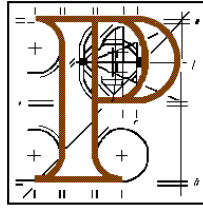


An Bord Pleanála



Inspector's Report

Reference: PL09.246476

P.A. Reference: 15/KE0029-00

Title: Demolition of existing sludge filter press house, 2 no. existing sludge holding tanks and a cable duct chamber.

Location: Water Treatment Plant, Bishopsland, Ballymore Eustace, Co. Kildare

Applicant: Irish Water

Appellants: Ballymore Eustace Trout & Salmon Anglers Assoc.

Observers: None

PA: Kildare County Council

Type of Appeal: Third party against grant

Decision: Granted with conditions

Date of Site Visit: 12th August 2016

Inspector: Philip Davis

1. Introduction

This appeal is by an anglers association against the decision of the planning authority to grant permission for the demolition of an existing sludge filter house and sludge holding tanks in the Ballymore Eustace water treatment plant operated by Irish Water. The grounds of appeal relate to claims that it is premature pending the discharge of a number of conditions attached to previous permissions for the upgrading of sewage treatment facilities in the area.

2. Site Description

Photographs of the site and environs are attached in the appendix to this report.

Ballymore Eustace Water Treatment Plant

The Ballymore Eustace Wastewater Treatment plant is the main potable water treatment plant for the Dublin region. It is located on a west facing slope in the townland of Bishopland, just east of the village of Ballymore Eustace. It is on the north side of the Poulaphuca dam where it holds back the Blessington Reservoirs. The complex involves a significant number of buildings from the 1930's to the present day, on a largely flat site overlooking the steep valley where the Liffey descends from Poulaphuca.

The site and environs

The appeal site is a small area of 0.025 hectares within the extensive Irish Water landholding at the Ballymore Eustace Water Treatment Plant. It is on the southern side of the site close to the edge of the Liffey Valley. It incorporates two concrete structures – one a two storey sludge treatment plant which includes filtration plant at the first floor level with a waste skip collection area on the ground floor level, with adjoining this, a smaller building incorporating sludge storage tanks. The site adjoins a much larger new building to the south – this building is next to the site boundary. Beyond this boundary, there is a steep slope down to the river. West and north of the site are large mature leylandii trees, with an open area to the east and north-east where the main entry buildings to the facility are located.

3. Proposal

The proposed development is described on the site notice as follows:

The demolition of an existing sludge filter press house, 2 no. existing thickened sludge holding tanks and cable duct chamber.

4. **Technical Reports and other planning file correspondence**

Planning application

The planning application, with plans and specifications and a supporting letter, was submitted to the planning authority on the 8th February 2016.

Internal and external reports and correspondence.

A detailed objection from the appellants to this appeal was submitted on the 10th March 2016.

A letter from a local community group requested that the opportunity be taken to allow better access along the river.

Environmental Health: No objection subject to standard conditions.

Naas Area Engineer: No objection subject to conditions.

Transportation Department: No objection subject to one condition relating to construction access.

A Habitats Directive Screening Assessment carried out by the planning authority is on file – No significant effects anticipated so no NIS required.

Kildare CC Planners Report: Notes the planning history including permission on appeal for a new sludge treatment plant. The application is considered a stand-alone proposal separate from the previously permitted works. Permission is recommended subject to five conditions.

5. **Decision**

The planning authority decided to grant permission subject to 5 no. standard conditions (no financial condition or bond). All relate to construction management.

6. **Planning Context**

Planning permissions – appeal site

In August 2009, the Board, on appeal decided to uphold the decision by Kildare County Council to grant permission (**08/520**) to Dublin City Council (the operators at the time of the facility) for a new sludge treatment plant – this building is now built but is not yet operational. The permission was subject to 9 no. conditions. The current appeal site was outside the ‘red lined’ area for that application and appeal

(**PL09.229575**). In 2014 the planning authority granted permission for a time extension for this permission (**14/707**).

Planning permissions – adjoining areas

None relevant on file.

Development Plan

The Kildare County development Plan 2011-2017 does not zone the complex specifically, but has policies to facilitate the upgrading and protection of water supply infrastructure (Chapter 7).

7. Grounds of Appeal

The Ballymore Eustace Trout and Salmon Anglers Association submitted a very detailed appeal. The core argument of the appeal is that no demolition should be permitted until the new sludge treatment plant permitted by the Board in PL09.229575 is completed and satisfactorily operating and all conditions have been discharged. It is argued that there is ongoing pollution in the Liffey due to discharge from water treatment and a condition is requested such that a condition be set such that a study be carried out by Irish Water into algal pollution of the Liffey. It is also argued that Irish Water should fund community benefit schemes bordering the site.

8. Applicants response

It is confirmed that it is the intention of the applicant to have the new sludge treatment facility designed, built, commissioned and operating satisfactorily before the demolition takes place.

9. Planning Authority's Comments

The planning authority has not responded to the grounds of appeal.

