



An
Bord
Pleanála

Inspector's Report ABP308382-20

Development	Demolition of blockwork walls and construction of a wastewater pumping station, construction of a new wastewater treatment plant together with the installation of gravity sewers, raising mains and extension to existing mains.
Location	Burtonport and Leckenagh.
Planning Authority	Donegal County Council.
Planning Authority Reg. Ref.	1951459.
Applicant	Irish Water.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party.
Appellants	Pete Duffy and Others.
Observers	None.
Date of Site Inspection	14 th January 2021
Inspector	Paul Caprani.

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1.0 Introduction

ABP308382-20 relates to third party appeal against the decision of Donegal County Council to issue notification to grant planning permission for the construction of a wastewater pumping station, a wastewater treatment plant and the installation and upgrading and extension of the sewage network to provide primary treatment for a population equivalent of 300, (300 PE) in the settlement of Burtonport and Leckenagh in West Donegal. The grounds of appeal argue that the applicant, Irish Water have failed to fully consider the proposed application in terms of the appropriate capacity and its location in proximity to sensitive waters and sensitive receptors.

2.0 Site Location and Description

- 2.1. The proposed infrastructure works are to service the settlement of Burtonport in mid-west Donegal adjacent to the Atlantic coast. Burtonport provides a ferry access through Rutland Sound to Aran Island off the west coast. It also accommodates a small-scale fishing industry. The settlement comprises on the whole of somewhat dispersed linear settlement spread out along the regional roads R260 and R259 and smaller local roads in the vicinity. This largescale linear settlement along the surrounding road network is interspersed with small-scale infill suburban residential schemes. In terms of current wastewater infrastructure, documentation submitted with the application indicate that Burtonport is listed as one of 38 agglomerations in Ireland having no treatment or preliminary wastewater treatment only. Current wastewater is collected in the Burtonport public sewer network and discharged into Rutland Sound in the vicinity of the existing pier without treatment. The existing outfall is located beneath the pier.
- 2.2. Burtonport is served by a number of distinct sewerage systems. Information submitted with the application indicates that there are two housing schemes which are provided with treatment by small private package treatment plants at the 'An Choill' housing scheme and the 'Altan' housing scheme. Other dwellings in the vicinity are served by septic tanks, proprietary wastewater treatment systems or

cesspits. Parts of the village are also served by a public combined network which discharges raw effluent together with stormwater run-off directly into the harbour.

- 2.3. It is stated in the documentation submitted that the proposed scheme is necessary to ensure Burtonport's compliance with the requirements set out under the Urban Wastewater Treatment Directive.

3.0 Proposed Development

- 3.1. Planning permission is sought for the provision of primary treatment of the discharges into Rutland Sound for the settlement of Burtonport. The proposed scheme will include the following:

- The installation of gravity sewers, a flushing system, a rising main and the extension of the existing sewer with increased diameters along the existing roadway network in the vicinity of the harbour. The proposed wastewater treatment plant and wastewater treatment pumping station is designed to provide treatment for the properties currently connected to the public combined network together with some additional capacity for future connections.
- Along the R260 it is proposed to provide a new 250 mm diameter uPVC gravity sewer flowing westwards. The proposal will incorporate some foul sewer diversions and the relaying of the existing sewer in the vicinity of the harbour area. The sewerage network will continue southwards along the coastal road via gravity to a proposed wastewater pumping station which is located approximately 100 metres south of Burtonport main slipway.
- The pumping station is located on the eastern side of the coastal road. The site currently contains a blockwork wall and storage containers. It is proposed to remove the wall and containers to make way for the new wastewater pumping station. There are a number of small single storey storage buildings in the vicinity. Vehicular access will be provided by a layby along the front of the estate and the site will be accessed directly from the coastal road (the L-5983). The pumping station will include a wetwell chamber, a proposed emergency overflow rising main, a proposed inlet manhole as well as a

number of other chambers, a control kiosk with raised access platform and other ancillary elements.

- The proposed rising main from the proposed terminal pumping station will convey Formula A flows to a new wastewater treatment plant to be located further south along the L-5983 approximately 280 metres south-east of Burtonport main slipway. The proposed wastewater treatment plant is to be located within a greenfield site setback from the L-5983 public road. It adjoins a fenced off area to the immediate north which is used for the cleaning and washing of trucks. This vehicular wash area is surrounded by palisade fencing. The site is slightly elevated relative to the road and incorporates a number of large rock outcrops. The proposed wastewater treatment plant will include the following elements:
 - An inlet works.
 - A settlement tank.
 - A sludge holding tank.
 - A sludge pumping station.
 - A liquor return pumping station.
 - A final effluent pumping station.
 - A control panel located within the GRP kiosk.

3.2. A new rising main will then be laid between the new wastewater treatment plant and the existing outfall at the pier at Burtonport. Access to the wastewater treatment plant will be provided from the L-5983 public road to the construction of a new access road at the entrance.

4.0 Planning Authority's Decision

4.1. Decision

4.1.1. On foot of a number of additional information requests Donegal County Council in its decision dated 10th September, 2020 issued notification to grant planning permission

for the proposed wastewater treatment plant, pumping station and ancillary infrastructure on the 10th September, 2020.

4.2. Documentation Submitted with the Application

4.2.1. The application was submitted on behalf of Irish Water by Jacobs/Tobin Consulting Engineers. The application was accompanied by:

- A Stage 1 and Stage 2 Flood Risk Assessment. It sets out details of the flood risk methodology, the identification of flood risk and a flood risk assessment having particular regard to potential impacts on coastal flooding, fluvial and estuarine flooding, pluvial flooding, groundwater flooding and climate change. The penultimate section of the report sets out a flood risk management and evaluation including a justification test. The analysis undertaken found that the proposed wastewater treatment plant is at very low risk of flooding from any flood risk factor.
- In terms of the pumping station the flood risk is considered to be low from all risk factors with the exception of coastal flooding. However, the pumping station will be designed to ensure that the building threshold and key components will be elevated above the 0.1% AEP flood level.
- Also submitted was a separate Planning Report which details the proposed scheme and outlines the benefits of the upgrading work. The report also set out details contained in a number of separate reports including; EIAR Screening Report and an Appropriate Assessment Screening Report. It is concluded in the case of both that an EIAR is not required and a Stage 2 Appropriate Assessment is not required. Mitigation measures in relation to noise and odour impacts are also set out, as are an archaeological assessment and a separate flood risk assessment. An invasive species survey and a preliminary health and safety plan are also incorporated in the report. Stage 2 of the report sets out how the proposed development conforms with national, regional and local planning policy. It concludes that the proposed scheme is essential infrastructure and is fully in compliance with European and national legislation.

