



An
Bord
Pleanála

Inspector's Report ABP-320924-24

Development	Development of a new water treatment plant and associated infrastructure, new access road, together with all associated site works.
Location	Ballynamuck West, Dungarvan, Co. Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2360631
Applicant(s)	Uisce Eireann
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Pat Grant Eleanor and Derek Grant Jim Harty
Observer(s)	None
Date of Site Inspection	23rd January 2025

Inspector

Matthew McRedmond

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1.0 Site Location and Description

- 1.1. The subject site is located at Ballynamuck West, Dungarvan, Co. Waterford with proposed access from the R672. The site is located approximately 1km northwest from the edge of the Dungarvan built up area. The site is approximately 2.8ha in area and is predominantly in agricultural use, with an existing water tower located in the northwest corner of the site. There are a number of detached residential dwellings located to the north of the site. The Water Tower is located at a local topographical high point with land levels falling by 3-4 meters towards the R672 road entrance to the site.

2.0 Proposed Development

- 2.1. The existing water treatment facilities are located approximately 0.5km to the north of the subject site. The existing facilities comprise of groundwater abstraction from 4 No. boreholes and serve the urban area of Dungarvan. Dungarvan is listed on the latest EPA Remedial Action List (RAL) Q2 2023, which notes that a new water treatment plant is to be constructed by 2027. The reservoir has a storage capacity of 1,100m³ which is less than 6 hours capacity.
- 2.2. The current reservoir is at the highest point locally. It receives pumped water from the abstraction boreholes from where it then flows via gravity through the distribution network to supply. Water from the boreholes is pumped via an existing 300mm asbestos cement rising main to the existing elevated water tower/reservoir.
- 2.3. The existing boreholes are located on a small site, bound by the River Colligan to the west and north, an old derelict mill complex to the east, and an access road to the south. The existing treatment process consists of fluoridation and disinfection with no secondary disinfection and no protozoa barrier present. The applicant submits there is very limited room for any development on the existing borehole site.
- 2.4. Due to these deficiencies, the subject proposal aims to ensure the provision of a new treatment process in accordance with Uisce Eireann (UE) specifications and 24 hours treated water storage capacity.

2.5. The main objectives of the project are as follows:

- Essential capital upgrade works to meet UE treatment standards
- To provide a minimum 24 hours storage and ensure continuity of supply

2.5.1. It is proposed to construct a new Water Treatment Plant (WTP) immediately to the south of the existing elevated water tower to provide additional potable water storage, to adequately treat and to store the water, prior to distribution to the network. The proposed development includes the following main elements:

- New Treatment Process
 - o New circular Raw Water tank of 18.1m diameter and 6.2m height (above ground structure)
 - o New Used Washwater Equalisation Tank (below ground structure)
 - o New Contact Tank and Storage Reservoir (below ground structure)
 - o New Chemical Storage area
- Buildings
 - o New Water Treatment/process building of 9.2m in height with solar panels on roof, 624sqm in area.
 - o New Administration/ Welfare modular building, 4.2m in height with a floor area of 193sqm.
 - o New ESB Substation building, 2.9m height and 21.8sqm in area.
 - o New Pumphouse building 94sqm in area, 3.3m – 4.0m in height with basement.
- Pipework
 - o Interconnecting pipework with the water tower and existing network.
 - o New Rising Mains for future connection on R672.
 - o New Storm Drain and Attenuation system.
- Roads/other
 - New Entrance to R672

- New pedestrian path to existing water tower
- Internal circulation paths
- Fencing – Stock proof and security
- Landscaping
- All associated site works

3.0 Planning Authority Decision

3.1. Decision

Waterford City and County Council granted permission for the proposed development on the 9th September 2024, subject to 20no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Local Authority Planner had regard to the locational context of the site, national and local planning policy context, the referral responses received, and any submissions made on the application. Their assessment included the following:

- The site is zoned High Amenity in the Waterford City and County Development Plan 2022-2028. Utility infrastructure is open for consideration on such lands. Given the existing utility infrastructure on site, consideration can be given to the subject proposal.
- Alternative site options acknowledged, including existing WTP adjacent to Colligan River, which was ruled out due to area constraints, and flood and environmental risks due to the hydrological connection to Dungarvan SPA. Other options were a site on the northern side of R672, which was ruled out due to local road and sightline constraints. The subject site is considered most favourable by the applicant due to the existing water tower, whereby treated water will continue to be pumped to this location, and therefore a site in close proximity was deemed preferable from a capital and operational costs perspective.

