



Development

A High Performance Training Centre including the following:

- (i) Single storey boathouse (1598 sq.m) with 11 bays for rowing boats.
- (ii) Two storey attached ancillary building (729sq.m) housing launch boat area with 8 bays for safety boats, equipment store, boiler room and water storage on grounds floor with changing areas, gym, meeting rooms and balcony/terrace at first floor level.
- (iii) New vehicular access from R758 with vehicular and pedestrian access points, gates and pillars.
- (iv) Footpaths to boathouse, club house and lake edge.
- (v) 78 carparking spaces.
- (vi) Drainage including sealed effluent holding tank, oil and petrol interceptor holding tank,

surface water attenuation, all site development works including fencing, hard and soft landscaping.

An Ecological Impact Assessment and a Natura Impact Assessment have been submitted as part of the application.

Location Burgage Moyle, Blessington, Co. Wicklow.

Planning Authority Wicklow County Council.

Planning Authority Reg. Ref. 171215.

Applicants Irish Amateur Rowing Union (T/A Rowing Ireland).

Type of Application Permission.

Planning Authority Decision Grant with conditions.

Type of Appeal Third Party.

Appellant Raymond O'Sullivan.

Observers None.

Date of Site Inspection 5th December 2018 & 19th February 2019.

Inspector Dáire McDevitt.

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1.0 Site Location and Description

- 1.1.** The application site, with a stated area of c.3.4 hectares, is located in the rural townland of Burgage Moyles on the north facing shore of Poulaphouca Reservoir, known locally as Blessington Lake and at present is in the ownership of the ESB, including the foreshore of the lake. The Junction of the R758 and the N81 is c. 725m west of the site and Blessington village is c. 460m to the north. The site is a prominent headland, jutting out onto the reservoir with Baltiboy Bridge abutting the southeastern corner of the site.
- 1.2.** The main body of the site at present is a commercial woodland, comprising mature coniferous trees. Deciduous trees are located along the site boundary. Access is via an existing gated vehicular entrance off the R758. Blessington Greenway runs along the southern boundary of the site, adjacent to the R758 and crosses the R758 at the point of access to the site using the existing entrance to the site. The site is bounded to the north and east by the Poulaphouca Reservoir, woodland to the west and the R758 along its southern boundary. The Blessington Greenway along cuts across the R758 and runs along the northwestern portion of the site.
- 1.3.** The shore line consists of a small beach. There is a depression (former excavated area) where the structure is proposed to be sited is set back c.55m from the edge of the lake within the planted area. The site slopes towards the water edge.

2.0 Proposed Development

2.1 Description

A High Performance Training Centre including the following:

- (i) Single storey boathouse (1598 sq.m) with 11 bays for rowing boats.
- (ii) Two storey attached ancillary building (729sq.m) housing launch boat area with 8 bays for safety boats, equipment store, boiler room and water storage on grounds floor with changing areas, gym, meeting rooms and balcony/terrace at first floor level.

- (iii) New vehicular access from R758 with vehicular and pedestrian access points, gates and pillars.
- (iv) Footpaths to boathouse, club house and lake edge.
- (v) 78 carparking spaces.
- (vi) Drainage including sealed effluent holding tank, oil and petrol interceptor holding tank, surface water attenuation, all site development works including fencing, hard and soft landscaping.

An Ecological Impact Assessment and a Natura Impact Assessment have been submitted as part of the application.

2.1.2 Materials & Finishes:

The proposed development is a single storey boat house (1598sq.m) with a two storey ancillary building (c. 6.8m in height). Accessed via the first floor, due to the undulating topography of the site, from the carpark (729sq.m) and will include space for the boat launches, equipment store/changing areas and meeting areas.

The steel structure supporting the boathouse roof will be clad in a combination of twin wall translucent polycarbonate partially over clad with unwrot douglas fir battens bending the elevation with the predominant 'earth tone/natural colours present on site.

Access to each boat bay is through sliding galvanised steel doors, the cladding between the doors would be a combination of galvanised steel and wrot timber boards.

The ancillary accommodation is across a ramped and stepped access to the first floor level where the gym, common room, WCs and showers are located. The safety launches are stored below this accommodation along with boiler room and water storage areas.

The entire form of the building will be clad in Douglas Fir unwrot battens unifying the variety of functions in one form that resonates with the scale of the site. The timber battens will be allowed to weather naturally.

The buildings on site have been designed to minimize their visual appearance though the use of unwrot Douglas Fir, which will be allowed to weather to a natural grey, which will complement the palette of colours on the site.

2.1.3 The application contained the following documentation:

- Planning Statement.
- Natura Impact Statement (NIS).
- Ecological Impact Assessment (EclA).
- Engineering Services Report.
- Outline Construction and Waste Management Plan.

2.2 Further Information (5th July 2018)

This contained:

- Investigation into an alternative proposal for effluent treatment.
- Revised and updated NIS and EclA.
- Response to concerns regarding impact on trees.
- Details of FFL of boathouse and revised plans and particulars.
- Details regarding the method of launching of and return of boats.
- Response to request to connect to public watermain.
- Archaeological Impact Assessment.

The following documentation was included:

- Revised NIS
- Revised EclA
- Archaeological Impact Assessment
- Engineers Report (foul storage & disposal, water).
- Tree Survey, Arboricultural Impact Assessment, Tree Constrains Plan, Tree Protection Plan and Arboricultural Method Statement.
- Management of Racing (rowing) Boats Report.

2.3 Unsolicited Information (16th August 2018)

The following is a summary of the main points submitted as unsolicited information to address the concerns raised in the Planners Report dated 2nd August 2018 which contained a recommendation to refuse permission.

This included:

- 2.3.1 Details relating to discharge effluent from the proposed development to a holding tank.
- There are no public sewers in the area, therefore this option has been discarded.
 - The intermittent nature of the proposed facility means that periods of no use would hinder the operational effectiveness of an onsite plant.
 - The provision of a WWTP and required percolation area on site would be required to be located within the 200m exclusion zone from the reservoir.
 - An onsite pumping station would require effluent to be gathered and stored on site until sufficient volumes of effluent were stored that the effluent could be successfully pumped to the regional WWTP at Blessington c. 2km from the site.
 - The construction of a holding tank and use a tanker to transport the effluent to Blessington WWTP was the option proposed by Irish Water during the pre-connection discussions.
 - It was considered that the construction of an onsite holding tank in this instance is the optimum solution.
 - The development would be located outside the predicted 1 in 100 year flood level in Flood Zone C. As such the proposed clubhouse and effluent holding tank are located at a level of 185.4mAD. The predicted 1 in 1000 year level is 183.6mAD.
- 2.3.2 Details of the proposed usage of the proposed development, and the resultant frequency with which the holding tank would be required to be emptied.

- The proposed storage tank has a capacity of 10m³ to ensure adequate storage. The tank would be fitted with monitoring equipment that the holding tank can be emptied at a more frequent rate is required.

2.3.3 The location of the holding tank within 200m of the Poulaphouca Reservoir.

- The proposed holding tank is designed as a water retaining structure, therefore there will be no ingress or egress of stored effluent from the holding tank. All drainage pipe work will be equally designed and constructed to prevent effluent loss or groundwater egress.
- A revised location of the holding tank would be c. 195m from the edge of the reservoir. It is acknowledged that the tank would be located within the 200m exclusion zone, however the proposed development in its entirety is within this zone, as such it is not possible to relocate any subterranean tank to be 200m away from the Reservoir.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to 11 conditions. These included:

1. Plans and particulars.
2. (a) All mitigation measures set out in the Natura Impact Statement, and the Ecological Impact Statement and associated documentation submitted by the developer with the application as amend by submissions of the 5th July 2018 and the 11th August 2018 and shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.
(b) The developer shall retain the services of a suitably qualified Environmental Clerk of Works to monitor and record the implementation of the mitigation measures. Upon completion of the development, the Environmental Clerk of Works shall submit a final report to the Planning Authority, This report shall set out the record of

all mitigation measures and their implementation as part of the overall development on site.

Reason: For clarification, protection of the environment, and built heritage and proper planning and sustainable development of the area.

3. Construction Environmental Management Plan to be submitted.
4. Wastewater holding tank.
5. Maintenance agreement regarding the wastewater holding tank.
6. Water services.
7. (a) Activities, within and operating from the development, to be carried out in accordance with the mitigation measures set out in the environmental reports.

(b) Mobile toilet facilities to be provided at any regattas or large events where the number of users would be over and above the normal day to day rowing operations of the facility.
8. Relating to the Finish floor level of the building.
9. Landscaping and planting.
10. Employment of Arboriculturist and implementation of the Arboricultural Assessment.
11. Archaeology.

I note that condition no.1 referred to details received on the 11th August 2018. This is taken as a typographical error as the unsolicited information on file is date stamped 16th August 2018.

3.2. Planning Authority Reports

I note that the Planners Report refers to an EIA throughout, to avoid any potential confusion I draw the Board attention to the fact that this relates the

Ecological Impact Assessment Report and not an Environmental Impact Assessment.

3.2.1. Planning Reports (22nd November 2017, 2nd August 2018, 24th August 2018).

3.2.1.1 Report dated 22nd November 2017 recommended further information on 7 points relating to: 1) the effluent storage tank, 2) A revised and updated NIS and Ecological Impact Assessment, 3) clarification of FFL, 4) Tree Survey and Arborist report, 5) how boats will be launched, 6) connection to public water main and 7) Archaeological Impact Assessment.

3.2.1.2 Report dated 2nd August (following further information submission). Counter signed by Senior Executive Planner on the 2nd August 2018 and noted by the Senior Engineer on the 24th August 2018. following an assessment of the FI submission recommended that permission be refused for the following 2 reasons:

1. Having regard to

- i. The proposal to discharge effluent from the proposed development to a holding tank.*
- ii. The indicated usage of the proposed development, and the resultant frequency with which the holding tank would be required to be emptied.*
- iii. The location of the holding tank within 200m of the Poulaphouca Reservoir, which is a major source of public water supply and*
- iv. The location of the holding tank within an area which has potential for flooding.*

It is considered that the proposed effluent disposal system is unsustainable, and there is a significant risk of pollution, through malfunction, lack of maintenance and flooding and the proposal would, therefore, cause a significant pollution risk to the Poulaphouca Reservoir, which is a major source of public water supply, would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

2. It is considered that the submitted Natura Impact Statement and Ecological Impact Statement have not adequately addressed the impact of the proposed effluent disposal facilities on the Poulaphouca Reservoir SPA. Therefore in the absence of such information the planning authority cannot rule out negative impacts on the conservation values of the Poulaphouca Reservoir SPA.

