



An
Bord
Pleanála

Inspector's Report ABP310144-21

Development	10-year planning permission for the provision of a new wastewater treatment plant and new pumping station.
Location	Castlegar, Mountbellew, County Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	20/1085.
Applicant	Irish Water.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party against Grant.
Appellant	Mountbellew Regional Co-Op Livestock Society Limited.
Observer	Peter Sweetman.
Date of Site Inspection	19 th May, 2022.
Inspector	Paul Caprani.

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1.0 Introduction

ABP310144-21 relates to a third-party appeal against the decision of Galway County Council to issue notification to grant a 10-year planning permission for the construction of a wastewater treatment plant and the upgrading of infrastructure serving the wastewater treatment plant in the village of Mountbellew in East Galway. The appeal was lodged by Mountbellew Regional Co-Op Livestock Society Ltd which is located in the vicinity of the proposed wastewater treatment plant in the northern environs of the town. The grounds of appeal argue that the proposed wastewater treatment plant is not compatible with the livestock mart, could give rise to adverse impacts on European sites and the applicant has failed to adequately assess whether or not there are not there are more suitable alternative sites.

2.0 Site Location and Description

- 2.1. The appeal site is located in the northern environs of Mountbellew, a village in East Galway on the N63 National Secondary Route linking the city of Galway with the town of Roscommon. According to the information submitted by the applicant, Mountbellew is currently served by an existing wastewater treatment plant on the banks of the Castlegar River to the north of the town on the western side of the N63. The existing wastewater treatment plant is considered to be no longer fit for purpose and is operating beyond its capacity. The existing wastewater treatment facility is located to the north-west of the Pairc na gCon housing estate which is situated on the western side of the N63 on the northern approaches to the town.
- 2.2. To address the capacity issues, it is proposed to build a new wastewater treatment plant (WwTP) on lands to the east of the existing livestock mart facility which is also located on the northern environs of the town to the east of the N63, almost 1 km north east of the main square in the town. The site proposed for the wastewater treatment plant is currently an arable field and the wastewater treatment plant is to be located in the north-eastern corner of the field with the access to the plant to be along the eastern boundary of the field. The site is broadly flat and is accessed from a wide private roadway made up of hardcore which links up with the N63 to the west.

This roadway currently serves the livestock mart and the Galway Telework Co-Op Society which is located in a small building to the front of the livestock mart adjacent to the roadway. The private roadway extends beyond the mart facility and ends in a cul-de-sac at the proposed entrance to the wastewater treatment plant. The application site comprises of a rectangular plot of land c.1.94 hectares in size. It is surrounded on all sides by agricultural land. The nearest building to the proposed wastewater treatment plant is the livestock mart building to the west. At its closest point the Mart building is located approximately 130 metres from the western boundary of the proposed wastewater treatment plant.

- 2.3. Also included within the application boundary is the roadway linking the proposed wastewater treatment plant with the existing wastewater treatment plant. Which is, as the crow flies, approximately 600 metres to the west of the subject site. Under the current application it is proposed to locate a pumping station at the existing wastewater treatment plant which will pump effluent via a 160 millimetre diameter rising main from the existing wastewater treatment plant to along a private laneway which runs from the existing wastewater treatment plant to the immediate north of the Pairc na gCon housing estate onto the N63 and northwards along the N63 and into the private road which currently serves the Mountbellew Regional Mart and the proposed wastewater treatment plant. The proposed rising main will be located within the private laneways and public and private roads. Effluent from the pumping station will be treated at the WwTP and will be conveyed by means of a gravity sewer to the existing outfall at the Castlegar River for discharge. The nearest dwellinghouses to the proposed wastewater treatment plant comprise of 2 houses fronting onto a narrow local road c.250 metres to the east of the subject site.

3.0 Proposed Development

- 3.1. It is proposed to build a new wastewater treatment plant within the field adjacent to the livestock mart. It will have a treatment capacity of 1,800 PE. It is also proposed to decommission the existing wastewater treatment plant and convert it to a pumping station together with interconnecting pipework between the existing and new wastewater treatment plant.

- 3.2. The proposed works at the existing wastewater treatment plant will consist of the following:
- The provision of a new wet well including submersible pumps, valve chambers, storm storage tank with overflow pumps together with kiosks, odour control equipment, stormwater drainage system and a stand-by generator.
 - All the above items excluding a lifting gantry, a control kiosk and wet kiosk together with a standby generator will be located underground. The existing storage building on site will be retained and the new pumping station will be surrounded by a 2.4 metre high green steel mesh fence.
- 3.3. The proposed wastewater treatment plant will be accessed via the existing local private road off the N63 which is owned by the local mart. Documentation submitted with the planning application indicate that a right of way along this road has been obtained for access to the wastewater treatment plant.
- 3.4. The proposed works at the new wastewater treatment plant will consist of the following:
- Inlet works.
 - Two primary settlement tanks.
 - Two trickling filters.
 - Two final settlement tanks.
 - Sludge drying reed beds with a minimum reed bed area of 868 square metres.
 - Flow metering.
 - A standby generator and a scada alarm system for the entire wastewater treatment plant.
- 3.5. A rising main will be installed between the pumping station and the wastewater treatment plant, and a gravity outfall will return treated effluent from the wastewater treatment plant to the pumping station site. Both the rising main and the gravity outfall pipes will be approximately 1,000 metres in length.

3.6. Documentation submitted with the application indicate that the upgrade works will treat BOD and suspended solids to the requirements set out in the urban wastewater treatment directive namely:

- 25mg/l for BOD and 35mg/l for suspended solids.

The layout of the proposed wastewater treatment plant is set out on Drawing No. DG2003-02 REV P2.

4.0 **Planning Authority's Decision**

4.1. **Decision**

4.1.1. Galway County Council issued notification to grant planning permission for the proposed development subject to 8 conditions.

4.2. **Documentation Submitted with the Planning Application**

- 4.2.1. The planning application was accompanied by the following documentation.
- A planning report which sets out details of the site location and description, details of the legislative and planning policy context relating to the development and also assesses the proposed development in respect of design, parking, noise, odours, construction activities and waste and the potential environmental impact.
 - A Natura Impact Statement which includes a screening for an appropriate assessment report in Appendix A of this statement.
 - A Screening for an Environmental Impact Assessment Report.
 - An Ecological Impact Assessment Report.
 - A Flood Risk Assessment (Stage 1, 2 and 3).
 - A Construction and Environmental Management Plan.

