



An
Bord
Pleanála

Addendum Inspector's Report ABP 306905-20

1.0 Introduction

- 1.1. Following a meeting of the Board held on the 23rd of October 2020 the Board sought further information under Section 132 of the Planning and Development Act 2000, (as amended).
- 1.2. The Board sought revisions to the Natura Impact Statement received on the 22nd of June 2020 to incorporate a full appropriate assessment of: -
 - The decommissioning and removal of the current on-site wastewater treatment system,
 - The provision of the alternative route from the site to the public mains foul sewer, as presented to the Board as an option, by the applicant in the formal submission to the Board received on 22nd of June 2020
- 1.3. The applicant was required to publish a newspaper notice confirming the lodgement of the revised Natura Impact Statement and to invite submissions from members of the public.
- 1.4. An addendum Inspector's report was required to be prepared in respect of the revised Natura Impact Statement submitted on the 10th of December 2020. The addendum report is informed by the existing information on file and the additional information submitted to the Board on the 10th of December 2020 comprising the revised Natura Impact Statement prepared by NM Ecology on behalf of the applicant and the further submissions from appellants and observers.

2.0 Submissions

- 2.1.1. Further submissions in respect of the revised NIS were submitted from three of the appellants (1) Aysar Barbouti (2) Adam English and (3) Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht.

(1) Aysar Barbouti

- 2.1.2. Concern is raised regarding the public notices in respect of the revised Natura Impact Statement.
- 2.1.3. In relation to the NIS it is considered that there are discrepancies between the project description presented by NM Ecology and the practicality of how the construction works would be undertaken at the site.
- 2.1.4. In relation to access to the site it is stated that as previously required by condition no. 9(a) of Reg. Ref. 08/20 and stated in the applicant's Traffic Management Plan submitted with the application that there is a restriction on the type of vehicle that can cross Derrybawn Bridge. "Access to the site shall be limited to normal transport, heavy/abnormal loads shall not be permitted to cross Derrybawn Bridge." This limits the use of the bridge to cars and small commercial vehicles. It is stated that this is not identified in the revised NIS.
- 2.1.5. The NIS states 'otter are likely to be active along the Glendasan River Corridor.' It is stated that any plan or project including the removal of riparian vegetation and in-stream use of plant and machinery could result in residual effects on otters which is a qualifying Annex II species of the Wicklow Mountains SAC.
- 2.1.6. Concern is expressed that construction access would cross the river. It is stated that this is not identified in the revised NIS. The restricted access at Derrybawn Bridge is not discussed.
- 2.1.7. It is specifically noted that the Board sought the revised NIS to include the removal of the existing wastewater treatment plant. It is stated that the access restrictions would limit the ability to remove the wastewater treatment plant safely from the site. It is stated that the removal of the wastewater treatment plant needs to be specifically assessed within the NIS.

- 2.1.8. If the applicant operates plant and machinery within the river and riparian corridor the potential for impacts on otter during construction would be greater.
- 2.1.9. It is considered that the mitigation measures do not address the potential in river impacts that would arise from operating construction traffic through the Glendassan River.
- 2.1.10. It is stated that the NIS is reliant upon baseline data within the ecological impact assessment which accompanied the original NIS submission which appears to be based upon baseline data gathered during 2008.
- 2.1.11. The 2008 baseline appears to have been part updated following a walkover survey undertaken by NM Ecology in 2020. However, there is no suggestion that the survey area captured the riparian and in-stream works on the Glendassan River. It is stated that the assessment of impacts on the Wicklow Mountains SAC has not been carried out in light of the best scientific evidence available.
- 2.1.12. In relation to the mitigation measures it is stated that they reflect the project description and generally seem appropriate and proportionate to minimise residual effects.
- 2.1.13. Concern is raised that the modification of the river channel, removal of riparian vegetation and use of plant within the river would be contrary to the mitigation.

(2) Adam English

- 2.1.14. Concern is expressed in relation to the proposed connection to the Laragh wastewater treatment plant which is stated as being overloaded.
- 2.1.15. Regarding the revised NIS the appellant has concerns regarding the potential impact upon otter. Concern is raised regarding potential in-combination effects.
- 2.1.16. It is stated that the revised NIS does not refer to flooding. Concern is expressed in relation to the mitigation measures.
- 2.1.17. It is stated that no details of a pre-connection enquiry to Irish Water regarding connection to the public foul sewer have been provided.