3.2.1.3 Report dated 24th August 2018

Reference is made to the two previous reports. The area planner concluded that the unsolicited information showed the wastewater holding tank located so as to adjoin the main entrance of the site, and also included an update from the ecologist.

The area planner concluded that:

The capacity of the effluent storage tank is 50m³ (as per drawings) not 10m³ as reference in the UI. The tank would be c.195m from the edge of the reservoir/SPA boundary. The cover level of the tank is 186.7mAD.

The revised location of the tank removed it from potential flooding impacts and overcame the issues identified in the previous planners report. Issues relating to operations and maintenance could be addressed by condition.

A recommendation to grant permission was made.

3.2.1.4 Appropriate Assessment:

The main impacts of the development are from the initial construction of the proposal and from the operation of the facility and rowing usage of the Poulaphouca Reservoir.

The construction of the facility could lead to impacts due to the timing of construction, and spillages into the reservoir from construction materials. The NIS identifies mitigation measures that will be put in place which are specific to this proposal at this location. The mitigation measures include the submission of a Construction Environmental Plan, and indication that development works will be carried out in the summer months where possible.

The operations of the facility can impact on the Qualifying interests of the Natura 2000 site due to effluent disposal, surface water discharge, rowing

activity on lakes, impact on lighting. A number of mitigation measures are proposed which form part of the development which include:

- Location of the holding tank outside the flood level.
- Minimisation of lighting.
- Landscaping/Additional planting of site.
- Inclusion of no go areas to west of proposed site for rowers.
- No rowing during night time hours.

Having regard to the location of the development remote from the feeding grounds of the Greylag Geese and Swans, the existing usage of the lake for rowing, the indicated mitigation measures which are integral to the development it was considered that the development would not give rise to significant impacts on the Natura 2000 site.

3.2.2. Other Technical Reports

EHO (25th October 2017). A development of this nature with a projected effluent volume which would be in the region of 10m³/day falls outside the remit to the Environmental Health Department. A development producing this volume of effluent is likely to require a Discharge License under the Water Pollution Acts which is administered by ACC Environment Section.

Roads Section (8th November 2017, 20th July 2018). Details of road and footpath should be submitted for approval.

Roads Design Office (10th October 2018). No comment to make.

Wastewater Management Section (17th November 2017). (No report on file following FI and UI submissions). A number of issues were highlighted:

- No details provided relating to the geology, hydrology and soil at the site.
- No trial pits excavated to confirm that the site is composed predominantly of sand and gravel or that soils would be suitable for the proposed soakpits that would need to be excavated to deal with runoff from the boathouse. Overall no significant issues relating to geology, hydrology would be expected from the proposed development.

- Environmental Management Plan should be submitted for approval.
- The details are unclear in relation to the practicalities of how the rowing boats and, in particular, the support boats (safety launches) would be launched and returned to the boathouse.
- The boathouse is c.55m from the waters edge at the minimum operating level of 180.9m. There appears to be a hardcore surface area around the boathouse which stops approx. 25m from the water edge. This area is referred to as 'gravel road to engineers details and specifications'. There is a strip of soft sandy beach along the shoreline. There is no slipway indicated on the drawings connecting the hardcore area to the lake and thus it would appear that it is intended to drag support boats across the beach to the water.

Dublin City Council (3rd November 2017, 19th July 2018 & 23rd August 2018).

All three reports reiterate the same issues. Opposed to the proposed development for the following reasons:

- The proximity of the wastewater system to the Poulaphouca Reservoir from which DCC abstracts water for drinking purposes.
- The reservoir is tending to become eutrophic, due to rise in nutrient levels, part of which is attributable to septic tanks. This has been confirmed by chemical analysis of the reservoirs water quality over a number of years, and would lead to difficulties in treating the water for drinking purposes. In addition there is a health risk to water supplies associated with septic tanks sited near streams and reservoirs.
- Recommendation that septic tanks should be curtailed in the proximity to Poulaphouca Reservoir and its feeder streams.
- The applicant should be requested to investigate a direct connection to the local foul drainage network and Blessington WWTP.

Water Services Section (17th November 2017). (No report on file following the submission of FI or subsequent UI)

- Consulted ESB regarding the reservoir levels.

- Concerns that the wastewater treatment holding tank will become flooded on occasions, which presents a pollution risk to the Poulaphouca Reservoir, which is the drinking water supply to the Greater Dublin Area.
- Revised proposals, involving a dry operation for the site with the boathouse the only element should be considered for the site and another location off site should be considered for the clubhouse, toilet, gym and showering facilities (wet operation).

Email from **A. Connolly** (12th October 2017). This highlighted that there is an issue with parking in the area. The users of Blessington Greenway, which crosses the Regional road at this location, should be provided with parking within the site (8 spaces).

Environment Services Section (13th July 2018) Recommendation that Clarification be requested in relation to:

- The feasibility of proposed source of water should be determined.
- The location of the 'agreed' relocated proposed effluent holding tank should be shown on the map and the flood report amended accordingly.
- The volume of effluent at 10m³/day at maximum occupancy versus potable water demand of 15m³/day should be explained.
- Based on effluent capacity of 50m³ and effluent volume of 15m³/day and one day spare capacity. The tank would require emptying every 2 days or 4 days if the effluent volume is 10m³/day. The applicant may wish to examine the figures and costings of regularly emptying.
- A Management Plan, including contracts for the emptying and maintenance of the effluent storage tank should be provided.

3.3. Prescribed Bodies

3.3.1 Irish Water

Report dated 27th November 2017: The site is in Wicklow, therefore Wicklow County Council proved a technical assessment of the proposal.

Report dated 11th August 2018: no objection subject to connection agreement and infrastructure capacity.

Report dated 23rd August 2018: Irish Water has no objection subject to the conditions.

3.3.2 Inland Fisheries Ireland (16th November 2017).

- Surface water for both the building and car park to discharge to a soakaway, details required.
- Foul water to be stored on site and brought on a weekly basis to an Irish Water Treatment facility. The applicant refers to Blessington WWTP. However, there are concerns regarding the capacity of Blessington WWTP to take more loading.
- All works should comply with mitigation measures outlined in the NIS, EclA and the Outline Construction & Waste Management Plan.

3.3.3 ESB (7th November 2017).

- ESB has issued consent in principle for the development but highlighted that flooding and erosion were a possibility.
- ESB cannot regulate levels in the Reservoir to avoid flooding this development.
- When Poulaphouca reservoir goes into flood mode ESBs primary concern is to ensure that the levels are regulated so that dam safety is always maintained and that the flood is safely passed through the dam. Maximum operating levels is an internal ESB dam safety level where ESB have to discharge water in order to ensure it has enough storage volume available to safely pass a potential design storm event without overtopping the dam.
- Maximum operating level is in essence the threshold which defines when the reservoir goes into flood mode. Levels have exceeded this threshold during unsettled weather.

- There is no current protocol in place for ESB to notify the operator of the development that levels will exceed the maximum normal operating levels on the Reservoir.
- In relation to the proposed levels of 184.4mAD for the drainage system, water levels on the reservoir have exceeded 184.4mAD on a number of occasions in the last 25 years. There were as follows:
 - January 2016.
 - November 2009.
 - November 2000.
 - June 1993.

3.3.4 Department of Culture, Heritage and the Gaeltacht (8th November 2017):

Archaeology

An Archaeological Impact Assessment was recommended as further information due to the location of the site and its proximity, c.250 to the south, of a deserted settlement identified as RM WI005-070.

Nature Conservation (8th November 2017)

It was noted that Rowing Ireland had taken on its comments from a previous application for a boathouse at Woodend. The submission of a NIS is welcomed and the reduction in some of the activity. Concerns, however remained relating to the weakness of the proposed mitigation against ongoing disturbance by rowing activities.

Furthermore, Burgage Moyle is within a Wildfowl Sanctuary which was not taken into account in the studies, therefore further information is recommended to address outstanding issues and the inclusion of a rowing management plan for the lake was recommended.

Department of Culture, Heritage and the Gaeltacht (24th July 2018)

Nature Conservation

The Department noted the additional information supplied in the Natura Impact Statement (NIS) and ancillary reports. The Department also noted the revised

mitigations regarding the construction, post-construction and operational phase of the proposed development in the NIS. And requested that these be implemented as conditions attached in any grant of permission

Department of Culture, Heritage and the Gaeltacht (25th July 2018)

Archaeology:

This was submitted as part of the further information submission to the Planning Authority. Following a review of the finding and recommendations outlined in the assessment, the Department noted no objection subject to the appropriate conditions being attached to a grant of permission.

3.4 Third Party Observations

Two submissions were received by the planning authority, these included one from the current appellant. The main points raised are summarised as follows:

- The site is located in a designated area of outstanding natural beauty (ANOB) and the proposal would be completely inappropriate and contrary to all existing environmental guidelines.
- The location of the site at Burgage Moyle, a prominent headland, jutting out onto the lake and abutting Baltyboys Bridge. The proposal would have a serious impact on the view towards the lake and the bridge.
- A two storey building would be visually obtrusive and detract from the surrounding landscape.
- Concerns that a large number of mature trees would need to be felled to facilitate the development.
- The R758 is quiet narrow at the proposed entrance and parking along the laybys at the Greenway is not permitted.
- The lake is already seriously polluted with toxic green algae. A large septic tank would further pollute the lake. The subsoil on the headland is sand and gravel.

- The proposed development would be of no commercial benefit to Blessington.
- Query the validity of the public notices erected on site.
- Query the development description, it is claimed that the application is not only for a boathouse but includes corporate headquarters.
- Poulpahouca Reservoir is a SPA.
- Reference to the AA Screening carried out for the Blessington LAP and the development of a walkway from the Avon Ri Activity Centre to Russborough House suggested that the development would not have a direct negative impact on the SPA. This is disputed and reference is made to observational recordings that indicate that there has been an impact on the fauna.
- Serious concerns that the proposed development would have a significant effect on the wildlife and ecology of the entire reservoir.
- Wicklow County Council do not have the authority to interfere with an SPA without the consent of the EU Commission.

