

Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 23/60631

Appeal by Pat Grant of Ballynamuck West, Dungarvan, County Waterford and by Others against the decision made on the 9th day of September, 2024 by Waterford City and County Council to grant subject to conditions a permission to Uisce Éireann care of Jennings O'Donovan and Partners Limited of Finisklin Business Park, Sligo in accordance with plans and particulars lodged with the said Council.

Proposed Development: New water treatment plant (WTP) consisting of the following: (1) a new raw water tank (above ground structure). (2) a new used washwater equalisation and storage tanks (UWWEST) (below ground structure). (3) a new contact tank and storage reservoir (below ground structure). (4) a new process building with solar panels on the roof. (5) a new administration building. (6) a new pumphouse building. (7) a bunded external area for chemical storage tanks, kiosk and emergency shower. (8) a new ESB substation building and a new generator and fuel storage tank. (9) new boundary fence to include 2.4 metre high palisade fence with security gate. (10) new drainage network and retention pond. (11) new entrance onto the R672 and new access road as well as all associated site works. The proposed development will include a pedestrian link with the existing water

tower site and modifications to the existing fence to close the existing vehicle access to the water tower located in the townland of Ballynamuck West, Dungarvan, County Waterford as revised by the further public notices received by the planning authority on the 14th day of August, 2024.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

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 proposed 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.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development in a serviced urban area, the documentation submitted

with the application to Waterford City and County Council, the Inspector's report, and submissions on file received at application and appeal stage. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on Dungarvan Harbour Special Protection Area (Site Code 004032) or any other European Site in view of the conservation objectives of such sites.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 2nd day of August 2024, 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.

Reason: In the interest of clarity.

2. The proposed 300 millimetre foul sewer on the R672 road, to connect the foul sewer serving the Water Treatment Plant permitted herein to the existing foul sewer approximately 300 metres to the south-east of the site shall be constructed prior to the final commissioning or operating of the Water Treatment Plant permitted herein.

Reason: In the interest of the proper planning and sustainable development of the area.

3. 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.

Reason: In the interest of visual amenity.

4. The landscaping of the site shall be in accordance with the Landscape Plan and Habitat Enhancement Plan submitted to the planning authority on the 2nd 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.

Reason: In the interest of visual amenity and to ensure the protection of biodiversity.

5. The mitigation measures set out in the Ecological Impact Assessment report shall be implemented in full.

Reason: In the interests of ecological protection, proper planning and sustainable development.

6. 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 2nd day of August 2024.

Reason: In the interest of traffic safety.

7. Within six months of the completion of development works associated with the permitted entrance, the existing entrance point on site shall be closed permanently and a sod and stone ditch shall be located across the existing entrance point immediately behind the sightlines as set out under condition number 6.

Reason: In the interest of orderly development.

8. 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 in this regard shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

9. 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, 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.

Reason: In the interest of protecting the environmental, ecological and residential amenities of the area.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. (a) The developer 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, 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.
- (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, 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.

- (c) The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

12. 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:

- (a) A rating of L_{Ar}, 30min value of 55 dB between the period 0700 hours and 1900 hours.
- (b) An L_{Ar}, 30min value of 50dB between the period 1900 hours to 2300 hours.
- (c) An L_{Aeq}, 5 min value of 45 dB(A) at any other time. Nighttime emissions shall have no tonal component.

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.

Reason: In order to protect the amenities of property in the vicinity.

13. 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.

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

14. External 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.

Reason: In the interests of amenity and public safety.

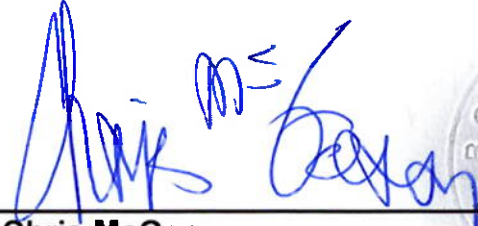
15. All chemicals and other hazardous materials shall be securely stored on site. All chemicals shall be contained within bunding with a volume equal to 110% of the sum of the volumes of the largest tank. Details of all bunding arrangements and storage of hazardous materials shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of protecting the environment and public health.

3/6
CMG

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

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


Chris McGarry

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this  day of  2025