10. Submission by Inland Fisheries Ireland

It is noted that the development is within the catchment of the River Liffey which supports Annex II and V species such as Atlantic salmon and Sea trout, and Lamprey which is listed under Annex II of the Habitats Directive.

It is requested that conditions be set for the demolition waste.

It is noted that it is the IFI's understanding that the demolition will not occur until the new plant is operational.

11. Assessment

Having inspected the site and reviewed the file documents, I consider that the appeal can be addressed under the following headings:

- **Principle of development**
- **Timing of the works**
- **Community benefit**
- **River pollution**
- **Other issues**
- **Appropriate Assessment and EIS**

Principle of Development

The appeal site is within a long established water treatment facility, the largest in the State. The site has been operational since the construction of the Blessington/Poulaphuca Reservoirs in the 1930's. The sludge treatment facility was apparently built in 1987. It is used for the treatment and removal of sludge arising from treating freshwater for potable use by the use of filters. The replacement facility (granted by the Board in 2009, permission extended by the planning authority) is partially constructed. At the time of my site visit, the main building incorporating the new sludge treatment plant is finished, but I understand all the necessary plant has not yet been put in place and it is not yet fully operational. It is stated that the demolition works will not take place until the new plant is fully operational. It is not intended to change surface water discharges (as set by condition in permission PL09.229575).

I would conclude that the demolition of the plant would be fully in line with Development Plan policy on facilitating the upgrading of water treatment works on existing sites, but only on the assumption that it does not take place before the modern plant is fully operational.

Timing of the works

The core concern of the appellants is related to on-going issues of concerns over elevated ammonia levels being discharged to the River Liffey (I note that they were appellants to appeal PL09.229575 where similar concerns were raised. There is stated to be a lack of faith that Irish Water will not ensure there is an appropriate change over to the new facilities. While I have no reason whatever to believe that there would be an incentive for the operators to demolish the existing plant before the new one is constructed, I would consider it reasonable to attach a condition to a permission to ensure that it does not take place before all conditions on PL09.229575 are discharged to the satisfaction of the planning authority.

Community Benefit

The appellants have also requested that conditions be attached to ensure there are additional studies carried out on water conditions in the Liffey, and to provide for additional access on the Liffey side of the site for the public. These are issues which were also realised in regard to the previous appeal on the site. While I would consider that, having regard to the history of the site, that seeking such studies and additional community gain is not unreasonable in principle, the proposed works are for demolition only and as they both relate to activities outside the appeal site (if, arguably, within the control of the applicant), it would most likely be *ultra vires* and disproportionate to add them to any permission for these proposed works.

River Pollution

The applicant has raised what appear to be quite legitimate concerns with pollution of the Liffey from the water treatment site. I would consider that this is an issue which was more properly addressed by the previous appeal, relating to the new sludge plant (if indeed, this is the cause of pollution). As the demolition works as described on the site notice are not directly connected with ammonia emissions to the river, I do not consider that it is a relevant consideration to the current appeal.

Other issues

The works are relatively minor within the context of the scale and extent of the existing water treatment facility. The adjoining site was subject to an archaeological monitoring condition, but any archaeology would have likely been destroyed in building the existing structures. The structures are not visible from outside the site and they have no discernible architectural, cultural or historical value. As they will be replaced with hardstanding there would be no significant impact on run-off or flooding. The removal of demolition material would involve a short term minor increase in local traffic accessing the facility. I do not consider that there are any other significant issues in this appeal.

I note that the planning authority considered that no development contributions would be required.

Appropriate Assessment and EIS

The application was screened by the planning authority, which concluded that there were no significant impacts having regard to the nature and scale of the works. While I note the comments by the IFI about the presence of Annex II species in the Liffey, the River is not designated as SAC or SPA downriver. Poulaphuca Reservoir is an SPA, but the designated area is upriver of the appeal site and therefore there is no obvious pathway for pollution or other impacts. Having regard to the nature of the proposed development I would concur with the conclusions of the Screening.

I therefore consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites in the vicinity, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

Due to the scale and nature of the proposed development and absence of specific sensitive environmental receptors in the vicinity I do not consider that the issue of a requirement for EIS arises.

12. Conclusions and Recommendations

I conclude that the proposed development is in accordance with Development Plan policies and would otherwise be in accordance with the proper planning and sustainable development of the area.

I recommend therefore that subject to the conditions set out below, that for the following reasons and considerations planning permission for the proposed demolition works be **granted**.

REASONS AND CONSIDERATIONS

Having regard to the planning history of the site and overall the nature and scale of the proposed demolition works, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning designation and planning policy for the area and would not cause pollution. The proposed development would, therefore, 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, 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 facility shall not be demolished until the replacement sludge treatment plant as granted in An Bord Pleanála decision reference PL09.229575 is constructed and fully operational and all related conditions have been discharged to the satisfaction of the planning authority.

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

3. The construction of the development shall be managed in accordance with a Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended demolition practice for the development, including hours of working, traffic arrangements, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

Philip Davis,
Inspectorate.
16th August 2016