- The applicant states that the existing water supply for the Dungarvan Area, which the subject proposal will serve, is listed on the EPA Remedial Action List (RAL) Q2 2023, with the proposal being considered 'essential' and a 'key priority' for Uisce Eireann.
- The proposal will provide a minimum of 24 hours storage and ensure continuity of supply in the area.
- Proposed access and sightlines are considered acceptable. There will be a negligible increase in traffic as a result of the proposal. A Construction Traffic Management Plan (CTMP) will be prepared and agreed with the Planning Authority prior to commencement.
- The Planning Authority queried the roadside boundary treatment, stating sod and stone ditch with hedgerow should be provided.
- The proposed generator building should be relocated to avoid noise impacts on residential amenity. The potential noise and air impacts will be mitigated through the Construction Environmental Management Plan. The proposed buildings are not considered excessive in height and the comprehensive landscaping will assimilate the proposal into the local environment over time.
- Although the general drainage design and treatment of surface water within the site is considered acceptable, additional details required in relation to treatment of potential sinkhole on site.
- Pre-development archaeological testing is recommended by the applicant, although there are no recorded archaeological sites on the footprint of the site.
- Further information was recommended in relation to a number of items.

Further Information Response

3.2.2. The applicant submitted a further information response in August 2024, which included the following:

- Revised drawing illustrating 160m sightlines based on a 2.4m setback and revised boundary treatment of earthen berm, stockproof fence and hedgerow planting between the berm and the new fence.

- A revised site layout illustrating a relocated generator, further away from the northern boundary. The revised location is 23m away from the boundary with the dwelling to the north. The proposed generator will be used in standby circumstances only.
- Some impacts related to noise will be present during the construction phase and will be mitigated through suitable plant, enclosures and screens around noise sources, limiting hours of work and ongoing monitoring. Operational noise is predicted to be within acceptable limits. The proposal is therefore acceptable in terms of noise impact.
- A lighting plan that illustrates light spill to neighbouring dwellings will be less than 1lux. Light fittings will be fitted with motion sensors and all lights will generally not be illuminated at the same time.
- Geophysical survey details that confirm the site is based on Waulstorian Limestones and not karst limestone. There are no confirmed sinkholes on site and risks to groundwater from surface water runoff is negated in this regard.
- The proposed discharge rate of Used Wash Water Equalisation Tank (UWWET) is estimated at 10.3L/sec over 24 hours. The proposed foul sewer is likely to be a 300mm diameter gravity sewer and will have additional capacity to accommodate connection from private houses, that could be served by gravity. A condition is recommended that the proposed 300mm foul sewer be in place prior to the operation of the WTP.
- A comprehensive landscaping plan that includes a mix of hedgerow and naturalised woodland planting.

Planning Authority Response

3.2.3. The Local Authority Planner was satisfied with the information submitted by the applicant at further information stage and recommended a grant of permission subject to conditions.

3.2.4. Other Technical Reports

- Water Services – No boil water notices on Dungarvan Water Supply as claimed by the applicant. Alternative location for generator required. Recommend grant of permission subject to conditions including all surface

and foul water drainage measures to be in compliance and agreed with the Planning Authority.

- District Engineer – Site entrance is acceptable. Existing entrance to be closed off. Stormwater connections to be provided.
- Heritage Officer – Overall proposal will enhance biodiversity value of site. No impacts on Dungarvan Harbour SPA. No invasive species on site which require eradication.
- Senior Executive Engineer (Environment) – Construction and Demolition Resource Waste Management Plan with hours of construction activity outlines. All chemicals to be appropriately stored in bunded areas.

3.2.5. Conditions

- Condition 3 – Within 6 months of the completion of site entrance as outlined under Condition 2, the existing entrance shall be closed off.
- Condition 6 – 300mm foul sewer on R672 shall be constructed prior to the final commissioning or operation of the Water Treatment Plant. Stormwater pipe/foul drainage to be in place
- Condition 11 – requires that all hardstanding areas within the site are to be constructed of permeable paving.
- Condition 13 – Noise monitoring and sound limits of 55dB - daytime, 50dB - evening time and 45dB - night time set out.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage

No issue with submitted Archaeological Report. A number of archaeological conditions are recommended to be attached by way of condition, including archaeological testing.

3.4. Third Party Observations

3.4.1. A number of submissions were made in relation to this application at both original application stage and at significant further information (FI) stage. The main issues raised can be summarised as follows:

- Location of subject proposal inappropriate in context of existing units. Generator should be relocated at a minimum. FI re-location not sufficient.
- Visual impact significant in this High Amenity Area. Scale will result in a feature of visual prominence, out of character with this rural area. Gray colour of buildings not considered appropriate.
- Surface water run-off will increase as a result of proposal to infill large depression in the field. Water run off already a concern with increase in extreme weather events, run off converging at Springmount pumping station that has experienced many issues in recent years. Previous issues with septic tanks overflowing due to flooding. Flooding observed recently at Bog Road and Fr. Twomey's Road in the locality and there is a concern that the subject proposal will make this worse.
- Concern about efficacy of proposed screen planting/landscaping. Additional native planting should be provided and conditions attached to any grant of permission ensuring implementation.
- Scale of proposal will turn this rural site into an industrial complex. Overshadowing and blocking of natural light to neighbouring properties also a concern. The proposed process building is excessive in height.
- Noise levels a concern for the local area. Noise assessment completed when background noise was higher due to construction activity.
- Proposed lighting not suitable in this rural location due to residential amenity and impacts on wildlife. Query on how many hours a day lights will be operational.
- Construction impacts should be adequately managed. Significant concern in relation to dust and noise. Construction traffic plan and restrictions on hours of work requested.