4.0 Planning History

The **Russborough to Blessington Greenway** runs along the southern boundary of the site, adjacent to the R758.

Planning Authority Reference No. 17/1041 and 17/988 refer to invalid applications.

PP16/108 refers to pre-application consultations.

Other:

Planning Authority Reference No. 18255 (An Bord Pleanála Reference No. ABP 302732-18) refers to a 2019 grant of permission to **upgrade the Blessington Waste Water Treatment Plant**. The works included the

construction of two new primary treatment units, one new anoxic tank, associated pump sumps, tertiary treatment infrastructure and all associated site works. (increase the capacity from 6000 pe to 'up to' 9000 pe.)

5.0 Policy & Context

5.1. Wicklow County Development Plan 2016-2022.

Tourism & Recreation.

T1 refers to the need to promote, encourage and facilitate the development of the tourism and recreation sectors in a sustainable manner.

T2 to ensure that all tourism and recreation developments are designed to the highest quality and standards.

T3 to generally require tourism and recreational related development to locate within existing towns and villages, except where the nature of the activity proposed renders this unfeasible or undesirable.

T4 to only permit the development of tourism or recreational facilities in a rural area in cases where the product or activity is dependent on its location in a rural situation and where it can be demonstrated that the proposed development does not adversely affect the character, environmental quality and amenity of the rural area or the vitality of any settlement and the provision of infrastructure therein.

T34 to promote and encourage the recreational use of coastline, rivers and lakes and the development of 'blueways' in the County subject to normal environmental protection and management criteria. Where such recreational uses involve the development of structures or facilities, the Planning Authority will ensure that the proposals will respect the natural amenity and character of the area, listed views and prospects onto and from the area in question. Where possible, such structures should be set back an appropriate distance from the actual amenity itself and should not adversely affect the unique sustainable quality of these resources.

Chapter 10 Heritage

Biodiversity

NH2 No projects giving rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites arising from their scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this plan (either individually or in combination with other plans or projects).

NH4 refers to the requirement for an AA Screening or where necessary a Stage 2 AA (NIS).

NH5 refers to the need to maintain the conservation value of all proposed and future Natural Heritage Areas (NHAs) and to protect other designated ecological sites in Wicklow.

NH6 Ensure ecological impact assessment is carried out for any proposed development likely to have a significant impact on proposed Natural Heritage Areas (NHAs), Statutory Nature reserves, Refuges for Fauna, Annex I habitats, or rare and threatened species including those species protected by law and their habitats. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.

Recreational Use of natural Resources

NH39 to facilitate the use of natural areas for active outdoor pursuits, subject to the highest standards of habitat protection and management and all other normal planning controls.

Landscape

NH50 sets out that any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape/Visual Impact Assessment.

NH51 to resist development that would significantly or unnecessarily alter the natural landscape and topography, including land infilling/reclamation projects

or projects involving significant landscape remodelling, unless it can be demonstrated that the development would enhance the landscape and/or not give rise to adverse impacts.

Views and Prospects

NH52 To protect listed views and prospects from development that would either obstruct the view/prospect from the identified vantage point or form an obtrusive or incongruous feature in that view/prospect. Due regard will be paid in assessing development within that view/prospect.

View ID 33 View of Poulaphouca Reservoir and inlet from the N81, Burgage More, south of Blessington.

Prospect ID 20. Prospect of Poulaphouca reservoir. View from the R758, L8369 and L4365 Lake Drive from the N81 at Glashina to Oldcourt.

Appendix 5. Landscape Assessment

Area 1 – Mountain and Lakeshore Area of Outstanding Natural Beauty

(AONB). This refers to the Wicklow Mountains, National Park and the Poulaphouca Reservoir.

Section 4.5.1 The Mountain and Lakeshore AONB.

This generally relates to the area around Blessington known locally as 'Blessington Lakes' and extends to Sorrell Hill. The lake area is dominated by the reservoir, views onto and from the reservoir. To the east and south, land is more mountainous with attractive views and vegetation.

Section 5.3.3 The Poulaphouca Reservoir KDC (refer to Appendix 4. Map 10.13(b))

(1) To protect listed views/prospects and to resist development proposals that would negatively impact on the skyline and other key vantage points in the area, in particular views from the Lake Drive down to and across the reservoir and to the west towards the mountains.

- (2) Development proposals within this area should aim to locate within existing clusters of structures/tree stands and avoid locating new development in open fields.
- (3) Development proposals surrounding the reservoir should respect the more traditional and vernacular building patterns and materials of the area. A particular emphasis on the more traditional built form will be applied within the Ballyknockan and Lacken area, where developments should be of a design which assimilates easily into the existing landscape.
- (4) To support and facilitate the provision of amenity routes around the Poulaphouca Reservoir in a manner which does not detract from the scenic nature of the area and ensure that new development is sited in such a manner that would not interfere with existing or potential amenity routes.
- (5) To maintain the favourable conservation status of existing natural habitats within or surrounding Poulaphouca Reservoir.

5.2 Guidelines.

National Planning Framework. Project Ireland 2040

National Policy Objective 26 Support the objectives of public health policy including Healthy Ireland and the National Physical Activity Plan, through integrating such policies, where appropriate and at applicable scale, with planning policy.

National Policy Objective 59 Enhance the conservation status and improve the management of protected areas and protected species by:

- Implementing relevant EU Directives and to protect Ireland's environment and wildlife.
- Integrating policies and objectives for the protection and restoration of biodiversity in statutory development plans.
- Developing and utilising licensing and consent systems to facilitate sustainable activities within Natura 2000 sites.

- Continued research, survey programmes and monitoring of habitats and species.

The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009)

Describes best practice in the consideration of flood risk in planning and development management. The Key principles set out in the guidelines are:

- (a) Avoid development in areas at risk of flooding (sequential approach).
- (b) If this is not possible, consider substituting a land use that is less vulnerable to flooding.
- (c) Only when both avoidance and substitution cannot take place should consideration be given to mitigation and management of risks.

Exceptions to the restriction of development due to potential flood risks are provided for through the use of the Justification Test, where the planning need and the sustainable management of flood risk to an acceptable level can be demonstrated.

Table 3.1 sets out classification of vulnerability of different types of development. This includes water compatible development such as docks, marinas and wharves, water based recreation and tourism (Excluding sleeping accommodation), Amenity open space, outdoor sports and recreation and essential facilities such as changing rooms.

5.3 Natural Heritage Designations

Poulaphouca Reservoir SPA (site code 004063)

Wicklow Mountain SAC (site code 002122) is c.3.7km east of the site.

Wicklow Mountains SPA (site code 004040) is c.5.6 km east of the site.

Red Bog SAC (site code 000397) is c.2km northwest of the site.

5.4 Environmental Impact Assessment Screening

5.4.1 Having regard to the nature and scale of the development proposed which consists of a high performance training centre which includes a boathouse with 11 bays, ancillary clubhouse building with launch boat area, bays for safety boats, equipment store, boiler room and water storage, gym, changing areas, meeting rooms, surface car park, effluent holding tank, etc, in a rural location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was lodged by Raymond O'Sullivan, 'Woodend', Newtown, Eadestown, Naas, Co. Kildare and is summarised as follows:

The Board should note that the appellant refers to an EIAR in the grounds of appeal. There is no EIAR on file, the document in question is the Ecological Impact Assessment Report which I refer to as the EclA in this report for the purposes of avoiding confusion.

6.1.1 General

- Chapter 7 of the County Development Plan refers to Tourism and Recreation. The development does not comply with policy T2 (design), T3 (sustainability of a proposal), T4 (need to locate in a particular area versus the environmental impact of the development and benefits to the local community)
- The proposed development of a rowing facility and corporate headquarters on the reservoir may well meet the current need of Rowing Ireland but it would be little for the future needs of the protected wildlife on the Poulaphouca Reservoir, a designated SPA.

6.1.2 Impact on Poulaphouca Reservoir SPA

- The primary reasons for objection is habitat destruction and wildlife disturbance on Poulaphouca Reservoir.
- The application site is adjacent to the Poulaphouca Reservoir SPA (site code 004063) and the Poulaphouca Reservoir pNHA. The Wicklow Mountains SAC (site code 002122) and SPA (site code 004040) and Red Bog SAC (site code 000397) are located in close proximity to the application site.
- The primary purpose of the Poulaphouca Reservoir SPA designation was the protection of roosting sites for two species of birds, the Grey Lag Geese and the Lesser Black Backed Gulls.
- The application represents unwarranted encroachment on the SPA, which would result in further piecemeal destruction of the EU designated site of international ecological importance.
- Reference to Policy NH2 and the need to protect the SPA.
- The appellant is of the view that the Planning Authority paid scant regard to the designation when assessing the current application and previously for the Blessington Greenway, a letter of complaint was lodged with the European Commission (CHAP (2018) 01493). Copy of letter of confirmation enclosed with the appeal.
- Extract included from Section 1.2 of Appendix 10 the County Development Plan sets out that a planned development of an SPA can only be agreed to if it is established that it will not adversely affect the integrity of the site, and then, only after having obtained the opinion of the general public.

Where the site concerned hosts a priority species, as this site does (Grey Lag Goose and Lesser Black Backed Gulls), the only consideration which may be raised for interfering with such a site are those relating to human health or public safety.
- The development would adversely affect the integrity of the site, there is no human health or public safety issues which necessitate further interference with this site. There are no overriding reasons of public

interest to suggest that this development should proceed. The appellant is of the opinion that with regard to the extract from the County Development Plan that the Local Authority is not entitled to grant permission for a development on an SPA that will adversely affect the integrity of the site without the opinion of the EU commission.

