



An
Bord
Pleanála

Inspector's Addendum Report ABP-309759-21

Development	Maritime and Cultural Heritage Centre
Location	An Sruthán Pier, Barraderry, Carraroe, County Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	18/1605
Applicant(s)	Ionad Oidhreachta na mBádóirí
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Ionad Oidhreachta na mBádóirí
Observer(s)	N/A
Date of Site Inspection	6 th December 2021
Inspector	Colm McLoughlin

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1.0 Introduction

- 1.1. This is an addendum report relating to an appeal case that follows a High Court Order [2019 No. 573 JR] dated the 3rd day of March, 2021. The Board's decision on An Bord Pleanála (ABP) file reference (ref.) 303654-19 has been quashed and the file has been remitted back to the Board for a new determination, as it was considered that the decision for the original appeal was arrived at in a manner that was ultra vires and unreasonable. A new file has been assigned with ABP ref. 309759-21.
- 1.2. This addendum report should be read in conjunction with the original Inspector's report on file (ABP ref. 303654-19) dated the 16th day of May, 2019. I was not the Inspector who undertook the original assessment of this appeal under ABP ref. 303654-19.
- 1.3. Following notices issued to Galway County Council, Irish Water and the appellant, (Ionad Oidhreachta na mBádóirí) under section 131 of the Planning and Development Act 2000, as amended, a submission was only received from the appellant.

2.0 Proposed Development

- 2.1. The proposed development would be located adjacent to the south of Sruthán pier, northeast of the village of Carraroe in the Gaeltacht area of County Galway, and would comprise the construction of a maritime and cultural heritage centre, including boat storage, boat building, display, meeting, office, café and ancillary areas, all of which would be served by a new vehicular access, car and bus parking, a private packaged wastewater treatment system and signage. Further details of the proposed development, as well as the site location, are set out in the original Inspector's report (ABP ref. 303654-19).

3.0 Appellant's Submission

- 3.1. The appellant's submission addressing the High Court Order [2019 No. 573 JR] was accompanied by appendices, including a 'legal response following judicial review', a copy of a grant of planning permission under Planning Authority ref. 21/225 relating

to the displaying of tourism information signage, images of the associated permitted tourism information signage, a copy of the High Court Judgement ‘Baile Éamoinn Teoranta v. An Bord Pleanála [2020] IEHC 642’ and a copy of legal correspondence outlining points of objection raised by four parties against the proposed Irish Water (Carraroe Wastewater Sewerage Scheme) Compulsory Purchase Order, 2019. The appellant’s submission can be summarised as follows:

Overview

- reasoned justification and technical reports were previously provided by the appellant to the Board to address each of the matters raised in the Planning Authority’s reasons for refusal to grant planning permission;
- the High Court determined that the inclusion of the two reasons for refusal under ABP ref. 303654-19 was fundamentally flawed and that both reasons should be omitted from the decision and, accordingly, a grant of planning permission for the development should be issued;
- the appellant would be willing to accept a condition to require the development to connect to the piped wastewater network upon commissioning of the municipal wastewater treatment plant (MWWTP) for Carraroe;

Site Suitability for Marine and Cultural Heritage Development

- there is strong local support for the proposed development and in April 2021 the Planning Authority granted permission for tourist information signage at this site fronting the pier (Planning Authority ref. 21/225);
- the proposed development would be of benefit to the local community, as well as supporting cultural, heritage and tourism activity in the area;
- alternative sites for a maritime and cultural heritage facility of this type would be restricted by virtue of the rich boating heritage of the region associated with the Galway ‘húicéar’, which the facility would celebrate, as well as the need for an accessible seaside location;
- the site is suitable for the proposed development based on the supports for tourism development provided within the Regional Spatial and Economic Strategy (RSES) 2020-2032 for the Northern and Western Regional Assembly

(2020), the 'Visitor Experience Development Plan for Connemara Coast and Aran Islands', prepared by Fáilte Ireland (2018), and the 'Tourism Development Plan for South Connemara' prepared by Údarás na Gaeltachta;

- the Board has previously identified that the site is suitable for the proposed use and that it has adequate connectivity to the village and the regional road network;
- significant discharges would not arise for coastal waters and the proposed development would not adversely affect the integrity of European sites;
- permission for a maritime and cultural heritage facility on the subject site would not prevent Irish Water addressing the treatment of wastewaters for Carraroe;

Site Unsuitable for MWWTP

- a Part 8 Local Authority application for development of a MWWTP and a low lift pumping station on this site (Planning Authority ref. LA0207) was withdrawn in 2009 due to the strong local opposition to the project, and the site has been effectively sterilised for planning purposes ever since;
- strong local opposition remains toward the MWWTP project at the subject site;
- the site is subject of an ongoing compulsory purchase order (CPO) process relating to the Carraroe MWWTP project, which has twice stalled due to the incorrect identification of landowners by the project developers, Irish Water;
- Irish Water do not own this site, the site does not have any zoning for municipal infrastructure or a permission for a MWWTP, and the necessary environmental assessments addressing the appropriateness of the site for a MWWTP have not been carried out;
- the site is not suitable for a MWWTP, due to its proximity to houses, beaches, tourist routes, a designated shellfish zone in Inverin and the extensively utilised pier, which is an important amenity, as it is used for marine tourism, commercial fishing and recreation;

- the appellant recognises the necessity for a MWWTP to address discharges to Casla Bay, not just from the Carraroe agglomeration, but also from other neighbouring areas, including industrial sources. However, delays and difficulties with this project should not be allowed to frustrate or circumvent the subject proposals;
- the subject site would appear to have been chosen for a MWWTP on the basis of providing a gravity-flow system, despite there being other more suitable sites for Irish Water to develop a MWWTP, as well as alternative treatment options, including the use of a pressurised sewer system or integrated-constructed wetlands;
- the elected representatives for Galway County Council have voted to impose a 100m cordon sanitaire setback zone as a standard within the Galway County Development Plan and this would apply to any new MWWTP at Carraroe, thus making the subject appeal site unsuitable for a MWWTP from a planning perspective;