(3) Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht

2.1.18. In relation to this Government Department, I would note that its remit has been widened and it now is titled Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

2.1.19. It is stated in the submission that the Department is satisfied that the revised NIS has appropriately assessed the two aspects of the proposed development

(a) The decommissioning and removal of the current on-site wastewater treatment plant.

(b) The provision of the alternative route from the site to the public foul sewer.

2.1.20. It is concluded in the submission that they have no further comments to make.

2.1.21. Further submissions in respect of the revised NIS were submitted from An Taisce, Hilary Minch, J Armstrong and Sarah Owens

An Taisce

2.1.22. It is stated that the revised Natura Impact Statement submitted to the Board does not properly resolve the wastewater discharge issue.

2.1.23. In its initial submission to Wicklow County Council, Irish Water reference the 2016-2022 Development Plan consideration of the lack of capacity of Laragh Wastewater treatment plant for extra load.

2.1.24. It is noted that the applicant did not engage with Irish Water prior to submitting the application. The proposed foul connection via piped rising main may not be feasible in respect of waste water connections.

2.1.25. It is stated that the applicant required engagement with Irish Water and should have submitted a pre-connection enquiry to determine feasibility and secure confirmation of feasibility.

Hilary Minch

2.1.26. The revised Natura Impact Statement is considered limited in scope and it is also considered selective in content.

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- 2.1.27. Concern is raised in relation to the impact the proposal would have on the wastewater treatment plant. It is submitted that the proposed development is likely to cause overloading at Laragh wastewater treatment plant.
- 2.1.28. The submission states that the additional loading would impact the Avonmore River, the Avoca River and the surrounding area.
- 2.1.29. There is a risk of wastewater discharge from pipes and holding tanks into the Glendasan River. The construction of a wastewater pipeline and drilling under the Glendasan River was not part of the originally submitted plans.
- 2.1.30. It is stated that there is no evidence presented in the revised Natura Impact Statement that the proposed development would not cause considerable damage to the river and surrounding environment. In relation to the mitigation measures it is stated that there would be difficult to enforce.
- 2.1.31. It is submitted that the revised Natura Impact Statement does not provide data on water quality and that it narrowly focused on interpreting potential impact in terms of the Wicklow Mountains SAC listed species.
- 2.1.32. The Glendasan River is an important tributary of the Avonmore and Avoca Rivers which are salmonid rivers. It is noted that this is not discussed in the revised NIS.

J Armstrong

- 2.1.33. Irish Water have already stated that the development will overload the wastewater treatment facilities. The applicant did not engage with them to obtain a pre-connection enquiry to determine the feasibility of connection to the wastewater infrastructure.

Sarah Owens

- 2.1.34. The submission raises concern in relation to the capacity of the Laragh Wastewater treatment plant to accommodate the proposed development.
- 2.1.35. The submission expresses concern that the route of the foul sewer connection is through the SAC.

3.0 Appropriate Assessment

3.1. Screening

3.1.1. In accordance with the obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a European site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is 'screening'.

3.1.2. The methodology for screening for Appropriate Assessment as set out in EU Guidance and the Department of Environment, Heritage and Local Government is

- 1) Description of the plan or project and local site or plan area characteristics
- 2) Identification of relevant European sites and compilation of information on their qualifying interests and conservation objectives.
- 3) Assessment of likely significant effects-direct, indirect, and cumulative, undertaken on the basis of available information.
- 4) Screening Statement with conclusions.

3.2. **Project Description and Site Characteristics**

3.2.1. The proposed development comprises the completion of a first floor extension and roof to existing ground floor plan, parking and ancillary site works granted under Planning Register reference number 08/20.

3.2.2. The proposal includes the decommissioning and removal of the current on-site wastewater treatment system and the provision of the alternative route from the site to the public main foul sewer. This entails the decommissioning of the existing wastewater treatment system and the installation of a 1.1km rising main to connect to the Irish Water foul sewer for treatment in the Laragh wastewater treatment plant.