4.3. **Initial Assessment by Planning Authority**

4.3.1. The initial planner's report requested further information in relation to the following:

- Clarification to include assimilative capacity calculations to ensure that any discharge complies with the Environmental Objectives (Surface Waters) Regulations of 2009 and the Water Framework Directive.
- Further details with regard to the mitigation measures and construction methodology in the Natura Impact Statement. Full details of the otter survey undertaken along the Castlegar River were also requested
- Further details in relation to the nature of works identified as temporary working areas bounding the access roads to the two sites in question.

4.4. **Additional Information Response**

- 4.4.1. A response on behalf of the applicant was submitted on 15th March, 2021.
- 4.4.2. It included waste assimilative capacity calculations for the existing wastewater treatment plant and the upgraded wastewater treatment plant.
- 4.4.3. The resultant downstream concentrations of BOD, ammonia, orthophosphate and total suspended solids are set out in Table 3. It is estimated that under a 95-percentile river flow, the new wastewater treatment plant will result in a 40% improvement in BOD and a 22% improvement in total suspended solids. Under a median river flow the improvement for BOD is estimated to be 15% while the improvement in total suspended solids is 6% over that associated with the existing plant.
- 4.4.4. With regard to Item 2, further details are provided in respect of proposed mitigation measures to address potential overland and surface water run-off at the existing wastewater treatment plant. In respect of Part B of Item 2 of the additional information request further details are provided in respect of otter surveys undertaken are also provided.
- 4.4.5. With regard to Item 3 it is stated that the area identified as temporary working areas at the new proposed wastewater treatment plant is within the boundary of the existing access road to the Mart. With regard to the temporary working area for the pumping station site, this area is located on private lands currently used for agricultural purposes. The temporary working area is required to allow for the

installation of pipework within the existing access road while maintaining access to the pumping station. All lands will be reinstated post construction.

4.5. Further Assessment by Planning Authority

- 4.5.1. The planning authority considers the further details submitted on behalf of the applicant is satisfactory to enable the Planning Authority to reach determination on the application. The Planning Authority are satisfied that the applicant has adequately addressed all issues and therefore recommends that planning permission be granted for the proposed development.

5.0 Planning History

- 5.1. There is no planning history associated with the proposed wastewater treatment plant. Details of the planning history associated with lands in the vicinity of the site are set out in the local authority planner's report.
- 5.2. Under ABP301973-18 the Board confirmed the compulsory acquisition of lands to facilitate the provision of a new wastewater treatment plant on the subject site. The Board decided to confirm the CPO of the lands without modification in February 2019.

6.0 Grounds of Appeal

- 6.1. The decision of Galway County Council to issue notification to grant planning permission for the proposed development was the subject of a third-party appeal made by Stephen Ward, Planning Consultant on behalf of Mountbellew Regional Co-Op Livestock Society Limited. The grounds of appeal outlined below.
- On a procedural matter it is argued that the revised Natura Impact Statement submitted as part of further information constituted significant further information that requires new public notices this would enable new submissions and observations to be made subsequent to the revised notices.
 - Much of the appeal highlights the importance of Mountbellew Mart. It notes that the mart also accommodates the annual vintage car show which attracts up to 5,000 people. In terms of the local economy, the mart provides

employment and a significant economic boost to businesses in the town. The mart serves an extensive catchment area. The offices also accommodate Galway Telework Co-Op Society Limited which also provides employment within the town. The site is located close to Carrownagappul Bog SAC and this bog has an interpretative centre within the Galway Telework Co-Op. It is argued that the social and economic importance of the mart has been ignored in the application process.

- It is noted that the further information request issued by Galway County Council did not include any of the issues or concerns raised in the third-party's observation submitted directly to the Council.
- It is argued that the proposed development may in fact be premature pending the lack of policy and guidance in respect of the settlement of Mountbellew. Mountbellew is not the subject of any statutory local plan at present and the proposed development could prejudice future development to the north of the town in the absence of such a plan.
- It is argued that there is no justification whatsoever for a 10-year planning permission in this instance as all it serves to do is hold up and possibly prevent development in the village/town for a significant period of time. A 10-year permission has the effect of stifling development potential on neighbouring land for a significant period of time.
- The grounds of appeal go on to highlight the importance of the agri-food sector on a national level and this is reflected in the National Planning Framework and the National Development Plan. It is argued that the proposed development could undermine the development of this sector in coming years.
- The presence of a wastewater treatment plant in such close proximity to a mart could undermine the viability of the mart where buyers and sellers will take their business elsewhere on the basis that the proposal abuts a sewage treatment plant. The perception that animals would use the same access road to that of the wastewater treatment plant could also give rise to perceived concerns in terms of the implications on animal health.
- An Bord Pleanála is requested to refuse planning permission on the basis that the site selection process of the applicant is fundamentally flawed as it did not

study the potential impact of the proposed development adjacent to the mart. It is suggested that there is a clear land use policy conflict between the mart and the proposed wastewater treatment plant. It is noted that there is a range of policy objectives contained in the Galway County Development Plan which support and promote the agricultural sector. It is strongly contended that the absence of studies relating to the mart is a fundamental failing of the planning application and on this basis, planning permission should be refused. It is noted that the planning report submitted does not consider the impacts of noise, dust or air quality on the welfare on animals. The site selection process and consideration of alternatives was heavily influenced by the fact that the applicant owns the land and the land was acquired by way of a Compulsory Purchase Order. Landownership is not a consideration that should influence the outcome of this planning application. Objective R11 of the Galway County Development Plan seeks to support existing Marts and Co-Ops throughout the county. It is unclear what impact the proposed development would have on any future growth and expansion of the mart.

- Concern is also expressed with regard to the Natura Impact Statement and the Appropriate Assessment Screening Report. The report of the planning officer notes that the site is located above a regionally important karst aquifer. There are significant potentials for a source path receptor connections which have not been fully and comprehensively assessed in the NIS.
- Section 2.4 of the planning report submitted with the application clearly indicates that it is proposed to expand the wastewater treatment plant at a future date. It is strongly contended that the applicant should have assessed the eventual intended capacity of the facility rather than only a portion of it. It is suggested that this represents project splitting where only a smaller portion of the project is submitted for assessment when there is a larger holistic development in the pipeline which is not being assessed. On foot of this it is argued that the NIS has not assessed the cumulative or in combination effects of future phases of development. Also, in relation to the mitigation measures set out in the NIS, it is suggested that further studies by a qualified ecologist are required to assess whether or not otters have begun to use or colonise

the site and this may require a derogation licence from the NPWS, if this particular species is at risk of impact during the construction phase.

- 6.2. On the basis of the above, the Board are requested to overturn the decision of the Planning Authority and refuse planning permission for the proposed development.