Reason for Refusal No.1 – premature pending determination of a preferred site for Carraroe MWWTP;

- this reason for refusal is harmful to the local area, as it effectively continues to sterilise the lands from development, and also sets a flawed precedent for refusal of planning permission for development on the basis of facilitating an unapproved and unauthorised MWWTP development that may never proceed;
- by reference to European law, the sterilisation of the site is in breach of the appellant’s constitutional property rights and human rights;
- the appellant and local community agree with the comments of the Board’s Inspector (under ABP ref. 303654-19) that a MWWTP for Carraroe is clearly needed, however, the site selection process engaged in by Irish Water for this project is fundamentally flawed, as it lacks sufficient environmental and technical assessment, despite the appellant’s attempts to aid Irish Water in the process, where possible;

- a more coordinated approach between relevant parties, such as Galway County Council, Irish Water and Údarás na Gaeltachta, would provide for a better solution in resolving wastewater treatment for Carraroe and the region;

Reason for Refusal No.2 – premature due to deficiencies in pipe sewerage facilities and prejudicial to public health;

- this reason for refusal again only serves to sterilise the subject land;
- the appellant has previously demonstrated the suitability of the proposals in relation to the discharge of wastewater from the proposed development following treatment;
- it is incorrect for the Board to state that there are existing deficiencies in the provision of public piped sewerage facilities serving the area, given the upgrade works undertaken in 2006-07 to the piped network at Sruthán pier and as there is no actual deficiency in the collection of wastewater;
- it is accepted that there is a deficiency in wastewater treatment in the area, and it is for this reason that the appellant proposed the provision of a private wastewater treatment plant (WWTP) to treat wastewater to a tertiary standard, which would be a better standard than the primary treatment standard that is intended for Carraroe MWWTP;
- it was incorrect for the Board to consider the discharge from a private WWTP to be prejudicial to public health without clear evidence of same;
- engineering details have been set out to show the means of treating wastewater on site on an ongoing basis, which would be in compliance with objective WW 5 and DM Standard 29 of the Galway County Development Plan 2015-2021 and in accordance with the Environmental Protection Agency (EPA) 'Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels' (1999);
- the proposals with respect to wastewater treatment should be considered to be acceptable based on the outcome of the High Court judgement (Baile Éamoinn Teoranta v. An Bord Pleanála [2020] IEHC 642) quashing the Board's decision to refuse planning permission for a hotel, two self-catering

cottages; a business and food innovation centre, six houses and associated development in Spiddal, County Galway under ABP ref. 301454-18;

- the appellant has provided the necessary environmental and ecological screening reports to verify that the proposed development would not exacerbate any pollution problem.

4.0 Assessment

4.1. Introduction

- 4.1.1. The Board's decision under ABP ref. 303654-19 refused to grant permission for the proposed maritime and cultural heritage centre for two reasons relating to wastewater treatment and the High Court Order [2019 No. 573 JR] states that this decision was arrived at in a manner that was ultra vires and unreasonable. Below I assess how the High Court Order and the appellant's subsequent submission impact on the Board's previous decision, including both reasons for refusal. I initially review whether or not an appropriate means of wastewater treatment has been proposed to serve the development, relative to guidance and relatable standards, as both reasons for refusal relate to the means of wastewater treatment.
- 4.1.2. In determining the original appeal (ABP ref. 303654-19) the suitability of the site for the subject maritime and cultural heritage centre was considered to be acceptable from a planning policy perspective, including the traffic impact, connectivity to the village of Carraroe and the provision of water supply. In their submission, the appellant has asserted that the proposed development at this site would have numerous benefits for the local community and the wider South Connemara region, particularly from a social, cultural, tourism and recreational perspective, and that the project is very much supported by strategic regional planning objectives, as set out in the RSES 2020-2032 for the Northern and Western Regional Authority (2020), which has been adopted since a decision on the original appeal in June 2019. The appellant also highlights economic development strategies for the area prepared by Fáilte Ireland and Údarás na Gaeltachta supporting projects of this nature in this area.

- 4.1.3. I am satisfied that there have been no changes in planning policy that would alter the Board's previous conclusions with respect to the acceptability of the site for use as a maritime and cultural heritage centre. Furthermore, having undertaken a visit to the site and immediate area, as well as reviewed the previous file (ABP ref. 303654-19), I do not consider that there have been any changes in the interim that would have material implications with respect to traffic impacts, connectivity with Carraroe village and the provision of a water supply.
- 4.1.4. The appellant has referred to permission granted by the Planning Authority in April 2021 under ref. 21/225 for tourist information signage measuring 2m in height and 2m in width set onto a concrete base fronting the appeal site along the pier. This signage had not been installed at the time of my site visit. If installed the signage would be to the front of proposed parking serving the development along the pier.

4.2. **Wastewater Treatment**

Background

- 4.2.1. Within the application and appeal, as well as the submission from the appellant that I summarised in section 3 above, it is acknowledged by various parties that the village of Carraroe and certain surrounding areas are currently only served by piped infrastructure that collects wastewaters from connected properties and facilitate this wastewater discharging untreated by a sea outfall into Casla Bay east of the appeal site at Sruthán pier.
- 4.2.2. Within the subject planning application it had been originally proposed to connect the development to this existing wastewater collection network, which runs along the pier to the north of the site, as is illustrated in the storm water layout drawing (no. 1239-9001 revision A to appendix B of the Engineering Services report) submitted as part of the grounds of appeal. In response to the Planning Authority's reason for refusal referring to the appellant's intention to connect into a deficient public piped sewerage system, the appellant revised their proposals to provide for a private packaged WWTP to serve the maritime and cultural heritage centre and it is these revised proposals that I consider below.

