



An
Bord
Pleanála

Board Direction
PL27.247745

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12th December 2017.

The Board considered the appeals for the Vartry Water Treatment Site (PL27.247745) and for the Stillorgan Reservoir (PL06D.248782) at the same meeting and was satisfied, for the reasons outlined in the Inspector's report, that the Vartry and the Stillorgan Reservoir proposed developments did not form part of one project and were independent projects neither of which was dependent on the other.

In respect of the Vartry Water Treatment Site (PL27.247745), the Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

- a) the provisions of the Water Services Strategic Plan published by Irish Water
- b) the provisions of the Wicklow County Development Plan 2016-2022
- c) the inclusion of the Varty Water Supply Scheme on the original Environmental Protection Agency's Remedial Action List (2008) which established the need for an upgrade in order to protect the safety and security of a drinking water supply
- d) the nature of the proposed development which upgrades an existing facility without increasing extraction volumes

- e) all documentation on file and the submissions and observations made in respect of the application, including at the oral hearing,
- f) the proposals for management of the proposed development particularly the provision of a minimum compensatory flow in the Vartry River
- g) the reports of the Senior Planning Inspector and the Consultant Hydrologist retained by An Bord Pleanála to assist the Inspector

Conditions

It is considered that subject to compliance with the conditions set out below, including compliance with the mitigation measures proposed, that the impact of the proposed development on the environment would be acceptable and that the proposed development:

- would not seriously injure the ecology of the area, including fisheries, protected special and habitats, and areas designated for environmental protection,
- would not seriously detract from the character or setting of significant features of architectural or archaeological heritage,
- would not seriously injure the amenities of residential properties in the area,
- would be acceptable in terms of traffic safety and convenience,
- would not result in significant visual or landscape impacts in the wider area within which it is located,
- would have positive effects on human health
- would comply with the development plan policy for the area

The Board considered that the design and operation of the scheme proposed together with the mitigation measures and commitments of the applicant and compliance with the conditions set out below will ensure that there will be no deterioration in the status of water in the Vartry River under the Water Framework Directive. The Board noted particularly that there would be definite benefits in the low flow periods, which would be protective of the ecological status.

The Board considered that there is no legal requirement for an Environmental Impact Assessment and was in agreement with the reasoning of the Inspector in this regard.

Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on the Wicklow Mountains Special Area of Conservation (Site Code: 00212) or The Murrough Wetlands Special Area of Conservation (Site Code 002249) or any other European site, in view of the sites' Conservation Objectives.

The Board therefore considered that, subject to compliance with the conditions set out below, the development was in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 22nd day of September 2016, 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 following shall apply in relation to mitigation measures and commitments:
 - (a) The mitigation measures and commitments identified in the Environmental Reports and other plans and particulars submitted with the planning application, and the further particulars submitted by the applicant at the oral hearing, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.
 - (b) All mitigation measures and commitments, including relevant matters which emanate from the planning conditions below, shall be compiled into a Schedule of Commitments, which shall be a single document, a draft version of which shall be submitted to the planning authority within three months of the date of this decision. The final Schedule of Commitments shall be made available for public inspection by the developer
 - (c) No development including enabling works shall commence prior to receipt of the written agreement of the planning authority in relation to a final Schedule of Commitments. In default of agreement the matter shall be referred to An Bord Pleanála.

Reason: In the interest of clarity, public participation and protection of the environment during the construction and operational phases of the proposed development.

3. The operation of the proposed development shall be in accordance with the following:
 - (a) Water abstraction shall not exceed the established volume of eighty million litres per day.
 - (b) A minimum compensation flow of five million litres per day shall be discharged.

- (c) The method of delivery of this flow shall be by way of the seven sand filter beds which are to be retained.
- (d) The branch pipework proposed to deliver the discharge shall have a capacity of at least fifteen million litres per day and the valve controlling the branch pipework shall be capable of remote control and variability.
- (e) The practice of 'back pumping' shall cease.
- (f) All supernatants shall be recycled to the head of the works.
- (g) Within three months of the operation of the proposed development the existing water abstraction at Annagolen Bridge shall cease.
- (h) The existing interceptor channel shall be retained for the delivery of surface water only.
- (i) All chemical dosing shall be relocated to the site of the new water treatment plant and the existing infrastructure adjacent the river fully decommissioned.

Reason: In the interest of clarity and to facilitate variable flow in the interest of compliance with the Water Framework Directive and to minimise risk and to protect cultural heritage during the operational phases of the proposed development.

4. The following shall apply in relation to the monitoring of flow:

- (a) Within six months of the date of this decision the developer shall install and maintain two hydrometric gauging stations, one on-site in the Vartry River and a second one further down the Vartry River catchment, which shall be permanently established with a fixed structure incorporating suitable fish passage and shall accurately measure and record in real time the combined flows from the water treatment plant discharge and the spillway channel.
- (b) The locations shall be subject of the written agreement of the planning authority following consultation with the Environmental Protection Agency and Inland Fisheries Ireland.
- (c) The existing weir in the discharge chamber shall be calibrated and its performance evaluated.

(d) The availability of data shall be in accordance with the requirements of the planning authority. The developer shall also make information available to the planning authority on request and shall present an annual report summarising key issues which shall also be made available for public inspection by the developer.

Reason: To provide high quality monitoring data to facilitate proper management of the proposed development in the interests of protecting the environment.

5. The developer shall undertake a wetted area fisheries habitat mapping and hydrological monitoring to include a fisheries area assessment. Details shall be presented to the planning authority and the development shall comply with the requirements of the planning authority following consultation with the Environmental Protection Agency and Inland Fisheries Ireland. The duration of this assessment shall be for the construction period.

Reason: To provide high quality monitoring data to facilitate proper management of the proposed development in the interest of protecting the environmental and ensuring compliance with the requirements of the Water Framework Directive.

6. An Environmental Management Plan and Invasive Species Management Plan shall be submitted by the developer to the planning authority.

This shall include *inter alia* a construction programme for the works, hours of construction and a traffic management plan and shall incorporate the Final Schedule of Commitments to include measures for the protection of the natural environment and to mitigate noise and air quality impacts.

The developer shall retain the services of a suitably qualified Environmental Clerk of Works to monitor and record the implementation of the mitigation measures, the impact of works on the environment and to record and investigate any environmental complaints received from the public. This

person shall be given power to suspend or take further mitigation measures as necessary.

The written agreement of the planning authority in relation to the above measures shall be obtained prior to commencement of any works including enabling works.

Reason: To ensure a proper standard of development in the interest of pollution control, avoiding water quality impacts and in the interest of residential amenity.

7. The following shall apply in relation to the protection of architectural heritage:

(a) The Built Heritage Assessment report shall be supplemented by specific details of the fittings and features on the site which are to be retained and where they will be stored pending any future display.

(b) The detailed design of the works to the tower and at the entrance to the valve chamber and the implementation of those works shall be supervised by an accredited Conservation Architect. On completion of these works the Conservation Architect shall certify accordance with best practice.

(c) Prior to commencement of works the Conservation Architect shall prepare a record of the features of interest at the site. This record shall include a detailed, labelled photographic survey of all structures, including the spillway and of fittings and features.

(d) This record shall be submitted to the planning authority prior to commencement of development and one copy of this record shall be submitted to the Irish Architectural Archive.

Reason: To protect architectural heritage and to establish a record of this complex which is included on the National Inventory of Architectural Heritage.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 9. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

Note: A copy of the Direction to issue with the Order.

Board Member

Date: 14th December 2017

Maria FitzGerald