



An
Bord
Pleanála

Inspector's Addendum Report

ABP-320024-24

Development

Wastewater Treatment Plant.

Location

Rossinver, County Leitrim.

Planning Authority

Leitrim County Council.

Applicant

Leitrim County Council

Type of Application

Local Authority Project.

Observer

Inland Fisheries Ireland

Department of Housing, Local
Government and Heritage (DAU)

Inspector

Philip Davis

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1.0 Introduction

This document is an addendum report to the Inspector's report in respect of ABP-320024-24 dated 7th February 2025.

On 13th June 2025 the Board decided that information received following a request for further information on the 9th April 2025 should be circulated for further comment. The further information submitted by the applicant included revisions to the NIS.

Two submissions were made – one each by Inland Fisheries Ireland and the Department of Housing, Local Government and Heritage (DAU), both relating to potential impacts on the local river and an SAC.

This report considers the submissions made on foot of the request for further information.

2.0 Response of Relevant Parties to the Board's Decision to Request Further Information

2.1. Applicant (Tobin Engineering, on behalf of Leitrim County Council)

- With regard to alternative sites, it is submitted that the Flood Risk Assessment Report is fully consistent with that recommended in the *Planning System and Flood Risk Management Guidelines 2020*. It is restated that the study indicates that there would be no flood risk from the proposed development, and that the operation of the treatment system can be managed to an acceptable level during an extreme flood event – additional plans are attached indicating elevation levels and the relationship of the WwTP to Flood Zones B And A.
- The site is considered to be compatible with the wider planning objectives of the area, specifically in that it is reducing the discharge of uncontrolled and partially treated effluent to the aquatic environment from the existing systems.
- It is stated that to implement a nature-based system, a site of this size is needed.
- Revised drawings are submitted in line with the Boards request.

- Outline information is provided on how the plant would operate in a flood event, and Appendix B updates the NIS accordingly.

2.2. Inland Fisheries Ireland

Notes the proximity of the proposed development to the Ballagh River and the Lough Melvin SAC (site code 000428). The Lake is of importance for a number of important fish species including the Arctic Char, the Atlantic Salmon and three distinct species of trout.

The main points of the applicant's response are noted.

A list of 12 separate recommendations for the implementation of the project are set out. These include standard CEMP measures and pollution control measures in addition to:

- The removal of fish from the area of the outfall during the works to the channel.
- The completion of all in-stream works between July and September, non-return valves to be fitted on the outflow channel.
- The implementation of a biosecurity protocol.

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

- Notes the revised NIS without comment.
- Recommends that all mitigations outlined in the NIS should be strictly adhered to, and all measures in the CEMP should be fully implemented.
- A suitably qualified ecological clerk of works (ECoW) should oversee the implementation of the CEMP.

3.0 Further Submissions

3.1. No further submissions were received.

4.0 **Assessment**

The matters raised as a consequence of the Commisions decision and request for further information relate to:

- The demonstration that consideration was given to an alternative site in the area with little to no flood hazard.
- Revised drawings.
- Details as to how the proposed plant would operate in the event of flooding.
- An updated NIS in the light of any changes from the above.

Having examined the submission(s) received and having regard to the relevant local/regional/national policies and guidance, I consider the main issues are as follows:

- Alternative sites/locations for the proposed wastewater treatment system.
- Revised drawings
- Operational aspects
- NIS
- Other issues

4.1. **Alternative sites/locations**

As I noted in my original report, the site is not ideal with regard to its location relative to the river, but there are no realistic alternative sites that would not involve active pumping of effluent, which would be highly problematic with regard to maintenance, cost, and environmental impact. The proposed location is close to the main source of effluent and can be fed by gravity and is sufficient distance from receptors that it minimizes any potential amenity/nuisance issue.

The applicant has submitted revised plans with further details showing the proposed plant with regard to projected flooding areas. It is indicated that the 1000-year MRFS event is predicted to approximately 30.3 metres OD whereas the main elements of the proposed plant are at 31.5 metres OD. Drawing No. 00896-2011

indicates predicted flood levels. It is submitted that this is consistent with recommendations in the Flooding Guidelines (2020) and the Justification Test set out therein. It is also noted that the plant will take effluent from a number of existing septic tanks within the flood area, and as such should be considered to be an improvement over the 'do nothing' scenario.

The two submissions (IFI and DAU) following the further information request did not raise concerns about the location of the proposed plant. IFI did request a non-return valve be fitted to the treated effluent outflow to prevent backing up into the plant in addition to a number of detailed points regarding construction methodology.

The details submitted by the applicant indicate that in the reasonable worst case flood scenario, water would extend up to and around the plant, but the plant would still be operational and there would be no significant impact on effluent treatment. The applicant has not provided alternative locations within the field or nearby, but I am satisfied from the information available on file and my site visit that while there are more elevated locations to the east (close to the road), these would likely require pumping and would be significantly closer to a number of dwellings, raising issues of amenity impacts. I am satisfied, having regard to the physical and technical restraints, that the location and vertical elevation of the proposed plant is sufficient to ensure it can operate even during a very severe flood event and as such fulfils the requirements of the Justification Test set out in the 2020 Flooding guidelines, and represents a reasonable choice that fully balances all locational requirements.