- Impacts on local biodiversity should be considered.
- Proposal will devalue property in the area.
- Ground conditions not suitable for the proposed development with reference to the “Dungarvan Syncline”, with the area at risk of sinkholes and subsidence. Potential impacts on structures in the area highlighted. Applicant should fund reinforcement of foundations to mitigate impacts of building in these ground conditions.
- Single rising main should not be extended or upgraded as it will impact on private amenity areas of existing residents.
- Any footpath to the proposed development should be extended to Pike Service Station as a show of good faith to the welfare of the community.
- Request for details in relation to the development of the remainder of the site.

4.0 Planning History

WCCC Ref. 00882– Permission granted for change of position of entrance gate at front of house to the north of subject site.

WCCC Ref. 99855 – Permission granted for proposed bungalow and ancillary works at the site immediately north of subject site.

WCCC Ref. 981196 – Permission granted for proposed bungalow and ancillary works at the site immediately north of subject site.

5.0 Policy Context

5.1. National Planning Framework

- 5.1.1. The National Planning Framework states that investment in water service infrastructures is critical to the implementation of the National Development Plan. Ensuring that water supply and wastewater needs are met by new national projects to enhance the cities of Ireland water supply and increase in wastewater treatment capacity is a key enabler for future growth.

- 5.1.2. Future growth enablers for Waterford include ensuring that water supply and wastewater needs are met by new national projects to enhance Waterford's water supply and increase wastewater treatment capacity.

5.2. Regional Planning Policy

- 5.2.1. In terms of regional policy Objective RPO112 of the Regional Spatial and Economic Strategy for southern region acknowledges that one of the key challenges facing the sustainable growth of the southern region is the need to address significant deficits in water supply. Objective RPO208 seek to support the implementation of Irish Water's investment plans.

5.3. Water Framework Directive

- 5.3.1. A review of High Status Objective Water Bodies that fall within 1km buffer of the application site boundary as set out in the Water Framework Directive Assessment Report, indicate that no High Status Objective Water Bodies were found within 1km of the site. The layers checked against are HSO Rivers, HSO River Subbasins, HSO Transitional, HSO Lakes, and HSO Coastal.

5.4. EPA Remedial Action List

- 5.4.1. The EPA Remedial Action List (RAL) is a register of public water supplies with the most serious deficiencies and known to be most at risk, where the EPA is requiring Irish Water to take corrective action to ensure the safety and security of the supplies by a specified date. The RAL is a register of public water supplies that are in need of corrective action. The corrective actions include ensuring that water is free of bacteria, protozoan organisms, and chemical substances such as trihalomethanes and pesticides. Other corrective actions include eliminating lead from pipework and ensuring all water treatment plants are effective. Dungarvan is on the RAL since 2023.

5.5. Waterford City and County Development Plan 2022-2028

- 5.5.1. The policies and provision of the Waterford City and County Development Plan 2022-2028 apply. The subject site is zoned 'High Amenity'. Utility Infrastructure is open to consideration on High Amenity zoned land.
- 5.5.2. Chapter 6 of the Development Plan specifically relates to utilities infrastructure including water.
- 5.5.3. Section 6.2 of the Development Plan specifically relates to water supply. The provision of an adequate supply of water and wastewater treatment facilities is considered critical to facilitate and sustain the growth of the City and County over the lifetime of the plan and beyond. The Council delivers water services in accordance with a Service Level Agreement (SLA) with Irish Water who is responsible for the overall delivery, integration and implementation of water and wastewater projects and infrastructural improvements.
- 5.5.4. It is an objective of Irish Water to provide drinking water and wastewater capacity to facilitate growth in accordance with core strategies at county level, and in accordance with the policies and objectives at both national and regional level. Table 6.1 of the Development Plan sets out that a Water Treatment Plant for Dungarvan is at design stage.
- 5.5.5. Objective UTL 02, states the following:

"Water Services

To collaborate support and work, in conjunction with Irish Water, to ensure the timely delivery and provision, extension and upgrading of existing and new high quality, climate resilient, water services infrastructure, in order to facilitate the sustainable growth and development of our City and County, in accordance with an ecosystem services and integrated catchment management approach, and the Development Plan Core and Settlement strategies."

While Objective UTL 05 states:

"EPA's Remedial Action List

In conjunction with Irish Water, undertake recommendations made by the EPA arising from any failure to meet drinking water standards and any enlistment on the EPA's Remedial Action List."

5.6. Natural Heritage Designations

- 5.6.1. The subject site is not within or immediately adjacent to any designated or Natura 2000 sites. At its closest point the site is circa 600 metres to the northeast of the Dungarvan Harbour Special Protection Area (SPA) (Site Code 004032). The site is 2 km to the southwest of the Glendine Wood Special Area of Conservation (SAC) (Site Code 002324). The Helvick Head SAC (Site Code 000665) and the Helvick Head to Ballyquin SPA (Site Code 004192) are located circa 7.5km to the south.