3.2.3. It is proposed to install the rising main north-west along an existing unsurfaced road within the woodland and across an agricultural field for circa 500m. The rising main would then be installed across the Glendasan River and would run uphill in a northerly direction for 250m to the R756 road. At this point it would run eastwards along the road for circa 350m to connect with the Irish Water foul sewer. The pipeline will be accommodated within a trench for most of the route. Directional drilling will be required to occur under the Glendasan River. A new foul pump station is proposed to

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be constructed at the southern end of the rising main, adjacent to the existing on-site wastewater treatment system.

- 3.2.4. The proposed decommissioning of the on-site wastewater treatment system will be carried out when the rising main is installed and operational. The outflow pipe will be sealed, all remaining liquid and solid matter will be pumped out of the wastewater treatment plant and either discharged into the rising main or collected by a tanker and sent off-site for disposal at an approved facility. The wastewater treatment plant will be dismantled and removed from the site. The remaining cavity will be filled with inert material.
- 3.2.5. The appeal site is situated circa 730m to the south of the village of Laragh. The Laragh lies at the junction of three roads the R115, R755, and R756 which run through the Wicklow Mountains. It is situated 3km to the east of the monastic settlement of Glendalough and its' location within a highly scenic and historic landscape therefore makes it a popular tourist destination.
- 3.3. The stated site area is 1.037 hectares. It lies at the base of Derrybawn Mountain in the valley of the Glendasan River. This forms part of the Wicklow Mountains National Park. The Green Road walking route to Glendalough traverses the base of the mountain and passes through the woodland. Access between the later complex and the site is by way of a 'green road' as well as by the main roads. The site is partially located within the Wicklow Mountains SAC (NPWS site code 002122).
- 3.4. The Regional Road the R755 serves the site and is accessed via a private road and over Derrybawn Bridge which is a protected structure. The site contains Glendalough Woollen Mills. It houses a craft and tourist shop which sells items including woollen knitwear, homewear and jewellery.
- 3.5. The premises is served by parking to the front and rear of the buildings. Access to the courtyard to the rear is under the archway which can accommodate a car/small van. The grounds of Laragh GAA is located to eastern side of the Glendasan River. Derrybawn House is situated to the south-west of the site.
- 3.5.1. The AA Screening identified the following European sites:
- Wicklow Mountains Special Area of Conservation (Site Code: 002122).
 - Wicklow Mountains Special Protection Area (Site Code: 004040).

- Vale of Clara (Rathdrum Wood) Special Area of Conservation (Site Code: 000733).

3.5.2. The analysis carried out identified 3 no. European Sites within the zone of influence of the proposed development.

Table 1: European Sites within the Zone of Influence of the Appeal Site

Site Name & Code	Distance	Qualifying Interests	Conservation Objectives
Wicklow Mountains SAC (002122)	Northern section of the appeal site is located within an area of the Wicklow Mountains SAC	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3170]</p> <p>Natural oligotrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p>	To maintain or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SAC has been selected. These are defined by lists of detailed attributes and targets

		<p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in</p>	
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		the British Isles [91A0] Lutra lutra (Otter) [1355]	
Wicklow Mountains SPA (004040)	1km	Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interest for this SPA
Vale of Clara (Rathdrum Wood) SAC (00733)	4.7km	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	To restore the favourable conservation condition of Old sessile woods with Ilex and Blechnum in the British Isles in Vale of Clara (Rathdrum Wood) SAC, which is defined by a list of attributes and targets

3.5.3. An assessment of the significance of potential impact upon the European Sites within the zone of influence of the proposed development is determined on the basis of the indicators including habitat loss or alteration, habitat/species fragmentation,

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disturbance and/or displacement of species, changes in population density and changes in water quality and resources. Potential impacts can be direct or indirect.