7.0 **Appeal Responses**

- 7.1. The following response was submitted on behalf of the applicant by RPS Group. It is summarised below.
- 7.2. With regard to whether or not the further information request by Galway Co Council should have been the subject of new public notices, it is stated that this is a matter for the Planning Authority.
- 7.3. With regard to the principle of development, it is stated that the proposed upgrade of the wastewater treatment facility and the new wastewater treatment plant are required to facilitate the growth and development of Mountbellew and to achieve compliance with the Urban Wastewater Treatment Directive. There is strong national, regional, and local policy support for the project in principle. This is set out in national and local policy documents, and it is also noted that the principle of a wastewater treatment plant at this location has also been established with the Board's confirmation of the Compulsory Purchase Order of lands for the proposed development under ABP 301973.
- 7.4. During the construction of the wastewater treatment plant, access to the mart will be maintained at all stages.
- 7.5. In terms of odour and design, the wastewater treatment plant will be designed and operated so as to avoid noise and odour in accordance with S.I. 787 of 2005 – *'European Communities (Wastewater Treatment) (Prevention of Odours and Noise) Regulations 2005'*.
- 7.6. A 10-year duration of permission was requested in order to provide Irish Water with additional flexibility to deal with any uncertainties including funding delays.
- 7.7. With regard to the site's location above a karstic regional aquifer, it is noted that the proposed site is located within an area of moderate groundwater vulnerability. All

potential groundwater and source pathway receptor analysis has been undertaken in the NIS submitted.

- 7.8. With regard to the issue of project splitting, as the proposed Mountbellew Wastewater Treatment Plant has a design loading of 1,800 PE it does not exceed the project threshold set out in either Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). An EIA Screening Report was submitted with the application. The additional landtake during the CPO process was required to futureproof the development of the wastewater treatment plant and to accommodate additional treatment for nutrient removal if required, by the Waste Discharge Licence. It is not proposed to provide this treatment as part of the current project. Any additional treatment will be the subject to further environmental assessment and consent.
- 7.9. The response to the grounds of appeal also comments on flood risk and details the other surveys that were carried out which informed the contents of the NIS.
- 7.10. The response also comments on the letter submitted from Galway Telework Co-Op Society Limited attached to the grounds of appeal.
- 7.11. It appears from the file that Galway County Council have not submitted a response to the grounds of appeal.
- 7.12. **Observation**
- 7.12.1. One observation was submitted by Peter Sweetman and Associates. The issues raised in the observation are set out below.
- 7.12.2. It is noted that the appeal submitted alleges infringement of relevant provisions of EU law. It is stated that no appropriate assessment as required under Article 6.3 of the Habitats Directive has been carried out. It is stated that the appropriate assessment cannot have lacunae and must contain complete precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. It is suggested that the fact that mitigation requires the contractor to submit a detailed construction method statement outlining best practice measures cannot be defined as “definitive findings”.
- 7.12.3. The Planning Authority failed to screen this development for the requirement to submit an EIAR.

7.12.4. Although the Planning Authority sought further information in relation to the Water Framework Directive it made no findings of compliance.

8.0 Natural Heritage Designations

8.1.1. The site is not located within or contiguous to a Natura 2000 site. The nearest Natura 2000 site is the Carrownagappul Bog SAC which is located c.1.9 kilometres to the north of the subject site. The Lough Corrib SAC (Site Code 000297) is located 12.5 kilometres to the south-west (as the crow flies) of the subject site, while the River Suckcallows SPA (Site Code: 004097) is located 11.6 kilometres to the east of the subject site (as the crow flies).

9.0 EIAR Screening

9.1.1. The proposed capacity of the wastewater treatment plant at 1,800 PE is significantly below the threshold set out in Part 1 and Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). Schedule 5, Part 2, Category 11(c) requires an EIAR for wastewater treatment plants with a capacity greater than 10,000 population equivalent.

9.1.2. A screening report for an environmental impact assessment was also submitted. It details the proposed development and sets out details of the EIA screening methodology. The potential impact of the proposed development on environmental receptors including population and human health, biodiversity, land and soils, water, air and climate, landscape, and material assets were all assessed in the screening report. The screening report also assessed the potential of cumulative impacts with other plans and projects in the area. The screening report concluded that on the whole, there would be no significant negative environmental impacts arising from the proposed development. Where some impacts do arise, for example the potential impacts on flora and fauna, these impacts were deemed to be minor and would not trigger the requirement for a full EIA. Having assessed the screening report, I consider the conclusions set out therein to be robust and, objective and rational. I would therefore likewise conclude given the size and scale of the proposed development and the general lack of sensitive receptors in the vicinity of the proposed development that an EIAR would not be required in this instance.

10.0 Planning Policy

10.1. National Planning Policy

- 10.1.1. The National Planning Framework makes specific reference in Section 9 to treating urban wastewater and protecting important and vulnerable habitats. Section 9.4 acknowledges that urban wastewater is one of the principal pressures on water quality in Ireland. The treatment and disposal of wastewater in an environmentally sound manner is critical to maintaining and improving the natural water environment.
- 10.1.2. National Policy Objective 63 seeks to ensure the efficient and sustainable use in development of water resources and water services infrastructure in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.
- 10.1.3. The Irish Water and National Water Services Policy Statement (2018 to 2025) states that at a minimum, wastewater discharges should comply with standards set out by the EU in the Urban Wastewater Treatment Directive so as wastewater can be collected and treated to an acceptable standard before being discharged back into the environment.

10.2. Regional Policy

- 10.2.1. The Regional, Spatial and Economic Strategy (RSES) is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of regional policy objectives. It aims to plan for compact growth by prioritising strategic infrastructure which will enable the region to attract, build and retain talent and business capacity.

10.3. Local Planning Policy

- 10.3.1. The Galway County Development Plan 2015 to 2021 applies¹.
- 10.3.2. Mountbellew is identified as “other villages” for the population less than 1,500. A local area plan has not been prepared in respect of this settlement. Section 2.6.6 of the Plan recognises that in many of these settlements (with populations of less than 1,500) the wastewater treatment facilities require investment and therefore it is

¹ While the 2022 – 2028 Plan has been adopted it will not come into effect until 20th June, 2022.

considered that their inclusion at this level of the hierarchy would provide a plan-led approach in securing investment in the future.

10.3.3. Objective DS9 seeks to ensure that proposed projects and any associated improvement works or associated infrastructure relating to renewable energy projects, water supply and abstraction, wastewater discharge, flood alleviation and prevention, roads, powerlines and telecommunications: and amenity and recreation provision are subject to appropriate assessment where relevant.