Planning Context

- 4.2.3. Based on guidance contained in the Draft Water Services Guidelines for Planning Authorities prepared by the Department of Housing, Planning and Local Government in 2018, alternative wastewater treatment solutions, such as private wastewater treatment plants, should not generally be considered by Planning Authorities for developments, with the exception of individual housing developments. The Galway County Development Plan 2015-2021 contains wastewater objectives, including objective WW 5 permitting development in unserved areas, where it can be demonstrated that the proposed wastewater treatment system is in accordance with the EPA Wastewater Treatment Manual and the provisions and objectives of the EU Water Framework Directive (WFD), and objective WW 6 requiring wastewaters to adhere to environmental standards. The subject proposals are location-dependent, as recognised in the Board's decision under ABP ref. 303654-19, with a specific need to be located within the south Connemara region with reference to the Galway 'húicéar' boating tradition, as well as the need to be positioned in a coastal location with ease of access to sheltered seawaters that are not heavily used. The area is not presently served by a wastewater network that connects to a wastewater treatment plant, and I am satisfied that the local planning policy context allows for the consideration of alternative wastewater treatment solutions to serve the development in these circumstances.

Proposals

- 4.2.4. Wastewater from the facility would flow by gravity to a packaged aerator WWTP to be located to the south of the facility, incorporating a pumped buffer settlement tank, a rotating aerobic biological contactor system and a final clarifier with chemical dosing systems. Layout drawings and details of the packaged WWTP are contained in drawing nos. 0510 S2 Revision P02 and 0511 S2 Revision P01 appended to the Engineering Services report. Vehicular access for sludge removal would be facilitated. This packaged WWTP would provide primary, secondary and tertiary treatment of the wastewater generated. Treated wastewater would then be pumped through a 100mm-diameter pipe to Irish Water's wastewater network to the front of the site along the pier.

- 4.2.5. In compliance with separation distance standards required in the EPA guidelines, the proposed packaged WWTP would be situated over 100m from the nearest house and over 50m to the south of the proposed facility, in an area that does not form part of the appeal site area. Notwithstanding this, based on land registry details submitted with the planning application and appeal, I am satisfied that the location of the packaged wastewater treatment plant would be within the lands in control of the appellant, therefore, I have no reason to believe that this element of the proposed development could not be achieved and complied with via conditions in the event of permission being granted.
- 4.2.6. According to the details submitted with the grounds of appeal, the design of this system is based on flow rate loadings for a population equivalent to 102 persons, which has been estimated using the anticipated visitor and staff numbers, the uses within the proposed facility and the guidance contained in the EPA's 'Wastewater Treatment Manual – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels' (1999). The intake of wastewater from this development is estimated at 4.24m³ per day. I am satisfied that the appellant has presented a reasoned approach to flow rate loadings based on the EPA guidance and the development details, and I note that these loadings have not been contested. The appellant asserts that the capacity of the wastewater treatment system has been oversized to cater for 132 persons and the potential for future expansion of the facility.
- 4.2.7. It is stated that wastewater from the packaged WWTP would be treated to the following standard; 20mg/l Biochemical Oxygen Demand (BOD), 30mg/l suspended solids, 5mg/l Ammonia and 15mg/l Total Nitrogen. According to the appellant, fats, oils and greases (FOGs), as well as phosphates, would be treated to Irish Water's requirements prior to discharge. Solid waste would be emptied by a licensed waste disposal specialist and a maintenance agreement would be put in place. The appellant asserts that the wastewater quality could be improved further by fitting a SARAN filter, if required. The Planning Authority and Irish Water did not respond on this and I note that the appellant's drawing (0511 S2 Revision P01) includes a fitted saran filter. The previous decision of the Board did not identify the resulting standard of wastewater discharging from the development to the public network as being

prejudicial to public health or causing environmental pollution. It was the hydraulic loading of wastewater that was only considered problematic in the final decision.

Effluent Standards

- 4.2.8. In addressing extended-aeration systems, the EPA wastewater treatment guidelines states that properly designed and operated systems can be expected to produce a wastewater with BOD and suspended solids of less than 30mg/l for 90% of the time and less than 20mg/l for 50% of the time. The Urban Waste Water Treatment Directive sets standards to be met by Irish Water in the collection and treatment of wastewater arising from settlements of over 2,000 persons, as well as the monitoring requirements for wastewater discharges from urban areas, which are undertaken by the EPA. Under the terms of the Urban Waste Water Treatment Regulations, 2001, concentration standards are listed for the treatment of wastewater arising from urban wastewater treatment plants serving differing population equivalents and differing environmental scenarios. The second schedule of the Regulations set treatment parameters of 25mg/l for BOD, 125mg/l of chemical oxygen demand (COD) and 35mg/l for total suspended solids or minimum percentage reductions in loadings. Total Phosphorous and Nitrogen concentrations would only apply to sensitive waters listed in the third schedule of these Regulations, which do not include the waters of Casla Bay. I am not aware of current effluent loadings or parameters for the wastewater collection system that the subject proposals would discharge to.

Wastewater Parameters

- 4.2.9. With respect to BOD and suspended solids concentrations, based on the information submitted and available, the treated standard of wastewater arising from the proposed development would not appear to exceed the current value parameters required for discharges from urban wastewater treatment plants or from those included in the EPA guidelines for private WWTP serving developments of this nature. The COD treatment parameters for the treated effluent have not been outlined by the appellant. Treatment systems, such as the system proposed to serve this development, would normally have capacity to achieve 75 – 100mg/l before discharge. Consequently, subject to a condition ensuring that the final installed temporary wastewater treatment system also provides an effluent COD concentration below 125mg/l, I am satisfied that the standard of wastewater that

would enter the collection system via the proposed development would be likely to be treated to an appropriate standard and would not be likely to impede the future achievement of the requisite urban wastewater treatment standards whether or not with a commissioned Carraroe Agglomeration Sewerage Scheme, including MWWTP.