5.7. EIA Screening

- 5.8. The proposed development is for a new water treatment plant and is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA or EIA determination, therefore, is not required. See completed Form 1 in Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

3no. Third-party appeals were submitted. The grounds of appeal may be summarised as follows:

- Proposal will devalue property in the area.
- Proximity and scale of proposed buildings is too close to existing residential properties and will have noise impacts as well as impacts on existing natural light.

- The proposed lighting scheme is overly intrusive.
- Concerns in relation to construction and operational noise and vibration impacts. Restricted working hours and noise monitoring requested.
- The scale of the proposed development will transform this rural area into an industrial complex.
- Construction traffic plan requested prior to the commencement of development.
- Traffic impacts on the local road network a serious concern.
- Ground conditions not suitable for the proposed development with reference to the “Dungarvan Syncline”, with the area at risk of sinkholes and subsidence. Potential impacts on structures in the area highlighted. Applicant should fund reinforcement of foundations to mitigate impacts of building in these ground conditions.
- Flood risk a concern as a result of infilling sinkholes and the underground conditions at this location. Previous flooding on R672 and local roads to the site referenced.
- Surface water runoff will increase as a result of proposal to infill large depression in the field. Water run off already a concern with increase in extreme weather events, run off converging at Springmount pumping station that has experienced many issues in recent years. Previous issues with septic tanks overflowing due to flooding. Flooding observed recently at Bog Road and Fr. Twomey’s Road in the locality and there is a concern that the subject proposal will make this worse.
- Concern about efficacy of proposed screen planting/landscaping. Additional native planting should be provided and conditions attached to any grant of permission ensuring implementation.

6.2. Applicant Response

- 6.2.1. The applicant provided a response to the grounds of appeal that can be summarised as follows:

- Water supply facilities have been identified for upgrade in the EPA Remedial Action List. Current storage capacity is 6 hours which compromises continuity of supply. The aim is to provide 24 hour supply in line with Uisce Eireann requirements.
- In terms of scale of development, three of the proposed water tanks are underground and will not be visible. The 6m high raw water tank is located to the rear of the site, adjacent to the water tower and existing mature hedgerow. The 9m high process building is designed to allow for internal tanks. The design is intended to replicate agricultural buildings. The administration building is a single storey pitched roof, to reflect the profile of residential dwellings in the area. The site zoning allows for utility infrastructure and there is the existing water tower already on site.
- Construction noise and vibration impacts will be managed through a CEMP.
- The generator has been additionally set back during the planning process and as screen planting matures, this will provide additional noise and visual mitigation. The proposed generator is noted as being stand-by only with additional acoustic housing proposed to mitigate any noise impacts. The Noise Impact Assessment submitted with the application noted operational noise levels will be within acceptable limits.
- The proposed buildings will not give rise to any sunlight or daylight impacts as they are adequately setback from residential properties. The proposed buildings are considered low rise and modest in height and will not give rise to significant adverse impacts on the landscape.
- There will be no surface run off from the subject site with SuDS designed into the scheme, including an attenuation pond to collect run off within the site. The submitted flood risk assessment found no previous record of flooding at this site and the site is not within a floodplain. As there will be no run off from the site, there will be no impacts on existing pumping infrastructure in the locality.

- Condition 11 of the grant of permission required permeable paving within all areas of the site. The applicant requests the omission of this condition as it is unnecessary with the SuDS design proposed and health and safety standards require areas of hardstanding for access and loading.
- The combination of low level lighting fixtures (47no.), reduced quantity of street-lighting (7no.) and the provision of motion sensors will minimise lighting on the site and avoid impacts on neighbouring properties.
- Significant screen planting and landscaping is proposed as part of the proposed development, including additional planting to all boundaries of the site.
- The applicant agrees in principal that a Construction Traffic Management Plan will be provided prior to the commencement of the development, as requested in the third-party appeal.
- The proposed WTP works are required to provide reliable water treatment for Dungarvan. The proposed works will ensure a more efficient system for the existing population and will facilitate future growth for Dungarvan and Environs.

6.3. Planning Authority Response

6.3.1. None on file

6.4. Observations

6.4.1. None received.

6.5. Further Responses

6.5.1. None on file.

7.0 Assessment

7.1. Having reviewed the details and appeal documentation on the file, the submissions made, having inspected the site, and having regard to relevant local and national policy and guidance, I conclude that the main issues are the following:

- Principle of Development
- Scale of Development
- Noise and Vibration
- Lighting
- Surface Water/Flooding
- Construction Impacts
- Ground Conditions

7.2. Principle of Development

- 7.2.1. The Third-Party appeals reference the suitability of the subject location for the proposed development, as it is a rural area, that could be potentially transformed to industrial use if the proposal is granted permission.
- 7.2.2. The applicant has put forward that the proposed site is the most favourable in terms of adjacent land uses, material assets and capital costs in comparison to other sites.
- 7.2.3. I note the subject site is zoned 'High Amenity Area' (HA) in the Waterford City and County Development Plan 2022-2028, which has an objective to: *'Protect highly sensitive and scenic locations from inappropriate development that would adversely affect the environmental quality of the locations.'* Utility Infrastructure is open for consideration under this land use zoning.
- 7.2.4. Objective UTL 02 of the Development Plan supports working with Irish Water to provide upgraded, high quality water infrastructure to support the growth of the County.
- 7.2.5. I note the presence on site of the existing water tower that is visible from the surrounding area given the height of the structure and the elevated nature of the site itself. I further note a number of alternative locations were considered for the subject

proposal and that greater impacts on neighbouring properties, road network and environmental sites, may have arisen at these alternative locations.