- 3.5.4. The application site at Derrybawn, Laragh, Co. Wicklow is partially located within the European Site, the Wicklow Mountains SAC (Site Code 002122). The area of the application site which lies within the Wicklow Mountains SAC is the proposed location of a car parking area.
- 3.5.5. Regarding Wicklow Mountains SAC the only Annex I habitat that occurs in the vicinity of the proposed development site is 'Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles.' It is noted in the revised NIS that this habitat occurs as part of northern and eastern slopes of Derrybawn Mountain which extends west along the Glendalough Valley.
- 3.5.6. Regarding the Old sessile oak woods, as detailed in the revised NIS, the area of the subject site located within the Wicklow Mountains SAC does not contain this Annex I habitat. Accordingly, the proposed development will not cause direct impacts on any Annex I habitat within the SAC. In relation to indirect impacts during the construction phase and operational phase, the Old sessile oak wood located in the vicinity of the subject site are situated at a higher ground level than the development site. Therefore, there would be no associated surface or ground water from the development which would have a pathway to the Annex I habitat. Accordingly, the proposal would not cause indirect impacts on any Annex I habitat.
- 3.5.7. The only Annex II species in the Wicklow Mountains SAC is otter (*Lutra lutra*). It is known to occur in the lakes of Glendalough and as detailed in the revised NIS could potentially use the Glendasan River.
- 3.5.8. In relation to recorded distribution of otters with the appeal site it is detailed in the revised NIS that otters have been recorded in the surrounding 10km square in the Atlas of Mammals in Ireland 2010-2015. The Loughs in the Glendalough Valley are mapped as 'otter commuting' habitat in the conservation objectives for the Wicklow Mountains SAC. The Glendasan River and its associated riparian corridor are considered to be ideal feeding/commuting habitat for otter.
- 3.5.9. As detailed in the revised NIS an otter survey of the adjacent section of the Glendasan River was carried out during a site inspection in 2020. No holts, couches or other breeding/resting place were found within the site boundary. There were no

characteristic field signs of otter such as spraints and prints. The river is likely to be an important feeding area and commuting route for otter and therefore the site is considered to be of Local importance for otters. Having regard to the absence of otter holts in the vicinity of the development site and the absence of other field signs of otter it is concluded in the revised NIS that the proposed development will not cause direct impacts on any Annex II species within the SAC.

- 3.5.10. In terms of indirect impacts as detailed above otters are likely to be active along the Glendasan River corridor and may feed in vicinity of the proposed development site. It is stated in the revised NIS that in a worst case scenario it is possible that pollutants arising during construction specifically the construction of the car park and the rising main could enter the water course and cause a reduction in water quality. It is set out in the revised NIS that while the risk of indirect impact in this manner is low precautionary mitigation measures are required.
- 3.5.11. Regarding Wicklow Mountains SPA the Merlin and Peregrine which are the qualifying species nest in conifer plantations or on the ground heath and bog habitat. These habitats are not found in the vicinity of the subject site. Therefore, it is unlikely these species would use the area of the subject site. Furthermore, given the distance from the subject site to the SPA pathways via surface water, ground water, land and air can be ruled out.
- 3.5.12. Regarding Vale of Clara (Bathrum Wood) SAC, the Glendasan/Glenealo/Avonmore River does provide a hydrological pathway between the subject site and the Vale of Clara SAC. The Old sessile oak woods with Ilex and Blechnum in the British Isles is a terrestrial habitat and there is a considerable distance of watercourse between the subject site and the SAC therefore any pollutants would be diluted and the river is not determined to be a viable hydrological pathway. Therefore, indirect impacts can be ruled out.

3.6. Assessment of likely Effects

- 3.6.1. Having regard to the 'source-pathway-receptor' model the submitted screening report identified potential indirect effects on the Wicklow Mountains SAC (002122). The aquatic based species the otter which is a qualifying interest species for the SAC would be sensitive to any deterioration of water quality from the development site. The Glendasan River and its associated riparian corridor are feeding/commuting

habitat for otter. Accordingly, there is the potential that surface water runoff containing suspended sediment, contaminants or fuel from the site of the proposed development could enter the Glendasan River which are used by otter. In the absence of appropriate controls and mitigation measures the potential for significant adverse effects on the conservation status of the Wicklow Mountains SAC cannot be ruled out.

3.7. Screening Statement and Conclusions

- 3.7.1. The screening assessment concludes that significant effects cannot be ruled out on the Wicklow Mountains SAC (Site Code 002122) and that a Stage 2 Appropriate Assessment is required. In conclusion having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that significant effects cannot be ruled out and a Stage 2 Appropriate Assessment is therefore required.

