would be impacted on. It is stated that in case of subsurface archaeological remains during construction, a suitably qualified archaeologist appointed by Galway County Council would be engaged to mitigate any potential archaeological impact. This is reasonable and I recommend that in the event of a grant of permission, an archaeological condition

should attach. I am satisfied that no impacts would arise on cultural heritage during the operation phase.

8.6.4. Landscape and visual

The site is located in Connemara which is recognised as an area of high amenity and recreational value. Given the nature and scale of the development and the nature of the available screening which can be augmented with additional landscape screening to the west, I am satisfied that the development would not conflict with any landscape conservation policy or objectives contained within the Galway County Development Plan or would not be visually obtrusive.

During construction, there may be some construction activity noticeable to those living closest to the site and the staff and pupils of the school and to those businesses proximate to the site. However, construction activity is not unusual and is a necessary part of the delivery of any buildings or infrastructure. It would only occur for a temporary period and I am satisfied that any views of the construction activities would not be significant.

8.6.5. Air Quality and Odour

Concerns were raised around air quality and odour which might arise as a result of the development.

In relation to air quality, there is potential for increase in airbourne dust during the construction stage as a result of excavations, rock-breaking and travelling across the site and along the unsurfaced portion of the laneway. However, by adherence to dust control measures outlined in the submitted CEMP and through good site management, dust can be successfully controlled.

In relation to odour, exposure to unpleasant odours can result in an annoyance. In Ireland, there are no statutory standards for odour concentration limits. Published research in the UK by its wastewater industry has indicated that at odour concentrations below $50\text{ou}_E/\text{m}^3$, complaints are rare and at $30\text{ou}_E/\text{m}^3$ odour complaints are unlikely to occur. (I refer the Board to a Policy Position Statement prepared by the Chartered Institute of Water and Environmental Management, 2012 and I have placed a copy of this statement on the appeal file).

During the operation of the WWTP, it is stated by the applicant that the installation of primary and secondary treatment would result in a significant reduction in odour generated. The potential odour generating sources include the inlet works and sludge holding tanks. It is proposed to enclose the inlet works and to cover the sludge holding tanks. In addition, both are proposed to be fitted with a passive odour control system.

The Waste Discharge Authorisation Regulations permit the competent Planning Authority to attach conditions relating to emissions other than those associated with the actual wastewater discharge. In this regard, I refer the Board to Article 41(1) of the Waste Discharge Authorisation Regulations which states that 'An Bord Pleanála, where it decides to grant permission under Section 34 on appeal or otherwise in respect of a proposed development that involves a wastewater discharge from a wastewater works, shall not subject the permission to conditions which are for the purposes of controlling the wastewater discharge'. It is apparent therefore that while the Board cannot include conditions in relation to ELVs in the discharge (BOD, SS and COD for example) as this is a matter for the EPA in licensing the treatment plant under those regulations, it is open to the Board to attach conditions regulating odour and noise as these do not specifically relate to the wastewater discharge from the treatment plant.

The applicant has not specified any odour concentration limit. In the event of a grant of permission, I recommend that a condition should attach to require that an odour concentration limit of $30 \mu\text{E}/\text{m}^3$ on a 98th percentile basis of hourly averages at sensitive receptor locations would be applied. This is achievable through proper management and operation of the WWTP.

I am satisfied that subject to the attachment of this condition, the development would not give rise to an odour annoyance.

It is also of relevance to also note that if permitted, the WWTP would also be required to comply with the EC (Wastewater treatment) (prevention of odours and noise) regulations 2005.

8.6.6. Noise

Concerns are also raised in the grounds of appeal that the development, particularly the construction phase, would give rise to unacceptable noise.

I note that construction activities including excavations, rock-breaking and HGV movements to and from the site have the potential to generate noise. In order to minimise the impact of construction noise, it is stated that the noise would be controlled by adhering to the British Standard 5228 'Noise and Control on Construction and Open Sites Part 1 and 2: Code of practice for basic information and procedures for noise control'. A number of associated measures are proposed including restriction of rock-breaking and other activities that are of greater noise potential to certain times of the day and overall adherence to working hours.