4.2.2. Separate reports are also attached including:

- An archaeological desktop review.
- An environmental impact assessment screening report.
- A preliminary safety and health plan.
- A temporary traffic management plan.
- An appropriate assessment screening report.
- An ecological impact assessment report and invasive species survey.

4.3. **Observations**

- 4.3.1. A number of observations were submitted objecting to the proposed development the contents of which have been read and noted.

4.4. **Planning Authority Reports**

- 4.4.1. A report from the Development Application Unit of the Department of Culture, Heritage and the Gaeltacht states that in the event that planning permission is granted, the Planning Authority should ensure that archaeological reports and assessments are prepared by a suitably qualified archaeologist.
- 4.4.2. A report from the Road Design Department of Donegal County Council request further information in relation to surface water run-off.
- 4.4.3. A report on appropriate assessment screening carried out by Donegal County Council concludes that an appropriate assessment of the development is required as it cannot be excluded on the basis of objective scientific information that the proposed development will have a significant effect on an adjoining Special Area of Conservation (Rutland Island and Sound – Site Code: 002283).

4.5. **Request for Further Information (dated 8/11/19)**

- 4.5.1. The applicant is requested to submit the following:
- Two copies of an archaeological assessment carried out by an appropriate qualified archaeologist.

- Provide justification as to how the capacity of a wastewater treatment plant with a PE of 300 was arrived at.
- Further details as to how the proposed development could potentially impact on adjacent shellfish and fish processing businesses as a result of noise, odour and dust.
- Concerns were expressed that the proposed development could significantly impact on the adjoining special area of conservation. The applicant is therefore required to submit a Natura Impact Statement and advertise same.

4.6. Applicant's Response to Request

Further Information (dated 07/02/20)

- 4.6.1. This additional information included an Archaeological and Architectural Heritage Based Assessment. It concludes that as far as can be ascertained, the proposed development will have no impact on previously recorded archaeological sites or monuments. The report notes that the former railway terminus which includes some industrial heritage features such as sidings etc. will be impacted upon by the proposed work. A separate report has been prepared in this regard. This separate report notes that only two features associated with the railway station were found to still exist, the engine shed and part of the main platform. These are considered to be of 'local significance'. The proposed development as it currently stands, will not impact on these features and the report recommends that these features be preserved in situ.
- 4.6.2. Also attached to the submission dated 7th February is the clarification/justification as to how the proposed capacity of 300 PE figure was calculated.
- 4.6.3. A separate letter on behalf of the applicants requested a three-month time extension in order to provide a Natura Impact Statement.

Further Information Response (date 04/06/2020)

- 4.6.4. A Natura Impact Statement together with associated public notices was submitted on the above date. The contents of the Natura Impact Statement is set out and assessed as part of my overall assessment and evaluation below (please see Section 10.11 of my report below).

Further Information Submission of 22/7/2020

- 4.6.5. This information contains a copy of the Construction Environmental Management Plan for the proposed works. It sets out mitigation measures in respect of noise and vibration both during construction and operation phase. Odour, dust and other potential nuisances are addressed, as are potential impacts associated with traffic and potential tidal inundation.
- 4.6.6. The plan also sets out environmental site management practices, project environmental key performance indicators in relation to ecology, invasive species, air quality, waste management, water consumption, noise pollution, emergency planning, external lighting and site monitoring and auditing.

4.7. Further Assessment by the Planning Authority

- 4.7.1. It notes that the justification for how the population equivalent of 300 was arrived at, and considers it to be acceptable. It is also noted that the information submitted in relation to noise, odour and dust and its potential impact on adjacent shellfish and fish processing businesses was submitted to Donegal County Council laboratory for comments. It concludes that, if there is no construction before 8 a.m., noise should not have a significant impact. No adverse effects are anticipated from odour during the construction phase. It is noted that there are regulations governing odour and noise when the plant becomes fully operational. A separate appropriate assessment report was prepared and notes the mitigation measures which have been outlined in the NIS in order to mitigate against any potential significant effects on the adjoining SAC and the Planning Authority concurs with the conclusion that any potential negative impacts on the SAC can be excluded. On the basis of the above the planner's report recommends that planning permission be granted for the proposed development subject to 11 standard conditions.

5.0 Planning History

- 5.1. No appeal files are attached. The Board should note that there is currently an application for the compulsory purchase of lands with Burtonport Harbour

redevelopment Reg Ref. ABP-306336. No decision has been made on this application at the time of writing this report.

- 5.2. Reference is made in the planner's report to two applications in the vicinity of the proposed wastewater treatment plant. Under Reg. Ref. 08/30837 permission was granted for the demolition of an existing fish handling facility, processing factory and ancillary buildings and the erection of two blocks of three and four storey buildings accommodating retail units and office accommodation with apartments above together with 32 car parking spaces. An extension of duration on the above development was granted under Reg. Ref. 14/50364 for an extension of the appropriate period onto the 3/3/2020 (this permission has now expired).
- 5.3. Under PG/19/04 a Part 8 development was approved to the north-west of the proposed wastewater treatment plant for the demolition of existing buildings to facilitate the realignment of the road and the provision of additional car parking spaces.

6.0 Grounds of Appeal

- 6.1. The decision of Donegal County Council to issue notification to grant planning permission was the subject of a third-party appeal on behalf of businesses, individuals and representatives of Burtonport. This appeal was submitted by Joe Bonner, Town Planning Consultant. The appeal was prepared on behalf of individuals and businesses listed in Table 3.1 of the submission. It is stated that it represents the majority of business owners in the village. The issues raised in the appeal are set out below:
- The Board are requested to note that the current development plan designates Burtonport as a Tier 2B strategic town and that Burtonport has been elevated in the settlement hierarchy from its Tier 4 settlement status in the 2012 – 2018 County Plan to Tier 2B in the current County Development Plan. The plan notes that the settlement is earmarked for a new wastewater treatment plant. The town is identified as a strategic town due to its special economic function. Tourism, the Wild Atlantic Way and the marine industries are all reasons why Burtonport has been designated as a strategic town. The development plan recognises Burtonport along with Killybegs and

Greencastle as important centres for fishing and fleet activity. It is suggested that the placement for a wastewater treatment plant immediately adjacent to three food processing facilities that rely on clean air is contrary to national policy. The development plan also highlights the importance of marine leisure facilities as an important economic driver in the county. The development plan seeks to encourage and support tourism infrastructure particularly along the Wild Atlantic Way. Burtonport is the gateway to Aranmore Ireland which accommodated 300,000 individual passenger journeys in 2019.

