Inspector's Report ABP-320024-24.

Development	Wastewater Treatment Plant and Ancillary Works.
Location	Rossinver, Co. Leitrim.
Planning Authority	Leitrim County Council.
Applicant	Leitrim County Council
Type of Application	Local Authority development under the provisions of Section 177AE of the Planning and Development Act 2000 (as amended)
Observer(s)	None.
Date of Site Inspection	8th August 2024
Inspector	Philip Davis.

Contents

1.0 Introduction

This application is for a small (100pe) wastewater treatment plant (WWTP) north of the village of Rossinver in County Leitrim, just south of Lough Melvin. The proposed WWTP will discharge treated effluent to the River Ballagh and Lough Melvin, both part of the Lough Melvin SAC site code 000428.

The application has been made under Section 177AE of the Planning and Development Act, 2000 (Local Authority Development Requiring Appropriate Assessment).

Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an Appropriate Assessment is needed in respect of development by a local authority, the authority shall prepare an NIS, and the development shall not be carried out unless the Board has approved the development with or without modifications.

2.0 Site Location and Description

2.1. The site

The site for the proposed wastewater treatment system is an irregularly shaped area of land in the townland of Gublaun which includes pasture next to the Ballagh River (east bank) identified for the proposed WWTP facility, a stretch of agricultural land between it and the R282 for which an access road is proposed, the lands occupied by the existing WWTP and the service road, which also serves as access for 13 single storey dwellings in a cul-de sac, and includes the main highway of the R281 to the centre of the village. The existing WWTP is west of the newer dwellings north of the village, on the east bank of the Ballagh.

This existing WWTP only serves the dwellings at Gublaun known as the Goblaun Housing Estates, not the rest of the village. It has been inoperable since 2018 – wastewater is currently tankered away for treatment at the Manorhamilton WWTP.

A wayleave area is included for an outfall pipe and connection. The red lined area of site submitted also includes a section of the R282 extending down to the main village – it is intended to provide a sewage connection pipe for a number of existing properties along the main road.

2.2. Rossinver and environs

The village of Rossinver is a small, scattered settlement of around 104 persons (2016 census) located 1.3km south of Lough Melvin, a substantial lake on the border with NI (jurisdiction is shared), which drains to the Atlantic via the Drowes River south of Bundoran. The village is just under 11km north of the town of Manorhamilton. The Ballagh River, which arises in a corrie lake in Crocknagapple Mountain, flows through the village and into Lough Melvin. The village consists of a small core around a bridge over the Ballagh with older detached dwellings around the crossroads where R281 and R282 and a minor third-class road meet. There are no shops within the village – a former post office and the constabulary barracks are now in residential use. Apart from the older houses around the crossroads there is one small group of more modern single storey dwellings around 400 metres north of this cluster, both accessed via cul-de-sac roads on either side of the R281. The village is in generally undulating topography on low-lying lands within the valley of the Ballagh and the Glenaniff Rivers, the latter of which runs roughly parallel to the Ballagh to the lake. There is evidence in the area of long habitation, with a former abbey dating to the 7th Century AD to the west of the village.

3.0 Proposed Development

The proposed development consists of a Wastewater Treatment Plant (100 pe), including:

- Primary settlement tank
- 2 no. Rotating Biological Contactors (RBC)
- Final settlement tank
- Chemical storage tank
- Sludge picket fence thickener
- Control kiosk
- Reed bed (nature based polishing filter)
- Security fencing and gates

- Conversion of a wastewater holding tank to a pumping station

- Rising main pipeline from the pumping station to the existing wastewater treatment plant
- Gravity sewer on R282 and through Gublaun Estate (307 metres long)
- Access road from R282 to the wastewater treatment plant (3.5 metres wide)
- Flood storage basin.

The stated purpose of the WWTP is to replace an existing substandard WWTP plant serving the Gublaun estate and to provide a connection to the dwellings south of there on the R282. At present, solids from the Gublaun plant are tankered away to the Manorhamilton town WWTP.

4.0 Reports on file

4.1. Planning Authority Reports

4.1.1. The local authority has submitted two reports in support of the application:

Planning Statement and Description of the Proposed Development

This document includes an overview of the design of the WWTP, the planning context and planning history, an overview of the projected environmental impacts (including an EIA Screening), a Construction Environmental Management Plan and a Flood Risk Report.

Appropriate Assessment Screening and Natura Impact Statement

The Screening Report concluded that adverse effects on the Conservation Objectives of the Lough Melvin SAC site code 000428 could not be ruled out. An NIS concluded that the development will not adversely affect the integrity of Lough Melvin SAC.

4.2. Prescribed Bodies

EPA:

Notes that the EPA does not regulate point discharges arising from waste water discharges from local authority operated WWT plants, and there is no legislation in place for the authorisation of such point source discharges.

It is noted that the application is by Leitrim CC and not Uisce Eireann, and as such would not be subject to authorisation by the agency.

Grounds for dispute may arise where a local authority provides housing and services without consulting Uisce Eireann on the long term management and authorisation of the associated waste water assets and services.

It is requested that the above issues be clarified as early as possible in order to ensure the discharge is adequately regulated.

Department of Housing, Local Government and Heritage (DAU).

Notes the proposal to carry out archaeological pre-development set out in Section 4.8 of the Planning Statement. Requests that such investigations be set by condition.

Inland Fisheries Ireland:

Notes that it is on a river which is an inflowing tributary of the Lough Melvin catchment, which is considered an important riverine ecosystem within the Ballyshannon Fisheries District.

Sets out 9.no comments, including that all mitigation measures set out in the NIS (CEMP) be carried out. Appropriate measures be taken during construction to prevent runoff and to manage invasive species, the application of SuDS principles to the construction of hard surface area, and to ensure that EPA Guidelines, and protections set out in Fisheries Ireland guidance is fully implemented.

4.3. Third Party Observations

Eugene Connolly (representative of landowners).

- States that the objective of the project is apparently to rectify the failures of water treatment in the existing two Council estates, while not providing adequate infrastructure for the reast of the area. Notes that there is no proposal to connect the additional houses in the village or the primary school and community centre.
- Requests that the access road and site entrance be carried out in a sensitive manner.

- The entrance road needs to be designed such as it does not compromise the lands potential for future housing.
- States that the area outlined for development is apparently larger than previously agreed.
- It is suggested that the proposals for operational elements (Section 4.2 of the NIS) appear minimal.