- 7.2.6. The site of the existing Water Treatment Plant to the north, adjacent to the Colligan River was ruled out due to area constraints, flood risk and environmental risks by reason of the hydrological link to Dungarvan Harbour SPA. Another option was a site on the northern side of the R672 that would access onto the Local Road. Traffic impacts on this local road were considered unfavourable by the applicant. I consider these options can be reasonably ruled out due to the potential impacts outlined, including flood risk and roadworks that would be required to the Local Road.
- 7.2.7. The requirement for the proposed utility infrastructure has been well established through the EPA Remedial Action List (RAL) and I note a requirement for a Dungarvan facility to be constructed by 2027. Objective UTL 02 and UTL 05 are clear in terms of providing adequate water supply to support the growth of the County and to implement the EPA RAL.
- 7.2.8. Based on the zoning of the site, the County Development Plan Objectives to ensure timely provision of necessary infrastructure including water services, and the existing utility structure on the site, I am satisfied that the development of a water treatment plant is acceptable in principle at this location, subject to meeting all other appropriate planning and sustainable development requirements.

7.3. Scale of Development

- 7.3.1. The appellants raised concerns about the scale and height of the subject proposal and that the proposed buildings would lead to overshadowing and blocking of natural light to adjoining properties.
- 7.3.2. The applicant sets out that a number of tanks are underground and the tallest building at 9m is designed for operational purposes and is not excessive in the context of agricultural buildings in the area.
- 7.3.3. The closest above ground structure to properties to the north is the 9m high process building. The proposed building is 16m from the northern boundary of the site at its nearest point, and from scaling the submitted Site Layout Plan, is approximately 22m from the nearest dwelling, a bungalow, located to the north side of the common boundary.

- 7.3.4. Generally, a separation distance of 22m would be considered adequate to mitigate any overshadowing of adjoining properties, given the 9m height proposed. However, the 25-degree rule of thumb can be applied to initial consideration of the loss of natural light as defined by the BRE document 'Site Layout Planning For Daylight And Sunlight'.
- 7.3.5. The guide states that the procedure is as follows: *"Measure the angle to the horizontal subtended by the new development at the level of the centre of the lowest window. If this angle is less than 25 degrees for the whole development, then it is unlikely to substantially affect the diffuse daylight enjoyed by the existing building. If, for any part of the new development, this angle is more than 25 degrees, a more detailed check is needed ..."*.
- 7.3.6. The measured angle of the horizontal subtended by the proposed development from a typical ground floor rear window of the existing bungalow to the north is measured at approximately 15-20 degrees based on submitted drawings and is therefore less than the 25 degree rule of thumb and is unlikely to impact on the existing daylight of existing buildings. Other buildings are located further north and would be even less impacted.
- 7.3.7. Other buildings within the proposed development include a 6m high water tank to the rear/western boundary of the site, the administration building, which is 4m in height, the generator building and the pumphouse. Each of these buildings are of modest height and adequately setback from property boundaries to exclude any instances of significant residential amenity impact. In the case of the generator building, I note this has been relocated at FI stage at a point 23m from the nearest residential dwelling.
- 7.3.8. Given the standby nature of the generator facility within the subject proposal which will not result in excessive or frequent noise impacts, the setback and design of other buildings within the proposed site, in conjunction with the proposed screen planting, I consider the proposal to be of an appropriate scale and design for the infrastructure proposed, and for there to be minimal residential amenity impacts expected given separation distances and screen planting proposed.

7.4. Noise and Vibration

- 7.4.1. The appellants submit that there will be significant noise impacts during both construction and operational phases that will severely impact their residential amenity. Concern is also highlighted in relation to potential structural damage caused by vibration from construction works.
- 7.4.2. The applicant submitted an Outline Construction Environmental Management Plan (CEMP) with the application and a specific noise assessment at further information stage. Both documents set out mitigation measures to manage noise and vibration during the construction and operational phases of the Development.
- 7.4.3. The applicant noted the following Guidelines and Standards in their assessment of the noise conditions at the subject site:
- *BS 4142:2014+A1:2019: Methods for rating and assessing industrial and commercial sound.* [UK]
 - *EPA Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4), 2016.*
 - *BS 5228: 2009+A1:2014 Code of practice for noise and vibration control on construction and open sites.* [UK]
 - *Local Authority Noise Guidelines.*
- 7.4.4. I note the contents of the submitted Noise Impact Assessment by the applicant, which sets out applicable noise and vibration limits that can be applied in this rural area, where background noise is recorded as 45 dB average during day time and 35db sound level average at night time.
- 7.4.5. I note BS 5228 provides that construction noise outside the nearest window of an occupied room closest to the site boundary should not exceed 70dB in rural areas. The applicant therefore recommends a noise limit of 65dB for construction activity at the subject site between the hours of 7am-7pm Monday to Friday and 7am-1pm on Saturdays. Acoustic barrier mitigation is also proposed between the subject site and properties to the north, as well as a programme of ongoing monitoring to ensure recommended noise levels are not breached.