- The proposal for an additional rowing club on this water body will have a detrimental impact on the roosting habitat of the Grey Lag Goose and Lesser Black Backed Gulls.
- At present there are numerous other activities on this water body which contribute to the disturbance of wildlife. There is an existing rowing club at Blessington Bridge, administered by Rowing Ireland. There is a fishing club near Russborough. There is an outdoor activity centre at Avon Ri which engages in sail boarding and kayaking. There is a boat hire company close to Lacken. There is a sailing club near Baltiboys which has over 100 members. There is a canoeing club. The inshore life boat service also conduct training near the reservoir.
- Information submitted with the application suggested that the rowing activity on the lake is currently in the region of 60 single boats, 10 four man boats, 10 eight man boats plus safety launches. There is no suggestion in the application that the existing rowing club is to be replaced or subsumed into the current proposal.
- The application is supported by 2 government Ministers. While the appellant supports the promotion of the sport, the current location is not considered appropriate.

6.1.3 Ecological Assessment

- The environmental report states that additional use of the reservoir, as a result of increased rowing activity, will negatively impact protected species of wildfowl. It clearly indicates that there will be serious negative impact on protected species as a consequence of the proposed development.
- It states that disturbance of wildlife will occur and that mitigation measures will be required to alleviate the impact. It is maintained that there are not

any effective mitigation measures outlined in the report submitted with the application.

- There is no evidence of effective mitigation measures being submitted to protect roosting sites and there are no conditions attached to the grant of permission specifying mitigation measures.
- There is no evidence on file that location of the site within a wildfowl sanctuary and the impact of the development on other bird species. The Burgage Estuary, adjacent to the site, is one of the most highly populated wildfowl location on the reservoir and provides ideal feeding, roosting and nesting habitat.
- Reference to an Ecological Assessment carried out c.2013 for the Blessington Russborough Greenway in terms of disturbances once the Greenway became active. The possible negative impacts identified within that report have proven to be correct as the number of feeding and nesting birds in the Burgage Estuary which forms part of the initial Greenway have greatly reduced as a result of the disturbance from both human and animal activity (dogs) since the walk became operational.
- This report also stated (after consultation with the NPWS Conservation Ranger) that the main concentration of the Grey Lag Goose area located in the Three Castles Area to the North of the Reservoir and South of the Reservoir near Poulaphouca Dam.
- The proposal to build a corporate headquarters and rowing dock adjacent to the Burgage Estuary and the roosting site near Poulaphouca Dam would inevitably negatively impact on protected wildlife.

6.1.4 Visual Impact

- The site is located in an Area of Outstanding Beauty (AONB), therefore a Landscape/Visual Impact Assessment is required (Policy NH50) to be submitted with any application within an AONB.
- An Assessment was carried out and submitted with the application. This clearly shows that the site and buildings will impact the landscape and would be clearly visible from the higher ground to the east and north of the

site, Black Hill, Sorrell Mountain and along the scenic lake shore drive from Blessington to Lacken, Ballyknocken and Valleymount.

- The entry points for the boats directly faces the above mentioned high ground and could not be effectively screened from view by landscaping.

6.1.5 Public Health

- The proposal includes the construction of a c.50m³ sealed underground tank to store effluent. The tank would be emptied and effluent transported by a licensed waste water operator to a suitable offsite facility for treatment. The applicant has indicated that this could be to Blessington Waste Water Treatment Plan (WWTP).
- This WWTP currently discharges to the River Liffey at the link between Poulaphouca Dam and Golden Falls Lake in accordance with Discharge Licence D0063-01.
 - The Planning Authority expressed concerns regarding any proposal to transfer effluent to the Blessington WWTP as there is currently no capacity within this system.
 - Irish Water is not currently permitting any new connections to the system as additional loading could compromise compliance with the discharge licence.
 - Inland Fisheries Ireland raises similar concerns in this regard.
 - The Planning Report stated that ‘the storage of effluent treatment on this site is not considered a sustainable long term solution for effluent disposal on this site’. Serious concern was also expressed about the proposal present a serious pollution risk.
 - Dublin City Council is strenuously opposed to any further eutrophication of water as a result of a rise in nutrient levels.

The applicants were requested to submit an alternative effluent treatment proposal. A revised proposal was submitted not an alternative one.

- A Flood Risk Assessment was submitted with the application.

- The FFL (finished floor level of the boat house) would be lower than the exceptional reservoir level. To overcome this, the applicant has stated that flood waters would be allowed to enter the building in exceptional/extreme events and flood resistant building techniques and materials would be employed to minimise disruption should this situation occur over the life of the building.
- The applicant has indicated that the ESB would issue an alert when the maximum normal operating level of the reservoir is exceeded. Correspondence on file from the ESB indicates that at present there is no protocol in place for the ESB to notify the operator of the development that the level would exceed the maximum normal operating level on the reservoir.
- The Environment Section raised concerns regarding the potential for the waste water treatment holding tank to become flooded, as it would be lower than the exceptional operating level. Thus presenting a pollution risk to Poulaphouca Reservoir.

6.1.6 Site Notices

- The application should be deemed invalid as the incorrect colour notices were used and notices were erected on third party lands and only one notice was erected.

6.1.7 Conclusion

Request that the grant of permission be overturned by the Bord.

- The proposed development is not in the interest of the proper planning and sustainable development of the area.
- It would further contribute to the destruction of the roosting habitat of EU protected bird species.
- It would be an unjustifiable encroachment on an EU designated SPA
- It would be a breach of EU Regulation.
- The development represents a negative visual intrusion on the landscape of a designated Area of Outstanding Natural Beauty (AONB).

- It represents unrestrained over development of a protected area when taken in conjunction with other developments recently approved by the authority.

6.2. Applicants Response to Third Party Appeal

This is mainly in the form of a rebuttal. Points of note include:

- The proposed development is solely a high performance centre, and does not include corporate offices as suggested in the appeal. Nor will it be used outside times when training and development are taking place.
- The development complies with all the European, National and local planning guidelines and is in keeping with the objectives and policies set out in the Wicklow County Development Plan 2016-2022.
- A team of architects, engineers and environmentalist were employed to prepare the planning application. Detailed analysis and site section was undertaken in the years preceding the planning application to ensure that the most appropriate site and design was selected given the logistical and environmental constraints presented by the use and the location.
- The criteria used for the site selection process was guided by the need to minimise potential impacts on Natura 2000 sites, primarily on the Poulaphuca Reservoir SPA which is used for roosting (Greylag Geese); and to minimise visual intrusion within the AONB by selecting a site which could be visually screened both for the roosting (Greylag Geese), other wildlife and human visitors/users to the AONB. The exact location of the boathouse was determined by consideration of proximity to the established rowing routes and the ability to screen the building within the existing landform and vegetation.
- An EIAR was not produced as this is not a requirement for the planning application due to the small scale of the proposed development. An EclA was produced for the sake of completeness and to complement the NIS

which looks only at species and habitats for which the SPA at Poulphuca is designated. The EclA thus examined any impacts on species and habitats outside the remit of the Natura 2000 network which required Appropriate Assessment of impacts on these sites.

- The site is located adjacent to, but outside of the boundaries of the SPA and the NIS and EclA have adequately dealt with the purported impacts of the facility on the SPA, and that mitigation measures proposed adequately deal with potential impacts of rowing on the lake waters.
- The Board is directed mainly to the Natura Impact Statement and Ecological Impact Assessment submitted with the application which have addressed the issues raised in the grounds of appeal as part of the planning application. The response to the appeal includes comments from the ecologist in response to the grounds of appeal.
- Reference to the Ecological Study carried out for the Blessington – Russborough Greenway which showed that the chief concentration of Greylag geese was stated as being within the Three Castles area to the north of the reservoir and some to the south of the reservoir, near the Poulaphouca Dam. They demonstrated that neither of these areas were likely to be affected by the proposed development, which is situated at an approximate mid-point on the western side of the reservoir.
- Most of the existing rowing clubs on the lake will use the proposed facility and there will, therefore be small increase in the number of boats on the lake. Rowing will naturally be significantly reduced within the Three Castles area and the mid to southern sections of the lake will be used with more frequency. The result of this will be a reduction of rowing near the main Greylag geese roosting areas, which will thus minimize impact on the designated features of the SPA.
- Section 7.6 of the EclA further outlines the rowing schedule proposed which avoid any rowing during hours of darkness (the chief roosting period) and explains the change of location in itself is a positive measure for roosting Greylag geese. It further reiterates the need for the

boathouse being not in itself to acquire new members but to increase boat storage facilities so that members who are rowing professionally will not have to transport their boats to the lake for training, as is currently the case.

- Mitigation measures are set out in both the NIS and EclA to address potential disturbance to birds.
- Ecologist report attached to the response to the appeal concluded that the impact on the SPA from the proposed development is likely to be of lower magnitude and significant than under the present regime, as a result of the alternative, southern location of the rowing facility. The chief roosting location is known to be at the northern shores of the lake (north-eastern Three Castles area and the geese return annually to the same location). Thus, by providing an improved facility in a more southerly location, the majority of boat launching and rowing activity is less likely to affect the roosting areas of the overwintering Greylag Geese, for which the site was designated. The proposed development would serve existing users of the lake, 5 clubs known as Dublin Metropolitan Regatta Council.
- The design and materials ensure that the proposed development integrated with the landscape and would not be visually obtrusive.
- In response to the grounds of appeal relating to effluent disposal, the Board is directed to the consulting engineers report. . The concerns raised by the Planning Authority were addressed by moving the effluent holding tank, which is waterproof (ie no water can enter or effluent exit the system) 200m from the edge of the lake and by increasing its holding size to 50m³.
- In response to the concerns raised relating to flooding, it is highlighted that the building has been designed to allow for extreme cases of flooding in that the ground floors of the boathouse and service building.
- It has clearly been demonstrated that viable mitigation proposals have been made in both the NIS and EclA documents. These proposals have been caveated to ensure that all measures are undertaken in consultation

with the NPWS, with whom consultation has been sought and achieved continually over the 6 year period of preparation of the various planning proposals for this boathouse development.