Rossinver Fishery.

- The principle of the WWTP is welcomed in principle, but concerns are expressed at potential negative impacts on the receiving waters.
- The PE of 100 is questioned and the failure to connect to the existing primary school, community centre and other houses, which it is claimed are currently using septic tanks. It is argued that all wastewater should be transported off site for treatment and not discharged to the Ballagh.
- It is concerned that the proposed WWTP is within a flood plain and suggest it should be relocated to a more appropriate site. It is suggested that the existing WWTP site would be more appropriate.
- The apparent absence of redundancy in the design is noted with concern.
- The absence of a suspended solids design criterial for the discharge is noted with concern. The extreme sensitivity of Lough Melvin to phosphate levels is noted with concern.

5.0 Further correspondence

The applicant (Leitrim County Council) was requested to respond the key points raised by the observers, specifically:

- It was requested that the applicant provide the reasoning behind the decision to restrict the catchment of the proposed WWTP to the housing on the northern side of the village only, and:

- Clarification was requested on the issue raised by the EPA that the proposed discharge cannot be regulated under the European Union (Wastewater Discharge) Regulations 2007 to 2020.

The applicant, through their agent, responded on the 12th December 2024 with the following points:

- It is stated that the primary purpose of the proposed works is to address the current situation with the Gublaun Housing Estate. The works are funded through the PEACEPLUS programme and this limits the scope of the works that can be carried out. The proposed WWTP is not intended to provide for the village. Wastewater treatment for the village is under the remit of Uisce Eireann. The proposed extension of the sewer to the properties along the R282 was considered prudent as these mostly use older domestic systems.
- It is confirmed that the discharge does not fall within the European Union (Wastewater Discharge) Regulations 2007 to 2010. The discharge will be licenced by Leitrim County Council under Section 4 (Licensing of Trade and Sewage Effluents) of the Local Government (Water Pollution) Act 1977. It is confirmed that Uisce Eireann have stated that they are not in a position to take over the WWTP at this time, but the specifications are in line with Uisce Eireann technical requirements.

6.0 **Planning History**

There are no records on file of recent planning permissions or applications on the appeal site or nearby. Two small residential developments are on file as having been granted permission with conditions along the R281 in 2001 – **LCC reg. refs 01/753** and **01/755**.

7.0 Policy Context

7.1. Development Plan

The lands are unzoned, in an agricultural area and is mostly outside the designated Development Envelope for the village.

The village of Rossinver is identified in the Leitrim County Development Plan 2023-2029 as a Tier 4 village, defined as:

> *Villages with a more limited range of commercial and community services and facilities. These centres have limited capacity to accommodate and sustain a greater proportion of residential growth.*

Rossinver has four specific development objectives in the Leitrim County Development Plan 2023-2029, i.e.:

RR 1	Support the further consolidation of housing in the village with the development of serviced infill opportunities.
RR 2	Support the provision of local and community services to assist in sustaining the community.
RR 3	Support and promote the further development of the tourism potential of Rossinver in particular, subject to compliance with the Habitats Directive amenity walks around Fowley falls and accessibility to important tourist destination sin the north Leitrim region.
RR 4	Ensure applications for development on lands identified as flood risk areas, shall be subject to a Specific Flood Risk Assessment and Justification Test, in accordance with the Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009), or any superseding guidelines and circulars.

The site is within lands identified as a constrained land use due to flood risk.

7.2. Natural Heritage Designations

The adjoining river is part of the **Lough Melvin SAC site code 000428**, an extensive designated river and lake habitat that extends the entirety of the catchment to the sea at Bundoran. The **Arroo Mountain SAC, site code 001403** is within 15km of the site, to the south-west.

8.0 Assessment

Under the provisions of Section 177AE (6) of the Planning and Development Act 2000 (as amended), the Board is required, before making a decision, to consider the following:

- The likely consequences for the proper planning and sustainable development of the area,
- The likely effects on the environment, and
- The likely impacts on any European sites.

8.1. The likely consequences for the proper planning and sustainable development of the area.

I will address this under the following headings:

- Policy context
- Cultural heritage
- Design considerations and amenity
- Flooding and drainage
- Biodiversity
- Noise, dust and pollution
- Traffic
- Conclusions

8.1.1. **Policy context**

The Development Plan outlines a series of policies (**WI POL 1** to **WI POL 8**) which generally support actions to facilitate the provision and upgrading of water and waste infrastructure for settlements within the county. Table 9.1 of the CDP also identifies Lough Melvin and the Drowse River as 'Prioritised Areas for Action' with regard to the national River Basin Management Plan for Ireland 2018-2021.

The site is within unzoned lands, in an agricultural area and is largely outside the designated Development Envelope for the village – the exception is that part of the site that includes the proposed gravity flow sewer connecting existing dwellings in Gublaun and along the R281). It is within the Erne Basin WTF region.

The village of Rossinver is identified as a Tier 4 village, defined as:

> *Villages with a more limited range of commercial and community services and facilities. These centres have limited capacity to accommodate and sustain a greater proportion of residential growth.*

Rossinver has four specific development objectives in the Leitrim County Development Plan 2023-2029, which in summary are to support the further consolidation of the village, to support local community services and tourism and to ensure that applications within flood risk areas be subject to a full Flood Risk Assessment be subject to a full FRA and Justification Test.

The proposed development is considered necessary infrastructure to replace an existing substandard WWTP – at present solids are tankered out to the Manorhamilton WWTP for treatment and disposal. The proposal includes for specific additional mitigation and protection measures (most notably the reed bed polishing filter) given the sensitivity of the adjoining watercourse.

A number of observers raised concerns at the lack of any connection to the rest of the village or to the village school. Leitrim County Council confirmed that the background to this application is the result of a proposal, funded by an EU programme, to upgrade the substandard existing WWTP for the Goblaun Estate, which consists of two small clusters of local authority housing on either side of the R282. The proposed sewer extends down the R282 until the junction at the bridge. It would have capacity to connect with the dwellings along this stretch, although such connections are not proposed. The applicant states that providing the village and

school with a connection is the responsibility of Uisce Eireann and the funding for the WWTP does not allow for a larger plant that would facilitate such a connection.