It is stated by the applicant (in their response to the further information request by the planning authority) that the WWTP would be designed to ensure that the noise from the development would not exceed standard noise limits, i.e. 55 dB(A) during daytime and 45 dB(A) night time. Subject to the adherence to these limits, which I recommend should attach as conditions in any grant of permission, I am satisfied that significant impacts from noise would not arise during the operational phase of the development.

8.6.7. Concluding comment

Having regard to the above, permission should not be withheld based on environmental impacts.

8.7. **Appropriate Assessment**

8.7.1. Introduction

Article 6(3) of Directive 92/43/EEC (Habitats Directive) requires that any plan or project not directly connected with or necessary to the management of a European site(s), but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site(s) in view of the site(s) conservation objectives. The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000, as amended, and the European Union (Birds and Natural Habitats) Regulations 2011-2015. In accordance with these requirements and noting the Board's role as the competent authority who must be satisfied that the proposal

would not adversely affect the integrity of the European site(s), this section of my report assesses if the project is directly connected with or necessary to the management of European Site(s) or in view of best scientific knowledge, if the project, individually or in combination with other plans or projects, is likely to have a significant effect on any European Site, in view of the site(s) conservation objectives, and if a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement (NIS) is required.

8.7.2. Appropriate Assessment – Stage 1 Screening

I firstly examine the proposed development to identify any potential likely significant effects on European sites in the context of their qualifying interests and conservation objectives. I have considered the applicant's Appropriate Assessment Stage 1 Screening Statement which provides a description of the surrounding area and the proposed development. It outlines the potential effects for these sites and any other European sites in view of their respective conservation objectives. I am satisfied with the methodology used which followed European and national guidance documents listed in Section 2 (Methodology) of the applicants AA screening report. I have had regard to information available on the National Parks and Wildlife Service (NPWS) website including in particular listed qualifying interests and conservation objectives for the relevant European sites and I have read and considered the entirety of the documents on the planning application and appeal file including reports and submissions received.

8.7.3. Project Description

The project broadly comprises the construction of a new WWTP which would provide primary and secondary treatment and would have a capacity to treat wastewater for a p.e. of 1000. The project has been described in a greater level of detail under Section 3 above and this description should be read in combination with the project documentation and drawings accompanying the application.

8.7.4. Description of European Sites

Having regard to the information and submissions available, the nature, size and location of the proposed development and its likely direct, indirect and cumulative

effects, the source-pathway-receptor model and sensitivities of the ecological receptors, the European Sites considered relevant to include for the purposes of the initial screening of likely significant effects or uncertainty regarding significance of effects are considered. To that end, I agree that the sites listed in Table 2 of the applicants Appropriate Assessment screening report are those which are relevant. I have examined these and I have also viewed the conservation objectives together with details of respective qualifying interests, separation distances from the proposed development / discharge point and details of their connectivity, which I have set out in summary form in Table 1 of this report set out directly below.

Table 1 – Relevant European Sites for the purpose of Appropriate Assessment Screening

European site (SAC/SPA)	Conservation Objectives (obtained from NPWS Website)	Distance of European Site to proposed development	Potential for Connectivity based on Source-Pathway-Receptor
Connemara Bog Complex cSAC (002034)	Conservation Objectives Version 1 (October 2015)	1.5 km North of Development	No No pathway and accordingly no connectivity
Connemara Bog Complex SPA (004181)	Generic Conservation Objectives (Feb 2018)	3.4 km North of Development	No No pathway and accordingly no connectivity
Black Head-Poulsallagh Complex SAC (000020)	Conservation Objectives Version 1 (May 2014)	11 km South of Development / Discharge point	Yes Potential for hydrological connectivity through open waters in Galway Bay and hence connectivity based on S-P-R model on coastal habitats
Galway Bay Complex SAC (00268)	Conservation Objectives Version 1 (April 2013)	12 km east of Development / Discharge point	Yes Potential for hydrological connectivity through open waters in Galway Bay and hence connectivity based on S-P-R model on coastal habitats
Kilkieran Bay and Islands SAC (002111)	Conservation Objectives Version 1	22 km west / south west of Development /	Yes Potential for hydrological connectivity through open