- A Visual Impact Assessment (VIA) was undertaken to evaluate the visibility and the prominence of the proposed development in its immediate environs and in the wider landscape; and to evaluate impacts on any listed views /prospects and an assessment of vegetation/land cover type in the area (with particular regard to commercial forestry plantations which may be felled thus altering the character/visibility).
- Photomontages have been included with the application and detailed reports assessing the visual impact of the proposal vis a vis the surrounding area. The photomontages do not include the full extent of the planting proposed under Further Information. The submitted photomontages do however illustrate that the building (c. 7m in height) would be seen against a backdrop of existing mature commercial forestry (mostly larch c. 30m in height). No ridge lines or sky lines would be interrupted by the proposed development and that the natural lake shorelines would also be unaffected. The level of visual intrusion of this view resulting from the proposed development is low and not significant. There would be a minor distance glimpse view of the building from the lakeside drive at Carrig, which was considered not to be significant.
- Furthermore although the development is a modern style of architecture, it is long and low in design and is single storey, clad in Douglas Fir un-wrot battens and set within an existing mature woodland. There are no brightly coloured, reflective built elements of the development and car parking and vehicular entrances are to the rear of the building, screened from the lake and assimilated in the landscape by earth mounding.
- The proposed development is located within an area of commercial forestry which does not form part of the amenity area. Access to the reservoir for canoe users will be from the existing shoreline, the shoreline will not be altered as part of the proposed development and external

public/pedestrian access north and south along the shore line will be unaffected.

6.3. Planning Authority Response

None.

6.4. Observations

None.

6.5 Prescribed Bodies

The appeal was referred to the Department of Culture, Heritage and the Gaeltacht. No response received.

6.6 Further Responses

6.6.1 Appellants response to the first party response to the appeal

This rebuts the applicant's response to the appeal. Points of note include:

- Rejects the applicant's assertions that the site is outside the SPA boundaries. And even if the water body of the Poulaphouca Reservoir was considered to be the SPA boundary, rowing activities would still constitute a major negative impact to the protected bird species.
- While it is true to state that the main concentrations of Greylag Geese were in the Three Castle area to the north of the reservoir and in the south of the reservoir, near the Poulaphouca dam. It is untrue to state that neither of these areas would be affected by the proposed development. The rowing facility is moving closer to the Poulaphouca dam roosting site and would, in the appellant's opinion, have a dramatic effect on the roosting habitat of the protected species.
- The beneficial impacts of the development do not outweigh the negative ones.
- Negative impact on the local environment and the wildlife of the SPA.

- Reference to a decision by An Bord Pleanála to refuse permission for a windfarm in the Slievemine Mountains as a consequent to the potential threat to Merlins in the area.
 - The visual impact on this area of outstanding natural beauty has not been fully assessed. The photomontages submitted do not include the impact from higher ground to the east of the site.
 - Does not comply with policy NH59 which refers to the need to resist development that would significantly or unnecessarily alter the natural landscape and topography, projects involving significant landscape modelling.
 - It is impossible to camouflage a building of the proposed scale at this prominent location, no matter what cladding material is used.
 - The applicant should include a Landscape/Visual Impact Assessment.
- Threat to Dublin's drinking water supply.

7.0 Assessment

The appellant in the ground of appeal has referred to an EIAR (Environmental Impact Assessment Report). An EIAR was not produced as this is not a requirement for the planning application due to the small scale of the proposed development. An EclA (Ecological Impact Assessment) was produced for the sake of completeness and to complement the NIS (Natura Impact Statement) which looked only at species and habitats for which the SPA at Poulphouca is designated. The EclA thus examined any impacts on species and habitats outside the remit of the Natura 2000 network.

The original NIS and EclA were amended and updated to take into account the requirements of the further information request and amendments to the proposed development. The second NIS and EclA, date stamped by Wicklow County Council 5th of July 2018, supersedes the original NIS and EclA submitted with the application, A subsequent Technical Note was submitted as

part of the unsolicited information date stamped by Wicklow County Council on the 16th August 2018 dealing with the potential impact of the effluent storage tank on the Poulaphouca Reservoir and formed the basis of the Planning Authority's assessment. For the purposes of this assessment I am referring to the amended and updated NIS and EclA submitted by the applicant as part of the further information submission.

The validity of the site notices (colour, location of and number of notices erected) was also raised by the appellant. The Planning Authority deemed the application and the information contained within it to be valid and proceeded to assess the application.

The main issues in this appeal are those raised in the grounds of appeal which include issues relating to Impact on the qualifying interest of the SPA and Ecological impact on species outside the SPA. The issues can be dealt with under the following headings:

- Ecological Impact.
- Visual Impact
- Public Health & Flooding
- Appropriate Assessment

7.1 Ecological Impact

7.1.1 The proposed development is for a fit for purpose High Performance Training Facility for Rowing Ireland. A brief description of the site is included in section 1 of this report and a detailed description of the proposed development is set out in section 2 of this report.

7.1.2 The application site is located on the western shores of Poulaphouca Reservoir, known locally as Blessington Lake, it is also recognised as a wildfowl sanctuary. Therefore, this application has included an Ecological Impact Assessment (EclA) to assess the impact of the proposed development

outside the designated Natura 2000 network and on species not listed as qualifying interest of the Poulphouca Reservoir SPA.

7.1.3 I note that the Ecological Impact Assessment (EclA) was amended and updated by further information, the second report on file supersedes the original EclA submitted with the application which formed the basis of the Planning Authority's assessment. The application was accompanied by an NIS, this assesses the impact of the proposal on the Poulaphouca Reservoir SPA and is dealt with in more detail in section 7.5 of this report. I note that the sections of the EclA and proposed mitigation measures replicate those included with the NIS.

7.1.4 Having reviewed the EclA and the supporting documentation, I am satisfied that it provides adequate information in respect of baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in section 7 of the EclA. I am satisfied that the information is sufficient to allow an ecological impact assessment of the proposed development on the receiving environment.

7.1.5 Description of Site:

Poulaphouca has been designated a 'Wildfowl Sanctuary'. The area is excluded from the 'Open Season Order' which allows areas where game birds can rest and feed undisturbed. While no water bird species was observed at the time of the survey (late February 2017, outside the bird breeding season, typically March to July), there is potential for the development to impact upon wildfowl in the area around the site.

Site Selection:

After initial consultation with the NPWS alternative sites and rowing areas west of Blessington Bridge were examined as there is little bird activity in this area. A number of potential sites were examined, including one in the Vallemount/Ballyknocken area and another in the Ballyboys area, closer to the dam. These alternative locations were not considered appropriate for reasons relating to poor access, health & safety. Appendix B the EclA provides details of alternatives considered.

7.1.6 Species & Habitats of Interest

Section 5 of the EclA includes a detailed description of each habitat and species identified within the study area, this are briefly listed below:

Species of interest:

Otter (this was included in the NIS).

Habitats:

The habitats identified within the study area are:

- The Reservoir.
- Reed and large sedge swamps.
- Wet grassland.
- Mixed woodland.
- Plantation woodland.
- Wet willow woodland.
- Immature woodland.
- Drainage ditch.
- Treeline.
- stonework

Section 6 of the Ecological Impact Assessment includes a detailed Impact Assessment. This sets out the impact level and its significance for each. These range from beneficial/positive impact to severe impact. The impact characteristics are also set out and their likelihood.

The study area partly lies within the Poulaphouca Reservoir pNHA and SPA. The wider area around Poulaphouca is also a Wildfowl Sanctuary which bans any hunting activities in the area where ducks, geese or other waddling birds may reside. No development is proposed within the pNHA or SPA boundaries and a buffer of at least 30m is maintained between development and designated site boundaries.

The EclA notes that nine bird species were recorded during the site visit. The majority of the birds observed were relatively common species associated with mature hedgerow and woodland, with a few species associated with the

waterbody. None of the birds of qualifying interest for the Poulaphouca Reservoir, Greylag Geese or Lesser Black-Backed Gull, were observed during the site visit.

7.1.7 Potential Impacts:

Appendix E of the EclA includes the various designs that have been considered for the proposed development. The development is designed to avoid loss of habitat from the pNHA and SPA. There is significant overlap between the information contained in the EclA and the NIS in relation to impacts as the EclA also includes an assessment of the potential impact on the Poulphouca Reservoir SPA. The main impact for consideration is that of disturbance as a result of the construction and operation of the development including recreational rowing activity associated with the boathouse, and subsequent impacts on protected species of Poulaphouca Reservoir SPA; specifically Greylag Geese and Lesser Black-Backed Gulls and other waterbirds, by towing activity during the winter months. These include:

- Temporary Impacts during construction.
- Direct effect on habitats due to changes in water quality (surface and ground water).
- Disturbance such as light, sound and human movement at the boathouse.
- Disturbance to adjacent important bird species due to the presence of rowers and activities.

The main impact assessed in the reports was the disturbance from water-based craft on birds. Potential sources: Speed, sound, size, visual intrusion and characteristics of craft movement. The effects of disturbance are set out in Section 6.3.2 and range from temporary to population impacts to permanent long term impact. It should be noted that unlike habitat loss, the effects of disturbance on the quality of an area for birds are reversible.

Section 6.3.3 of the EclA set out the recreational activities on Poulaphouca Reservoir which has been widely used for recreational purposes, primarily

boating and angling, for decades. ESB manages Poulaphouca as a mixed Fishery (trout and coarse). The lake is used for boating purposes by Rowing Ireland, which is an association of five Dublin Rowing Clubs. No boating, apart from rowing, or fishing, is allowed on the reservoir for the month of October. During the months of September to April, the existing Leinster rowing facility members use the reservoir, chiefly at weekends, for rowing training and competitions. In the Summer months crews train in the water between c.6pm and 9pm most evenings. Typical peak usage could be c. 60 single boats, 10 8-man boats and 10 4-man boats accompanied by safety launches on a Saturday in the summer.

The proposed development includes 11 bays for storing boats, unlike the current facility that has 3. This will see a slight increase in the number of craft on the lake but this will be at the same time at the current usage which is during times when the relevant birds are not roosting.

Given that the Greylag Geese, for which the SPA is selected, use the reservoir for roosting at night, and forage in fields surrounding the west and north of the reservoir during the day, the cumulative impact of disturbance associated with day time recreational activities on this species when they are present during winter is mainly during early mornings in winter. Lesser Black-Backed Gulls and Whooper Swans (Annex 1 species) have also been known to frequent the lake, but this has been in winter.

Therefore, it is early morning use of the lake by rowers during the winter that is of main concern for designated species of the Poulaphouca Reservoir SPA and other local species. This disturbance may effect may be classified as one which can be temporary but may have impacts on resting and energy intake of eth designated species of Poulaphouca. Table 6.3 of the EclA includes the predicted impacts of the proposed development on the pNHA and SPA. Table 6.4 includes the predicted impacts of the development on the SPA. This matter is addressed further in section 7.4, appropriate assessment, of this report.