It is clearly unsatisfactory that such a substantial investment would only provide for a portion of the village when it would appear that even a relatively minor expansion in scale of the works would allow for the entire village to be served by a modern WWTP. Notwithstanding this, it would appear that there is no available mechanism with which this can be achieved. It is indicated that the WWTP could at some unspecified future date be transferred to the responsibility of Uisce Eireann. At 100pe capacity, it would seem that there would be the possibility if that occurred of the WWTP being used for more dwellings within the village (the population in the census of 2016 of the four townlands was 104 persons). On this basis, I conclude that in the existing circumstances, the failure to provide a direct connection would not be contrary to policy or good planning practice, as the capacity is sufficient to do so if and when a full agreement can be made between the local authority and Uisce Eireann.

I conclude that the principle of upgrading and expanding an existing WWTP to facilitate an existing settlement is fully in line with local plan policies to enable the protection of surface and ground waters. The proposed development is within a potential flood area and as such requires a Flood Risk Assessment in accordance with policy RR4 of the County Development Plan.

There is no specific policy guidance for choosing the location of the proposed WWTP, but the EPA Guidelines on such proposals – '*Waste Water Treatment Manual: Treatment systems for Small Communities, Business, Leisure Centres and Hotels*' published 1999 sets out some site selection criteria. The treatment systems should be a minimum of 50 metres from any dwelling (the existing system is closer than this to at least 3 existing dwellings) and should where possible minimise the overall distance for pumping untreated effluent and should use gravity feed where possible. In this regard, I consider the choice of site for the proposed unit to be reasonable – it is approximately 120 metres from the nearest dwelling and is slightly downgradient from both the existing tank and the dwellings to be served. Any alternative location is likely to require active pumping or would require a wayleave crossing of the Ballagh to access lands on the west bank of the river.

I note the comments of the EPA with regard to the licensing of the WWTP and an apparent *lacuna* in law for a local authority owned plant. I am satisfied on the basis of the response by the applicant that the plant can be appropriately licensed and controlled under Section 4 of the Local Government (Water Pollution) Act 1977. As such, I do not consider that the Board would be precluded from granting permission.

8.1.2. **Design considerations and amenity**

The existing WWTP is located at the end of a cul-de-sac road serving 13.no dwellings. The proposed development involves converting this to a pumping station while constructing a modern WWTP approximately 200 metres to the north in what is now a grazing field. Treated effluent would be discharged to a reed filter, then the final treated effluent would be discharged to the river Ballagh via a 225mm underground pipe. An access road would be built along the existing field to join the R281 just north of the housing estate. The proposed reed bed would be 32 metres by 18 metres and would take up approximately half of the overall new facility. The facility is of sufficient size for the existing settlement but does not have capacity for a significant increase in population for the village.

The site for the proposed main unit is shielded from views from the main road and other dwellings in the area by high hedges. There is an intermittent hedgerow and treeline along the back of the dwellings on Gublaun, but for the most part this would screen the site from the rear windows of these dwellings. The site is within an area designated as an 'Area of High Visual Amenity' in the Leitrim County Development Plan and close to the Lough Melvin AONB in Northern Ireland. The immediate area is of high landscape value, but its low-lying topography and heavy vegetation provides for a visually robust landscape. I would conclude that a small facility of this type, screened from public view from the main road would not significantly impact upon the overall landscape or tourism potential of the area.

The facility will be moved 200 metres from its current site so any odours or other impacts would be significantly less likely than at present – the EPA guidance on such developments – 'Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels' indicates that 50 metres is an appropriate separation distance from receptors. There are no indications that

the existing facility is causing amenity problems, although the tankering process is likely not particularly pleasant for local residents. It is not stated in the application documents, but it is reasonable to assume that the dwellings south of the area in the village currently use septic tanks or similar, so providing mains sewer connection will be a significant overall benefit if they are to take advantage of the possibility of connecting to this system.

I would therefore conclude that the chosen site is acceptable in amenity and design grounds and would provide an overall improvement over the existing set up for dwellings in Gublaun and Rossinver as a whole and will not have significant amenity implications for existing residents of the area.

8.1.3. **Cultural heritage**

There are no recorded ancient monuments on or in the vicinity of the site. The applicant outlines out a series of standard archaeological mitigations (Section 4.8 of the Planning Statement) which includes test excavation prior to excavation works. As the site is by a river and close to what appears to have been an historic crossing point ('stepping stones' are indicated on the older OS plans) in addition to springs to the north, would seem to be a possible location for some archaeological remains, so I recommend a standard archaeological monitoring condition for any works as recommended by the DAU.

There are no structures on the NIAH within the site, but a number are close by within the village core. At the crossroads in Rossinver, the bridge crossing the Ballagh River is indicated in the NIAH as of regional importance. It is described as a single-arch road bridge over the Ballagh River, built c.1800, constructed of cut sandstone blocks with sandstone coping to parapet. Rock-faced sandstone *voissoirs* to segmental arch-ring. There are no proposals to alter the bridge or lay pipes through or under it and it is not within the visual envelope of the proposed WWTP.

The former post office, dating from 1926 which is on the western side of the R281, is indicated as of Regional Importance. It is indicated that this building will be connected to the new sewer line along the R281, but the proposed works would not interfere with this building or its context.

I conclude that the proposed development would not significantly impact upon the cultural heritage of the area subject to a standard archaeological monitoring condition.

8.1.4. **Biodiversity**

A full Appropriate Assessment was submitted with the application, and I will address the biodiversity issues which relate specifically to the qualifying interests of the Natura 2000 sites in that section.

The site is primarily grassland, cut meadow at the time of my site visit. The site is rural in nature with substantial area of hedgerows and scrub with some woodland, so there is likely to be a significant number of mammals such as foxes in the area, but any permanent removal of suitable habitat will be temporary and minor in nature. There are no structures or trees on the main part of the site that could be roosts for birds or bats. Notwithstanding the Appropriate Assessment issues, I do not consider that there are any significant positive or negative impacts associated with the proposed development, although the reedbeds would be a general enhancement for some species over the existing improved grassland. Mitigation measures set out in the CEMP would provide adequate protection for species not listed in the Qualifying Interests of the designated EU habitat.

8.1.5. **Noise, dust, etc.**

Section 4.4 of the applicant's submission outlines operational noise issues – it is stated that there will be a slight increase in noise levels resulting from new pumps and motors. The maximum noise levels permitted will be 55 dB(A) daytime, and 45dB(A) 2200 to 0800 hours. This is within normal acceptable levels for a rural area. The separation distance from any dwellings and overall design is anticipated to ensure there are no odour implications – as the proposed system is much further from dwellings (approximately 120 metres) than the existing plant (20 metres from the nearest dwelling) I would not anticipate this will be an issue for the operation of the plant, although I note that particular care must be taken with the design of reed bed systems to ensure there are no odours during hot and dry weather.