I therefore do not consider that the information submitted or the responses by the consultees justify a refusal or significant redesign/relocation of the proposed effluent plant.

4.2. Revised drawings

The applicant submitted two No. revised drawings – attached in the appendix to their response. These indicate the extent of Flood Zone A and Flood Zone B, and the relative levels of the 1 in 1000 MRFS and the vertical levels of key elements of the proposed plant.

I consider these to be an accurate representation of the requested details, and I do not consider that they represent a material change to the proposed development, but are a useful clarification of the information requested by the Board.

4.3. Operational details

The applicant states, with reference to revised Drawing No. 11896-2011 that the key process units - including all process tanks - all lie outside Flood Zones A and B. The reed bed would be inundated in a serious flood, but it is stated that this would not affect the operation and performance of the WwTP. The reed bed functions as a polishing filter for phosphorus – but the WwTP includes chemical phosphorus removal, and the chemical dose rate can be increased during an event to compensate. As such, it is stated that this automatic balancing of treatment methods would ensure no increase in phosphorus discharge even in a very severe flood event.

It is noted that in an extreme flood event, the outfall to the river would be inundated and would not operate – in this scenario effluent would go to an automated over-pumping facility. This would be automatic and would not require manual intervention.

As noted above, IFI requested the addition of a non-return valve (if it is not already part of the development, its not clear if this is the case). Otherwise, the observers did not comment on operational aspects.

I am satisfied from the information provided that 'normal' flooding would not impact negatively on the operation of the proposed WwTP, and that there is sufficient design provision to ensure it operates under the most extreme predicted flood. The proposed reed bed would not operate in such a flood, but there is an active chemical phosphorus removal function within the WwTP, and as such there should be no pollution impact, even in the case of a very extreme flood. As such, I conclude that all reasonable design considerations have been taken to ensure the WwTP operates correctly under even the most extreme flood conditions.

4.4. Updated NIS

The applicant provides an updated NIS in the light of the information and clarifications provided. IFI and the DAU did not object and did not consider that the additional information altered the conclusions of the Appropriate Assessment. I note the IFI comments with regard to the protection of fish by way of removal during works to construct the outfall – these generally apply to the protection of fish in general – only the salmon is listed as part of the QI of Lough Melvin, although there are a number of species and subspecies of fish of importance in the Lake.

The clarifications and additional plans do not materially affect the potential ecological impact of the proposed WwTP – as the applicant notes, the provision of this plant will significantly improve the existing very unsatisfactory environmental baseline. I am satisfied therefore that my conclusions on the NIS in my original report still stand.

4.5. Other issues

I do not consider that there are any other substantive issues raised as a result of the Further Information Request.

5.0 Recommendation

In my previous report I recommended permission subject to 6 no. standard conditions for such small scale WwTP developments. I note that my recommended condition no.2 relates to the requirement for a final CEMP which incorporates all mitigation measures indicated in the NIS and the draft CEMP. I note that in this I recommended a requirement to agree dates and seasonality of works (as requested by Inland Fisheries Ireland). Additionally, in condition no.4 I recommended that an Ecological Clerk of Works be appointed. I consider that these two recommended conditions cover most of the requests by Inland Fisheries Ireland and the Department in response to the further information submission.

The one exception to the above is element no.1 of the recommendations from IFI, namely that:

'With regards to the construction of the headwall and associated outfall pipework on the bank of the Ballagh River, prior to any dewatering of any works area, it will be necessary to temporarily remove fish from the area involved using electrofishing equipment. The electrofishing must only be carried out by nominated personal with training and experience of such operations and with Section 14 authorisation from the Department of Climate, Energy and the Environment'.

While having regard to the relatively small scale of the works, this would appear to be quite an onerous requirement, if the Commission may consider adding it as an additional item for agreement for the CEMP. The Commission may also choose to set the requirement for a non-return valve on the river discharge, but I consider that this is a standard item which would be part of the overall design as a matter of course.

I would consider the above to be the only alteration to my previous recommendation. I have set out my recommended Reasons and Considerations below, with suggested changes from my previous report highlighted in bold italics.

6.0 Reasons and Considerations

In coming to its decision, the **Commission** had regard to the following:

- a) The EU Habitats Directive (92/43/EEC);
- b) The Climate Action Plan **2025**;
- 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 **Commission** 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 and 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 in the 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 Site, 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.

7.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application and ***the further information submitted on the 14th day of May 2025***, 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) ***Measures to remove all fish from the river at the area of the outfall pipe during construction in line with the requirements of Inland Fisheries Ireland and a Section 14 authorisation from the***

Department of Climate, Energy and the Environment, if required.

- e) 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,
- f) Containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained,
- g) The management of construction traffic and off-site disposal of construction waste,
- h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- i) Specific measures as to how the measures outlined in the CEMP will be measured and monitored for effectiveness, and
- j) 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 starting on site. 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 judgement in an improper or inappropriate way.

Philip Davis

Senior Planning Inspector

3rd December 2025