- Significant concern is expressed that the proposed wastewater treatment plant is located in close proximity to three fish/food processing facilities (Hannigan Fish Trading, Burtonport Fisherman's' Co-op, and Burtonport Wild Atlantic Seafood).
- The grounds of appeal are keen to point out that the appellants are in favour of a new wastewater treatment facility for the village of Burtonport. The appellants have waited almost 50 years for the provision of a wastewater treatment plant. However, it is considered that the current development before the Board does not go anywhere near far enough and constitutes little more than "a large septic tank" that will require frequent desludging and represents a lost opportunity to maximise the true development potential of Burtonport. The detailed grounds of appeal are set out below.
- The size of the proposed wastewater treatment plant with a population equivalent of 300 is inadequate and does not reflect the demand for wastewater treatment locally and therefore would be overloaded upon initial commissioning.
- The location of the pumping station and wastewater treatment plant on prime sites along and adjacent to the harbour in amongst commercial premises is inappropriate and there are more suitable sites available in less sensitive locations.
- The desludging of the tank will have a significant negative impact on the tourism experience of the village.
- Burtonport is home to several internationally trading seafood companies that require a healthy environment and the location of the pumping station and

wastewater treatment plant in proximity to these seafood premises is inappropriate particularly in the case of plant failure.

- Concerns is expressed that dust and odour emanating from the wastewater treatment plant could be drawn into the food processing buildings via the reversible filtration systems which could contaminate foods in what should be a sterile environment.
- The motivation behind the development merely seeks to incorporate minimum provision to comply with the Urban Wastewater Treatment Directive and does not seek to facilitate the future expansion of the settlement.
- Fresh shellfish stored in the harbour are at risk of contamination from the overflow from the plant into the harbour.
- The wastewater treatment plant will not serve a variety of commercial and residential developments within the settlement.
- No cognisance has been taken of proposed and future developments such as the marina and associated tourism related development on the southside of the harbour.
- The appeal goes no to assess as to how an optimum population equivalent of 300 was arrived at by the applicant. It is suggested that the volume of waste being generated at Burtonport is significantly larger than 300 PE per day. The existing PE catered for does not account for future development particularly housing development in the area and does not account for seasonal variations associated with the tourist season. Based on the assessment of the residential and business profile of the village it is calculated that the current maximum PE for the catchment of Burtonport could be as high as 404 persons more than a third above the maximum design capacity proposed in the application.
- Furthermore, it is not clear whether the existing sewer will be retained as a storm sewer only or if it will be retired and replaced by another form of surface water sewer.
- The Board are asked to note that Irish Water commissioned the construction of a sewer to serve the nearby town of Dungloe which shortly after it started

operating in 2017 overflowed. If such overflow were to occur at Burtonport the impacts would be devastating with the plant being located immediate adjacent to the aforementioned seafood processing plants. The suggestion that a plant catering for 300 PE will cater for a 30-year design horizon is grossly inadequate.

- It is also suggested that the level of treatment to be provided (primary treatment) is grossly inadequate. Reference is made to the upgrade of a similar sized facility at Kilfornora, County Clare which had a much higher specification in terms of treatment.
- It is noted that the applicant is the owner of part of the site. Any Part 8 application for Phase 1 of the redevelopment of Burtonport Harbour which was granted and the future Phase 2 that includes a series of buildings must be considered in conjunction with this application as a single project which is being split into a number of constituent parts in order to avoid the necessity to prepare an EIAR. Therefore, the Board needs to consider whether or not project splitting is occurring.
- In terms of the AA screening report reference is made to Section 9.1.1 of the NIS which refers to in combination effects. In this regard, specific reference is made to the Part 8 planning application for the Burtonport Harbour Redevelopment Scheme. It is noted that in relation to the Part 8 project, Donegal County Council came to the conclusion that there was no need for an NIS. While they have taken a completely contrary view in relation to the subject application, it is suggested that in the absence of an assessment of the permitted Part 8 scheme the NIS is considered to be deficient and for that reason permission must be refused as the Board cannot be satisfied that the proposed development will not significantly affect the integrity of a Natura 2000 site.
- It is argued that the flood risk assessment likewise did not incorporate the potential cumulative effects that could occur as a result of the permitted Part 8 Burtonport Harbour Redevelopment Scheme Phase 1. This project involves the raising of the pier and road adjacent to the proposed pumping station by 0.314 metres. This, it is argued undermines the flood risk assessment and

means that the assumptions contained therein are incorrect. The pumping station is classed as a highly vulnerable development and it is noted that a justification test was required. Having failed to consider the permitted Part 8 development the flood risk assessment would appear to be deficient.

- Finally, the grounds of appeal set out the history of Burtonport emphasising its importance in the fishing maritime and more recent years water sports and recreational industries.

7.0 Appeal Responses

7.1. Donegal County Council's Response to the Grounds of Appeal

- 7.1.1. The principle of the development proposal is acceptable and is fully in accordance with Policy WES-P-3 of the County Development Plan. Currently sewerage is directly discharged into the sea without treatment via an existing outfall under the pier. The proposed population equivalent of 300 for which the plant is catering is considered acceptable to the Planning Authority having regard to the calculations and rationale provided by Irish Water. Having regard to the information submitted with the application and the fact that no objection was received from the DOCHG/NPWS in respect of the proposal the planning authority are satisfied that the proposal will not adversely impact on the environment. Furthermore, the Planning Authority considers that the proposed development will not injure the amenities of the area, would not be prejudicial to public health and would not result in a traffic hazard. For these reasons, the Board are requested to uphold the decision of the Planning Authority.

7.2. Applicant's Response to the Grounds of Appeal

- 7.2.1. A response was received from Jacobs on behalf of Irish Water and the response is outlined below.
- 7.2.2. With regard to the proposed capacity of the wastewater treatment system, it is noted that this issue was raised by Donegal County Council in its further information request. The existing population equivalent is calculated as 94 which included domestic and non-schedule small water uses. Using a conservative approach, the larger summer population equivalent figures in the calculation of the PE capacity required for the WWTP. The PE calculation also included the connection of two

nearby residential estates (An Choill and Altan). A 10-year growth factor was also applied to these properties conservatively bringing a combined total PE to 181 for the existing municipal network and the two housing estates. The method of calculation is normal practice as per Irish Water design methodology. A key objective of the proposed development is to ensure that Irish Water is compliant with environmental regulations for municipal wastewater. The impact of ferry passengers has been taken into account in the proposed wastewater treatment plant capacity design. The applicants also contend that the design does not allow for future expansion. This is incorrect. The design has been developed so that the wastewater treatment pumping station and the wastewater treatment plant could be expanded in the future if demand arises subject to relevant consents.