A Construction Environmental Management Plan (CEMP) is submitted with the application regarding controlling noise, dust and other nuisances during the construction period. The CEMP in section 3 outlines details of management controls for the anticipated 26-week construction period to minimise impacts. It is anticipated that the works will require 60 truck movements over the 120 working days, all during normal working hours. Standard best practice measures are outlined in section 4 to minimise construction noise, dust, and impact on soils, water and geology, to prevent spillages. Specific measures (section 4.7) are outlined to protect amphibians and salmonids by way of protective measures for drains and watercourses and the timing of works. Additional measures are also outlined for the protection of otter and birds and other fauna, including the management of invasive species.

I am satisfied that the CEMP addresses all key required issues to minimise impacts on humans, wildlife, and water quality during the construction period. The sensitivities of the site (see the Appropriate Assessment section below) set particularly high requirements for measures to ensure there are no level of unacceptable impacts occurring on the watercourse or species, either those listed in the conservation objectives or otherwise protected under the Wildlife Acts or otherwise. These impacts are fully acknowledged in the CEMP and I conclude that the works can be carried out without an unacceptable level of such impacts. As noted in the application, the CEMP is a 'live' document that may require review on a regular basis subject to any conditions set in this application or other requirements of the Council or other statutory authorities. I recommend a standard condition such that final details of the CEMP be subject to the full agreement of the planning authority as appropriate.

8.1.6. **Flooding and drainage**

The proposed WWTP is within 30 metres of the Ballagh River, which follows a natural watercourse running north to Lough Melvin.

The applicant submitted a Flood Risk Assessment as part of the application, and this includes a Justification Test. This indicates that on the OPW National Preliminary Flood Risk Assessment Overview Report (March 2012) indicates that the site is not potentially subject to coastal or groundwater flooding, but that 60% of the proposed site (i.e. of the plant itself, not the overall red lined area) is within a

fluvial flooding area. The most up to date OPW assessment, from 2020, provides the 1% and 0.1% AEP indicative fluvial flood mapping of the Ballagh River area (this is indicated in Figure 3-4 of the FRA report). This indicates that a large area of the site is liable to flooding in a 1 in 100 year (1% AEP) fluvial event. Typical depth of flooding would be less than 0.25 metres.

It is noted that WWTP's are considered 'highly vulnerable' in the event of flooding.

The last paragraph of section 5-1 of the report states:

> *The flood depths within the subject site vary but are typically less than 0.25 metres. The elevation of the flood waters in the 1000 year MRFS event is predicted to approximately 30.266mOD adjacent to the proposed treatment plant. The proposed elevations at the site will be at a minimum of 31.50mOD, therefore the risk of flooding to any vulnerable elements of the development has been removed. It is also proposed to provide compensatory storage at the northern end of the site to accommodate for any loss of floodplain caused by the regrading of existing site elevations.*

There are not anticipated to be significant issues arising from pluvial or other forms of flooding.

The FRA concludes that the site is appropriate for this type of development and was designed according to the sequential approach as outlined in the PSFRM Guidelines and all vulnerable elements are located outside areas identified as being at risk of flooding.

Locating the proposed WWTP in an area with potential for fluvial flooding is obviously not ideal, but I note from the most up to date OPW flood mapping that in the event of a worst case scenario flood, much of the developed area in the village and around the Ballagh River would be seriously affected. It therefore seems inevitable that there are not many available suitable sites unless significant active effluent pumping to higher ground around the valley takes place, which is itself problematic in the event of power failure.

I therefore conclude that the FRA has been carried out appropriately with regard to the **Planning System and Flood Risk Management Guidelines** and that the locational choice is reasonable. With appropriate mitigation (i.e. the raising of levels and provision of compensatory storage), the risk of any fluvial, pluvial or other flooding events is unlikely, and it will not exacerbate any downstream flooding.

In other respects, I conclude that the site choice and design is appropriate with respect to potential flooding and drainage of the area. The proposed new mains to the village centre will facilitate foul drainage but will not impact upon surface water run-off.

8.1.7. Traffic impacts

The existing WWTP is located at the end of a cul de sac and requires regular tankering. The proposed development is to be primarily accessed via a new track next to an existing farm entrance on the R281. This road is straight at this point – there is an intermittent series of substandard footpaths between Goblaun and the main village. Sight lines at the proposed new access are acceptable in both directions. After the construction period operational traffic levels would be very light, so no safety or other traffic implications from the operational phase of the proposed development are anticipated. The CEMP outlines controls for the construction phase – these will be generally localised and temporary.

8.1.8. Conclusions

Having regard to:

- The existing substandard provision of wastewater treatment provision for the village.
- The layout of existing infrastructure and the settlement pattern of the village
- The chosen location of the new WWTP, and the use of existing wastewater infrastructure
- The agricultural nature of the chosen site for the WWTP,

The proposed development is in accordance with development plan policy and other policies and would on balance have a positive impact on the sustainable development of the village of Rossinver and the surrounding area.

8.2. The likely effects on the environment

I will address this under the following headings:

- EIA Screening

- Appropriate Assessment

8.3. **EIA screening**

The applicants submitted a screening for EIA which concluded that the proposed development does not require full EIAR for the reason that there is no real likelihood of significant effects on the environment arising from the proposed development and hence an EIAR is not required.

The following matters are considered relevant in the assessment of whether the submission of an EIA Report is required:

- Assessment of project type/class of development under Schedule 5 of the Regulations, relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the Regulations.
- Assessment of proposed development including its likely effects on the environment.
-

8.3.1. Project types / class of development.

The applicant in their submission has indicated the classes in Schedule 5 within which the development is considered to fall, i.e.:

Schedule 5, Part 2, 11(c) 'Other Projects: Waste Water Treatment Plans with a capacity greater than 10,000 population equivalent'.

Schedule 5 Part 2 class 10(dd) All private roads which would exceed 2000 metres in length.

Schedule 5 Part 2 Class 1(a): Projects for the restructuring of rural landholdings, where the area to be restructured would be greater than 100 hectares.

Schedule 5, Part 2, Class 13(a): Changes, extensions, development and testing.

Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

- Result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
- Result in an increase in size greater than –
    - 25 per cent, or
    - An amount equivalent to 50 per cent of the appropriate threshold, whichever is greater.
    -

8.3.2. Project thresholds

The proposed development is for a wastewater treatment plant of 100 population equivalent (pe) so is well below the 10,000 pe threshold in Schedule 5, Part 2, 11(c).

The proposed development includes what is described as a 'road' (in reality, a maintenance access track) of 140 metres length extending from the proposed WWTP to the R281. In total, along with the loss of agricultural land, this results in a loss of grazing land of less than 2 hectares. There is one wayleave which runs through an existing hedgerow, plus a short area of hedge next to the R281 would be removed to create the access. The overall landholding is under 100 hectares. As such, I do not consider that the works fall under Schedule 5 Part 2 Class 10(dd) or Schedule 5 Part 2 Class 1(a).

In such instances, the proposal is considered to be 'sub-threshold', and a mandatory EIA is not required. In such instances where the development is subthreshold, an assessment should be made against the criteria for determining whether development listed in Part 2 of Schedule 5 which are set out in Schedule 7 of the Regulations.

8.3.3. Assessment of the characteristics, location and potential impacts

The proposed treatment system is located on part of the site of the existing village system, and the works include for a connection to that system. The scale is somewhat larger, but it is still by any standards a small wastewater system. The site is on agricultural grasslands.

The key sensitivity of the site is its proximity to the Ballagh River, which is the primary source of water for Lough Melvin and is an SAC, designated for its

importance for oligotrophic and mesotrophic standing waters, waterside meadows, salmon and otter. An NIS was submitted with the application, and the assessment of whether there are adverse effects is contained in the full AA assessment within this report. The conclusion is that, subject to the standard mitigations set out in the submission documents, no adverse affects are anticipated. It is therefore concluded as part of the Appropriate Assessment, that the proposal takes full account of the environmental sensitivity of the location.

I note that in assessing this proposal, the 'baseline' is an existing undersized and substandard wastewater treatment system, located next to a number of dwellings. It will also replace existing septic tanks utilised by dwellings along the R281. It can therefore be anticipated that any impact on the ecology of the river and lake are neutral to positive from the existing environment.

I do not consider that there are other permitted developments in the area likely to have significant indirect or cumulative impacts.

Therefore, having regard to the nature and scale of the proposed development and the nature of the area, the anticipated short, medium and long term environmental impacts would not be of a nature beyond normal for a relatively small scale wastewater treatment project. The implementation of standard best practice methodologies during the construction and operational phase of the proposed development will result in the minimisation of unavoidable impacts such as the loss of habitat. Construction impacts will be of relatively short duration and limited frequency. There are no proposed developments within the vicinity that could result in unacceptable cumulative or indirect effects. In coming to this conclusion, I have had regard to any alterations that may arise as a result of conditions I will recommend to the board below.

8.3.4. Conclusion

I therefore conclude on the basis of:

- The EIA Screening submitted by the applicant;
- Other technical reports submitted as part of the application;
- The existing baseline of a substandard and undersized wastewater treatment plant partially on the site

- The characteristics of the proposed development
- The location of the proposed development
- The types, characteristics and scale of potential impacts.

That it is unlikely that there would be significant effects on the environment arising from the proposed development. I therefore concur with the conclusion of the applicants in its Screening Report that an EIA is not therefore required in respect of the proposed development.

8.4. Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U (screening) and 177V (appropriate assessment) of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Screening

An AA Screening Report was submitted by Leitrim County Council in support of the application. The AA Stage 1 Screening Report describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development. Sites are identified on the basis of a Source-Pathway-Receptor framework in addition to a 15km distance.

No habitats or species listed as qualifying interests for any nearby European Sites or corresponding with Annex I are identified on the main site, although it is immediately adjacent to a designated SAC and the effluent discharge pipe will enter the designated area.

The proposed development is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on any European sites. The AA Screening Report considers European sites within a 15 km and more range, but focuses more on the Source-Pathway-Receptor model than distance.

Having regard to the nature of the proposed development, the nature of the receiving environment and the source-pathway-receptor model it is considered that this is a reasonable approach.

The four sites identified within the Screening as being potentially linked via a source-pathway-receptor model are as follows (with the screening conclusion).

Site	Qualifying interests	Distance	Receptor/ connection	Screening conclusion
Donegal Bay SPA (004151)	Great Northern Diver Light-bellied Brent Goose Common Scoter Sanderling Westland and waterrides	16km	Very remote hydrological link – freshwater from Lough Melvin drains to the sea south of the SPA.	No
Sligo/Leitrim Uplands SPA (004187)	Peregrine Chough	9km	No S-R-P relationship, no potential for direct or indirect impacts.	No
Arroo Mountains SAC (001976)	Transition mire and quaking bogs	3.5km	No S-R-P relationship, no potential for direct or indirect impacts.	No
Lough Melvin SAC (000428)	Oligotrophic to mesotrophic standing waters Molina meadows Salmon Otter	Adjacent	Physical, hydrological and acoustic link.	Yes

The Donegal Bay SPA is designated for a number of coastal seabirds. It extends north from where the Drowes River, which flows from Lough Melvin, reaches the sea close to Bundoran. Having regard to the distance from the site (16km), and that the main waterbody of Lough Melvin is between this habitat and the site, I concur with the decision to screen this site out.

The **Sligo/Leitrim Uplands SPA** is some 9km from the site and is an extensive upland habitat, with its qualifying interests being the Peregrine Falcon and Chough. The lands are upstream of the watercourse next to the site. The Screening concludes that there is no source-pathway-relationship from this series of habitats so no adverse effects could be identified.

The **Aroo Mountains SAC** partly overlaps the above SPA and its qualifying interests are transition mire and quaking bogs. It is up gradient from the site with no hydraulic continuity and so no adverse effects can be identified.

The **Lough Melvin SAC** is an extensive designated area that includes the course and banks of the adjoining Ballagh River and the Lough itself. The Lough is considered a high quality freshwater habitat with lowland wet grassland. It is considered to be an excellent example of a natural, post glacial salmonid lake. It is designated for its standing waters adjoining Molina meadows, in addition to salmon and otter. Due to its proximity to the site, the discharge to the waters, and the land disturbance, and the sensitivity of the water environment of the lake, and its conservation objectives (namely, to protect the favourable conservation status of the two habitats and the two identified species), impacts cannot be screened out.