- 7.4.6. I note the operational noise limits recommended by the applicant of 50dB for daytime and 40dB for night-time. While the applicant recommends detailed design to include any acoustic treatment to plant equipment, operational phase noise emissions are not expected to result in an exceedance of the relevant noise criteria.
- 7.4.7. As previously noted, the proposed generator building will be setback 23m from the nearest property, as submitted at FI stage of the application. Given the standby nature of the generator facility within the subject proposal I do not expect the generator will result in excessive or frequent noise impacts on adjoining properties.
- 7.4.8. With consideration of the distance from site boundaries to nearby sensitive receptors, and proposed general methods of construction, I consider that vibration emissions to nearby receptors will be not significant. As part of general best practice construction methods, a programme of liaison with neighbours should be incorporated in the final construction management plan to ensure any issues are addressed in relation to noise and vibration during construction works.
- 7.4.9. Based on the mitigation and monitoring measures proposed by the applicant, the short-term and temporary nature of construction works and the strategic importance of the proposed water infrastructure, I consider the recommended noise limits for construction activity to be acceptable. I recommend a condition is attached to ensure appropriate mitigation measures are implemented during construction and noise monitoring is undertaken if recommended noise limits are exceeded.

7.5. Lighting

- 7.5.1. Concerns are raised in the Third Party appeals in relation to the potential for light pollution as a result of the subject proposal, in what is currently a rural area.
- 7.5.2. The applicant has set out that the combination of low-level lighting fixtures with mainly bollard type lighting and 7no. streetlights, and the provision of motion sensors that mean the lights will only come on when someone is present on site, will minimise lighting on the site and avoid impact on neighbouring dwellings.
- 7.5.3. I note the Outline Lighting Plan submitted by the applicant. The lighting plan illustrates light spill to neighbouring dwellings will be less than 1lux. I consider this to be an extremely low-level of light impact, and when coupled with screen planting, impacts on residential amenity would be minimal. I also note light fittings will be fitted

with motion sensors and all lights will generally not be illuminated at the same time, reducing the potential for significant light spill from the subject proposal. The applicant has not indicated the frequency of site visits by maintenance and operational staff, or the time of day that may require attendance on site, however I would expect instances of personnel being present on site outside of daylight hours to be low, and at night-time hours even less so.

- 7.5.4. From the light spill calculations submitted and the provision of motion sensors to minimise the amount of time light fittings will be illuminated; I am satisfied that there will not be any significant impacts in relation lighting from the subject proposal, regardless of the frequency and duration of lighting being in operation at the subject site.

7.6. Surface Water/Flooding

- 7.6.1. As a result of infill of low points at this site, surface water run-off and flooding of existing septic tanks in the area, was raised as a concern in Third Party Appeals. The appeals also reference the potential impact on existing pumping stations in the area, outside of the development site.
- 7.6.2. The applicant has submitted a Flood Risk Assessment, Drainage Design Report and Landscape Plan that are all relevant to this issue. The applicant submits that the Flood Risk Assessment found no record of previous flooding of this site and the site is not located in a floodplain. It is also submitted by the applicant that there will be no surface water discharge or overflow from the site.
- 7.6.3. I note from the submitted Drainage Design Report that all surface water, including from roofs and hardstanding areas, will be directed to an attenuation pond within the site. The attenuation pond will be located at the eastern boundary with the R672, at the proposed entrance to the site. The attenuation pond is designed to Sustainable Drainage System (SuDS) standards and will collect all surface water run off within the confines of the site. The natural topography of the site runs to this location and I consider it reasonable to provide a surface water run off attenuation area at this low-point, which will prevent any additional run off to the R672.
- 7.6.4. I note there have been no official records of flood events on the R672. However, I consider the proposed retention of surface water run off within the site, will mitigate any additional impacts, which were raised as a concern by third parties.

- 7.6.5. Based on the drainage design put forward by the applicant, coupled with the detailed landscape plan that includes berms, native planting and forest areas, I consider there to be sufficient drainage and management of surface water run off proposed within the site.
- 7.6.6. In relation to surface water management the applicant highlighted Condition 11 of the grant of permission which required permeable paving within all areas of the site. The applicant requests the omission of this condition as it is unnecessary with the SuDS design proposed, and health and safety standards additionally require areas of hardstanding for access and loading.
- 7.6.7. I note the Water Services Department of Waterford City and County Council raised no objection to the subject proposal, subject to conditions.
- 7.6.8. I consider the drainage design put forward to be adequate. Given the nature of the water treatment facility, I accept that areas of hardstanding are necessary for safety reasons such as chemical loading areas with a dedicated localised drainage system. The main areas of hardstanding within the site are the access road, the internal circulation road and parking and turning areas. Surface water run off can be appropriately diverted to the proposed attenuation pond within the site and I am therefore satisfied that all surface water run off can be appropriately managed within the site and Condition 11 is therefore not necessary in this instance.