7.2.3. With regard to the consideration of alternatives, it is stated that Irish Water carried out a site selection process to identify suitable locations for the development subject to planning permission on this appeal. The proposed development is compliant with planning policy. Furthermore, Irish Water has demonstrated that the proposed development would not result in nuisances either during the construction or operational phases.

7.2.4. Traffic generated by the wastewater treatment plant desludging process will be negligible.

7.2.5. The proposed wastewater pumping station incorporates a dedicated overflow pump designed to handle foul flows and surface water flows associated with a 30-year return storm period. The existing outfall/discharge location will be retained as part of the scheme and used for combined storm/foul overflows from the wastewater pumping station. The overflow arrangement for Burtonport is standard practice for all pumping stations. The provision of this overflow means that localised above ground flooding should not occur at the proposed wastewater pumping site. Suitable telemetry will be incorporated into the design to trigger early warning notifications in the case of any equipment failure. Furthermore, the pumping station can terminate the forward flows for treatment where issues need to be resolved at either the pumping station or the wastewater treatment plant.

- 7.2.6. Irish Water need to incorporate the proposed infrastructures to ensure compliance with the Urban Wastewater Treatment Directive and the existing Certificate of Authorisation issued by the EPA.
- 7.2.7. In terms of potential nuisance, Irish Water is committed to ensuring that there will be no nuisance beyond the site boundaries in order to comply with best practices, design standards and regulations. Mitigation in respect of noise, vibration, dust and odour has been addressed in the further information response submitted to the Planning Authority. Further details are also included in the contractor's Construction Environmental Management Plan (CEMP).
- 7.2.8. In terms of construction, there are no specific activities associated with the construction of the wastewater treatment pumping station or wastewater treatment plant that would give rise to a higher noise impact than other types of construction/civil engineering projects which involve some level of excavation. The Harbour Road is an established industrial area frequented by large/heavy goods vehicles. Dust aggravation will be negligible during the operation of the pumping station and wastewater treatment plant and mitigation prevention measures will be put in place to minimise dust generation during the construction activity.
- 7.2.9. There will be no odour nuisance beyond the boundaries of the wastewater treatment plant or pumping station.
- 7.2.10. In terms of EIA screening, it is stated that the proposed development falls well below the mandatory threshold figure for an EIAR under Part 1 or Part 2 of Schedule 5. The proposed development falls well short of the thresholds for which an EIA would be required in the case of wastewater treatment plants. The proposed development does not constitute an extension and therefore the extension classes set out in Schedule 5 under Part 1 and Part 2 would not apply.
- 7.2.11. In relation to appropriate assessment screening, the Board are requested to note that on foot of a specific request by Donegal County Council a Stage 2 Appropriate Assessment was carried out in respect of the proposed development. With regard to in-combination effects, the Burtonport Redevelopment Part 8 application notes that the AA screening report for the redevelopment concluded no implications for European sites and made reference to the benefits of the wastewater treatment plant improving the water quality entering the harbour. On this basis it was concluded that

there was no potential for in combination effects. Any infrastructure upgrades in the future would be subject to appropriate assessment determinations.

- 7.2.12. In relation to flood risk assessment a Stage 1 and Stage 2 flood risk assessment was submitted with the application (and is included as an appendix in the response to the grounds of appeal). The primary impact from the proposed works would be the creation of additional impermeable surfaces that will give rise to increase in surface water run-off. The works however will also include additional stormwater drainage and SuDS to ensure no change to the existing run-off rates. The flood risk assessment showed that the proposed wastewater treatment plant was located in Flood Zone C. This is an appropriate zone for development of this type and as such a justification test is not required. The proposed wastewater pumping station is located in Flood Zone A. A justification test was completed for the proposed wastewater pumping station. It is stated that the chosen location was at lowest risk of flooding and potential locations were limited in order to meet all technical requirements. It is stated that the harbour redevelopment will not result in any increased risk of flooding to the wastewater pumping station as it was designed to be resilient flooding and remain operational up to and including the 0.1% AEP tidal flood with allowance for future climate change. The harbour redevelopment scheme will also be required to ensure no increase in the risk of flooding as a consequence of the works.
- 7.2.13. It is argued that the proposed development will not negatively impact on the tourism potential of Burtonport in any way and a sufficiently large site has been secured to provide adequate scope for future expansion.
- 7.2.14. Finally, the response to the grounds of appeal outlines as to how the proposed development complies with the various policy statements and settlement strategy set out in the County Development Plan.

8.0 Planning Policy

8.1. National Planning Framework

National Strategic Outcome 9 states that investment in water service infrastructure is critical to the implementation of the National Development Plan. The current water services strategic plan by Irish Water will be updated in light of the policies in the

National Planning Framework addressing the requirements of future development while also addressing environmental requirements such as the obligations under the EU Water Framework Directive – mandated River Basin Management Plans. A key element seeks to eliminate untreated discharges from settlements in the short-term while planning strategically for long-term growth.

8.2. Regional Planning Guidelines for the Border Region 2010-2022

- 8.2.1. The Regional Planning Guidelines notes that water services in the border region have seen unprecedented investment and progress over the last number of years. In many instances however population growth has taken place in areas that did not have the necessary infrastructure to support it. These are issues which will have to be addressed within local authorities in the region over the period of these guidelines. It further notes that the future development of our towns and villages are contingent upon there being necessary water supply and wastewater treatment capacity to accommodate their growth. In the absence of sufficient water supply and wastewater treatment capacity, towns and villages cannot grow due to their potential impact on water sources.
- 8.2.2. Policy INFP19 seeks the provision of water and sewage facilities and settlements in rural areas of the region which are considered and consistent with the settlement framework for population growth, laid out in Chapter 3 of these guidelines, and the Water Services Investment Programme 2010-2012 and any other future water services investment programme.