10.3.4. In terms of specific policies in relation to water and wastewater quality the following policies set out in 6.10 of the development plan are relevant.

Policy WS1 – Galway County Council will work in close co-operation with Irish Water in its new role as the lead authority for water services.

Policy WS2 – Galway County Council will work with Irish Water to provide appropriate water and wastewater facilities in rural towns and villages.

Policy WS3 – The Planning Authority will support Irish Water in the implementation of the proposed capital investment plan and any subsequent investment programmes.

Policy WS5 – Galway County Council will promote public awareness of water quality issues and measures required to protect all waters including surface waters and groundwater bodies.

Objective WS1 seeks the protection of groundwater resources and dependant wildlife/habitats in accordance with the Groundwater Directive and Groundwater Regulations or any updated legislation.

Objective WS2 seeks to protect, conserve and enhance all existing potential water resources in the county in accordance with the EU Water Framework Directive, the River Basin Management Plans and various EU Directives in respect of water quality, bathing water and drinking water.

Objective WS3 seeks to liaise with and advise Irish Water in identifying, prioritising and progressing the implementation of water projects throughout County Galway over the lifetime of the plan.

Objective WS10 seeks to support the extension or upgrading of existing water infrastructure facilities in the county through the implementation of Irish Water's Capital Investment Plan.

Section 6.11 of the Plan specifically relates to wastewater.

Policy WW1 seeks to co-operate with Irish Water in the delivery of the proposed Capital Investment Plan and to increase capacity to service settlements, to jointly investigate proposals for future upgrades of treatment plants and to participate in the provision of a long-term solution for wastewater treatment in the West Region.

Objective WW1 seeks to ensure that all wastewater generated is collected, treated and discharged after treatment in a safe and sustainable manner having regard to the standards and requirements set out EU and national legislation and guidance and subject to compliance with the provisions and objectives of the EU Water Framework Directive, the relevant River Basin Management Plans, the Urban Wastewater Directive and the EU Habitats Directive.

Objective WW2 seeks to support in conjunction with Irish Water during the lifetime of the plan the provision, extension and upgrading of wastewater collection and treatment systems in all towns and villages of the county to serve existing and planned future populations including Clarinbridge, Corofin and Lackagh.

Objective WW8 seeks to support and facilitate as appropriate the upgrading of substandard public wastewater treatment plants in order to comply with the provisions of the Urban Wastewater Treatment Regulations 2001 and 2004, the Urban Wastewater Discharge (Authorisation) Regulations of 2007 and implement the relevant recommendations set out in the EPA document 'Focus on Wastewater Discharges in Ireland' (and any subsequent updates).

11.0 Planning Assessment

I have read the entire contents of the file, visited the subject site and its surroundings, have had particular regard to the issues raised in the grounds of appeal and the observation submitted and the applicant's response to the third-party appeal. I have also had particular regard to the provisions of national and local policy

in respect of wastewater treatment provision and I consider the following issues to be pertinent in determining the current application and appeal before the Board.

- Principle of Development
- Alternative Sites
- Impact on Livestock Mart Facility
- Prematurity Pending the Adoption of a Local Area Plan
- Contrary to the Provisions of the National Planning Framework and the National Development Plan
- Water Framework Assessment
- Procedural and Other Issues

11.1. Principle of Development

11.1.1. The need for an upgrade of the existing wastewater treatment plant is not in itself challenged in the third party submission. Rather the third party argues that the applicant failed to adequately investigate more suitable alternative sites and that the site in question is not the most suitable site on which to locate a new proposed wastewater treatment plant. However, the principle of upgrading the wastewater treatment system to serve the agglomeration is not in dispute.

11.1.2. The principle of development in my view is acceptable. There is a legal requirement to comply with the provisions of the Urban Wastewater Treatment Directive and associated national Regulations (SI 254 of 2001, (as amended)). In this regard the Irish State is required '*to ensure that any wastewater generated by an agglomeration which enters a collection system associated with the agglomeration shall be subject to appropriate treatment prior to discharge*'. There can be little doubt that the upgrading of the wastewater treatment plant to serve the village of Mountbellew will result in an improvement in the water quality of the Castlegar River by treating effluent to a requisite standard prior to discharge. Thus, any upgrade of the existing sewage infrastructure serving Mountbellew will improve the water quality in the receiving waters subsequent to discharge in compliance with the Urban Wastewater Treatment Regulations and the Water Framework Directive. In addition, the provision

of a new improved and expanded wastewater treatment plant will facilitate the phased economic and social development within the village.

- 11.1.3. The National Planning Framework makes specific reference (in Section 9 of the document) to treating urban wastewater and protecting important and vulnerable habitats. Section 9.4 of the NPF acknowledges that urban wastewater is one of the principal pressures on water quality in Ireland. The treatment and disposal of wastewater in an environmentally sound manner is critical to maintaining and improving the natural water environment. The Irish Water and National Water Service's Policy Statement (2018 – 2025) states that as a minimum wastewater discharges should comply with the standards set out by the EU and in the Urban Wastewater Treatment Directive so as wastewater can be collected and treated to an acceptable standard before being discharged back in to the environment.
- 11.1.4. At a more local level, there are a number of policies and objectives relating to the provision of wastewater infrastructure in the Galway County Development Plan.
- 11.1.5. Policy WW1 states that it is the Council's policy to co-operate with Irish Water in delivery of the proposed Capital Investment Plan 2014 – 2016 (or any updated plan) to increase capacity to service settlements, to jointly investigate proposals for future upgrades of treatment plants, and participate in the provision of a long-term solution for wastewater treatment in the western region.
- 11.1.6. Objective WW1 seeks to ensure that all wastewater generated is collected, treated and discharged after treatment in a safe and sustainable manner, having regard to the standards and requirements set out in EU and national legislation and guidance and subject to compliance with the provision and objectives of the EU Water Framework Directive, relevant River Basin Management Plans, Urban Wastewater Treatment Directive and EU Habitats Directive.
- 11.1.7. Objective WW2 seeks to support, in conjunction with Irish Water during the lifetime of the Plan, the provision, extension and upgrading of wastewater collection and treatment systems in all towns and villages to serve existing and future population.
- 11.1.8. It is clear therefore that both national and local policies seek to improve any wastewater discharges from existing agglomerations to acceptable levels in order to protect the natural environment and Natura 2000 sites in the vicinity as well as to facilitate future physical and economic expansion of the agglomerations. On this

basis I consider that a new upgraded wastewater treatment facility fully complies with national and local policy and as such the principle of development is acceptable subject to qualitative safeguards. These are assessed in more detail below.