- 4.2.10. Based on the stated expected wastewater parameters, which are arrived at based on the estimated intake of wastewater and the typology of treatment system, including the surface area contained within the aerator rotor wheels, as well as the standard of wastewater, I have no information available that suggests the hydraulic loading would present risk to public health.

Visual Impact

- 4.2.11. To address the visual impacts of the 3m-high proposed packaged WWTP, approximately 2m of the sealed unit would be buried below ground level and the appellant asserts that a condition can be attached to provide landscaping around the WWTP to screen it further from view. Having visited the subject area, the potential for natural screening, such as tree or shrub planting, would be of limited effect, however, alternative screening mechanisms could be employed, such as ground sloping or rock features. The partially buried proposed WWTP (measuring 7.5m in length x 2.2m in width) would not be substantive in scale and could be readily screened in order to not form and incongruous visual addition along the coastline.

Flood Risk

- 4.2.12. As part of the application, the appellant submitted a site-specific Flood Risk Assessment (November/December 2018), which identified that the subject area does not have a history of flooding based on various sources, including catchment-based flood risk and management (CFRAM) maps and the preliminary floor risk area (PFRA) maps that were available from the Office of Public Works (OPW). The appellant's flood risk assessment did not identify a risk from pluvial or fluvial flooding, while groundwater flood risk was considered alongside coastal flood risk. In the worst-case scenario, the finished-floor level of the proposed building (+10.5m surveyed level) would have a 1.3m freeboard during a 1 in 1,000 year flood event when taking a future scenario of a 0.5m increase in seawater level in the year 2100. Based on guidance contained in 'The Planning System and Flood Risk Management

Guidelines for Planning Authorities' (OPW, 2009), the appellant has identified the site as being located in flood zone C, as well as proposing a 'water-based recreation and tourism' facility, which would form a water-compatible development.

Consequently, based on criteria within the Flood Risk Guidelines the proposed development would be 'appropriate' for the site.

4.2.13. In note that the Inter-Governmental Panel on Climate Change (IPCC) has referred to an estimated sea level rise of 1m in 2100, based on a future high-end scenario ('Flood Risk Management - Climate Change Sectoral Adaptation Plan. Prepared under the National Adaptation Framework', OPW 2019). Flood area maps have recently been updated on the OPW floodinfo.ie maps with coastal flood hazard mapping for present and potential future scenarios added. Review of these maps does not place the appeal site or the location of the proposed packaged WWTP within any of the updated flood risk zones. The appellant's assessment initially submitted with the application did not consider the location and levels for the partially-buried packaged WWTP proposed to serve the development as part of the grounds of appeal. This WWTP would be 50m to the south of the proposed building and 100m from the high-tide mark in an area that is not identified to be prone to flooding or forecasted to be prone to flooding based on OPW floodmaps. Based on the site layout plan drawing (no.40-18.dwg 7) initially submitted with the application and the location of the WWTP identified on the stormwater drainage layout drawing (no.0510 S2 Revision P02), the WWTP would be located with a 10m surveyed level. The WWTP would comprise a full-enclosed unit with watertight compartments up to lid level (c.2.2m above base) and the electrical output would also be positioned above ground. Based on the site specific flood risk assessment a WWTP in this location buried up to lid level would have a 0.3m to 0.8m freeboard during a 1 in 1,000 year flood event when taking a future scenario of a 0.5m to 1m increase in seawater level in the year 2100. I am satisfied that the proposed development would not be at risk of flooding, there would not be a risk of flood waters inundating the partially buried WWTP, which would be required for a temporary period, and it would not present a risk of flooding elsewhere.

4.2.14. The appellant refers to an alternative option for wastewater treatment via collecting of waste into a concrete underground storage tank in the same location as the proposed WWTP and regular emptying of this tank by a waste collection operator.

Details of the scale of the tanks required and whether or not these could be installed into excavations on site have not been provided. With an intake of wastewater estimated at 4.24m³ per day, if emptied weekly and with 48hours additional storage, as proposed, the size of the tank be similar to the scale of the proposed WWTP. I would have reservations regarding the use of a storage and collection system as a long-term, albeit temporary, solution to serve the development given the potential for the tank to be overloaded if it is not continuously monitored and emptied. Such a scenario, involving untreated wastewaters, would have severe implications for the quality of receiving waters. I am satisfied that the proposed WWTP system would provide for a safer and more secure means of continuous treatment of wastewaters arising from the proposed development.

- 4.2.15. The third cycle of the WFD has identified Casla Bay coastal waterbody and the Spiddal groundwater body as being 'not at risk' of failing to achieve WFD objectives by 2027 and these waterbodies are therefore meeting WFD objectives. The most recent report available for bathing waters closest to the appeal site relate to Trá an Dóilín, which is located 4.2km to the southwest of the appeal site on the opposite side of the peninsula. This identified an 'excellent' water quality for bathing waters during the bathing seasons in 2020 and 2021. Considering the stated standard of wastewater output anticipated from the proposed development, the subject proposals would not impact on WFD objectives being met, nor would they be likely to impact on neighbouring bathing waters, including those at Trá an Dóilín separated from the appeal site by extensive and exposed open marine waters.

Conclusion

- 4.2.16. While there are widely-acknowledged concerns regarding known deficiencies in the existing wastewater network given the absence of a wastewater treatment plant to serve this network, based on my assessment above the circumstances facilitate consideration of an alternative means of treating wastewater to serve the proposed maritime and cultural heritage centre. Given the identified means of treating wastewaters and the standard of wastewaters that would arise following primary, secondary and tertiary treatment, I am satisfied that the proposed development would not result in the deterioration of water quality entering the wastewater collection network or exacerbate the current situation of untreated wastewater entering Casla Bay. Furthermore, it is not for the appellant to address any

deficiencies in the wider wastewater network as part of this application. Subject to installation, connection, operation, maintenance and decommissioning conditions that I address below, I am satisfied that an appropriate means of wastewater treatment has been set out in the application and appeal documentation based on the standards normally applied for treated wastewater under the Urban Waste Water Treatment Regulations, 2001, the guidance contained in the EPA's 'Wastewater Treatment Manual – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels', the objectives of the WFD and the objectives of the Development Plan, including objectives WW 5 and WW 6 addressing standards for wastewater. Accordingly, I am satisfied that the proposed treatment of wastewater arising from the development would not have an adverse impact on water quality, the environment or public health.

