



An  
Bord  
Pleanála

## Inspector's Report ABP-314020-22

<b>Development</b>	High performance training centre including single-storey boathouse, an attached 2-storey ancillary building, new vehicular entrance off the R758 and all associated site works.
<b>Location</b>	Burgage Moyle, Off the R758, Blessington, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	171215
<b>Applicant(s)</b>	Irish Amateur Rowing Union
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Raymond O'Sullivan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	2 <sup>nd</sup> May 2025 & 16 <sup>th</sup> of July 2025

**Inspector**

Karen Hamilton (Lead Inspector)  
Louise Treacy

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## **1.0 Introduction**

- 1.1. The development which is the subject of this appeal case was previously considered by An Bord Pleanála under ABP Reg. Ref. 302615/18. The Board's decision in that case was subsequently quashed by Order of the High Court. The case was remitted back to the Board for a new determination and was reactivated on 8<sup>th</sup> July 2022.
- 1.2. Concerns were subsequently raised regarding the Board's compliance with the Order of the High Court and the matter was re-entered into the High Court. An Order was made on 21<sup>st</sup> March 2024 that the matter should be remitted to the Board for a second time so that the appeal could be further considered and determined.
- 1.3. This planning assessment considers the remitted appeal case de novo.

## **2.0 Site Location and Description**

- 2.1. The subject site has a stated area of 3.4129 ha and is located at Burgage Moyle, approx. 2km south (as the crow flies) of the town of Blessington, Co. Wicklow. The site is accessed from Blessington via the N81 national road and directly via regional road R758. Baltyboys Bridge adjoins the site to the east.
- 2.2. The site is roughly triangular in shape and is characterised by a mature woodland of deciduous and coniferous trees. A pedestrian entrance gate located within the southern boundary provides access into the site from the regional road, with this boundary defined by mature trees set behind metal fencing. The Blessington Greenway crosses the regional road to the front of the site and extends into the site along its western boundary. A dry ditch also extends along the western site boundary. An area of wetland with mature trees adjoins the site to the west.
- 2.3. The site adjoins Poulaphouca Reservoir (also known as the Blessington Lakes) along its northern / north-eastern boundary. The reservoir is a SPA and a Wildfowl Sanctuary. Expansive views across the waterbody are available along this open boundary.
- 2.4. The main body of the site is elevated above the shoreline, save for an irregularly shaped depression located approx. midway along the northern boundary. Water was noted within this depression at the time of the inspection. The remains of a stone wall are also present in this location.

- 2.5. There is currently a boathouse and associated rowing facility to the north of the lake, Blessington Boathouse.

### **3.0 Proposed Development**

- 3.1. Planning permission is sought for a High-Performance Training Centre including the following:

- (i) Single-storey boathouse (1,598 m<sup>2</sup>), with 11 no. bays for rowing boats
- (ii) Two-storey attached ancillary building (729 m<sup>2</sup>) housing launch boat area, with 8 no. bays for safety boats, equipment store, boiler room and water storage on ground floor, with changing areas, gym, meeting rooms, and balcony / terrace at 1<sup>st</sup> floor level
- (iii) New vehicular access from R758 with vehicular and pedestrian access points, gates and pillars
- (iv) Footpaths to boathouses, club house and lake edge
- (v) 78 no. car parking spaces, and
- (vi) Site drainage including sealed effluent holding tank, oil and petrol interceptor holding tank, surface water attenuation, all site development works including fencing, and hard and soft landscaping.

- 3.2. The application was accompanied by a Natura Impact Assessment, updated on remittal to the Board, further detailed below.

### **4.0 Planning Authority Decision**

#### **4.1. Decision**

- 4.1.1. Notification of the Decision to Grant Permission for the proposed development subject to 11 no. conditions issued on 27<sup>th</sup> August 2018. Conditions of note are listed below:

- Condition no. 2 (a) requires the implementation of all mitigation measures identified in the NIS and EcIA.