	(February 2014)	Discharge point	waters in Galway Bay and hence connectivity based on S-P-R model on coastal habitats
Inishmore Island SAC (000213)	Conservation Objectives Version 1 (January 2015)	22 km south west of Development / Discharge point	Yes Potential for hydrological connectivity through open waters in Galway Bay and hence connectivity based on S-P-R model on coastal habitats
Inishmaan Island SAC (000212)	Conservation Objectives Version 1 (December 2014)	23 km south west of Development / Discharge point	Yes Potential for hydrological connectivity through open waters in Galway Bay and hence connectivity based on S-P-R model on coastal habitats
Inisheer Island SAC (001275)	Conservation Objectives Version 1 (September 2014)	24 km south west of Development / Discharge point	Yes Potential for hydrological connectivity through open waters in Galway Bay and hence connectivity based on S-P-R model on coastal habitats
Inner Galway Bay SPA (004031)	Conservation Objectives Version 1 (May 2013)	12 km east of development of Development / Discharge point	Yes Potential for hydrological connectivity through open waters in Galway Bay and hence connectivity based on S-P-R model on coastal habitats

8.7.5. Assessment of Likely Significant Effects

Is the Project necessary to the Management of European sites?

I note that the proposed development is not directly connected with or necessary to the management of any European site.

Direct, Indirect or Secondary Impacts

The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites are considered below.

During construction phase, there is potential for the following impacts to arise:

- Impacts on water quality resulting from the release of hydrocarbons or suspended solids;
- Accidental spills or release of contaminants from made ground;
- Emissions including noise and dust.

The development does not have the potential for significant effects on any European Site due to the significant dilution available in the receiving water and the distance and marine open water buffer which exists from the point of discharge to each of the European Sites listed above. In addition, adherence to project measures outlined in the CEMP would serve to prevent the release of suspended solids, accidental spills or release of contaminants from made ground into the receiving watercourses, in accordance with best construction practice. Accordingly, significant effects on water quality as a result of these impacts would not arise.

Significant effects on European sites (having regard to the relevant conservation objectives) with potential connectivity with the appeal site or discharge point arising from noise impacts would not occur having regard to the distance between the construction activities and the European sites and the proposal for adherence to BS 5228-1: 2009+A1:2014 (which prescribes noise level data for construction plant and activities).

Based on scientific evidence, dust impacts would not conceivably arise given the separation distances in excess of 500m.

During the operation phase, the development to provide primary and secondary treatment where there is currently neither, would undoubtedly result in a positive impact on the receiving water quality environment and therefore would not be reasonably considered to give rise to any significant effects to European sites with which there is a potential hydrological link through the open sea environment.

Noise levels would reduce significantly during operation. The proposed pumping station would be sited below ground and no noise would be detected at ground level from this source. No effects on European sites would therefore arise because of noise during operation.

8.7.6. In-Combination Effects

In terms of cumulative or in-combination effects, given that I have assessed that no significant effects would arise as a result of the project as a stand-alone facility, it cannot be reasonably expected that the works to be undertaken would contribute in any adverse way to such effects with other plans or projects in the area.

8.7.7. Appropriate Assessment Screening Conclusion

It is reasonable to conclude that on the basis of the information on file which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Connemara Bog Complex SAC (002034), Connemara Bog Complex SPA (004181), Black Head-Poulsallagh Complex SAC (000020), Galway Bay Complex SAC (00268), Kilkieran Bay and Islands SAC (002111), Inishmore Island SAC (000213), Inishmaan Island SAC (000212), Inisheer Island SAC (001275), Inner Galway Bay SPA (004031) or any other European site(s) in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and a submission of an NIS) is not therefore required.