The EclA concluded that the impact of water based craft on birds is very hard to measure due to the degree of uncertainty with monitoring.

Section 7.6 of the EclA further outlined the rowing schedule proposed which avoid any rowing during hours of darkness (the chief roosting period) and explains the change of location in itself is a positive measure for roosting Greylag geese. It further reiterates the need for the boathouse being not in itself to acquire new members but to increase boat storage facilities so that members who are rowing professionally will not have to transport their boats to the lake for training, as is currently the case.

Having regard to the long established use of the lake by rowers for circa four decades I do not consider that the use of non motorised boats would create such a disturbance that would have an adverse impact on the existing wildfowl sanctuary or aquatic birds. I further note that mitigation measures are proposed in the EclA and NIS that accompany this application, which include restrictions on rowing activity after dark.

Mitigation Measures overlap with those set out in the NIS and are listed in detail in section 7.4.4 of this report.

7.1.8 Ecological Impact Assessment Conclusion

In conclusion, I am satisfied that the proposed development, subject to the mitigation measures set out in the ecological impact assessment, would not have a serious detrimental ecological impact.

7.2 Visual Impact

7.2.1 The application site is located in Area 1 The Mountain and Lakeshore AONB, Objective NH50 provides that proposals within AONB should include VIA/LIA, the appellant is of the view that the documentation submitted does not comply with this requirement. The appellant is of the view that the information submitted with the application does not constitute a VIA/LIA, this is disputed by the applicant. The Planning Authority did not raise this as an issue in their further information request. I have examined the information on file and I

consider it adequate to assess the visual impact of the proposed development on the landscape.

- 7.2.2. The criteria used for the site selection process was guided by the need to minimise potential impacts on Natura 2000 sites, primarily on the Poulaphuca Reservoir SPA which is used for roosting (Greylag Geese); and to minimise visual intrusion within the AONB by selecting a site which could be visually screened both for the roosting (Greylag Geese), other wildlife and human visitors/users to the AONB.
- 7.2.3 The proposed development is located within an area of commercial forestry which does not form part of the amenity area. Access to the reservoir for canoe users will be from the existing shoreline, the shoreline will not be altered as part of the proposed development and external public/pedestrian access north and south along the shore line will be unaffected.
- 7.2.4 A Visual Impact Assessment (VIA) was undertaken to evaluate the visibility and the prominence of the proposed development in its immediate environs and in the wider landscape; and to evaluate impacts on any listed views /prospects and an assessment of vegetation/land cover type in the area (with particular regard to commercial forestry plantations which may be felled thus altering the character/visibility). The exact location of the boathouse was determined by consideration of proximity to established rowing routes and the ability to screen the building within existing landform and vegetation
- 7.2.5 The applicant in the response to the appeal has outlined that the photomontages do not include the full extent of the planting proposed under Further Information. That the submitted photomontages do however illustrate that the building (c. 7m in height) would be seen against a backdrop of existing mature commercial forestry (mostly larch c. 30m in height).
- 7.2.6 The site is challenging due to its prominent location within the Blessington Lakes AONB, on the shores of the Poulaphuca Reservoir. The applicant has attempted to address the sensitivities and constraints of the site through the use of a contemporary design solution with the use of natural finishes to blend with the existing landscape and backdrop on the site. In this instance, I am satisfied that the proposal is an appropriate design intervention at this location as it

adequately addresses the sensitives of the site. In my view, the proposed development would contribute to and add to the narrative of the area while at the same time respecting the natural landscape and the character of the area.

7.2.7 The proposal is a contemporary design which has been designed to minimise its visual appearance. The steel structure supporting the boathouse roof will be clad is a combination of twin wall translucent polycarbonate partially clad over with unwrot douglas fir battens which would be allowed to weather to a natural grey, complementing the palate of natural colours on the site. The proposal is celebration of the landscape of the Blessington Lakes and reflects the local context through its use of materials, siting and design.

7.2.8 The applicants have chosen to design a statement piece, ensuring that it would be a feature along the shore. In my view, the use of high quality materials and finishes and innovative design offers an opportunity for a high calibre aesthetically pleasing development at this location. I recognise that the proposal would have a visual impact when viewed from the surrounding area. Indeed any new development would have a visual impact. However, in my opinion, this would be a positive one. The proposal would be assimilated to a degree within the existing landscape, while also facilitating a contemporary design which would be a welcomed addition at this location.

7.3 Public Health & Flooding

7.3.1 Concerns have been raised that the proposal to utilise and wastewater holding tank and then transport effluent off site for treatment would be prejudicial to public health. And that the Blessington Wastewater treatment plant is at capacity and therefore would not be in a position to accept the transported waste from the proposed development

7.3.2 I note that this issue was the subject of the unsolicited information submitted, this included proposal to locate the tank c.195m from the shoreline. Located at 185.40mOD above the flooding level Furthermore the use of a concrete bunded

tank contained the effluent. The capacity of the tank is 50m³ this would enable effluent to be stored on site for several days.

- 7.3.3 In response to the grounds of appeal relating to effluent disposal, the applicant's consulting engineers report. The concerns raised by the Planning Authority were addressed by moving the effluent holding tank, which is waterproof (ie no water can enter or effluent exit the system) c.200m from the edge of the lake and by increasing its holding size to 50m³.
- 7.3.4 The application was accompanied by a FRA, amendments were submitted as part of the unsolicited information to the Planning Authority to take into account the amended development.
- 7.3.5 The applicant relies on the contention that a rowing club with associated facilities such as storage and changing rooms are classed as water compatible development in terms of the vulnerability class set out in Table 3.1 of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009). It is outlined that the ground floor of the development is designed to be flood resilient.
- 7.3.6 I note the Planning System and Flood Risk Management Guidelines refers to 'outdoor sports and recreation and essential facilities such as changing rooms' as flood compatible development. In my view that development proposed is falls under the remit of 'essential facilities such as changing rooms associated within outdoor sports and recreation'. Having regard to the nature of the proposed development, its design and siting I consider that while it may potential be at risk of flooding it would not constitute a flood hazard or likely to be a flood risk to adjoining lands.
- 7.3.7 The ESB has have stated in their submission that they issued consent in principle for the development but highlighted that flooding and erosion were a possibility. The ESB cannot regulate levels in the Reservoir to avoid flooding this development. Therefore, when Poulaphouca reservoir goes into flood mode ESBs primary concern is to ensure that the levels are regulated so that dam safety is always maintained and that the flood is safely passed through the

dam. Maximum operating levels is an internal ESB dam safety level where ESB have to discharge water in order to ensure it has enough storage volume available to safely pass a potential design storm event without overtopping the dam.

- 7.3.8 The maximum operating level is in essence the threshold which defines when the reservoir goes into flood mode. There is no current protocol in place for ESB to notify the operator of the development that levels will exceed the maximum normal operating levels on the Reservoir. The ESB submission also highlights that in relation to the proposed levels of 184.4mAD for the drainage system, water levels on the reservoir have exceeded 184.4mAD on a number of occasions in the last 25 years (please refer to section 3.3.3 for details).
- 7.3.9 The proposed development is located outside the predicted 1 in 1000 year flood level. As such the proposed training facility and wastewater holding tank are located at a level of 185.40mAOD. The predicted 1 in 1000 year level is 183.60mAOD.
- 7.3.10 The ESB have noted that they have an 'exceptional' reservoir level of 186.89mAOD. However, this level must be seen as a highly unlikely as it represents a work case situation where by the existing dam cannot operate effectively.
- 7.3.11 The FFL (finished floor level) of the boat house would be lower than the exceptional reservoir level. To overcome this, the applicant has stated that flood waters would be allowed to enter the building in exceptional/extreme events and flood resistant building techniques and materials would be employed to minimise disruption should this situation occur over the lie of the building.
- 7.3.12 In relation to the flooding of the wastewater holding tank. The cover level of the tank will be at a level of 186.7. The holding tank is designed as a water retaining structure, therefore, there would be no ingress of groundwater or egress of stored effluent from the holding tank. All drainage pipe work would be equally designed and constructed to prevent effluent loss or groundwater egress. The applicant acknowledges that the tank is located within 200m (195m) of the reservoir, however the proposed development in its entirety is

within this zone, as such it is not possible to re-locate any subterranean tank to be 200m away from the reservoir.

7.3.13 Irish Water submission, dated 23rd August 2018, concludes that Irish Water has no objection to the proposal subject to a number of conditions.

7.3.14 I consider, subject to appropriate conditions that the proposed development and the use of an effluent storage on tank would be acceptable. I further note that the Blessington WWTP (ABP 302732 -18) has since the lodging of this application in 2017 been grant permission to increase its capacity.

7.4 Appropriate Assessment

The issues addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

7.4.1 Compliance with Articles 6(3) of the EU Habitats Directive.

The Directive deals with the Conservation of Natural Habitats and Wold Fauna and Flora throughout the European Union. Article 6(3) of this Directive 92/43/EEC (Habitats Directive) requires that any plan or project not directly connected with or necessary to the management of a European site(s), but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site(s) in view of the site(s) conservation objectives. The Habitats Directive has been transposed into Irish law by the Planning and Development Act 2000, as amended, and the European Union (Birds and Natural Habitats) Regulations 2011-2015.

7.4.2 The Natura Impact Statement

The application was accompanied by two Natura Impact Statements (NIS). The original NIS was amended and updated to take into account the requirements of the further information request and amendments to the proposed development. The NIS outlined the methodology used for assessing

potential impacts for these sites and their conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and identified any residual effects on the European sites and their conservation objectives.

The original NIS was amended and updated to take into account the requirements of the further information request and amendments to the proposed development. In particular the revised location of the effluent holding tank. The second NIS, date stamped by Wicklow County Council 5th of July 2018, supersedes the original NIS submitted with the application and formed the basis of the Planning Authority's assessment. For the purposes of this assessment I am referring to the amended and updated NIS submitted by the applicant as part of the further information submission.

Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures are provided and they are summarised in section 7 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

7.4.3 Stage One – Appropriate Assessment Screening Assessment

The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites. The following European sites are located within a 15km radius of the site and their relevant Qualifying Interests and separation distances are listed below.