Conditions

- 4.2.17. The treated wastewater discharge, as well as the proposed water supply, would be subject to connection agreements with Irish Water. While Irish Water has raised various concerns with respect to the implications of the project for their envisaged approach in addressing wastewater treatment from the Carraroe agglomeration, Irish Water has not objected to the subject proposed development, nor have they stated that the subject proposals could interfere with the operation of their existing assets. Furthermore, the provision of a copy of a Confirmation of Feasibility regarding a pre-connection query is not a pre-requisite to withhold a planning permission. Consequently, I have no reason to believe that a connection agreement could not be agreed upon with Irish Water and that such connections could not subsequently be undertaken, as a condition in the event of a permission for the development. The operation of the proposed packaged WWTP would also need to be undertaken in accordance with the manufacturer's design and a maintenance contract should be put in place. Following the commissioning of a sewerage treatment scheme for Carraroe, including a MWWTP, a new connection to the wastewater collection network should be completed and the proposed packaged WWTP should be decommissioned and removed. I am satisfied that the above matters could be addressed via conditions in the event of a grant of permission for the proposed development.

4.3. Reason No.1

'It is considered that development of the kind proposed would be premature pending the determination by Irish Water of a preferred site for Carraroe's new waste water treatment plant'.

- 4.3.1. It is asserted by the appellant that reason for refusal no.1, as well as the proposals to address wastewater treatment for Carraroe, have effectively sterilised development on the subject site. The appellant states that the site was previously subject of a Part 8 Local Authority application for development of a MWWTP and a low lift pumping station (Planning Authority ref. LA0207), which was withdrawn in 2009. Irish Water have stated that they have identified the subject site as the preferred location for a MWWTP to serve Carraroe and the appellant and other parties to the application are aware of this. As a preferred site for the Carraroe MWWTP has already been determined by Irish Water, I am satisfied that it would not be appropriate to refuse permission based on the wording used in reason for refusal no.1. Notwithstanding this, it is relevant to consider whether or not there would be reasonable scope for the proposed development to be served by the sewerage treatment scheme, including a MWWTP, that is planned by Irish Water for Carraroe and the wider agglomeration.
- 4.3.2. In October 2018, a CPO for An Ceathrú Rua/Carraroe Water Treatment Works, was received by An Bord Pleanála under ABP ref. 302915-18, but this relates to lands 1km to the west of the appeal site. The CPO related to works intended to improve drinking water quality. Objections to this CPO had not been received within the assigned period and An Bord Pleanála responded to the applicant, Irish Water, stating that it is now open to them to confirm or refuse to confirm the CPO.
- 4.3.3. In May 2019, in response to the grounds of appeal, Irish Water advised that a new MWWTP for Carraroe had been included in their Capital Investment Plan and funding would be available for the project. Irish Water were again consulted by An Bord Pleanála regarding this appeal following the aforementioned High Court Order, however, they have not responded. I have reviewed the planning register for Galway County Council and I have not identified a planning application for the new MWWTP. I am unaware as to the present official position with respect to the Carraroe

Sewerage Scheme, including when the MWWTP would be expected to be commissioned.

4.3.4. I have reviewed the Development Plan, including the Gaeltacht Plan covering the Carraroe area, and I have not identified a specific local planning objective relating to use of the subject site or the immediate lands for the Carraroe MWWTP project. Furthermore, in assessing the matter subject of this appeal, my remit does not extend to considering whether or not the subject site would be suitable for a MWWTP. While there can be no doubt that there would be environmental and other-related benefits in the provision of a wastewater treatment plant for Carraroe based on the stated current circumstances, I am satisfied that it would be unreasonable to withhold planning permission for the subject development given that the appellant has identified an appropriate means of wastewater treatment to serve the development, which would be capable of operating to relatable urban wastewater standards and in compliance with EPA guidelines, in isolation of the MWWTP. In such a situation I do not consider the proposed development to be premature, as it would not be reliant on the planned upgrades for wastewater treatment in the area, as it would have scope to readily connect into a future upgraded wastewater treatment network subject of wastewater treatment and as it cannot be considered to impede the undertaking of the Carraroe sewerage treatment scheme. A grant of planning permission for the subject proposed development would not restrict the CPO process, which is a separate process that may or may not be advanced.

4.3.5. In conclusion, I do not recommend refusing to grant planning permission on the basis of reasons outlined within reason no.1 of ABP ref. 303654-19.

4.4. **Reason No.2**

'It is considered that the proposed development would be premature by reference to the existing deficiency in the provision of public piped sewerage facilities serving the area and the period within which the constraint involved may reasonably be expected to cease. It is further considered that discharge from a private sewerage plant into an inadequate public sewerage network

would be prejudicial to public health, having regard to the additional hydraulic loadings involved’.

- 4.4.1. As referenced above, the circumstances require consideration of alternative wastewater treatment proposals for the subject location-dependent development and, based on the information presented and available, the proposed wastewater treatment proposals would not be likely to result in a deterioration in water quality entering the existing wastewater treatment collection network that outfalls untreated to the sea. Accordingly, any additional hydraulic loading arising from the proposed development connecting onto the existing untreated network or a network connecting in future to a MWWTP could not be deemed to be prejudicial to public health. In conclusion, I do not recommend refusing to grant planning permission for the reasons outlined in reason no.2 of ABP ref. 303654-19.