9.0 Recommendation

9.1. I recommend permission be **granted** for the reasons and considerations set out below.

10.0 Reasons and Considerations

10.1. Planning Assessment

10.1.1. The proposed development constitutes necessary infrastructure to cater for treatment of wastewater from the village of An Spidéal in County Galway and is strongly supported by legislation, planning policy and requirements under its Discharge Licence. If delivered it would bring significant positive impacts to the receiving water environment in Galway Bay and consequently would result in major benefits in supporting the sustainable function and growth of the village. Furthermore, subject to conditions set out below, the proposed development would not give rise to any material impact on the amenities of the area or property in the

vicinity and would be acceptable in terms of traffic safety. No unacceptable impacts would arise on the environment as a result of the development and the proposed development would not have any negative impact on the Irish language. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.2. Environment Impact Assessment Screening

10.2.1. The Board noted that the proposed development is not one for which a mandatory Environmental Impact Assessment Report is required. The Board agreed with the conclusion set out in the inspector's report that the development would not result in a real likelihood of significant effects on the environment and that a screening determination is not required. Overall it considered that the development is not one in respect of which an environmental impact assessment report was required to be submitted in accordance with section 172 of the Planning and Development Act 2000, as amended.

10.3. Appropriate Assessment Screening

10.3.1. The Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report and was satisfied 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 Connemara Bog Complex cSAC (002034), Connemara Bog Complex SPA (004181), Black Head-Poulsallagh Complex SAC (000020), Galway Bay Complex SAC (00268), Kilkieran Bay and Islands SAC (002111), Inishmore Island SAC (000213), Inishmaan Island SAC (000212), Inisheer Island SAC (001275), Inner Galway Bay SPA (004031) or any other European site(s) in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and a submission of an NIS) is not therefore required.

11.0 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 to the Planning Authority on the 04th day of September 2018, except as may otherwise be required in order to

comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of the development the applicant shall submit details for the installation of a disinfection system as part of the wastewater plant, unless otherwise demonstrated through the carrying out of a risk assessment that this is unnecessary and the details of the risk assessment and the outcome shall be agreed in writing with the Planning Authority.

Reason: To protect bathing waters and ensure they are not prejudiced from reaching 'excellent' water quality standards on an ongoing basis.

3. During operation, the WWTP plant shall be operated to ensure it will not give rise to any odour nuisance to sensitive receptors. Odour levels at the nearest sensitive receptor shall not exceed an odour concentration limit of $3 \text{ ou}_E/\text{m}^3$ on a 98th percentile basis of hourly averages.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect adjoining amenities.

4. The maximum noise level at the nearest sensitive receptors during the operation of the wastewater treatment plant shall not exceed 55 dB(A) rated sound level between 08.00-20.00 Mondays to Friday inclusive, and between 08.00 to 14.00 on Saturdays and it shall not exceed 45 dB(A) at any other time.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect adjoining amenities.

5. Prior to the commencement of the development, a contract specific Construction and Environmental Management Plan **and** a Waste Management Plan shall be submitted to and agreed in writing with both Planning Authorities in respect of the development. The Construction and Environmental Management Plan and Waste Management Plan shall detail and ensure Best Construction Practice and compliance with statutory obligations. Emphasis shall be placed on re-use of excavated material where practical.

Reason: In the interests of protection of the environment and to minimise waste.

6. Prior to commencement of the development, a Traffic Management Plan for the construction phase shall be submitted to, and agreed in writing with the Planning Authority in respect of the development.
The developer shall comply with the requirements of the Planning Authority in respect of minimising traffic disruption on the local communities, cleaning and repair of any damage to the public road network during the construction phase.

Reason: To protect the public road network and in the interest of traffic safety.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.
Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. a. The developer shall prepare and fully implement a landscaping scheme which provides planting around the inside of the perimeter fence so as to adequately screen the proposed development.

- b. All planting shall be adequately protected from damage until established. Any plants which die, are removed, become seriously damaged or diseased within a period of 5 years from the completion of the proposed development shall be replaced within the next planting season with others of similar size and species.

Reason: In the interest of visual amenity.

- 9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to secure the preservation and protection of any remains that may exist within the site.

Patricia Calleary
Senior Planning Inspector

27th February 2019