A Stage 1 Screening report was prepared and submitted to the NPWS in 2011. Further to consultation, the Department recommended that a stage 2 assessment should be undertaken which has been included with the current application. There is no Stage One Appropriate Assessment Screening Report included with the application. However, I am confident that the Board as the Competent Authority, having regard to the planning history of the file, can carry out a stage one screening. For the purpose of this stage 1 screening I have

referred to all the documentation on file, available information and the NPWS website.

There are 4 European Sites within 15km of the site. Of these 2 are cSACs and 2 SPA. The site is immediately bounded by a SPA. There are no European Sites within the proposed development area. Section 4 of the NIS sets out the relevant sites, their qualifying interest and conservation objectives.

Section 4.6 of the NIS includes summary descriptions for each European site and potential threats. The relevant sites, the distances and connectivity from the High Performance Training Centre are summarised below.

Site Objectives: To maintain or restore the favourable conservation condition of the Annex habitat(s) and/or the Annex II species for which the site has been selected.

Table 7.4.1

European Site (SAC/SPA)	Qualifying Interest (Habitats and Species)	Distance of European site to the application site	Connectivity
Poulaphouca Reservoir SPA (site code 004063)	<i>Anser anser (wintering)</i> (Greylag Geese) <i>Larus fuscus (wintering)</i> (Lesser black-backed gull)	The site is directly adjacent to the identified SPA boundaries	Directly adjacent
Wicklow Mountains SAC (site code 002122)	Of the Q.I listed, the most relevant is <i>Lutra Lutra</i> (Otter)	c.3.7km to the east on the opposite side of the Poulaphouca Reservoir.	Potential. The species is mobile and may use the Poulaphouca Reservoir and surrounding streams
Wicklow Mountains SPA (site code 004040)	<i>Falco columbais</i> (breeding) (Merlin Falcon) <i>Falco peregrinus</i> (breeding) (Peregrine Falcon)	c. 5.6km to the southeast on the opposite side of the Poulaphouca Reservoir.	None. The site does not serve as a breeding or

			hunting ground for either species.
Red Bog SAC (site code 000397)	Transition Mires and quaking bogs	c.4.8km to the northwest.	None. The proposed development is downstream of this site.

Based on my examination of the available information, the NPWS web site, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distances and functional relationship between the proposed works and the European site, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a stage 2 Appropriate Assessment is required for 2 of the 4 European sites referred to above namely:

- Poulaphouca Reservoir SPA (site code 004063).
- Wicklow Mountains SAC (site code 002122)

The remaining 2 sites:

- Wicklow Mountains SPA (site code 004040).
- Red Bog SAC (site code 000397).

can be screened out from further assessment because of the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests pertaining to these sites, the separation distances and the lack of a substantive linkage between the proposed works and the European sites. It is, therefore, reasonable to conclude that on the basis of the information on 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 no. (004040 and 000397)-n view of the sites conservation objectives and a Stage 2 Appropriate assessment is not, therefore, required for these sites.

7.4.4 Stage 2 – Appropriate Assessment

Relevant European Sites

The Conservation Objectives and Qualifying Interests including any relevant attributes and targets for the relevant 2 sites are set out below.

Table 7.4.2

Site	Qualifying Interest	Distance
Poulaphouca Reservoir SPA (site code 004063)	<i>Anser anser</i> (wintering) (Greylag Geese) <i>Larus fuscus</i> (wintering) (Lesser black-backed gull)	The site is directly adjacent to the identified SPA boundaries
Wicklow Mountains SAC (site code 002122)	Of the Q.I listed, the most relevant is <i>Lutra Lutra</i> (Otter)	c.3.7km to the east on the opposite side of the Poulaphouca Reservoir.

Site No. 1: Poulaphouca Reservoir SPA (site code 004063)

Brief Description of Site

Poulaphouca Reservoir SPA, located in the western foothills of the Wicklow Mountains, was created in 1944 by damming of the River Liffey for the purpose of generating electricity from hydropower. The reservoir covers an area of approximately 20 square kilometres and is the largest inland water body in the mid-east and south-east regions. The reservoir receives water from two main sources, the River Liffey at the northern end, and the Kings River at the southern end. The exit is into the River Liffey gorge at the western end.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Greylag Goose and Lesser Black-backed Gull.

Poulaphouca Reservoir is of national importance for its Greylag Goose population, which is one of the largest in the country. The site provides the

main roost for the birds, with feeding occurring mostly on improved grassland outside of the site.

A range of other wildfowl species also occurs, including Whooper Swan, a species that is listed on Annex I of the E.U. Birds Directive. The site is also notable as a winter roost for gulls, especially Lesser Black-backed Gull. Part of Poulaphouca Reservoir SPA is a Wildfowl Sanctuary.

Whooper Swans (Annex I species) have been noted. However the site is not considered internationally or nationally important for Whooper Swans.

Conservation Objectives

To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:

Bird code A043 Greylag Goose (*Anser anser*)

Bird code A183 Lesser Black-backed Gull (*Larus fuscus*)

Appendix D of the NIS includes the NPWS site Synopsis.

Wicklow Mountains SAC

Brief Description of Site

Wicklow Mountains SAC is a complex of upland areas in Counties Wicklow and Dublin, flanked by the Blessington reservoir to the west and Vartry reservoir in the east, Cruagh Mountain in the north and Lybagh Mountain in the south.

The vegetation over most of Wicklow Mountains SAC is a mosaic of heath, blanket bog and upland grassland (mostly on peaty soil, though some on mineral soil), stands of dense Bracken (*Pteridium aquilinum*), and small woodlands mainly along the rivers. Mountain loughs and corrie lakes are scattered throughout the site.

Mammals and birds which occur are typical of the uplands. Deer are abundant, mainly hybrids between Red and Sika Deer. Other mammals include Hare, Badger and Otter, the latter being a species listed on Annex II of the E.U. Habitats Directive. Pine Marten has recently been confirmed as occurring within the site. Among the birds, Meadow Pipit, Skylark, Raven and Red Grouse are

resident throughout the site. Wheatear, Whinchat and the scarce Ring Ouzel are summer visitors. Wood Warbler and Redstarts are rare breeding species of the woodlands. Dipper and Grey Wagtail are typical riparian species. Merlin and Peregrine, both Annex I species of the E.U. Birds Directive, breed within the site. Recently, Goosander has become established as a breeding species.

Wicklow Mountains is important as a complex, extensive upland site. It shows great diversity from a geomorphological and a topographical point of view. The vegetation provides examples of the typical upland habitats with heath, blanket bog and upland grassland covering large, relatively undisturbed areas. In all, twelve habitats listed on Annex I of the E.U. Habitats Directive are found within the site. Several rare or protected plant and animal species occur, adding further to its value.

Otters are a QI, this species are mobile and may use the Poulaphouca Reservoir and surrounding rivers/streams.

Conservation Objectives.

The terrestrial habitats and detailed as qualifying interests of the SAC are not considered further as there is no potential for these habitats to be impacted as the development is not contained within the SAC boundary. It is only mobile species, in particular the Otter that could potentially be indirectly impacted by the proposed development.

The overall aim of the objective to maintain the favourable conservation condition of Otter in Wicklow Mountains SAC, which is defined by a list of attributes and targets set out in the NPWS Conservation Objectives (2017)

Potential Impacts on the Key Species and Key Habitats

No direct impacts are predicted on any European sites as the application site is not directly located within a Natura 2000 site. In the event of a large release of suspended sediment or leakage from the effluent storage tank there could be a significant indirect effect on the Poulaphouca Reservoir. In the event of siltation or pollution of the reservoir from the site, aquatic and bird species could be

indirectly damaged by changes to water quality, and this in turn could affect species such as otter.

The key sensitive receptors are considered to be:

- Greylag Geese.
- Lesser black-backed gull,
- Otter.

Nine Bird species were recorded on the study area during the survey. None of the birds of qualifying interest for Poulaphoca Reservoir (Greylag Geese or Lesser Black-backed gulls) were observed. No breeding or roosting takes place within the site. The main roosting area is identified as the Three Castles Area to the north and closer to the dam to the south. Given the absence of observations of greylag Geese over the period, the study area does not represent a prime foraging area for this species and so impacts are not likely to be significant. During construction phase Greylag Geese are likely to avoid the site. During the operational phase the High Performance Training Facility will not provide a new obstacle for the birds as the Reservoir has been used by rowers from circa 40 years. The current proposal refers to the relocation of an existing facility for rowers that already use the lake and would not constitute an increase in activity. Furthermore, the facility would not be in use after dark which is when the Greylag Geese roost over winter.

The disturbance may be classified as one which can be temporary but may have impacts on resting and energy intake of the designated species of the Poulphouca Reservoir SPA. Table 6-4 of the Ecological Impact Assessment Report submitted with the planning application set out the predicated impacts of the proposed development in Poulaphouca Reservoir.

Potential Impacts on the integrity of the Sites

The potential indirect effects on the conservation objectives of the qualifying interest of the Poulaphouca Reservoir SPA are detailed in 6.3 and 7 of the NIS. Table 6-4 of the EcIA also includes an assessment of the potential impacts. In summary, the integrity of the site could be indirectly affected by the proposal through disturbance to bird species during roosting.

In terms of the Wicklow Mountain SAC, the integrity of the site is not likely to be affected. The low number of Otters in the environs of the application site to date would indicate that there will not be a significant effect on the Otter population.

Potential Indirect Effects

There is potential for indirect impacts arising from the construction and operation of the development including recreational rowing activity associated with the boathouse, and subsequent impacts on protected species of Poulaphouca Reservoir SPA; specifically perceived disturbance to roosting Greylag Geese, Lesser Black-backed Gull and other water birds, by rowing activity during the winter months. Also potential temporary impacts during construction. Disturbance such as light, sound and human movement at the boathouse and lakeshore and disturbance to adjacent important birds due to the presence of rowers and activities.

There is potential for indirect impacts arising from the nature of the works during the construction phase. Surface water runoff, sediment entrainment or release, release of fuels/oils/chemicals may result in a decrease in aquatic habitat quality.