7.7. Construction Impacts

- 7.7.1. The Third-Party appeals refer to various concerns in relation to construction impacts of the subject proposal. These include air and noise impacts during construction. I have addressed issues in relation to noise impacts under section 7.4.
- 7.7.2. The applicant submitted an outline Construction and Environmental Management Plan (CEMP) at application stage and a Noise Impact Assessment at Further Information stage of the application. The CEMP document provides a framework to minimize negative environmental effects during the construction of the proposed development such as air quality, noise, dust, vibration and includes a complaints procedure for any non-compliance events.
- 7.7.3. Any traffic impacts from the subject proposal are likely to be concentrated at construction stage, with a negligible level of additional traffic movements expected at

operational stage. A detailed construction traffic management plan (CTMP) will be prepared by the applicant prior to the commencement of development, as set out in the CEMP. This CTMP will include input from third-parties and can be ensured by way of condition on any grant of permission.

- 7.7.4. Overall, I am satisfied that standard practices in relation to construction management have been provided by the applicant in relation to the subject proposal. Any construction impacts will be short-term and temporary and with appropriate mitigation measures I am satisfied that construction impacts are not a reason for refusal in this instance.

7.8. Ground Conditions

- 7.8.1. Third Party appeals submit that the proposed development is to be constructed on the “Dungarvan Syncline”, which is very susceptible to subsidence. The appeal submits concern in relation to construction activities on these ground conditions and the potential for disturbance to ground water flow and integrity of foundations for dwellings in the vicinity.
- 7.8.2. The applicant submitted a Geotechnical site investigation report at Further Information stage, which identified no evidence of sinkholes at the subject site and as such the risk of impact to groundwater from surface water run-off is negated within the site.
- 7.8.3. As I detailed in the preceding sections of my report, all surface water will be directed to an attenuation pond inside the boundaries of the site. The existing hollow on site is located at the opposite (western) end of the site to the attenuation pond, as indicated on the Site Layout Plan.
- 7.8.4. I note the Geotechnical survey confirms the site is underlain by Waulstorian Limestone, which is not Karst Limestone. The report further notes there is no karst features recorded within the confines of the site. Given the proposal to infill the existing hollow with suitable fill material, the details submitted in the Geotechnical Report, the Flood Risk assessment and the Drainage Design Report, I am satisfied that the subject proposal will appropriately manage surface water within the site and would not result in any significant risk in the surrounding area. Similarly, given the ground conditions confirmed by the applicant’s geotechnical investigations, I do not

consider there to be significant potential for vibration impacts on these ground conditions that would impact on surface water or instances of ground subsidence.

- 7.8.5. Any residual impacts from construction activities can be adequately managed through the final detailed CEMP to be submitted by the applicant and to include for ongoing liaison and communications with the local neighbourhood in relation to potential impacts.

7.9. Overall Assessment Conclusion

- 7.9.1. Having regard to the grounds of appeal in relation to the principle of the subject proposal, scale, noise, lighting, surface water, and various design details, I do not consider any of the issues raised to be of a material consequence to the overall suitability of the subject proposal at this location. The subject proposal provides a piece of critical infrastructure to support the ongoing growth of Dungarvan and provide adequate water supply for the area, which is consistent with the provisions of the Waterford City and County Development Plan 2022-2028, including Objectives UTL 02 for the provision of water infrastructure to facilitate future growth, and UTL 05 to work with Irish Water to implement the EPA Remedial Action List. The subject proposal provides an appropriate layout that includes a detailed landscaping plan including the use of appropriate native screen planting to mitigate the visual impacts of the proposal and enhance biodiversity of the area. The forecast noise impacts of the proposal can be appropriately managed at construction and operational phases through acoustic screening and suitable design of plant machinery. An attenuation pond within the site will manage surface water within the site and mitigate any off-site impacts in relation to flood risk. I therefore recommend that the application be granted permission as further detailed in Section 9 and 10 of this report.

8.0 AA Screening

- 8.1. The site is not located within any designated site. The closest Natura 2000 site is the Dungarvan Harbour SPA (Site Code: 004032) which is located less than 1km to the southwest of the site. The Glendine Wood SAC (Site Code: 002324) lies 4.8km, also to the southwest of the site.
- 8.2. I have had regard to the AA screening assessment undertaken by the planning authority and the AA screening assessment submitted by the applicant. Overall, I

consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites, and the absence of an identifiable hydrological connection. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site, in view of the Conservation Objectives of those sites, an Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

- 9.1. I recommend that permission be granted based on the following reasons and considerations.