11.2. Alternative Sites

- 11.2.1. The grounds of appeal suggest that the applicant, in putting forward the subject site for deliberation, did not fully and objectively investigate alternative sites which according to the appellant would be more suitable than developing the subject site for a wastewater treatment plant.
- 11.2.2. The Board will be aware that the application currently before it, was the subject of a compulsory purchase order application which was assessed under ABP301973-18.
- 11.2.3. In relation to the CPO application, I note that the sole objector to the proposed acquisition of lands were the current appellants - namely the Mountbellew Co-Op Livestock Mart Society Limited. As part of the CPO application, Irish Water considered alternative locations for the proposed wastewater treatment plant (see paragraphs 8.13 to 8.15) of inspector's report. The inspector when reviewing the information submitted concluded "*I am satisfied that this assessment is reasonable and robust and that the selected site is demonstrably preferable to other ones examined*". The inspector also concluded "*I am satisfied that the method selected by Irish Water is satisfactory in terms of meeting the community need*".
- 11.2.4. It is respectfully suggested that the issue of alternative sites has been robustly assessed by the Board in its deliberations of the CPO application. I further note that the inspector concluded in respect of the subject site that the lands to be acquired are reasonable for the purposes of a new wastewater treatment plant. He concluded that, "*In this respect the site is removed from residential properties, these would be sensitive receptors to the type of development that would be proposed for the site. In addition, given the farming context of the surrounding lands and notwithstanding that the agricultural mart premises is located close by, it is likely that design and operational issues could be sorted out during the planning process. There is a reasonable expectation that the two forms of development: mart and wastewater treatment plant could operate agreeably in proximity to each other. On balance, I am satisfied that the exercise undertaken by Irish Water in relation to the site and route selection is acceptable*".

11.2.5. It is apparent therefore, notwithstanding what is stated in the grounds of appeal, the issue of the suitability of the site to accommodate a wastewater treatment plant and the investigation of alternative sites have also been robustly and objectively assessed in respect of the CPO application. It is reasonable to conclude that the Board in confirming the CPO of the lands in question without modification, are fully satisfied that the subject site was acceptable in principle to accommodate a wastewater treatment plant and that the issue of alternatives sites were considered in formulating this conclusion.

11.3. Impact on Livestock Mart Facility

11.3.1. Concerns are expressed in the grounds of appeal that the construction and operation of the wastewater treatment plant could have adverse consequences for the on-going operation of the mart facility. It is also pointed out that the mart facility performs a number of important functions in the rural area around Mountbellew. The mart facility accommodates c.100 sheep and cattle sales per annum and also supports other activities including a vintage car show. It is stated that the mart facility is a very important component of the local economy around Mountbellew.

11.3.2. I do not consider that the proposed development will adversely impact on the ongoing operations of the mart facility or any other operations such as the Annual Vintage Car Show operated from the facility. The mart facility cannot be considered a sensitive receptor in the same way that a residential property might be considered sensitive. The mart facility is a commercial development which operates only on a number of days a week. The operation of the livestock mart is likely to give rise to similar if not greater levels of noise and odour than that associated with the wastewater treatment plant. As the applicant points out in his response to the grounds of appeal there will be a requirement for the wastewater treatment plant to operate in accordance with the requirements of S.I. 787 of 2005 in respect of noise and odour generation. While there are no specific standards set out in Irish legislation in respect of odour limits, DEFRA guidelines on odour suggest that in the case of sewage treatment works typical standards might include limits that the 98 percentile hourly mean concentration of between 1.5 and 5 Oue/m³ might be applied at receptor locations. In addition, S.I. 787 of 2005 requires that Planning Authorities in granting planning permission or the Board in considering appeal shall include

condition as may be necessary to ensure that the plant is so operated and maintained so as to avoid causing nuisance through odour and noise.

- 11.3.3. It is therefore incumbent upon the Planning Authority and the Board to ensure that the operation of the wastewater treatment plant does not give rise to excessive noise or odours so as to give rise to complaints. Furthermore, the above Regulations require that a Sanitary Authority (in this case Irish Water) shall provide reports to the EPA on a yearly basis indicating all necessary steps taken to limit the potential for any incidents arising in terms of odour and noise. This also includes records of any complaints and a record of any measures undertaken to address these complaints.
- 11.3.4. Having regard to the fact that, at its closest point, the proposed wastewater treatment plant will be c.120 metres from the Regional Mart Facility, and the fact that the wastewater treatment plant is required to take steps to limit the potential for any incidence arising in terms of odour and noise, it is not likely to give rise to any amenity issues which would affect the day to day operation of the mart or indeed the reputation of the mart facility as suggested in the grounds of appeal. Furthermore, there is no evidence to suggest that the proposed development would have any impact on livestock being sold from the facility. Any livestock frequenting the facility would do so for a short duration of time and the proposition that the operation of a wastewater treatment plant could in some way damage the health; perceived or otherwise, is not tenable in my view.
- 11.3.5. With regard to potential impacts during the construction period, the Board will note that the proposed wastewater treatment plant is located on a completely separate site from the Mountbellew Regional Mart. The access road serving both facilities is sufficiently wide, at over 10 metres in width, to ensure that construction traffic and any traffic associated with the mart facility can be accommodated simultaneously on the thoroughfare. Details of the programme management and organisation of construction works are set out in Sections 2.2, 2.3 and 2.4 of the CEMP submitted with the application.
- 11.3.6. Based on the above therefore, I am satisfied that the proposed development will not adversely impact on the operation of the Mart either during construction or operational phases of the proposed development.

11.4. Prematurity Pending the Adoption of a Local Area Plan

- 11.4.1. The grounds of appeal suggest that the proposal is somewhat premature on the basis that there is no LAP provided for the area and that placing a wastewater treatment plant to the north of the town could have profound implications for any future development in proximity of the wastewater treatment plant. It is respectfully suggested that a similar argument could be made in respect of the existing livestock mart which in itself will also give rise to noise and odour generation problems which in turn could impact on the amenity of any future potential sensitive receptors in the vicinity such as residential development. Notwithstanding this point, the Board are requested to note that Galway County Council produce local area plans for settlements with populations in excess of 1,500 persons. Mountbellew currently has a population of approximately 50% of this threshold (c.790 persons). On this basis it could be a considerable period of time before the settlement reaches the population threshold which would trigger the requirement for an LAP.
- 11.4.2. Furthermore, the suitability of the subject site to accommodate a wastewater treatment plant has already been explored and assessed in the CPO application submitted to the Board in 2018. The Board on the basis of the recommendation of the planning inspector, considered the subject site to be appropriate to accommodate a wastewater treatment plant as it confirmed the acquisition of the lands in question without modification.
- 11.4.3. Any delay in providing an upgraded wastewater treatment plant to serve the agglomeration of Mountbellew would result in a continual and prolonged threat to pollution to the Castlegar River and to other water bodies connected with the river for the foreseeable future. It would also restrict development within the town thereby checking its growth and pushing the date for the preparation of an LAP into the future. Ironically therefore, the prohibition of an improved and upgraded WWTP in the short-term to serve the agglomeration, would undermine the preparation of an LAP in the longer term and the pollution threshold which triggers the preparation of an LAP would not be met.
- 11.4.4. Finally not upgrading and improving WWT facilities within the agglomeration would be contrary to many of the policy objectives contained in the development plan, and would be contrary to the provisions of the Urban Wastewater Treatment Regulations

and the overall arching objectives of the Water Framework Directive to protect surface waters from pollution.

