



An
Bord
Pleanála

Board Order PL 27.247745

Planning and Development Acts 2000 to 2017

Planning Authority: Wicklow County Council

Planning Register Reference Number: 16/363

Appeal by Inland Fisheries Ireland of 3044 Lake Drive, Citywest Business Campus, Dublin and by others against the decision made on the 24th day of November, 2016 by Wicklow County Council to grant subject to conditions a permission to Irish Water care of Nicholas O'Dwyer Limited of Unit E4, Nutgrove Office Park, Nutgrove Avenue, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a new water treatment plant including a water treatment building (gross floor area of approximately 4,670 square metres), a low-lift pumping station, sludge treatment facilities including a sludge dewatering building, sludge balancing tank, thickening tanks, sludge holding tank and sludge storage facility, washwater recovery and settlement tanks and an electrical distribution building to replace the existing water treatment scheme; alteration to the existing reservoir off-take tower; addition and alteration to pipework and structures within the existing reservoir dam; construction of a piped siphon over the existing reservoir dam; demolition of a disused public toilet; regrading of the existing overflow spillway and associated landscaping and site development works, all at Vartry Water Treatment Site, Vartry, Roundwood, County Wicklow.

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.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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 Vartry 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, and
- (g) the reports of the Senior Planning Inspector and the Consultant Hydrologist retained by An Bord Pleanála to assist the Inspector,

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

- (i) would not seriously injure the ecology of the area, including fisheries, protected species and habitats, and areas designated for environmental protection,
- (ii) would not seriously detract from the character or setting of significant features of architectural or archaeological heritage,
- (iii) would not seriously injure the amenities of residential properties in the area,
- (iv) would be acceptable in terms of traffic safety and convenience,
- (v) would not result in significant visual or landscape impacts in the wider area within which it is located,
- (vi) would have positive effects on human health, and
- (vii) 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 and that a Stage 2 Appropriate Assessment (and submission of a natura impact statement) is not, therefore, required.

The Board therefore, considered that, subject to compliance with the conditions set out below, the proposed development would be 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.
 - (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 to 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 to 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 submitted 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 environment 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 the works, the Conservation Architect shall certify compliance 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.

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

Dated this day of 2018