5.0 Environmental Impact Assessment

5.1. Preliminary Examination Screening

- 5.1.1. A preliminary screening for Environmental Impact Assessment (EIA) was not originally carried out with respect to the previous Board decision relating to this planning appeal (under ABP ref.303654-19). An EIA screening report was not submitted with the application or appeal either. Schedule 5 of the Planning and Development Regulations 2001-2021 provides that mandatory EIA is required for the following class of development:
- Part 1 - Class 13: Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC;
- 5.1.2. The proposed wastewater treatment plant would serve a maximum population equivalent of 135 persons and, therefore, would be well below the threshold of 150,000 population equivalent stated above. The proposed development would not fall into a category of ‘tourism and leisure’ projects identified in Schedule 5 of the Regulations.
- 5.1.3. The site accommodates a small storage shed and is largely surrounded by open coastal lands to the east and residential properties to the west. The introduction of a

tourism and recreation development would not have an adverse impact in environmental terms on surrounding land uses. It is noted that the development would be of low-level and similar to building heights in the immediate area and the site is not designated for the purposes of natural or cultural heritage. The proposed development is not likely to have a significant effect on any European Site (as concluded below under section 6 of this report). The proposed development would not give rise to waste, pollution or nuisances that differ from those arising from other developments in the area. It would not give rise to a risk of major accidents or particular risks to human health. The proposed development would connect into public water supplies, as well as being served by a private WWTP, which would operate until such time as a sewerage treatment scheme for Carraroe is commissioned.

5.1.4. Having regard to: -

- the nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 13 to Part 1 of Schedule 5 to the Planning and Development Regulations 2001-2021;
- the policies and objectives of Galway County Development Plan 2015-2021 supporting the development of tourism, culture and heritage projects and attractions, and the results of the strategic environmental assessment of the Galway County Development Plan 2015-2021, undertaken in accordance with the SEA Directive (2001/42/EC);
- the location of the site, the proposed connection to public water supply infrastructure, the proposed private wastewater treatment plant, and the existing pattern of development in the vicinity;
- the location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001-2021;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003), and;

- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2021.

5.1.5. I have concluded that the proposed development would not be likely to have significant effects on the environment, and that on preliminary examination an environmental impact assessment report for the proposed development would not be necessary in this case.

6.0 Appropriate Assessment

6.1. Stage 1 – Screening

6.1.1. A Natura Impact Statement (NIS) was submitted with the planning application. The NIS provides a description of the proposed development and identifies European Sites within the possible zone of influence of the development. The NIS is supported by associated reports, including an Engineering Response Report and a site specific Flood Risk Assessment.

6.1.2. The appellant's NIS concluded that with mitigation measures, potential significant impacts on European sites can be ruled out. In their Appropriate Assessment (AA) screening, the Planning Authority did not agree with how this conclusion could be reached as the NIS referred to wastewater treatment to EPA standards via public sewers and they decided to refuse permission for the proposed development partly on the basis of the significant negative effect of the development on the integrity and conservation objectives of European sites, in particular Kilkieran Bay and Islands SAC (Site Code: 002111).

Site Location

6.1.3. A description of the site is provided briefly in section 1 above and also within the various application and appeal documents. The site contains a small boat storage shed and open ground, some of which is used for storing and maintaining boats and associated equipment. It is serviced by public drainage networks discharging untreated wastewater to the east of the pier that is fronting the site. According to the appellant's NIS, the site contains no substantive features of ecological significance, including invasive species or otter holts, and largely comprises scrub (WS1) and exposed siliceous rock (ER1) habitats. As noted above, according to the EPA the

water quality of Casla Bay coastal waterbody and Spiddal groundwater body are classified as 'not at risk' based on categorisation under the WFD.

Proposed Development

6.1.4. A brief description of the proposed development is provided in section 2 above and expanded upon below where necessary. Following treatment, wastewater from the operational phase of the proposed development would discharge to the public network. Channelled surface water from the development would drain to a soakpit after flowing through a fuel interceptor. Ultimately the resultant treated wastewater and surface waters from the proposed development would reach Casla Bay.

6.2. Relevant European Sites

6.2.1. The nearest European sites, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), comprise the following:

Table 1. Natural Heritage Designations

Site Code	Site Name	Distance	Direction
002111	Kilkieran Bay and Islands SAC	1.6km	east
002034	Connemara Bog Complex SAC	2.8km	west
004181	Connemara Bog Complex SPA	6km	west
000213	Inishmore Island SAC	13.2km	south
004159	Slyne Head to Ardmore Point Islands SPA	13.2km	southwest

6.2.2. In determining the zone of influence I have had regard to the nature and scale of the project, the distance from the appeal site to European sites, and any potential pathways that may exist from the appeal site to a European Site. The appeal site is not located within or immediately adjacent to any European site and the project is not necessary to the management of a European site.

6.2.3. I do not consider that any other European Sites outside of those listed in table 1 potentially fall within the zone of influence of the project, having regard to the nature

and scale of the development and the distance from the site to same, including the intervening open marine waters, or the lack of an obvious pathway to same from the appeal site.