There is potential for indirect effects to the aquatic habitat supporting the Otter and the Greylag Geese during the construction phase from disturbance from works such as drilling and decrease of habitat quality. There is also potential for disturbance to fisheries.

There is potential for indirect effects to the aquatic habitat supporting the Greylag Geese during the operational phase from the presence of rowers and activities that may decrease of habitat quality.

There is potential for indirect effect on the aquatic environment supporting the Greylag Gees and the Otter during the operational phase as there is a ground water connection in the case of a subsurface leak form the effluent storage tank.

Technical Note (date stamped 16th August 2018). The proposal to discharge to a sealed underground holding tank via gravity feed isolates the discharge and prevents a direct connection or pathway between it and the QI of the SPA.

The rate of emptying the holding tank after being fitted with fail safe monitoring equipment with battery backup, with regular inspection, would not have any impact on the QI of the SPA.

The location of the tank will not have an impact. The holding tank and pipework are a closed system and will have no direct connection by water or by land with the SPA QI.

There is groundwater connection with the reservoir in the case of subsurface leak but with all the precautions built into the design it is not seen as having a significant risk or impact on the QI of the SPA.

The proposed setback and construction phase mitigation measures would ensure an adequate separation distance between the works and the SPA site boundary, and that any fine sediments released during the excavation and construction works, or any contaminants resulting from accidental spills or accidents would not reach the SPA.

Cummulative and in-combination effects are considered in relation to the adjoining recreational activity ranging from the use of the existing Blessington Greenway and recreational activity on the Poulaphouca Reservoir.

Blessington LAP has identified the possible development of an amenity route around the shores of the reservoir, this would be required to undergo appropriate assessment screening and potentially require a NIS if pursued in the future. There are no plans in place at present for this route, therefore it cannot be fully assessed for in combination effects.

The chief concentration of Greylag Geese was stated as being within the Three Castles Area north of the reservoir and some to the south, near the dam. Given the location of the proposed High Performance Training Centre near Baltiboys Bridge and the mitigation measures set out in the NS, it is unlikely that the proposed development and the rowers would contribute significantly to the cumulative effects.

Subject to the implementation mitigation measures proposed, I accept that no significant cumulative effects would arise to relevant qualifying interests from the proposed development in combination with the permitted developments.

Mitigation Measures

Mitigation measures are listed in the section 7 of the NIS under a number of headings, which include and can be summarised as follows:

Mitigation through Design:

Water Quality

- **Foul Drainage** (sealed underground storage tank).
- **Storm Drainage** (two separate storm water systems proposed).

Rainwater from the roof of the Boathouse will be gathered into a new storm water system and directed into an on-site soakaway.

carpark will be hardstanding and all storm water which falls in this area will be collected in a new drainage system and directed into a suitable oil separator to remove any hydrocarbons and then into a soakaway for disposal.

- **Water Supply** (connection to public water mains c.300m from the site perimeter).

Construction Phase:

- NPWS to be notified in advance of site clearance.
- Minimise construction footprint and exclude construction site from the surrounding area by fencing.
- Establish an exclusion area for vegetation and soil protection beyond the construction site.
- Store and re-use soils from the site.
- Areas destined for minor landscaping work, such as gravel pit behind the foreshore, will need to be carried out with the following measures in place:
 - Only undertake the work in dry conditions.
 - No stockpiles to be left in this zone as sediment delivery risk is high.

- Confirm with reservoir operator that the reservoir is likely to be managed below 181.5mOD during this period.
- Retain buffer vegetation along watercourses.
- Locate stored soils and stockpiles away from water courses and the lake.
- A temporary screening fence will delineate the site boundary, beyond which no machinery can go and to screen human activities, machinery movements, etc from the adjacent Natura 2000 site. To avoid disturbance to birds and to indicate the limits of the site for machinery.
- A buffer area will be delineated by sediment trap fencing, along the edge of the stream to avoid machinery encroaching in the vicinity of the stream. Warning signage to be erected.
- Silt traps to be installed between the excavation and the lake on lands that are not prone to flooding.
- Construction works to be carried out during the summer months to avoid potential disturbance to the designated features of eth SPA (ie wintering bird species).
- No stockpiles, equipment, plant or machinery permitted within the Natura 2000 site.
- Spill kits in storage areas and other areas where oils and other materials are transferred or stored.
- A Construction Environmental Management Plan (CEMP) to be submitted to the Local Authority prior to commencement of works.

Operational Phase:

- Lighting and nocturnal use of Poulaphouca Reservoir.
- Landscaping.
- Invasive species and soil manage.
- Measures to mitigate bird disturbance include:

- Buffer zone and no go area to the west of the site, where the reed beds which represent a key water bird habitat exists. All traffic to turn eastwards toward Baltyboys on launching.
- Design of public access features to reduce disturbance (eg willow screening for western lakeshore boundary of site) and increased tree cover overall. This will reduce visual disturbance for waterbirds.
- Enforcement of leash requirements for pets.
- Establish a setback distance of 250m from groups of diving ducks, other waterfowl, wading birds and shorebirds.

A Management Plan for Rowing Activities on Poulahouca Reservoir is included as a separate document. This includes rowing schedule, rowing routes

Management measures to mitigate bird disturbance

Residual Effects/Further Analysis

No significant residual effects are identified following the implementation of the recommended mitigation measures. It is considered, however, that despite the planned vegetative planting in front of the boathouse, there may still be a visual impact of the building. This should, however, overtime be reduced by the additional planting, albeit that this will take a number of years to become established and provide effective screening.

Appropriate Assessment Conclusions:

In conclusion, I am satisfied that the development would not cause changes to the key indicators of conservation value, including water quality and the Greylag Goose species, hence there is no potential for any adverse impacts to occur on either species or the habitats associated with the Poulaphouca Reservoir SPA (Site Code: 004063). I am satisfied that the development would not cause changes to the key indicators of conservation value and the Otter, hence there is no potential for an adverse impacts to occur on either species or habitats associated with the Wicklow Mountains SAC (Site Code 002122) I, therefore, consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate

Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European Site No.004063 or Site No. 002122.or any other European site, in view of the site's Conservation Objectives.

8.0 Recommendation

Having regard to the documentation on file, the appeal, the site inspections and the assessment above. I recommend that permission for the above described development be granted for the following reasons and considerations, subject to the conditions set out below.

Reasons and Considerations

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Wicklow County Development Plan 2016-2022 and would not have an unacceptable impact on the landscape and would not adversely affect the archaeological or natural heritage of the area, would not adversely affect the integrity of the European sites in view of the site's Conservation Objective and would be in accordance with the proper planning and sustainable development of the area.

9.0 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 6th day of October 2017, on the 5th day of July 2018 on the 16th day of August 2018, 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. Prior to commencement of development, a detailed environmental management plan for the construction stage shall be submitted to and agreed in writing with the Planning Authority, generally in accordance with the proposals set out in the Natura Impact Statement, the Ecological Impact Assessment and other plans, reports and details submitted with the application. The environmental management plan shall incorporate the following:
 - (a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise management measures, construction hours and the management of construction waste;
 - (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period;
 - (c) an emergency response plan, and
 - (d) proposals in relation to public information and communication.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of environmental protection and orderly development.

3. a) All mitigation measures set out in the Natura Impact Statement and the Ecological Impact Statement and associated documentation submitted by the developer with the application, as amended by the submission received on the 5th day of July 2018 and contained in the Technical Note received on the 16th day of August, 2018, shall be implemented in full,

except as otherwise may be required in order to comply with the following conditions.

- b) The developer shall retain the services of a suitably qualified Ecological Environmental Clerk of Works to monitor and record the implementation of the mitigation measures. Upon completion of the development, the Ecological Environmental Clerk of Works shall submit a final report to the Planning Authority, this report shall set out the record for all mitigation measures and their implementation as part of the overall development on site.

Reason: In the interest of clarification, protection of the environment and proper planning and sustainable development.

4. The boathouse facility shall be used for the benefit and enjoyment of the rowing club only and shall not be used for the provision of overnight accommodation or commercial activities.

Reason: in the interest of clarity and to protect public health.

5. Details of the materials, colours and textures of all external finishes to the proposed boathouse and ancillary building 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.

6.
 - a) The site shall be landscaped in accordance with the recommendations from the Survey and Arborist Report received by the Planning Authority on the 5th day of July 2018. All landscaping shall be carried out within the first planting season following substantial completion of external construction works.
 - b) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion

of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

- c) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: In the interest of nature conservation and visual amenity.

- 7.
 - a) The onsite wastewater holding tank shall be sealed and mechanism installed to warn of any leak from the tank.
 - b) The onsite wastewater holding tank shall be located within an adequately bunded/spill prevention hard standing area to contain accidental spills during emptying.
 - c) Full details in relation to the emptying of the wastewater holding tank and the subsequent disposal of the effluent shall be submitted and agreed with the Planning authority, this shall include the schedule of emptying, the contract for the emptying by a fully licensed operator and the disposal location for the effluent.
 - d) The operators of the development shall enter into an annual maintenance and servicing contract with respect to the waterwater holding tank to ensure that the tank is water tight and that the warning mechanism is effective. A copy of the signed agreement shall be submitted to the Planning Authority for written agreement.
 - e) Prior to the commencement of development the developer shall enter onto a Connection Agreement with Irish Water to provide for a service connection to the public water/wastewater network, in particular details

relating to the tanking of effluent to Blessington wastewater treatment plant.

Reason: In the interest of public health.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(i) notify the relevant 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, and

(ii) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
Reason: In the interest of public health.
10. Access arrangements shall comply with the detailed standards for Planning Authorities for such works.
Reason: In the interest of amenity and traffic safety.
11. No signage, advertising structures/advertisements or flagpoles shall be erected with the site and adjoining lands under the control of the applicants unless authorised by a further grant of permission.
Reason: In the interest of visual amenities of the area
12. 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 material and for the ongoing operation of these facilities 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 the agreed plan.

This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details submitted.
Reason: In the interest of residential amenity and to ensure the provision of adequate refuse storage.
13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual amenity.

14. Details of proposed measures for crowd control during major rowing events shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public safety and traffic safety

15. The construction of the development shall be managed in accordance with a Construction 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 construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

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.

Dáire McDevitt
Planning Inspector

24th May 2019.