Table 9.1 of the Screening outlines an assessment of the project proposals and the significant of potential impacts on the conservation objectives of the qualifying species. It is concluded that the potential impacts include:

- Direct loss of habitat
- Indirect loss of habitat
- Impact on water quality by way of construction and operational impacts
- Disturbance/displacement of otter and salmon by way of noise disturbance/displacement.
- Reduction in species density by way of disturbance during construction or operation;

It is concluded that as the *molina* meadows do not occur on or near the site there is no source-pathway-receptor relationship. This specific qualifying interest can be screened out. The above impacts have the potential to affect the three other qualifying interests: Oligotrophic to mesotrophic standing waters, *salmo salar* and *lutra lutra*.

I am satisfied from the information provided with the Screening that all EU sites apart from the Lough Melvin SAC can be screened out. Due to the proximity to the site and its nature, I concur that the potential impacts of:

- Habitat loss;
- Habitat degradation.
- Reduction in species density and in-combination effects

Have the potential to affect three qualifying interests, the standing waters and salmon and otter. Noise and disturbance have the potential to affect the salmon and otter. As there is no source-pathway-receptor identified link, the *Molina* grassland can be screened out. The *molina* grassland does not occur along the river and there is no source-pathway -receptor relationship, so I concur that this conclusion is scientifically valid and correct.

Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed wastewater treatment plant, individually or in-combination with other plans or projects will have a significant effect on the Lough Melvin SAC site code 000428. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment: **Arroo Mountains SAC (001976), Sligo/Leitrim Uplands SPA, site code 004187** and **Donegal Bay SPA (site code 004151).** Measures intended to reduce or avoid significant effects have not been considered in the screening process.

Therefore, it is determined that a stage 2 AA of the proposed development is required. This conclusion is consistent with the documentation submitted by Leitrim County Council.

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

8.4.1. **Natura Impact Statement**

The application included an NIS in accordance with the requirements of Article 6(3) of the EU Habitats Directive, dated 25th June 2024 compiled by Jessica Devlin for Patrick J. Tobin & Co. Limited on behalf of Leitrim County Council. This NIS included a methodology, method statement for construction and the operational phase, a study of the baseline status of the site and surrounds, an assessment of impacts, including residual and in-combination effects, with a conclusion. The applicants NIS was prepared in line with current best practice guidelines.

The applicants NIS concluded that it has been objectively concluded from the examination and analysis of the proposed development, potential effects from same, and the mitigation measures outlined as presented in the report, that the proposed development proposed by Leitrim County Council will not adversely affect (either directly or indirectly) the integrity of Lough Melvin SAC, or any other Natura 2000 site, either alone or in combination with others plans or projects.

Having reviewed the documents submitted and consultations, I am satisfied that the information allows for a complete assessment of any adverse effects on the development, on the conservation objectives of the Lough Melvin SAC alone, or in combination with other plans and projects.

Potential adverse effects

The proposed development is not directly connected with or necessary to the management of any EU sites in the surrounding area. Adverse effects have been screened out for all but one European Site in the area, the Lough Melvin SAC site code 000428. The SAC was screened in based on potential significant effects from habitat loss, habitat degradation (from the introduction or spread of invasive species or pathogens), and reduction in species density. Three of the four qualifying interests were identified as requiring to be screened in. These are as follows:

Oligotrophic to mesotrophic standing waters [3130]

salmo salar (salmon)

Lutra lutra (otter)

Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojunctea [3130]

This habitat is interpreted by the NPWS as a mixed *Najas flexis* (an aquatic plant known as the Slender Naiad) lake habitat. Ireland is a European stronghold for the habitat and the species. Overall status in Ireland is considered inadequate. The main threats and pressures come from nutrient enrichment, afforestation, waste water, invasive alien species, sport and leisure activities. It is a habitat that is highly sensitive to hydrological changes and highly sensitive to pollution. Lough Melvin is considered to be in bad conservation condition following a deterioration in 2017. The conservation objective for the SAC is '*to restore the favourable conservation condition of Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniforae and /or of the Isoeto-Nanojuncetea in Lough Melvin SAC'*. The habitat is found in the main lake, not in the Ballagh River or adjoining watercourses.

Salmo salar (salmon)

Salmonids are identified as breeding in the overall catchment, with spawning beds within the river. A study referred to in the NIS (figure 6.3) identified the river as moderate to good salmon and trout spawning and nursery, although there has been a possible decline. It is considered to be functioning below potential as a habitat. The conservation objective for the SAC is to maintain the favourable conservation condition of the Atlantic Salmon.

Lutra lutra (otter)

The otter is protected under the Wildlife Acts in addition to being listed on Annex II and Annex IV of the EU Habitats Directive. The conservation objective for the SAC is to maintain the favourable conservation condition of Otter in the SAC. The NIS indicates that the river next to the site is suitable habitat for Otter, but a survey of a distance of 150 metres surrounding the proposed development site indicated no breeding holts and no evidence of otter use of the site. There was no evidence of runs on either side of the Ballagh River within the development site or on the other

bank. There is no evidence from desktop surveys of otter use of the site. It is noted that otter are transient and do not use the same habitat all the time, so regular checks of suitable habitat should be undertaken to ensure there are no active holts.

Habitat loss

It is noted that while the main site is grassland, habitat loss may occur at the outflow pipe to the Ballagh River. This has the potential to have an adverse effect on salmonid spawning grounds an otter. The pipe will be underground, so habitat loss would be temporary – i.e. during construction. Section 7.1.1 of the NIS identifies mitigation measures as set out in the CEMP (Appendix A of the Planning Statement). These mitigation measures include carrying out the works only outside of the spawning season for salmon (May to September), with consultation with the IFI required. A temporary coffer dam may be used if water levels are too high for works. Only minor excavation works are anticipated, and slit traps will be created to prevent fine material from escaping to the river. All works to comply with Inland Fisheries Ireland (2016) 'Guidelines on the Protection of Fisheries'.

It is not proposed to remove any suitable otter habitat. A pre-construction otter survey will be undertaken to determine if there has been any new activity in or around the works or if new holts or resting places have appeared. A derogation licence would be required if a holt needs to be disturbed.

It is anticipated that there are no residual direct or indirect impacts from habitat loss that could adversely affect the integrity of the SAC provided the CEMP is followed, and the set guidance issued by Inland Fisheries Ireland is fully adhered to and implemented.