8.3. The Water Services Strategic Plan

This plan published by Irish Water in 2015 sets out the strategic objectives for the delivery of water and wastewater services up to 2040. The main key strategic objectives of the strategic plan include:

- Provide effective management of wastewater.
- Protect and enhance the environment.
- Support social and economic growth.

8.4. Donegal County Development Plan

- 8.4.1. The site is governed by the policies and provisions contained in the Donegal Development Plan 2018-2024. The subject site is located within the defined settlement boundary of Burtonport Village which is designated as a Layer 2B Strategic Town in the County Development Plan. The subject site is not governed by any zoning designation. There are no specific population targets for Burtonport set out in the development plan. Table 2A.4 sets out the strategic status of water services for Layer 2B settlements. In terms of wastewater the settlement is identified as an urban area where improvements are required to resolve priority issues. Current collection system has a collected PE of approximately 69. The settlement is included on the EPA list of sites with no wastewater treatment. It is stated that there is a project underway to provide a new wastewater treatment plant.
- 8.4.2. Table 2A.7 sets out details of planned investment in water services contained in the Irish Water Capital Investment Programme (2017-2021). Burtonport is earmarked for a wastewater treatment plant and improvements in the wastewater network.
- 8.4.3. Relevant policies include the following:
- WES-P-3 states it is the policy of the Council to support and facilitate Irish Water to ensure the continued provision of wastewater infrastructure and also ensure the upgrading of wastewater infrastructure to meet the anticipated wastewater requirements of the County.
 - Policy NH-P-1 states it is the policy of the Council to ensure that development proposals do not damage or destroy any sites of international or national importance, designated for their wildlife/habitat significance in accordance with the European and national legislation including SACs, special SPAs, NHAs, ramsar sites and statutory nature reserves.
 - Policy NH-P-6 states it is the policy of the Council to protect areas identified as Especially High Scenic Amenity on Map 7.1.1 entitled “Scenic Amenity Map”. Within these areas, only developments assessed to be of strategic importance or developments that are provided for by policy elsewhere shall be considered. The subject site is located within an area of High Scenic Amenity as designated in the scenic amenity map of the development plan.

8.5. Natural Heritage Designations

- 8.5.1. At its closest point the works to be undertaken are located c.100 metres from the boundary of the Rutland Island and Sound SAC (Site Code: 002283). The proposed wastewater treatment plant is located approximately 250 metres from the boundary of the SAC while the proposed wastewater treatment pumping station is located approximately 180 metres to the east of the boundary of the SAC. This SAC covers an extensive coastal area between Aran Island and the mainland.
- 8.5.2. At its nearest point the Illancrone and Inishkerragh SPA (Site Code: 004132) is located c.4 kilometres to the south-west of the subject site.

9.0 EIAR Screening Determination

An EIAR screening report was submitted as part of the application. The size and scale of the proposed development including the provision of a new wastewater treatment plant at 300 PE falls considerably below the threshold in either Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) (Class 13 of Part 1 of Schedule 5) which relates to wastewater treatment plants with a capacity exceeding 150,000 PE and (Class 11C of Part 2 of wastewater treatment plants with a PE exceeding 10,000. The specific issue raised in the grounds of appeal with regard to potential project splitting/in combination effects are assessed under a separate heading in my assessment below.

10.0 Planning Assessment

I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the grounds of appeal. I consider the pertinent issues in determining the current application and appeal are as follows:

- Principle of Development
- Capacity of Wastewater Treatment Plant
- The Quality of Treatment Proposed
- Odour, Noise and Air Quality Issues

- Alternative Locations
- EIAR Issues
- Traffic Issues
- Impact on Shellfish
- Flood Risk Concerns
- Impact on Tourism
- Appropriate Assessment Issues

10.1. Principle of Development

- 10.1.1. The subject is not specifically zoned or earmarked for a wastewater treatment plant in the provisions and policy statements contained in the development plan. Nevertheless, the need for a wastewater treatment plant to serve the settlement of Burtonport is well documented in the development plan. Table 2A.4 of the development plan clearly identifies the settlement of Burtonport as an urban area where wastewater treatment improvements are required “to resolve priority issues”. The settlement at Burtonport is also included on the EPA’s list of sites where no wastewater treatment occurs. Table 2A.7 of the same plan sets out details of the planned investment in water services contained in the Irish Water Capital Investment Plan (2017-2021). Burtonport wastewater treatment plant and Burtonport wastewater network are both listed on this Table. Furthermore, Policy WES-P-3 states that it is the policy of the Council to support and facilitate Irish Water to ensure the continued provision of wastewater infrastructure and also to ensure the upgrading of wastewater infrastructure meets the anticipated wastewater requirements for the county.
- 10.1.2. On a more general level national policy as set out in National Strategic Outcome No. 9 of the National Planning Framework seeks to eliminate untreated discharges from settlements in the short-term while planning strategically for long-term growth.
- 10.1.3. Finally, in relation to this matter I note that the third-party submission does not dispute the need, and in fact are at pains to point out, that Burtonport is in great need of a new wastewater treatment plan. The third party concerns primarily relate to the location, capacity and nature of the wastewater treatment plant proposed. These

issues are dealt with under separate headings below. It is sufficient to conclude however that the principle of providing wastewater treatment to facilitate the settlement of Burtonport is not in dispute.

10.2. Capacity of Wastewater Treatment Plant

10.2.1. A major concern expressed in the grounds of appeal is that the proposed wastewater treatment plant with a capacity of a population equivalent of 300 is not of sufficient size to cater for the expanding needs of Burtonport particularly over the longer term. I would again refer the Board to National Strategic Outcome No. 9 of the National Planning Framework which specifically seeks to “eliminate untreated discharges from settlements in the short term”, (my emphasis) while planning strategically for long-term growth. The provision of a wastewater treatment plant with a capacity of 300 PE would satisfy this national criterion in eliminating untreated discharges from settlements in the short-term. Irish Water in response to an additional information request, set out the methodology in terms of how the capacity of the wastewater treatment plant was arrived at. Despite what is suggested in the grounds of appeal, it is clear that the calculations submitted by Irish Water included the two larger housing estates in Burtonport (An Choill and Altan) housing estates. It is estimated that the total population equivalent for the Burtonport catchment amounted to 177 PE and this included domestic wastewater from the individual houses (48), non-scheduled commercial users (46) and the two housing estates (83) providing a total PE of 177. Based on a year on year growth rate of 0.136% the 10-year population equivalent of c.180 PE was calculated. Whether or not the proposal is of sufficient size to cater for the long-term growth of Burtonport is a somewhat moot point as it is difficult to accurately predict the long-term development of the settlement. A grant of planning permission for one large housing scheme within the village could significantly increase the demand for treatment.