11.4.5. On the basis of the above it is not considered appropriate or indeed rational to refuse planning permission on the basis that it is premature pending the adoption of a local area plan for the village of Mountbellew as suggested in the grounds of the third party appeal.

11.5. Contrary to the Provisions of the National Planning Framework and the National Development Plan

11.5.1. The grounds of appeal highlight the importance of many of the policies and objectives contained in national plans in respect of the agri-food sector. Particular reference is made to the high quality of the food produced within the state and the need to strengthen, develop and expand the agri-food sector in the State. It is suggested that the proposed development be located in such close proximity to the mart could undermine these objectives.

11.5.2. In relation to this point I would reiterate the conclusions set out above that the proposed development, notwithstanding the fact that it is located in proximity to the Mart, will in no way undermine or adversely impact on the operations of the Mart facility. In fact, as pointed out in the previous inspector's report in respect of the CPO it is suggested that both land uses 'may in fact be compatible and somewhat mutually supportive'. It is not accepted therefore that the proposed development would in any way undermine policies and objectives contained in national plans which seek to protect and enhance the agricultural industry and the agri-food sector. Furthermore, I would refer the Board to the first section of my assessment above which clearly demonstrates that the proposed development is in accordance with and supports many of the policy objectives set out in national plans in respect of upgrading wastewater infrastructure, protecting the environment and facilitating future economic and social development within rural towns and villages. I therefore do not consider that the proposed development would be contrary to the National Planning Framework or any other national policies in respect of agriculture and agri-food development.

11.6. Water Framework Assessment

- 11.6.1. The issues in respect of compliance with the Urban Wastewater Treatment Directive and the Water Framework Directive was raised in the observation submitted. The observation did not suggest that the proposal was not in compliance with the Water Framework Directive, but rather no assessment of the waste assimilative capacity of the river was undertaken by the Planning Authority in its assessment as is required under the Water Framework Directive.
- 11.6.2. The Planning Authority raised the issue of waste assimilative capacity in the grounds of appeal and the applicant submitted details of waste assimilative capacity calculations in Section 2.1.1 of its response to the grounds of appeal. The potential impact on water quality downstream of the effluent outlet for the proposed wastewater treatment plant was assessed under both 95 percentile flows (m^3 per second) and median flows (m^3 per second). The resultant downstream concentration were assessed for BOD, ammonia, Ortho-phosphate (Ortho-P) and TSS.
- 11.6.3. The first point to note is the data supplied clearly indicates that there will be a significant improvement in effluent treatment arising from the proposal. The effluent being discharged from the existing wastewater treatment plant based on a number of samples on the effluent quality indicates that BOD levels in the discharge is 93.5 mg/l and 101 mg/l for suspended solids. The proposal will according to the information submitted improve the quality of the effluent to a maximum of 25 mg/l in the case of BOD and 35 mg/l in the case of suspended solids. The pollutant parameter in the discharge therefore will be reduced to somewhere between a quarter and a third of the existing levels in the effluent.
- 11.6.4. The key question arises to whether or not the discharge will result in compliance with standards set out in the European Communities Environmental Objectives (Surface Water) Regulations 2009.
- 11.6.5. In relation to BOD, the BOD level in the receiving waters as a result of the improvements to be carried out on the wastewater treatment plant will be reduced from 2.6 mg/l to 1.59 mg/l which constitutes a significant improvement and

comfortably sits below the limit of 2.6 mg/l specified in the Surface Water Regulations for 95 percentile river flows.

- 11.6.6. The Board will note that there is no specified limit in the Surface Water Regulations for suspended solids.
- 11.6.7. With regard to nutrient conditions the resultant downstream concentrations in the river quality would not meet the standards under the 95 percentile flow of 0.14 in the case of ammonia and 0.075 mg/l in the case of Ortho-P. It is not altogether clear from the information submitted to the Planning Authority what the background concentrations of ammonia and Ortho-P upstream of the proposed discharge are. Details of background concentrations upstream do not appear to be explicitly stated in the information submitted. It is assumed however that background concentrations of these nutrient parameters upstream are high and take up a significant portion of the headroom available for these parameters as specified under the Surface Water Regulations.
- 11.6.8. There can be no doubt that reductions in total suspended solids and BOD will inevitably result in consequential reductions in Ammonia and Ortho-P in the discharge.
- 11.6.9. In my view it would be somewhat counter intuitive to refuse planning permission for the proposed development on the basis that the wastewater treatment plant, while resulting in an improvement in the quality of effluent being discharged, may not in fact meet the nutrient standards set out in the Surface Water Regulations in respect of Ammonia and Ortho-P. There is little common sense in refusing permission for a WWTP which will improve the quality of discharge purely on the basis that the discharge will not comply with all the nutrient and biochemical conditions specified in the Surface Water Regulations, where the reason for non-compliance firmly lies with elevated concentrations of nutrients upstream of the discharge. I note that the EPA, in order to address the issue of elevated background levels upstream of the discharge, which leaves little or no headroom for additional nutrient concentrations in the proposed discharge, adopt the concept of 'notionally clean waters'. The notionally clean waters concept assumes lower background levels of nutrients upstream for the purposes of calculating the assimilative capacity of the receiving waters downstream of the discharge. This to me, is an eminently sensitive approach

in dealing with this type of scenario. High background levels of nutrients upstream of the discharge could result in all proposals to improve water quality in the lower reaches of the catchment (such as the provision of new wastewater treatment plants) being refused planning permission on the basis that effluent in the discharge, notwithstanding the fact that it is receiving a higher level of treatment, is not complying with the limits set out in the Surface Water Regulations.