- Condition no. 2 (b) requires the developer to retain the services of an Environmental Clerk of Works to monitor and record the implementation of the mitigation measures.
- Condition no. 3 requires a Construction Environment Management Plan to be submitted and agreed with the Planning Authority prior to the commencement of development.
- Condition no. 4 (a) requires the wastewater holding tank to be a minimum size of 50 m<sup>3</sup>.
- Condition no. 4 (b) requires the wastewater holding tank to be fitted with a warning mechanism with battery backup and monitoring equipment to alert when the tank requires to be emptied.
- Condition no. 4 (c) requires the holding tank to be provided with an adequate bund / spill prevention hard standing area, with details to be agreed with the Planning Authority prior to the commencement of development.
- Condition no. 5 (a) requires the operator to enter an annual maintenance and servicing contract for the wastewater holding tank, with a signed contract to be submitted to the Planning Authority prior to the occupation of the proposed development.
- Condition no. 5 (b) requires full details of the emptying of the wastewater holding tank and subsequent disposal of effluent to be submitted and agreed with the Planning Authority.
- Condition no. 5 (c) requires that records of the emptying of the wastewater holding tank shall be kept by the operator of the proposed development and made available for inspection by the Planning Authority on request.
- Condition no. 5 (d) requires the operator of the facility to nominate one contact person who shall supervise the maintenance / ongoing removal of waste from the wastewater holding tank.
- Condition no. 7 (b) requires that mobile toilet facilities shall be provided at any regattas or large events which would result in the number of users of the

facility being over and above the normal day to day rowing operations of the facility.

- Condition no. 10 (a) requires the developer to engage the services of an arboriculturist to oversee all ground works, development works, tree removal and site landscaping.
- Condition no. 11 (a) requires the operator to engage the services of an archaeologist to monitor all site clearance works associated with tree felling and to carry out pre-development archaeological testing in the areas of the proposed groundworks in advance of construction works.
- All other conditions are generally standard in nature.

#### 4.2. Planning Authority Reports

##### 4.2.1. Planning Reports (22<sup>nd</sup> November 2017, 2<sup>nd</sup> August 2018 and 24<sup>th</sup> August 2018)

4.2.2. Following an initial assessment of the application, Wicklow County Council's Planning Officer recommended that **Further Information** be requested in relation to 7 no. items which can be summarised as follows:

**(1)** The Planning Authority has serious concerns that the proposal presents a pollution risk to the Poulaphouca Reservoir. The applicant is requested to investigate if an alternative proposal for effluent treatment is possible on the site.

**(2)** The applicant is requested to revise and update the NIS and Ecological Impact Assessment (EclA) having regard to:

**(a)** potential additional revised mitigation measures regarding the impacts arising from ongoing disturbance by rowing activity on the lake.

**(b)** The application site is located in a Wildfowl Sanctuary and the EclA should be revised to reflect this. The applicant is requested to submit details of water bird species close to the development and mitigation of disturbance from rowing on these species.

**(c)** Revised studies to have regard to any amendments to the effluent treatment proposals.



(3) The applicant is requested to clarify the finished floor level of the proposed boathouse and to submit revised plans and details accordingly.

(4) The Planning Authority is concerned that the proposed development, in particular the proposed parking area, would impact on existing trees. In the absence of such planting, the Planning Authority has serious concerns that the development could not be effectively assimilated into the landscape. A complete Tree Survey is requested, including details of proposed planting and the long-term management of trees.

(5) The applicant is requested to clarify how the rowing boats, particularly the support boats, would be launched and returned to the boathouse. In the event a slipway is required, revised proposals shall be submitted.

(6) The applicant is requested to submit revised drawings showing how it is proposed to connect to the public watermain.

(7) (a) (b) (c) The applicant is requested to submit an Archaeological Impact Assessment to enable a full assessment of the potential impact of the development on archaeological remains in the area.

4.2.3. The applicant submitted a **Response to the Request for Further Information** on 5<sup>th</sup> July 2018 which can be summarised as follows:

**Item No. 1:** The applicant's engineers have held meetings with Dublin City Council and have agreed that the relocation of the tank as far away from the lake as possible, and the transport of foul effluent from the site, is the most sustainable and safe method of dealing with this waste. An on-site wastewater treatment plant is not suitable as the required separation distances are not available. The likelihood of effluent being drawn into the reservoir would be increased and the stop-start nature resulting from intermediate use of the treatment plant would not be advantageous in guaranteeing its optimal performance.

**Item No. 2:** A revised NIA and EclA have been submitted. These assessments have been updated to reflect the impact which rowers may have on the water bird species present in the Wildfowl Sanctuary.