Table 2. Identification of relevant European Sites using Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

Site Name	Qualifying Interests (QIs) / Special Conservation Interest (SCIs)	Connections	Consider Further
Kilkieran Bay and Islands SAC	QIs – 11 coastal habitat and species, including otter and harbour seal https://www.npws.ie/protected-sites/sac/002111	Weak hydrological connections exist through: Surface and waste water ultimately discharging to Casla Bay; Potential for disturbance to ex-situ qualifying interests species (otter).	Yes
Connemara Bog Complex SAC	QIs – 17 habitats and species https://www.npws.ie/protected-sites/sac/002034	No hydrological connection as up-gradient. No potential for disturbance or loss of habitat for QI species, given the nature of the development and the separation distance.	No
Connemara Bog Complex SPA	QIs – 4 bird species To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: Cormorant, Merlin, Golden Plover and Common Gull	No hydrological connection as up-gradient. No potential for disturbance or loss of habitat for QI species, given the nature of the development and the separation distance.	No

Inishmore Island SAC	QIs – 17 habitats and species https://www.npws.ie/protected-sites/sac/000213	Weak hydrological connection only across open and exposed marine waters. Surface and waste water ultimately discharging to Casla Bay.	No
Slyne Head to Ardmore Point Islands SPA	QIs – 4 bird species To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: Barnacle Goose, Sandwich Tern, Arctic Tern and Little Tern	Weak hydrological connection only across open and exposed marine waters. Surface and waste water ultimately discharging to Casla Bay; No potential for disturbance or loss of habitat for QI species, given the nature of the development and the separation distance.	No

6.3. Direct, Indirect or Secondary Impacts

6.3.1. 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, include the following:

- Construction Phase – demolition, surface water runoff, disturbance and emissions, including dust, lighting, noise and vibration;
- Operation Phase – disturbance, surface water runoff and emissions to water.

6.4. Assessment of Likely Significant Effects

Construction Phase

6.4.1. Having regard to the information submitted with the application, including the Construction Waste Management Plan, the project construction and demolition pollution sources would be controlled through the use of normal best practice site management. The proposed demolition and construction management measures

outlined are typical and well-proven construction and demolition methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission. While some construction phase measures outlined in the NIS are considered by the appellant to be mitigation measures for the purposes of AA, I am satisfied that such measures, including the erection of a terram screen to address the risk of sediment entering the sea would conform to normal best construction practice, including in any given waterside location. I also note that the immediate coastal waters are not part of a European site. However, pre-construction surveys for otters are mitigation measures specifically proposed to address the coastal location used by otters identified as potentially being qualifying interest species for Kilkieran Bay and Islands SAC.

- 6.4.2. It is a conservation objective to restore the favourable conservation condition of otter in Kilkieran Bay and Islands SAC. With the exception of Kilkieran Bay and Islands SAC, I am satisfied that the potential for likely significant effects on the qualifying interests of the other European sites listed in table 1 from the construction phase of the proposed development can be excluded given the considerable intervening distances, and the volume of open exposed marine waters separating the appeal site from the other European sites.
- 6.4.3. In the event that the pollution control measures were not implemented or failed during the construction phase, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites in Galway Bay can be excluded given the distant hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from European sites in Galway Bay (dilution factor).
- 6.4.4. With the exception of otter, survey details provided with the appellant's NIS do not highlight qualifying interest species or other species associated with the conservation objectives of neighbouring European sites potentially using the site or its immediately adjoining area.

Operational Phase

- 6.4.5. During the operational stage channelled surface water from the site would be discharged to a soakpit after passing through a fuel interceptor.

- 6.4.6. Wastewater would be treated by a private WWTP located 50m to the south of the facility, which would have a wastewater output with parameters compliant with the Urban Waste Water Treatment Regulations, 2001.
- 6.4.7. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites in Galway Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from European sites in Galway Bay (dilution factor).
- 6.4.8. On the basis of the foregoing, I conclude that the operation phase of the proposed development would not impact the overall water quality status of Casla Bay and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Galway Bay via surface water runoff and emissions to water.
- 6.4.9. The appellant's mitigation measures also refer to the use of motion-sensitive lighting to avert impacts on otter associated with Kilkieran Bay and Islands SAC.

In-combination Impacts

- 6.4.10. The appellant's NIS refers to potential in-combination impacts with other permitted developments and land uses in the area. A future MWWTP for the Carraroe agglomeration would be required to comply with wastewater regulations referenced above, thereby likely to lead to improvements in water quality entering Casla Bay. In-combination impacts are not considered to arise given the location of the development alongside an existing working pier. I am satisfied that there are no projects which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

Stage 1 AA Screening - Conclusion

- 6.4.11. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually could have a significant effect on Kilkieran Bay and Islands SAC

(Site Code: 0002111), in view of the sites' Conservation Objectives, and an Appropriate Assessment is therefore required.

- 6.4.12. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on Connemara Bog Complex SAC (Site Code: 002034), Connemara Bog Complex SPA (Site Code: 004181), Inishmore Island SAC (Site Code: 000213) and Slyne Head to Ardmore Point Islands SPA (Site Code: 004159), or any other European sites, given the absence of a pathway between Connemara Bog Complex SAC and Connemara Bog Complex SPA and the appeal site and the separation distances across open exposed marine waters to Inishmore Island SAC and Slyne Head to Ardmore Point Islands SPA, as well as the separation distances to other European sites. In reaching this conclusion, with the exception of Kilkieran Bay and Islands SAC, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on European Sites.

Stage 2 - Appropriate Assessment

- 6.4.13. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of Kilkieran Bay and Islands SAC using the best scientific knowledge in the field. All aspects of the project that could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are both considered and assessed.

Test of Effects & Mitigation Measures

- 6.4.14. As the site of the proposed development is at a remove from Kilkieran Bay and Islands SAC, no direct effects would occur. In terms of indirect effects the key element is the potential loss or disturbance of otter species during construction and operation phases.
- 6.4.15. A preliminary survey in 2018 did not identify otter holts on site and the appellant asserts that otter holts would not be likely to be found on site. A pre-construction survey can be undertaken prior to the commencement of works on site in order to review same. I consider this reasonable given the three-year period since the previous survey was undertaken. Otters, including those possibly forming part of the

population of qualifying interest species for Kilkieran Bay and Islands SAC, are known to use the neighbouring intertidal area of the coastline for foraging purposes. The proposed development would not impact directly on known otter foraging areas within the coastal zone and it would not be likely to substantially increase disturbance given the separation distance to this inter-tidal zone (c.70m) and the site context alongside an existing working pier. Final lighting proposals for the development can be designed to address any sensitivities for otter, including use of motion sensors. I am satisfied that, subject to pre-construction surveys and any identified follow-up actions, as well as the prescribed motion-sensitive external lighting, based on the information available, the proposed development would not have likely significant effects on otter.