10.2.2. However, there are two important points to be considered in terms of capacity. Firstly the proposal will assist in eliminating untreated discharges from the settlement of Burtonport in the short term in accordance with National Strategic Outcome No. 9 of the National Planning Framework; and secondly, as the applicant points out in the response to the grounds of appeal, there is scope to accommodate an expansion of the capacity of the wastewater treatment plant when and if the need arises in the longer term. On this basis I do not consider that the Board should consider refusing

planning permission for the proposed wastewater treatment plant on the basis of insufficient capacity.

10.3. The Quality of Treatment Proposed

- 10.3.1. Concerns are expressed in the grounds of appeal that the provision of primary treatment only (i.e. are treatment that involves settlement only and does not accommodate any form of biological or tertiary treatment) is insufficient and that treatment should be increased to a higher standard. To support this contention reference is made to a recent grant of planning permission by the Board for a wastewater treatment system at Kilfenora, County Clare (Reg. Ref. PL03.305756) which incorporated a secondary treatment, a tertiary filtration system and UV disinfection units. And this wastewater treatment plant was to cater of a PE of only 179.
- 10.3.2. In the case of Reg Ref. PL03.305756 the Board are requested to note that the receiving waters at Kilfenora were considerably different to that of Burtonport. The Kilfenora plant proposed to discharge into a swallow hole and onto groundwater in a highly karstic area which was extremely vulnerable to groundwater pollution. In the case of Burtonport it is proposed to discharge a relatively modest organic load into the Atlantic Ocean off north-west Donegal where assimilative capacity of the receiving water is near infinite beyond the initial mixing zone. The assimilative capacity of the receiving waters therefore would be infinitely beyond the assimilative capacity of the receiving waters of the wastewater treatment plant serving Kilfenora. It is not appropriate in my opinion to compare the two schemes and I consider the level of treatment proposed for the settlement of Burtonport having particular regard to the receiving waters receiving the primary treated effluent to be acceptable.
- 10.3.3. Furthermore, despite was is suggested in the grounds of appeal, some secondary treatment will naturally occur in the settlement process with the primary treatment unit. Some reduction in BOD, N and P will naturally occur with the breakdown of effluent in the treatment tank.

10.4. Odour, Noise and Air Quality Issues

- 10.4.1. Concerns are expressed in the grounds of appeal that the close proximity of the wastewater treatment plant could have profound adverse effects on adjoining fish processing industries. It is stated that the fish processing industries, three of which

are in close proximity, to both the pumping station and the wastewater treatment plant adjacent to the harbour area are very sensitive to pollution threats.

10.4.2. In the first instance I would consider the location of a wastewater treatment plant and pumping station to be more suitable an area which is industrial in character than say a residential area on the basis that the proposed wastewater infrastructure is likely to have a lesser impact on the amenity or a working environment as opposed to a living environment. The character of the area, as the photo's attached suggest is industrial/ portside in character. And such an environment in my view is therefore more suited to accommodate wastewater infrastructure of this nature. Furthermore, the wastewater treatment plant is setback a considerable distance over 50 metres from the nearest industrial premises and while it is in proximity to the premises it is not contiguous to the fish processing plant. In addition, I do not consider that the proposed wastewater treatment plant represents an unacceptable risk to adjoining commercial premises. As the applicant points out in the response to the grounds of appeal the proposed pumping station incorporates a dedicated overflow to handle foul flows and surface water flows associated with a 30-year return storm period. The existing outfall/discharge location will be retained as part of the scheme and used for combined overflows from the pumping station. The outfall is already in situ and is a considerable distance from the fish processing and handling activities. The provision of this overflow means that the localised above ground effluent flooding should not occur at the pumping station site. The pumping station will incorporate high security sealed waterproof access covers. Furthermore, the wastewater pumping station chambers will be fitted with ultrasonic level sensors which will trigger early warning notifications should any malfunction take place.

10.4.3. While the grounds of appeal express concerns that malfunctions did occur in the case of the Dungloe Wastewater Treatment Plant Irish Water have indicated that these issues arose during the commissioning phase of the plant and were resolved in advance of the operational phase. Having regard to the safety and mitigation measures to be incorporated into the design of the pumping station and wastewater treatment plant, I consider that the proposed development does not pose an unacceptable risk to the fish industries in proximity to the site.

10.4.4. In terms of odour impact, I note from my site inspection that the area is not devoid of ambient odour levels typically associated with a coastal fishing village where fish is

landed and handled. The applicant has indicated that the contractor will be required to adhere to best practice and comply with all relevant legislation in respect of odour impacts. Information submitted with the application indicates that the air treatment system shall be designed so that there will be no objectionable odours outside the boundary of the pumping station. Furthermore, the applicant will be required to comply with the European Communities (Wastewater Treatment) (Prevention of Odours and Noise) Regulations 2005 to ensure that the plant will not cause nuisance through odours.

10.4.5. Similarly, in relation to noise while there will inevitably be some elevated noise levels above ambient noise levels during the construction phase such impacts are to be reasonably expected during the construction period and will of course be temporary in nature. Furthermore, I do not anticipate that the operation of the proposed wastewater treatment plant will give rise to excessive noise and the applicants will be required to comply with the European Communities (Wastewater Treatment) (Prevention of Odours and Noise) Regulations 2005 during the operational period. The Board will note that there is a large wind turbine located on lands adjoining the port area and this together with the coastal sea, and general harbour activities results elevated ambient / residual noise levels above that what may be expected in a typical rural area.

10.4.6. In terms of dust generation during the construction period, mitigation measures will be put in place as part of the construction environmental management plan to ensure that any dust deposition is kept to acceptable levels. Any impact on terms of dust generation would be temporary in nature and to refuse permission on these grounds alone would in my view be disproportionate.

10.5. **Alternative Locations**

10.5.1. It is considered reasonable that any interceptor sewer, pumping station and wastewater treatment plant would be located within the vicinity of the outfall. The existing combined sewers lead to the outfall. It is entirely appropriate in this regard that the pumping station will be located along the coastal road close to where the existing combined sewers can be intercepted and a point close to the outfall in order to be appropriately treated. Locating the wastewater treatment plant further away from the agglomeration on more elevated land to the east of the coastal road would

require the pumping of effluent over greater distances and would require more construction works to connect the wastewater treatment plant to the outfall. This would result in a greater technical burden on the applicant and more inconvenience in terms of construction. I am satisfied that the pumping station and wastewater treatment plant are located at suitable locations within the settlement. The use is in my view compatible with the port related activity in the vicinity. The location of the wastewater treatment plant pumping station is primarily predicated on technical engineering and financial constraints.