Having inspected the site and reviewed the NIS and related documents, I am satisfied that this conclusion is correct. The main works are on improved grassland currently used for agriculture and there would not be any long-term loss of habitat. The main loss will be due to construction works, primarily the construction of the outfall pipe, but this will be minor and temporary in nature and I am satisfied that if all mitigation measures set out in the CEMP including are followed there will be no direct or indirect effects. The permanent loss of improved grassland to the new facility will not represent in a habitat loss of the qualifying interests of the SAC.

Habitat degradation due to hydrological impacts via surface water and groundwater

It is noted that any emissions to air, soil and water during site preparation and construction activity can impact negatively on habitat quality, specifically the lake waters and spawning beds for the salmon. For the construction period, the NIS sets out a full suite of mitigation measures to control hydrological impacts via surface water and groundwater (section 7.6 of the NIS). These include the appointment of an Ecological Clerk of Works (ECoW), the use of silt fencing and settlement lagoons, careful preparation of haul roads and site preparation, and the control of contaminated waters from all part of the construction site. Biosecurity measures are also required to prevent the introduction of invasive species (in line with Regulations 49 and 50 of the European Communities (Birds and Natural Habitat) Regulations 2011). The area will require pre-works survey to identify any otter holts. Water monitoring will also be required during works.

In the operational period, the main potential impact will be from effluent from the wastewater treatment plant. The Emission Limit Value (ELV) set in the Certificate of Authorisation from the EPA will have to be complied with (this has not yet been set, but proposed ELVs for the upgraded plant are set out in section 4.2 of the NIS). It is noted that the reed bed has been proposed in anticipation of a particularly high level of ELV that will be required as part of the operational licence. As the existing system for the village is substandard it is anticipated that the proposed WWTP will improve the quality of effluent from the existing situation, and hence is likely to have a long term positive effect on the receiving water body. While there is a lack of detailed historical monitoring for this section of the river, it is reasonable to conclude that notwithstanding the current tankering away of solids, the existing situation is sub-optimal. Replacing it with a modern system in line with current standards will either result in an improvement over the long term degradation of the freshwater habitat, or no significant change.

The NIS (section 7.2.2) concludes that provided flood risk measures and the CEMP are followed, and operational guidelines are fully adhered to, the proposed development would not pose a risk to the conservation objectives or the conservation condition, of the qualifying interest habitats or species of the SAC.

There are no residual direct or indirect impacts that could adversely affect the integrity of the SAC.

On the basis that the baseline situation for effluent is unsatisfactory, I concur that in principle the operational impacts of the proposed WWTP will improve effluent quality from the baseline situation, subject to the setting of an ELV and the required operational monitoring of this system. The site and adjoining lands are used for agricultural purposes if not already developed (i.e. the existing WWTP and the road network through which the new foul drainage system will run) and as such with appropriate standard mitigation measures I would concur that no adverse effects on the qualifying interests are anticipated.

Habitat Degradation

The potential risk of introducing non-native invasive plant and animal species (IAPS) or pathogens is acknowledged (section 7.3. It is noted that no invasive species as listed under Article 49 (European Communities (Birds and Natural Habitats) Regulations, 2011) were identified on or near the site.

A full biosecurity protocol is proposed to be implemented as part of the CEMP. This would include a pre-construction survey to confirm the absence of invasive species. If identified, a full IAPS management plan will be prepared in line with IFI 'Guidance on Biosecurity 2010 and CAIIE Guidelines 2022 '*Control of Aquatic Invasive Species and the restoration of Natural Communities in Ireland*'. All machinery, equipment and footwear should be cleaned and disinfected before use and all plant and machinery to be used in the aquatic area to be washed down at a designated off-site location.

It is concluded that there are no residual direct or indirect impacts that could adversely affect the integrity of the SAC by way of the introduction of invasive species. I am satisfied from the information on file and my site visit that there is no obvious problem on the site with invasive species, and the proposed mitigation measure will ensure no adverse effects on the SAC.

Reduction in species density by way of displacement, injury or mortality of QI species (i.e. salmon and otter).

It is noted that there is a high level of activity and noise on a construction site and that such activity can potentially interfere with the life cycle of the QI species.

For the otter, it is proposed to mitigate such measure to carry out a preconstruction survey to determine the presence or absence of otter, and if present to determine of there is a maternal holt in the area. An ECoW on site will provide training to staff to ensure all required mitigation is carried out. It is noted that a derogation licence would be required if a holt is identified. Standard methodology is set out (section 7.4.2 to mitigate any impact. It is stated that construction impacts will be mitigated and will have no adverse residual effect. It is noted that the operation of the plant will require little traffic or human activity on the site. It is noted that the NPWS have set noise limits (daytime and night time) to minimise any operational disturbance.

For the salmon, it is noted that construction can impact on spawning habitat by way of noise and vibration. It is noted that the works will require shallow excavation on the field with minimal heavy works. Piling will not be necessary. Migratory salmon movement usually occurs in the hours of darkness, outside of working hours. In mitigation it is stated that if loud construction activities are required, it will take place outside of the spring and spawning season. All activity to be agreed with Inland Fisheries Ireland prior to commencement.

It is stated in the NIS that there are no residual direct or indirect impacts anticipated.

It is therefore concluded that there are no residual effects anticipated on the species density of the salmon or otter.

On the basis of the mitigation measures set out, and the generally small scale nature of the proposed works, I am satisfied from the information provided that there would be no reduction in species density of the QI vertebrate species (otter and salmon) either during construction or operation.

Potential in-combination effects

Three is potential for cumulative and in-combination effects arise from the existing environmental policies and objectives of Leitrim County Council and Fermanagh and Omagh District Council across the border to the north of the site (the border runs

through the lake, but the River Ballagh is entirely within this jurisdiction). The County Development Plan set out environmental objectives for the broader area, including the protection of Natura 2000 sites, and include the requirement for future plans or projects to undergo Screening for AA. An NIS and SEA was carried out for the Leitrim County Development Plan 2023-2029.

There are no other planning applications pending in the immediate vicinity of the project area. There are proposals to upgrade the WWTP in the village of Garrison in Northern Ireland, although this project is not yet confirmed.

In these respects I am satisfied that no plan or project within the area has been identified that, after mitigation, would have residual effects on the Natura 2000 site within the zone of influence of the project. It is therefore predicted that there will be no negative in-combination effects with other plans and projects.