10.0 Reasons and Considerations

- 10.1. Having regard to the nature and scale of the proposed development, the location of the subject site in relation to Dungarvan Environs, and the policies and objectives of the Waterford City and County Development Plan 2022-2028, including objectives UTL 03 and UTL 05, it is considered that subject to compliance with the conditions set out below, the development would be acceptable in terms of scale, design and visual impact, would provide an appropriate construction management methodology for the development of the site to include noise attenuation, and would provide an appropriate strategy for the management of surface water within the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars submitted to the planning authority on the 20 th day of December 2023, as revised by details submitted on 14 th August 2024
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	<p>except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed 300mm foul sewer on the R672 road, to connect the foul sewer serving the Water Treatment Plant permitted herein to the existing foul sewer approximately 300m to the southeast of the site shall be constructed prior to the final commissioning or operating of the Water Treatment Plan permitted herein.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
3.	<p>Details of the materials, colours and textures of all external finishes to the proposed structures on site shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: in the interest of visual amenity.</p>
4.	<p>The landscaping of the site shall be in accordance with the Landscape Plan and Habitat Enhancement Plan submitted to the planning authority on the 14th day of August 2024. Details of the implementation of the plan shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure the protection of biodiversity.</p>
5.	<p>The mitigation measures set out in the Ecological Impact Assessment report shall be implemented in full.</p> <p>Reason: In the interests of ecological protection, proper planning and sustainable development.</p>

6.	<p>Details of the proposed entrance including the provision of requisite sightlines for traffic exiting the site shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of traffic safety.</p>
7.	<p>Sight distances of 160 metres shall be provided at the entrance to the site at a point 2.4 metres from the public road edge. The roadside boundary shall be set back behind the sightlines to accommodate this requirement and shall be constructed of a sod and stone ditch in lieu of an earthen berm and otherwise in accordance with submitted details submitted to the planning authority on the 14th day of August 2024.</p> <p>Reason: In the interest of traffic safety.</p>
8.	<p>Details of all boundary fencing shall be agreed in writing with the planning authority prior to the commencement of development. Any boundary treatments shall not impinge upon the existing sod and stone embankment and the existing vegetation along the access leading to the site. Details shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>All works on site shall be implemented in accordance with a construction environmental management plan which shall include an invasive species management plan. This plan shall provide details of intended construction practice for the development, including onsite storage arrangements, hours of working, noise management measures, off-site disposal of construction and demolition waste/material, construction traffic, construction lighting, a scheme for dust and dirt control, road cleaning of access/egress routes to/from the site, vibration control, foul and surface water discharges and any other nuisance or significant interference with amenities or the environment beyond the site boundary. Details of the construction environmental management plan shall be agreed in writing with the planning authority prior to the commencement of development.</p>

	<p>Reason: In the interest of protecting the environmental, ecological and residential amenities of the area.</p>
10.	<p>(a) The applicant shall engage the services of a suitably qualified archaeologist to carry out pre-development testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service of this Department, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping and/or construction works. The report shall include an archaeological impact statement and mitigation strategy.</p> <p>(b) Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record (archaeological excavation) and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service of this Department, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to an approval to proceed is agreed in writing with the planning authority.</p> <p>(c) The Planning Authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring and any subsequent investigative work, following the completion of all archaeological work on site and any necessary post excavation work. All resulting and associated archaeological costs Waterford CCC Planning Authority - Inspection Purposes Only! shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>
11.	<p>During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed:</p>

	<p>(a) A rating of LAr,30min value of 55 dB between the period 0700 hours and 1900 hours.</p> <p>(b) An Lar, 30min value of 50dB between the period 19:00 hours to 23:00 hours</p> <p>(c) An LAeq, 5 min value of 45 dB(A) at any other time.</p> <p>Nighttime emissions shall have no tonal component.</p> <p>(2) During temporary site set up works such as the construction of perimeter berms and stripping of soil, the noise level measured at noise sensitive locations in the vicinity shall not exceed a limit of 65dB LAeq 1 hour up to a maximum period of 8 weeks in any year.</p> <p>Details of the noise monitoring locations and methodology for recording noise levels and demonstrating compliance with the above limit values shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In order to protect the amenities of property in the vicinity.</p>
12.	<p>All surface water drainage arrangements shall be agreed in writing with the planning authority prior to the commencement of development. A plan containing details for the management of waste and in particular recyclable materials within the development including the provision of facilities for the storage, separation and collection of waste and in particular recyclable materials shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Thereafter the waste shall be managed in accordance with an agreed plan.</p> <p>Reason: In the interest of protecting the environment and public health.</p>
13.	<p>Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Site Lighting Layout, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.</p> <p>Reason: In the interests of amenity and public safety.</p>

14.	<p>All chemicals and other hazardous materials shall be securely stored on site. All chemicals shall be contained within bunding with a volume equal to 110% of the sum of the volumes of the largest tank. Details of all bunding arrangements and storage of hazardous materials shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of protecting the environment and public health.</p>
15.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

Matthew McRedmond
Senior Planning Inspector

28th January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320924-24		
Proposed Development Summary	Water Treatment Plant, including storage tanks, pumphouse, ESB Substation, process building and all associated site works.		
Development Address	Ballynamuck West, Dungarvan, Co. Waterford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank	State the Class here.	Proceed to Q3.
No	✓		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	Tick/or leave blank		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ Date: _____