11.6.10. If the Board have any concerns in this regard, it is recommended that prior to determining the application, the applicant be required to submit further details in relation to ammonia and Ortho-P concentrations in the river upstream of the discharge point so as it can ascertain specifically the reductions in ammonia and Ortho-P that will be achieved as a result of the improvements resulting from the provision of a new wastewater treatment plant.

11.6.11. Lastly in relation to this issue, the Board will note that ultimately, it is a matter for the EPA to set specific standards in respect of the quality of effluent being discharged in any Discharge Authorisation Licence application to it. The Board in adjudicating on any application, must merely satisfy itself that the proposal will not have an adverse impact on the environment. Where the Board considers that the proposal will have an adverse impact on the environment, it should refuse planning permission. I consider that the Board can be satisfied that the proposed improvement in the capacity of the WWTP will not result in a deterioration in water quality and therefore will not have an adverse impact on the environment during the operational phase.

11.7. Procedural and Other Issues

11.7.1. A number of other namely procedural issues were raised in the grounds of appeal and these are briefly commented upon below.

11.7.2. The grounds of appeal suggest that the fact that a revised Natura Impact Statement was submitted as part of the further information this represents a significant in further information which in turn, it is argued, would require public new notices. Whether or not the information submitted was deemed to be so significant as to require new notices was obviously a matter for Galway County Council in dealing with the planning application in the first instance. It is obvious that the Planning Authority in this instance did not consider the information to be so significant as to require new

notices. While it is open for the Board to request new notices before determining the application, I would concur with Galway County Council that the information submitted would not be so significant as to require new notices. Were the Planning Authority to require an NIS by way of additional information, this would in my view necessitate the requirement for new notices. However, what was requested in this instance was a revised NIS in order to detail in more specific terms the nature of the mitigation measures to be employed. This in my view would not be so fundamental in nature as to require revised public notices. Of course, it is open to the Board to request such public notices and further submissions in respect of the application prior to determining it. However, I reiterate I do not consider that public notices are justified or warranted in this instance.

11.7.3. With respect to the 10-year life of the permission, the grounds of appeal argued that there is no justification whatsoever for a 10-year permission as all it serves to do is to prevent development in the village or town for a significant period of time. It is also suggested that a 10-year permission has the effect of stifling development potential on neighbouring land for a specific period of time. In response Irish Water have stated that a 10-year permission was requested in order to allow the applicants additional flexibility to deal with any uncertainties including funding delays. I do not consider that the attachment of a 10-year permission will in any way stifle development within the village and the upgrade to the wastewater treatment plant can only take place at such time as when funding is secured. While it is open to the Board to reduce the length of the permission to five years, I consider it reasonable having regard to the principle and acceptability of the development on the subject site, that the applicant be afforded a longer timeframe to ensure that if any funding problems occur, it would not be necessary for the applicant to reapply for planning permission for a wastewater treatment plant on the subject site.

11.7.4. With regard to the EIAR requirement, and the suggestion that the proposal represents project splitting; I would request that the Board note the following:

- The proposed development falls considerably below the threshold for which mandatory EIA is required, namely the provision of a wastewater treatment plant in excess of 10,000 PE. The upgraded wastewater treatment plant will incorporate a PE of 1,800 which is less than 20% of the requirement for mandatory EIAR.

- Furthermore, the applicant has submitted what I consider to be a comprehensive EIAR Screening Assessment which assesses the proposal under the criteria set out in Annex 3 of the EIA Directive (2014). It correctly concludes in my opinion that overall the proposed upgrade works will improve the water quality within the receiving watercourses and the only potential for negative significant effects on the environment would relate to the construction phase. It is concluded in the EIAR Screening Report that with the adherence to best practice guidelines and the various mitigation measures set out in the NIS, and in the CEMP, the proposed development will not result in any significant negative impacts on the surrounding environment.
- Based on the information contained in the screening assessment undertaken in accordance with the various headings set out in Annex 3 of the Directive I consider that an EIAR is not warranted or justified in this instance.

11.7.5. With regard to the issue of project splitting, the applicant in the response to the grounds of appeal suggests that at a future date it may be required to provide additional treatment facilities primarily for N and P removal. This in itself would result in a higher level of treatment of effluent from the wastewater treatment plant, but would not result in the enlargement of the wastewater treatment plant which would require it to be reassessed in terms of EIA. As such, I do not accept that the any future levels of treatment which may or may not be required to comply with a Waste Discharge Authorisation Application to the EPA is being deliberately or specifically being omitted in order to circumvent the EIAR process. Therefore, the application in my view cannot be construed as project splitting.

11.7.6. Issues in respect of mitigation measures contained in the NIS and issues with regard to otter surveys are dealt with under a separate heading below.

12.0 Appropriate Assessment

12.1. Introduction

12.1.1. I note that the application was accompanied by a Stage 1 Screening for Appropriate Assessment and a Natura Impact Statement. For the purposes of completeness, it is proposed to undertake a separate independent assessment as part of the evaluation of the proposed development.

12.2. Appropriate Assessment Screening Stage 1

The subject site comprises of the provision of a new wastewater treatment plant to the north of the agglomeration together with a new pumping station on the site of the existing wastewater treatment plant. All effluent generated will be collected at new pumping station and pumped to a new wastewater treatment plant where the wastewater will receive treatment before being discharged via a new gravity main to an existing outfall into the Castlegar River in the north western environs of the village. None of the works to be undertaken at the wastewater treatment plant or the pumping stations are located within or contiguous to a designated Natura 2000 site. Neither are the works to be undertaken connected with or necessary for the management of a Natura 2000 Site.

The nearest Natura 2000 Site is located c.2km to the north – Carrownagappul Bog SAC (Site Code: 001242). There is no hydrological or other connection between the site(s) and this Natura 2000 Site.

The AA Screening Report identifies 14 European sites located within the zone of influence (namely 15km radius of the site).

The AA Screening report notes that there are 3 sites that are hydrologically connected to the site via the Castlegar River. These are

- The River Suck Callows SPA (Site Code: 004097) – (16.7 km away via hydrological connectivity).
- The Middle Shannon Callows SPA (Site Code: 004096) – (79km away via hydrological connectivity)
- River Shannon Callows SAC (Site Code 00216) (79km away via hydrological connectivity)

Other Natura 2000 sites, with the exception of Carrownagappul Bog SAC, are all located, in excess of 5 km from the subject site.

The AA screening report notes that the proposed WwTP will improve the water quality within the receiving watercourse and this if anything will have a positive impact on water quality downstream. However, it is my considered opinion that the distance in terms of the hydrological connection between the subject site and the

Natura 2000 sites in question, at 17 to 80km distance, will result in the in the positive impact being so miniscule in terms of dilution and dispersion on the Natura 2000 sites in question as to be neutral.