10.5.2. Finally, in relation to this matter I note that the applicant while expressing dissatisfaction with the location of the wastewater treatment plant has not provided any alternative locations which can be evaluated by the Board in the course of determining the application, in order to assess whether or not appropriate locations exist.

10.6. **EIAR Issues**

10.6.1. Notwithstanding the arguments made in the grounds of appeal there is no case for an EIAR to be submitted in this instance. The Part 8 application for Burtonport Harbour Redevelopment was not in itself large enough to trigger an environmental impact assessment and it was not considered necessary to request a subthreshold EIA. The Burtonport Redevelopment Part 8 application in conjunction with the wastewater treatment plant is not in itself a class of development for which EIAR is required. Furthermore, the proposals are entirely separate projects undertaken by different developers. To suggest that the project has been split for the purposes of circumventing the EIA process is not tenable primarily on the basis that the two projects in conjunction would not be of sufficient size to trigger a mandatory EIAR. I recommend that the Board completely reject the arguments put forward by the appellants in respect of EIA requirement.

10.7. **Traffic Issues**

10.7.1. Concerns are expressed that the desludging of the wastewater treatment plant could give rise to significant traffic problems. The sludge storage tank will have a minimum storage capacity of 14 days. It is likely therefore that the tank will be desludged once a fortnight. Having regard to the fact that the wastewater treatment plant is located in

proximity to three fish processing plants which in themselves generate traffic generation it is not tenable to argue that an additional HGV trip on a weekly or fortnightly basis during the operational phase would give rise to an unacceptable level of traffic generation is not a reasonable basis on which to refuse planning permission.

10.8. Impact on Shellfish

10.8.1. Concerns are expressed in the grounds of appeal that the proposed development would have an adverse impact on existing shellfish nurseries in the immediate vicinity of the outfall. It is argued that fresh shellfish stored in the harbour area are at risk from contamination from the overflow from the plant into the harbour. I consider that currently shellfish are at more risk of contamination from untreated sewage being discharged into the harbour area. I am satisfied that sufficient mitigation measures are put in place to minimise the risk of any overflow from the pumping station and the wastewater treatment plant. It should also be borne in mind that any overflow that could potentially occur during a storm event would be significantly diluted due to the excessive hydraulic discharges associated with this overflow event. The applicant is required under law to provide appropriate wastewater treatment for the settlement of Burtonport. As already stated, having regard to the assimilative capacity of the receiving coastal waters, I am satisfied that the standards and criteria set out under the Urban Wastewater Treatment Directive of 1991 and the Urban Wastewater Treatment Regulations of 2001 (SI 254 of 2001) can be met in this instance and that the proposal will result in an overall improvement of the water quality in Burtonport Harbour and will therefore be beneficial to shellfish.

10.9. Flood Risk Concerns

10.9.1. The grounds of appeal express concerns that the flood risk assessment was not carried out in conjunction with the permitted Part 8 development of the Burtonport Harbour Redevelopment Scheme Phase 1. The harbour redevelopment scheme includes works to regrade and raise the level of a section of road by approximately 0.3 metres adjacent to the wastewater pumping station. I do not consider that the raising of the road will result in any increased risk of flooding to the wastewater pumping station. The pumping station was designed to continue operation up to and including a 0.1% AEP tidal flood which includes an allowance for future climate

change. The raising of the coastal road in question will if anything, reduce the potential for a flood event to occur at the pumping station.

10.10. Impact on Tourism

10.10.1. The provision of additional wastewater sewage infrastructure will enable the settlement of Burtonport to better manage wastewater treatment and will result in a cleaner harbour and cleaner waters in the vicinity of the settlement. This in my view can only have a positive impact on tourism. Furthermore, the proposed wastewater treatment plant meets and fulfils many of the wider strategic objectives referred to above in the National Planning Framework, the Urban Wastewater Treatment Regulations and the Policies and Provisions in the County Development Plan in respect of providing such necessary infrastructure.

10.11. Appropriate Assessment Issues

Stage 1 Appropriate Assessment

10.11.1. On foot of a request from Donegal County Council the applicants, after initially screening out the requirement for a Stage 2 Appropriate Assessment, were requested to submit a Natura Impact Statement. The NIS correctly identifies in my opinion the Rutland Island Sound SAC as being the only Natura 2000 site which could be potentially affected by the proposed development. At its closest point the SAC is approximately 62 metres from the wastewater network proposed along the main street and coastal road. The qualifying interests associated with this SAC are as follows:

- *Coastal lagoons.*
- *Large shallow inlets and bays.*
- *Reefs.*
- *Annual vegetation of drift lines.*
- *Embryonic shifting dunes.*
- *Shifting dunes along the shoreline with *Ammophila Arenaria*.*
- *Fixed coastal dunes with herbaceous vegetation.*
- *Humid dune slacks.*

- *Harbour seal.*

10.11.2. The NIS in my view correctly identifies the potential construction and operational impacts which could impact on the various qualifying interests listed above. These can generally be summarised in terms of potential pollution episodes which could occur during the construction and operational phase. During the construction phase pollution could arise from possible leaks and accidental spillages or from sediment mobilisation and run-off during construction. During the operational phase, the discharge of wastewater effluent can lead to altered nutrient balance which could alter the ecological function and degradation of the habitat. In term of the harbour seal, noise generated from the construction activity could also impact on the habitat of the seal. There are no sand dunes of any nature in the vicinity of the subject site and thus the proposed construction or operation of the wastewater treatment plant is not likely to have any impact on these qualifying interests associated with the SAC.

Stage 2 Appropriate Assessment

10.11.3. In relation to specific impacts, I note that all works associated with the wastewater treatment plant will be undertaken on land with no works within the area of the high watermark whatsoever. It is proposed to use the existing outfall.

10.11.4. In terms of potential impacts on sediment release, it is proposed to incorporate sediment fencing and traps where appropriate in order to prevent sediment run-off into the marine environment. Details of the mitigation measures are included in the construction and environmental management plan. I also note that excavated material will be taken away from the site and therefore there will be no long-term risk of run-off. Bunded refuelling and fuel storage areas together with the provision of spill kits will be provided on site and the construction and environmental management plan also includes an emergency spill response plan. Based on the information contained in the NIS including the mitigation measures, I am satisfied therefore that measures can be put in place to prevent any potential adverse impact on the qualifying interests associated with the SAC during the construction phase.