3.8. Stage 2 – Natura Impact Statement (NIS)

- 3.8.1. I propose to consider the requirements of Article 6(3) with regards to appropriate assessment of a project under Part XAB, Sections 177U and 177V of the Planning & Development Act, 2000, as amended, in this section of my report. In particular, the following matters:

- Compliance with Article 6(3) of the EU Habitats Directive.
- Screening the need for Appropriate Assessment.
- The Natura Impact Statement; and,
- An Appropriate Assessment of the implications of the proposed development on the integrity of each Natura site set out under Section 3.1 to 3.4 as detailed above.

- 3.8.2. On the matter of screening the need for 'Appropriate Assessment', this I have set out under Section 3.1 to 3.7 of my report above and in this case 'Appropriate Assessment' is required as it cannot be excluded on the basis of the information

available to the Board that the proposed development individually or in-combination with other plans or projects in its vicinity would have a significant effect on the following Natura site:

- Wicklow Mountains SAC (Site Code 002122)

3.8.3. A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and summarised in tables no.'s 1-2 of this report as part of the assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

3.9. Potential for direct and indirect effects

3.9.1. There would be no direct effects upon the Wicklow Mountains SAC (Site Code 002122) as there would be no direct habitat loss or fragmentation as a result of the proposed development.

3.9.2. In relation to indirect effects the proposed development does have the potential to impact Otter a species of qualifying interest in the Wicklow Mountains SAC. As detailed in the NIS due to the wide distribution of this species of qualifying interest and its recorded presence in the vicinity of the proposed development a potential impact as a result of the proposed development has been identified.

Table no. 2 – AA summary matrix for The Wicklow Mountains SAC

<p>Wicklow Mountains SAC: (Site Code 002122)</p> <p>Summary of Key issues that could give rise to adverse effects</p> <ul style="list-style-type: none"> • Water Quality and water dependant habitats <p>Conservation Objectives:</p> <p>1355 – Lutra lutra (Otter): To maintain the favourable conservation condition of Otter in Wicklow Mountains SAC, which is defined by a list of attributes and targets.</p>					
Qualifying Interest feature	Conservation Objectives Targets and attributes	Summary of Appropriate Assessment			Can adverse effects on integrity be excluded?
		Potential adverse effects	Mitigation measures	In-combination effects	
Otter	No significant decline; No significant decline in extent of terrestrial habitat Area mapped and calculated as 716.6ha along river banks/lake shoreline/ around ponds; No significant decline in extent of freshwater (river) habitat. Length mapped and calculated as 359.1km; No significant decline in extent of freshwater (lake) habitat. Area mapped and calculated as 141.8ha No significant decline in	Potential water pollution and potential sedimentation from surface water runoff from the proposed development entering the Glendasan River.	Mitigation measures required and detailed in full in Section 5 of the revised NIS	None	Yes

	couching sites and holts; No significant decline in Fish biomass available; No significant increase in barriers to connectivity				
Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site with specific reference to the species of Qualifying Interest Otter <i>Lutra lutra</i> and no reasonable doubt remains as to the absence of such effects.					

DECISION QUASHED

3.10. Mitigation Measures

3.10.1. Various mitigation measures are proposed to be introduced to avoid, reduce, or remedy the adverse effects on the integrity of the designated Site. This includes the following during the construction phase:

- In relation to concrete and cement, concrete pouring/mixing will only take place in dry weather conditions. It will be suspended if high-intensity local rainfall events are forecast (e.g. >10mm/hr, >25mm in a 24 hour period of high winds).
- If any on-site mixing of concrete is required, it will only be carried out in the west of the proposed development site, i.e. as far as possible from the Glendasan River. If any cement-based products will be stored on site, they will be kept in a sheltered area in the west of the site, and will be covered (e.g. with a thick plastic membrane) in order to prevent spread by wind.
- Ready-mix lorries and larger plant will not be cleaned on-site; they will be taken to an appropriate off-site facility with capacity to capture and treat contaminated wash waters.
- If any on-site cleaning of tools or concrete-batching plant is required, it will take place in the west. Wash waters will be discharged to an on-site soakaways area located as far as possible from the Glendasan River.
- In relation to suspended sediments mitigation measures are proposed to retain all contaminated waters within the boundary of the proposed development site. Excavation works will be suspended if high intensity local rainfall events are forecast (e.g. >10mm/hr, >25mm in a 24 hour period of high winds).
- There will be no direct discharges to surface water from the site. Rainfall will infiltrate directly to ground within the green areas of the site which will be kerbed to prevent runoff (e.g. >10mm/hr, >25mm in a 24 hour period of high winds).
- A line of silt fences will be installed along the eastern boundary of the main construction site (i.e. on the western edge of the 5m buffer zone along the river bank) in order to intercept any overland flow of surface water towards the

Glendasan River. The lower 200-300mm of the membrane will be buried vertically underground and the fence will be held up support poles at intervals of 2m. The silt fence will be maintained for the duration of construction works.