Mitigation measures

The NIS and associated documents, particularly the preliminary CEMP, include a series of mitigation measures to minimise the adverse effects of the construction and operation of the proposed dwellings and the bridge works. All these are standard mitigation measures for such works – although the particular sensitivity of the adjoining waters has required seasonal restrictions on certain proposed works. Key elements include:

- The appointment of an Ecological Clerk of Works for all construction activities.
- Pre-construction surveys to ensure there has been no change in the baseline conditions since the original site surveys, with particular regard to otter holts and invasive species.
- The use of silt traps on any possible source of run-off to the river.
- Timing of construction work outside the salmon and trout season.
- Relevant consultations with Inland Fisheries Ireland to establish the nature and location of sensitive times/areas.
- The use of silt fencing and silt traps.
- All storm drains to be directed to a settlement lagoon and released in a controlled manner
- All works to be carried out in dry weather.

- A dedicated self contained wheel wash is proposed at the site entrance.
- Full biosecurity measures to be enforced.
- Construction compound to be in a dedicated area at least 20 metres from any watercourse.
- All haulage routes to be clearly identified with adequate controls.
- All refuelling to be carried on off-site.
- Appropriate measures to control demolition waste and other arisings.
- All operational works to be carried out in line with statutory requirements.

Residual effects

No residual effects have been identified. The proposed development does not involve any novel or unusual features that may result in unexpected or residual impacts above and beyond those expected for a residential development or for minor bridge works.

Integrity test

Following the appropriate assessment and the consideration of mitigation measures, including:

- Measures that are embedded by virtue of the design of the development,
- The detailed arrangements for the management of surface water during all phases of the development, to minimise the potential for water pollution or significant effects on surface water flows as set out in the application documents,
- The standard good practice nature of the proposed mitigation measures and the efficacy of these to prevent water pollution and for managing flows.
- The application of protective coatings to all panels to reduce unnecessary polarised or reflected light.
- The absence of potential for cumulative effects with other policies, plans or projects in the area of the site,

I am able to ascertain with confidence that the project would not adversely affect the integrity of in view of the Conservation Objectives of the Lough Melvin SAC (000428). This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Conclusion

The proposed development of a WWTP for the village of Rossinver will not have a significant effect on the Lough Melvin SAC site code 000428 or any other European sites. Following the submission of an NIS, I am satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Lough Melvin SAC site code 000428 or any other European site, in view of these sites Conservation Objectives. My conclusion is based on a complete assessment of all aspects of the proposed development and there is no reasonable scientific doubt as to the absence of adverse effects.

In this respect, I have had specific regard to the following:

- The existing substandard provision of wastewater for the village and the proposal to upgrade and expand treatment for the settlement.
- The location of the site and the utilization of existing infrastructure where appropriate.
- The relatively robust receiving environment of the majority of the construction on existing agricultural lands and the proposals to minimise the impacts of the outfall to the River Ballagh.
- The mitigation measures set out to prevent water run-off from the site and the overall measures set out in the preliminary Construction and Environmental Management Plan.
- The full proposals for the control of water or soil emissions from the construction and operation of the plant.

This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects in the area.

9.0 Recommendation

I recommend that the Board approve the proposed wastewater treatment plant for the village of Rossinver for the reasons and considerations set out below, subject to conditions set out in the schedule.

10.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

a) The EU Habitats Directive (92/43/EEC);

b) The Climate Action Plan 2024;

c) The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site;

d) The conservation objectives, qualifying interests, and special conservation interests for the Lough Melvin SAC site code 000428;

e) The policies and objectives of the Leitrim County Development Plan 2023-2029;

f) The nature and extent of the proposed works as set out in the application for approval;

g) The information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement;

h) The submissions received in relation to the proposed development, and the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment: Stage 1

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspectors report that the Lough Melvin SAC site code 000428 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 associated documentation submitted with the application for approval, the mitigation measures contained therein, the submission sand observations on file, and the Inspectors assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European sites, namely the Lough Melvin SAC site code 000428, in view of the Sites' 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:

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

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out int eh Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Site, 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 and there is no reasonable scientific doubt remaining as to the absence of such effects.

Proper Planning and Sustainable Development and the Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not constitute a traffic hazard and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

   Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment**.**

2. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and the CEMP submitted with the application and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

   a) Location of the site and material compounds including areas identified for the storage of construction waste,

b) Location of areas for construction site offices and staff facilities,

c) Intended construction practice for the development, including hours of working and the season of works (to avoid any impacts on spawning salmon or trout),

d) Means to ensure that surface water run-off is controlled in line with a Sediment Control Plan, such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses,

e) Containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained,

f) The management of construction traffic and off-site disposal of construction waste,

g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,

h) Specific measures as to how the measures outlined in the CEMP will be measured and monitored for effectiveness, and

i) A record of daily checks that the works are being undertaken in accordance with the CEMP shall be maintained on file as part of the public record.

Reason: In the interest of protecting the environment, and in the interest of public health.

3. The local authority shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- Employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

- The nature and location of archaeological material on the site, and
- The impact of the proposed development on such archaeological material.

Complete a detailed archaeological excavation informed by additional test excavation across the whole phase of works to be completed prior to any construction staring on tie. In addition, an updated Archaeological Impact Assessment should be completed.

Complete a report, containing the results of the above assessments, regarding any further archaeological requirements (including, if necessary, archaeological excavation). This report shall then be submitted to the Department of Housing, Local Government and Heritage within any proposals agreed prior to commencement of construction works. Following this the local authority will provide suitable arrangements acceptable to the Department of Housing, Local Government and Heritage for the recording and removal of any archaeological material which it is considered appropriate to move.

Reason: In order to conserve the archaeological heritage of the site and secure the preservation (in situ or by record) and protection of any archaeological remains that may exist within the site.

4. A suitably qualified Ecological Clerk of Works shall be retained by the local authority to oversee pre-commencement surveys, site clearance, demolition of the dwelling, and construction of the proposed development. The ecologist shall have full access to the site as required and shall oversee the implementation of mitigation measures. Upon completion of works, an ecological report of the site works shall be prepared by the appointed Ecological Clerk of Works to be kept on file as part of the public record.

   Reason: In the interest of biodiversity and the protection of European Sites.

5. Odour levels at the site boundary shall comply with an odour concentration limit of 3 ouE/M3 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 residential amenity of property in the vicinity.

6. All external lighting within the proposed development shall be sufficiently cowled so as to ensure that light spillage beyond the boundary of the site is minimised.

   Reason: In the interest of residential amenity.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

Philip Davis
Planning Inspector

7th February 2025