**Item No. 3:** Revised drawings have been submitted to clarify the finished floor level of the development.

**Item No. 4:** A complete Tree Survey has been submitted including an Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement. The existing woodland on the site is a commercial crop which is now reaching the end of its life. The next stage will be the clearing of the woodland, either in small sections or in its entirety, as part of normal commercial woodland operations. The design of the proposed development minimises its impact on the surrounding landscape.

**Item No. 5:** In order to put boats into the water, crews take the boats from the rack and walk with them overhead or on their shoulders to the water's edge. They then walk further into the lake to put the boats in the water. Support boats for coaches are stored in a special bay and wheeled on trolleys to the water's edge and slipped into the water. On return of the support boats, the trolley is pushed into the water and the launch is pulled onto it by a small winch and returned to the boathouse.

**Item No. 6:** A pre-connection enquiry has been lodged with Irish Water (Uisce Éireann), but no response has been received. Follow-up discussions indicate that IW is in general agreement with the proposed location but were carrying out a feasibility exercise to ensure that the watermain extension would maintain the required chlorine concentration over its length. No third-party consent is required to connect to the public main.

**Item No. 7:** An archaeological assessment has been undertaken. No new archaeological sites were identified within the application area or immediately around it. No known monuments lie within the application area, with the nearest such sites being 300 m from the site boundary. These sites will not be physically affected by the proposed development.

- 4.2.4. The response includes a report on the Management of Racing Boats and correspondence from Rowing Ireland confirming: (i) rowing at night in darkness on Blessington Lake is strictly prohibited, (ii) the rowing numbers quoted in the response are correct, and (iii) yearly rowing schedules at the lakes.
- 4.2.5. Having assessed the applicant's response, Wicklow County Council's Planning Officer considered that the proposed method of effluent disposal would be prejudicial to public health. It was also considered that the revised NIS and EclA had not fully examined the potential for pollution of the Poulaphouca Reservoir given the required

frequency of sludge removal and the flooding potential of the area. A refusal of planning permission was recommended.

4.2.6. The applicant subsequently submitted **Unsolicited Further Information** to the Planning Authority on 16<sup>th</sup> August 2018 comprising: (i) a memorandum on the proposed foul effluent drainage arrangements, (ii) a technical note regarding the impact of the foul effluent holding tank on the SPA, (iii) a Site Plan Drawing and, (iv) a Proposed Drainage Layout Drawing. The submission can be summarised as follows:

- The foul effluent holding tank has a capacity of 10 m<sup>3</sup> (noted to be 50 m<sup>3</sup> elsewhere in the planning application documentation and drawings) to ensure adequate effluent storage.
- The tank is designed as a water retaining structure, therefore there will be no ingress of groundwater or egress of stored effluent. All drainage pipes will be designed and constructed to prevent effluent loss or groundwater ingress.
- The entirety of the development is located within 200 m of the reservoir and as such, it is not possible to relocate any subterranean tank further away.
- The proposal to discharge foul effluent to a sealed underground holding tank via a gravity feed isolates the discharge and prevents a direct connection between it and the qualifying interests of the SPA.
- The rate of emptying of the holding tank, which will be fitted with fail-safe monitoring equipment and battery back-up with regular inspection, will not have any impact on the qualifying interests of the SPA.
- There is a ground water connection with the reservoir in the case of a subsurface leak, but with all the precautions built into the design, this is not seen as having a significant risk or impact on the qualifying interests of the SPA.
- The proposed development is located in Flood Zone C. The proposed clubhouse and effluent holding tank are located above (185.4 m AOD) the predicated 1-in-1,000-year flood level (183.6 m AOD). The ESB have noted an 'exceptional' reservoir level of 186.89 m AOD, which is lower than the predicted ground level for the development. This level must be seen as highly unlikely as it represents a worst-case scenario whereby the dam cannot operate effectively.

- The location of the tank with regard to flood risk is not seen as having a significant potential impact on the qualifying interests of the SPA.

4.2.7. A further report was prepared by Wicklow County Council's Planning Officer on foot of the receipt of this information (report of 24<sup>th</sup> August 2018 refers). The Planning Officer noted that the effluent holding tank had been relocated, within the site, 195 m from the edge of the SPA boundary, with a cover level of 186.7m. It was considered that this would remove the holding tank from potential flooding impacts. It was also noted that Irish Water had no objection to the proposed development subject to the attachment of conditions to ensure the protection of the reservoir. The Planning Officer considered that the removal of effluent from the tank could be reasonably managed by condition.