The AA Screening Report submitted with the application suggests that the proposed construction works may result in water pollution and potential for impacts to occur to the River Suck Callows SPA, the Middle Shannon Callows SPA and the River Shannon Callow SAC, in the absence of mitigation measures. I consider that this conclusion is based on an abundance of caution in respect of potential construction impacts. Any pollution episodes which could occur during the construction phase, would be so diluted and dispersed over the 16.7 km surface water system as to render any potential impact as being negligible. Furthermore, the closest Natural 2000 site is an SPA, as such there are no sensitive aquatic qualifying interests that could be adversely affected due to a spillage/pollution episode. The potential for a pollution episode occurring at the pumping station which could potentially impact on the feeding grounds of wintering waterfowl at a designated Natura 2000 site is infinitesimal and should in my view have been screened out for the purposes of AA. Likewise, the only aquatic species associated with the River Shannon Callows (SAC) which is, at its closest point c. 80km away, is the Otter. Again, to suggest that a pollution episode at the pumping station during the construction phase, could affect in an negative way the habitat of the otter within the River Shannon Callows SAC, is not realistic in my opinion. Similarly, to suggest that a pollution episode during the construction phase of the pumping station could result in in an adverse impact on the feeding grounds of an SPA located c.80 km away is not a realistic proposition.

While the applicant has submitted a NIS on the basis of the precautionary principle, I do not consider that, due to the hydrological distances involved, that any potential pollution episode that could occur at the pumping station would not impact on the Natura 2000 sites in question. There is no reasonable scientific doubt in respect of this conclusion.

It is also worth noting that a CEMP will be employed, regardless of whether or not there would be any impact on a Natura 2000 Site, which will employ best practice methods to reduce any potential impact.

With regard to the observer concerns regarding 'best practice' being employed as a mitigation measure, it is my considered opinion that specific mitigation measures are not required in this instance in order to protect Natura 2000 Sites in the vicinity. I have concluded that the proposed development, in the absence of mitigation will not impact on any Natura 2000 Sites. Therefore, the issue of definitions as to what constitutes 'mitigation' does not arise.

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, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites No. The River Suck Callows SPA (Site Code: 004097), The Middle Shannon Callows SPA (Site Code: 004096), River Shannon Callows SAC (Site Code 00216), or any other European site, in view of the site's Conservation Objectives, an Appropriate Assessment, notwithstanding the submission of an NIS by the applicant is not therefore required.

This determination is based on the fact that the distance between the proposed development and the Natura 2000 Sites results in a lack of any meaningful ecological connections to those sites.

Otter Surveys

With regard to otter surveys, the applicant has indicated that otter activities were detected c. 0.25 km upstream of the WWTP. Therefore, based on the information available at the time of writing this report, the proposal will not impact on any holts. The proposed alterations to the existing WWTP will not adversely impact on the riverbank and therefore will not affect the foraging or commuting routes of the otter. The applicant has given an undertaking that prior to the commencement of works an additional survey will be undertaken, if it is found that the proposal could result in the disturbance of otter holt, the applicant will be required to apply to the NPWS for a derogation licence under Article 12. The protocols put in place are therefore deemed to be sufficient to ensure that any habitats associated with the otter will be sufficiently protected.

13.0 Conclusions and Recommendation

Arising from my assessment above, it is considered that the proposed upgrading of the wastewater treatment facility to serve the village of Mountbellew is situated in an appropriate location, will not give rise to adverse impacts on development in the vicinity including the Mountbellew Co-Op Livestock Mart. The proposed development will also enable wastewater treatment facilities to serve the agglomeration to comply with the provisions of the Urban Wastewater Treatment Regulations and will therefore be in accordance with the proper planning and sustainable development of the area.

14.0 Decision

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

15.0 Reasons and Considerations

It is considered that the provision of an upgraded wastewater treatment plant, pumping station and associated sewage infrastructure, subject to compliance with conditions set out below, would not seriously injure the amenity of the area or property in the vicinity, would not be prejudicial to public health or adversely affect the residential amenities of the area through excessive odour and noise levels, and would result in a higher quality of effluent being discharged into the Castlegar River which would be beneficial to receiving environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 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 on the 15th day of March 2021, 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 life of the planning permission shall be for a period of 10 years from the date of this order.

Reason: In the interest of orderly development.

3. During the operation, the wastewater treatment plant shall be operated to ensure that it will not give rise to any odour nuisance to sensitive receptors. Odour levels at the nearest sensitive receptors shall not exceed an odour concentration limit of 3 O_{uE}/m³ on a 98th percentile basis of hourly averages. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To protect adjoining amenities.

4. The construction of the development shall be managed in accordance with details provided in the Construction and Environmental Management Plan submitted with the application on 4th day of August 2020, details contained in this plan shall be the subject of the written agreement with the planning authority and shall provide details of the intended construction practice for all aspects of the development including the wastewater treatment plant, pumping stations, rising mains and gravity mains. Details of all aspects of the construction management shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

5. Site development and building works shall be carried out between the hours of 0800 to 1900 hours Monday to Friday inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or bank holidays. Deviations from these times will only be allowed in exceptional

circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of the area.

6. Prior to the commencement of development, a detailed Construction and Operational Management Plan shall be submitted to and agreed in writing with the planning authority. This plan shall ensure continuous access to the Mountbellew Livestock Mart and the Galway Telework Co-Op Society shall be implemented at all times during both construction and operation in accordance with the planning authority's requirements.

Reason: In the interest of orderly development and in the interest of vehicular and pedestrian safety.

7. Construction and demolition waste associated with the existing wastewater treatment plant in order to facilitate the pumping station 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 the commencement of development. This plan shall be prepared in accordance with the "*Best Practice Guidelines of 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.

Reason: In the interest of sustainable waste management.

8. Details of water supply and drainage arrangements, including the attenuation of surface water during the construction period, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

9. Details of the proposed landscaping plans associated with the proposed wastewater treatment plant shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

10. All external lighting associated with the proposed development shall be sufficiently cowled to ensure that light spillage beyond the boundary of the wastewater treatment plant and the proposed pumping station is minimised.

Reason: In the interest of visual amenity.

11. Where chemicals are to be used or stored on site, such chemicals shall be stored in bunded areas details of which are to be agreed in writing with the planning authority.

Reason: In the interest of pollution prevention.

12. The developer shall pay to the planning authority a financial contribution of €1,656 (one thousand six hundred and fifty-six euro) 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. The application of any indexation required by this condition 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.

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.

Paul Caprani,
Senior Planning Inspector.

June 1st, 2022.