6.4.16. The evidence available provides certainty that the project would not result in pollution of water or significant adverse impacts for qualifying interest species, and it can be concluded that the proposed development would not be likely to have significant adverse impacts on Kilkieran Bay and Islands SAC, in view of the sites' conservation objectives.

6.4.17. I am therefore satisfied that the development would not cause changes to the key indicators of conservation value, including otter populations, hence there is no potential for any adverse impacts to occur on either the habitat or the species associated with Kilkieran Bay and Islands SAC (Site Code: 0002111).

In-combination Effects

6.4.18. Having regard to the foregoing, I consider that in-combination effects are not likely to arise for Kilkieran Bay and Islands SAC.

Appropriate Assessment – Conclusion

6.4.19. The possibility of significant effects on all European sites has been excluded on the basis of objective information provided with the application, including the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, and the assessment carried out above. I am satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Kilkieran Bay and Islands SAC (Site Code: 0002111), or any other European site, in view of the site's Conservation Objectives.

7.0 Recommendation

- 7.1. Based on the above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below in the draft Board Order.
 - 7.2. The Inspector assessing the original appeal and the Planning Authority, had not set out any specific conditions in the event that the Board decided to grant planning permission for the proposed development.
-

Draft Order:

Recommendation

On the basis of the foregoing, including the Inspector's report for ABP ref. 303654-19 dated the 16th day of May, 2019, and the Inspector's report for ABP ref. 309759-21 dated the 27th day of January, 2022, I recommend that the Board grant permission for the proposed development for the reasons and considerations, and subject to conditions, set out below.

Reasons and Considerations

Proper Planning and Sustainable Development

Having regard to the nature and scale of the development, the pattern of development in the area, the provisions of the Galway County Development Plan 2015-2021, the 'Wastewater Treatment Manual – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels' published by the Environmental Protection Agency in 1999, 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' published by the Office of Public Works in 2009, and the objectives of the Water Framework Directive, the Board concluded that, subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on the environment and human health, including via impacts on water quality, would feature an acceptable form of wastewater treatment, would not be at risk of flooding and would not present a risk of flooding to other sites, would not seriously injure the amenities of the area and would

be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: - Stage 1

The Board considered the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that Kilkieran Bay and Islands SAC (Site Code: 002111), is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: - Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for Kilkieran Bay and Islands SAC (Site Code: 002111), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,
- (ii) the mitigation measures, which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in

combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

8.0 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 12th day of December 2018 under reference 18/1605 and as amended by the further plans and particulars submitted to An Bord Pleanála on the 7th day of February 2019 under reference 303654-19, 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. All the environmental and construction mitigation and monitoring measures set out in the Natura Impact Statement, shall be implemented in full and in accordance with the timelines set out. In this regard, prior to the commencement of the development such mitigation and monitoring measures shall be set out as a written schedule including committed timelines, and the schedule shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of clarity and to mitigate the environmental effects of the proposed development.

3. All ecological avoidance measures shall be implemented in full and carried out in accordance with best ecological practice in consultation with statutory agencies (if necessary).

An ecologist shall be appointed to advise on any works, such that they will be carried out in accordance with best practice guidance. All mitigation measures will be undertaken in consultation with statutory bodies as required. The measures shall have regard to an ecological survey carried out prior to the commencement of the development in order to update baseline information of otter species.

A site-specific plan for the prevention of importing invasive alien species onto the site shall be prepared and implemented throughout the carrying out of the development.

A report on the implementation of ecological measures shall be submitted to the Planning Authority upon first operation of the development.

Reason: To adequately protect the biodiversity of the area.

4. Details of the materials, colours and textures of all external finishes to the building, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:-
 - (a) details of all proposed hard surface finishes within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed screening to the private packaged wastewater treatment plant;
 - (c) details of proposed boundary treatments, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of the visual amenities of the area.

6. Drainage arrangements, including the disposal of surface water and provision of fuel interceptor(s), shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health.

7. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. (a) The proposed packaged wastewater treatment system shall be located, constructed and maintained in accordance with the details submitted to An Bord Pleanála on the 7th day of February 2019 under reference 303654-19, and in accordance with the requirements of the document entitled 'Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels' prepared by the Environmental Protection Agency in 1999. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the centre, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proposed packaged wastewater treatment plant has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA Manual and with wastewaters not exceeding a chemical oxygen demand of 125mg/l.

(c) The development shall include for a connection to the wastewater network fronting the site to enable a future connection to be made upon commissioning of the municipal sewerage treatment plant for the area, and

the decommissioning and removal of the proposed packaged wastewater treatment plant within 3 months of connecting to a treated wastewater treatment network.

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

9. Prior to the operation of the facility, including the café, a grease trap, sized correctly, which complies with relevant standards/guidelines, shall be installed and maintained.

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

10. Entrance radii, road access and junction arrangements, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of traffic safety.

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall address ecological requirements with respect to otter and shall be provided prior to the making available for occupation of the maritime and cultural heritage centre.

Reason: In the interests of amenity, biodiversity and public safety.

12. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This Plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Features to obviate queuing of construction traffic on the adjoining pier and road network;
- (f) Features to prevent the spillage or deposit of clay, rubble or other debris on the pier and public road network;
- (g) Features addressing noise, lighting, dust and vibration, and observing/reviewing of such levels;
- (h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (i) Means to ensure that surface water run-off is controlled;
- (j) Details of the site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility.

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of clarity, amenities, public health, safety, water quality and protecting biodiversity.

13. 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 amenities of property in the vicinity.

14. A plan containing details for the management of waste/recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste/recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste/recyclable materials in the interest of protecting the environment.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colm McLoughlin
Senior Planning Inspector

27th January 2022