10.11.5. With regard to the operational phase, it must be borne in mind in the first instance that the wastewater treatment plant will result in an improvement in the water quality of the harbour. Information contained on file indicates that BOD concentrations in the final discharge effluents will be reduced by at least 20% and the total suspended

solids will be reduced by at least 50%. This will undoubtedly have a positive impact on the SAC in general and the habitat of the harbour seal in particular. According to the information contained in the NIS submitted the untreated effluent discharge is not currently observed to have an adverse impact on the benthic environment. The large tidal exchange and extensive assimilative capacity of the receiving waters effectively dilutes and disperses the operational discharges. There can be no doubt that the projects enhanced treatment of effluent will further improve the quality of the discharge.

10.11.6. Ecological studies undertaken also indicate that the harbour seal is either absent or found in very low densities within this part of the extensive SAC. It is acknowledged in the NIS that when the wastewater treatment plant is operating at full capacity (300 PE), that the discharge is likely to result in increased nutrient conditions. However, the reef habitat adjacent to the discharge area is not extensive and the dominant macro algae community is considered to have a low sensitivity to both nutrient enrichment and reduced water clarity. As a result, it is considered that neither the habitat will be significantly affected by the operation of the wastewater treatment plant.

10.11.7. In terms of in combination effects I note that the grounds of appeal make reference again to the Burtonport Harbour Redevelopment Scheme and the possible in combination effects arising from the two projects being carried out in conjunction. It is clear that the Part 8 application was the subject of an AA screening report which concluded that the proposed development would have no implications for the European site. Any such screening report would include the Rutland Island and Sound SAC. It was concluded in the screening report carried out, that there were no implications for the European site. If the Board come to a similar conclusion in respect of the current application having regard to the information contained in the NIS including the mitigation measures to be incorporated, together with my own independent assessment, it could arrive at a similar conclusion. On the basis of my assessment above, I consider that the Board can reasonably come to the conclusion that there would be no in-combination effects arising from both projects being carried out.

10.11.8. Therefore, the proposed development has been considered in light of the assessment requirements set out under Sections 177U and 177V of the Planning

and Development Act 2000. Having carried out a screening for appropriate assessment of the proposed development, it was concluded that the proposed development of a wastewater treatment plant could potentially impact on the qualifying interests of the Rutland Island and Sound SAC (Site Code: 002283). Consequently, an appropriate assessment of the implications of the project on the qualifying features of that site was required in light of its conservation objectives. Following an appropriate assessment, it has been determined that the proposed development individually or in combination with other plans or projects including the Burtonport Redevelopment Part 8 Application would not affect the integrity of European Site No. 002283 or any other European site in view of the site's conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects and this is based on the mitigation measures that are to be employed during the construction phase and the improvement in the quality of discharge arising from the agglomeration as a result of the wastewater treatment plant during the operational phase.

11.0 Conclusions and Recommendation

Arising from my assessment above I would recommend that the Board reject the arguments set out in the grounds of appeal and that the decision of Donegal County Council in this instance be upheld and planning permission be granted for the proposed development.

12.0 Decision

Grant planning permission for the proposed development based on the reasons and considerations set out below.

13.0 Reasons and Considerations

It is considered that the proposed installation of gravity sewers, flushing system, rising mains together with a new wastewater pumping station and wastewater treatment plant serving the settlement of Burtonport subject to compliance with conditions set out below, would constitute a significant improvement in the standard of treated effluent currently being discharged into the harbour area and would be acceptable in terms of flood risk, public health and traffic safety and would not seriously injure the residential or commercial amenities of the area or property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 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 7th February, 2020, the 4th June, 2020 and the 22nd July, 2020, 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. The developer shall comply with all mitigation and environmental measures and commitments set out in the application documentation including those identified in the Natura Impact Statement and the Construction and Environmental Management Plan submitted with the application.

Reason: In the interest of protecting the environment and clarity.

3. The demolition and construction shall be managed in accordance with the Construction and Environmental Management Plan submitted to the planning authority on 22nd day of July, 2020.

Reason: In the interest of public safety and the residential amenity.

4. Prior to the commencement of development, an invasive species management plan shall be submitted to the planning authority for written agreement. This management plan shall provide for appropriate management of any invasive species in or around the site.

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

5. An ecological expert shall be engaged on site for the duration of the works to supervise, monitor and ensure the strict implementation of the construction environmental management plan together with the mitigation measures set out in the environmental impact statement and to ensure the appropriate implementation of the invasive species management plan.

Reason: To ensure the ecological integrity of the area and the preservation of qualifying interests associated with Natura 2000 sites.

6. 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 interest of sustainable waste management.

7. Any bulk fuel storage tanks shall be properly bunded with a bunding capacity of at least 110% of that of the fuel tank.

Reason: To ensure the integrity and preservation of Natura 2000 sites and the qualifying interests.

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

- (a) notify the National Monument Service of the Department of Culture, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall monitor all topsoil stripping, site investigations and other investigation works,
- (c) cease works should archaeological material be found and consult with the National Monuments Service regarding any mitigation action (for example, preservation in situ and/or archaeological excavation),
- (d) provide arrangements acceptable to the National Monuments Service, for the preservation in situ and/or archaeological/industrial heritage excavation of such material found on site,
- (e) agree arrangements for post excavation analysis, reporting and archiving following consultation with the National Monument Service and National Museum, and
- (f) submit a final report on the completed archaeological works to the National Monuments Service, National Museum and the planning authority within one year unless otherwise agreed.

Reason: In order to conserve the archaeological/industrial heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

9. The development shall comply with the requirements of the planning authority in respect of surface water management.
- Reason:** In order to protect water quality and avoid the creation of flood risk.
10. All service cables associated with the proposed development shall be located underground.
- Reason:** In the interest of visual and residential amenity.
11. Site development works shall only be carried out between the hours of 0800 to 1800 hours Monday to Saturday inclusive and not at all on Sundays or 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 amenities of property in the vicinity.
12. Details of the materials, colours and textures of all external finishes to the proposed buildings and structures above ground shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Details of the roadside boundary shall also be agreed in writing with the planning authority prior to the commencement of development.
- Reason:** In the interest of visual amenities of the area.

Paul Caprani,
Senior Planning Inspector.

28th January, 2021.