- If any excavations need to be dewatered, the SS-contaminated water will be retained and treated within the boundary of the proposed development site. It will be collected and pumped into a settlement tank/pond (or similar feature), left undisturbed until sediments have settled and then discharge via a buffered outflow to a soakaway in the west of the site (i.e. as far as possible from the river)
- Stockpiles of mud, sand or other fine sediments will be stored in the west of the proposed development site, i.e. as far as possible from the river. Stockpiles will be levelled and compacted and will be covered with thick plastic membranes in order to limit wind/rainwater erosion.
- Dust suppression will be implemented, as outlined in Section 8 of the 'Guidelines on protection of fisheries during construction works in and adjacent to water.' (Inland Fisheries Ireland, 2016). Water will not be abstracted from the Glendasan River for dust suppression purposes, because the operation of vehicles in the eastern part of the site would be likely to release suspended sediments into the river.
- In relation to hydrocarbons and chemical, any fuel, oil or chemical containers will be kept in the west of the proposed development site, i.e. as far as possible from the river. These pollutants are hazardous and must be stored in a designated bunded area that has sufficient capacity to retain any spills.
- All machinery should be protected from vandalism and unauthorised interference and will be turned off and securely locked overnight
- If any on-site re-fuelling is required, it will take place in the west of the site in a bunded/impermeable area. Immobile plant will be refuelled over drip-trays.
- While in operation, diesel pumps, generators or other similar equipment will be placed on drip trays to catch any leaks.

- A spill kit will be kept on site. If any spill occur, appropriate measures will be taken to intercept hydrocarbons or chemicals on-site before they can leave the site.
- In relation to the directional drilling at the Glendasan River, the new rising main pipeline will cross the Glendasan River upstream of the development site. The pipeline will be installed underneath the bed of the river using directional drilling, thus avoiding any in-stream works or diversion of the watercourse.
- Mitigation measures will provide for pollution prevention relating to suspended sediments throughout the working area for the rising main. Fences will be at least 20m in length and the ends will arc away from the river bank, to ensure that material does not pass around the sides of the silt fence. Fences will be at least 1m in height, with the lower 30-40cm buried in a silt trench and the remainder above ground. The ground on the landward side (i.e. the opposite side from the river) will be compacted. Supporting posts will be installed at intervals of 1-2m.
- In relation to the saturated fine sediments(slurry) which will be excavated during the directional drilling process specific mitigation measures are proposed.
- All slurry will be removed immediately from the drilling area and transferred to a temporary storage area, located on level ground at least 20m from the river bank. No material will be stored in areas that are likely to flood.
- A silt fence will be installed between the temporary storage area and the river in order to intercept any overland runoff.
- Stockpiles of slurry will be levelled and compressed and will be covered by plastic sheeting in order to limit wind/rain erosion.
- When dry, the slurry will be re-used on site for back-filling of trenches and levelling of ground. It is not proposed that any material will be removed from the site.
- In relation to the decommissioning of the waste water treatment plant, when the new rising main and the pumping station is operational the existing on-site

waste water treatment plant will be decommissioned. Prior to decommissioning the waste water treatment plant will be left running in order to provide treatment for all materials in the system. It is expected that some residual untreated solid and liquid material will remain in the system and it will be required that it will be carefully disposed of to prevent it reaching the Glendasan River.

- When the new rising main and the pumping station are operational the input to the wastewater treatment plant will stop. Clean water will be run through the system slowly in order to mobilise the remaining treated material in the wastewater treatment plant.
- When this is completed the outflow pipe from the wastewater treatment plant will be sealed. All remaining liquid and solid matter will be pumped out of the wastewater treatment plant either to be discharged into the rising main and conveyed to the Laragh wastewater treatment plant, or collected in a tanker and sent for off-site disposal at an approved facility.
- The wastewater treatment plant will then be dismantled and removed from the site. At this stage the only remaining structure will be the concrete base of the wastewater treatment plant unit. It will be left in-situ and the hole will be infilled with clean inert material up to ground level.

3.11. The submissions received in respect of further information sought by the Board raised the matter of vehicular access to carry out the proposed development during the construction phase. In relation to the matter, I note Traffic Management Plan submitted with the application which states that a large part of the construction work is now completed and it is not envisaged that there will be a need for heavy vehicles to access Derrybawn Bridge in order to complete the scheme. The Planning Authority in their grant of permission of the current application attached a condition which specified that the development shall be in carried out and completed in accordance with the conditions attached to the permissions granted PRR 02/7344, PRR 04/2045 and PRR 08/20, except as amended by the plans lodged in connection with the application and the conditions attached to the permission. In order to comply with the requirements of the Planning Authority in respect of vehicular access restrictions to Derrybawn Bridge it is set out in the Traffic Management Plan that

building materials required to complete the project will be transported across the bridge in small pick-up lorries and vans.

- 3.12. In relation to the potential indirect impacts upon Otter the species of qualifying interest in the Wicklow Mountains SAC the mitigation measures as detailed above will serve to avoid or minimise the risk of pollutants reaching the Glendasan River during the construction phase. In relation to the operational phase I note that the proposed development includes the connection to the public foul sewer and the decommissioning of the existing on-site wastewater treatment plant which will provide an improvement in terms of water quality.
- 3.13. The scheme it will be served by the existing and proposed surface water drainage system, accordingly, this will ensure no contamination of the nearby watercourse during the operational phases of the proposed development. Accordingly, these mitigation measures will ensure that there will be no impacts to Otter the species of qualifying interest in the Wicklow Mountains SAC in respect of the Conservation Objectives.

3.14. In combination effects

- 3.14.1. The revised NIS refers to in combination effects in the context of existing plans and projects. The recent permission granted under Reg. Ref. 18/1192 for an extension to the existing changing room building and the construction of an all-weather pitch at the adjacent Laragh GAA grounds to the east of the site of the proposed development is noted. It is highlighted in the revised NIS that if construction were occurring at this site at the same time as the development site that it is possible that pollutants from both construction sites could cause in-combination effects on the Glendasan River. The mitigation measures proposed for the construction phase as detailed in Section 3.10 of this report will ensure that any in-combination impacts are avoided and minimised.
- 3.14.2. The matter of the Laragh Wastewater Treatment Plant was raised in a number of the submissions received in respect of further information sought by the Board. The further information sought by the Board entailed the submission of a revised Natura Impact Statement to specific address to elements of the proposed development (a) the decommissioning and removal of the current on-site wastewater treatment system and (b) the provision of the alternative route from the site to the public mains

foul sewer. The content of these submissions referred to concerns regarding the capacity of the Laragh wastewater treatment plant to accommodate the loading from the proposed development.

- 3.14.3. Regarding the connection to the Laragh wastewater treatment plant, I note that the report of the Planning Officer to the subject planning application stated that the proposed development does not alter the impacts. It is set out in the report that in relation to the proposed sewerage connection that the matter was dealt with and conditioned under the previous permission. Therefore, I would note that the additional loading generated by the proposed development has been factored into the capacity of the Laragh wastewater treatment plant.
- 3.14.4. The revised NIS concluded that with the mitigation measures carried out and incorporated into the design of the proposed development that there would be no in-combination effects from the proposed development.
- 3.14.5. Therefore, following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity the Wicklow Mountains SAC (Site Code 002122) and in view of the Conservation Objectives of the site. This conclusion has been based on a complete assessment of all implications of the proposed development and in combination with plans and projects.

3.15. Appropriate Assessment Conclusions

- 3.15.1. I consider on the basis of the information on file that the applicant in this case has demonstrated in the submitted Natura Impact Statement and revised Natura Impact Statement that with the implementation of mitigation measures including robust construction management and also operational measures that are to the required standards, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Wicklow Mountains SAC (Site Code 002122) or any other such designated European, in view of the their Conservation Objectives.



Siobhan Carroll
Planning Inspector

9th of May 2022

DECISION QUASHED

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