4.2.8. In considering the applicant's revised NIS, the Planning Officer had 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 and the indicated mitigation measures. It was concluded that the development would not give rise to significant negative impacts on the adjoining Natura 2000 site. As such, it was recommended that planning permission be granted for the proposed development.

#### 4.2.9. **Other Technical Reports**

4.2.10. **District Engineer (12<sup>th</sup> October 2017):** Recommended that Further Information be requested regarding the location of the proposed entrance. Noted that there is a current problem of Blessington Greenway users parking their cars at the location of the proposed entrance. It was considered that 8 no. off-road car parking spaces should be provided to facilitate these users.

4.2.11. **Environmental Health Officer (25<sup>th</sup> November 2017):** Notes that the development is likely to require a discharge licence under the Water Pollution Acts.

4.2.12. **Roads Department (8<sup>th</sup> November 2017 and 20<sup>th</sup> July 2018):** Notes that design details of the road and footpath should be submitted for approval.

4.2.13. **Roads Design Office (10<sup>th</sup> October 2017):** No comments.

4.2.14. **Water Services Section (17<sup>th</sup> November 2017):** Following consultation with ESB, concerns were raised that the wastewater treatment holding tank will become flooded on occasions, representing a pollution risk to the Poulaphouca Reservoir.

Recommended that a revised proposal involving a dry operation with boathouse element only should be considered for the site.

- 4.2.15. **Waste Management Section (17<sup>th</sup> November 2017):** Notes that no details are provided in relation geology, hydrogeology and soil at the site. Trial pits have not been excavated to confirm the site is suitable for the proposed soak pits. Clarification required regarding the launching and returning of boats to the boathouse.
- 4.2.16. **Environmental Services Section (13<sup>th</sup> July 2018):** Recommended that Clarification of Further Information be requested in relation to: (1) the feasibility of the proposed water source, (2) the location of the relocated proposed effluent holding tank to be shown on a map and the flood report amended accordingly, (3) the volume of daily effluent versus potable water demand should be explained. It was also noted that the effluent holding tank may require emptying every 2 or 4 days and that the applicant may wish to examine the figures and costings of regular emptying. It was also recommended that a management plan, including contracts for the emptying and maintenance of the effluent storage tank / telemetry / alarms be provided for. A bond to cover this item should be considered.

#### 4.3. **Prescribed Bodies**

- 4.3.1. **Dept. of Culture, Heritage and the Gaeltacht (8<sup>th</sup> November 2017, 24<sup>th</sup> July 2018 and 25<sup>th</sup> July 2018):** Noted the site is located approx. 240 m south of a deserted settlement identified as Recorded Monument (WI005-070). Recommends that an Archaeological Impact Assessment be requested as Further Information. Concerns noted in relation to the proposed NIS mitigation measures against ongoing disturbance to the QI of the SPA on foot of rowing activities. Notes that Burgage Moyle is a Wildfowl Sanctuary, which has not been accounted for in the submitted studies, with no mention of any duck or wader species. Recommends that Further Information be requested in relation to water bird species present close to the proposed development and the mitigation of disturbance from rowing activities.
- 4.3.2. Following the applicant's Further Information submission, no objections arose to the proposed development subject to the attachment of suitable archaeological conditions. It was also requested that the revised NIS mitigation measures regarding

the construction, post construction and operational phase of the development be implemented by way of condition in the event permission was granted.

**4.3.3. Dublin City Council (3<sup>rd</sup> November 2017, 19<sup>th</sup> July 2018 and 24<sup>th</sup> August 2018):**

Objected to the proposed development on foot of the proximity of the wastewater system to the Poulaphouca Reservoir, from which DCC abstract water for drinking purposes.

**4.3.4. Inland Fisheries Ireland (16<sup>th</sup> November 2017):** Details required to confirm the suitability and adequacy of the proposed soak pits. If permission is granted, it is recommended that a condition be attached requiring the developer to enter an annual maintenance contract in respect of the efficient operation of the oil / petrol interceptor. Notes that no new connections to the Blessington Wastewater Treatment Plant are being facilitated. Queries whether septicity is likely to be an issue based on the description of foul water management.

**4.3.5. Irish Water (11<sup>th</sup> August 2018 and 23<sup>rd</sup> August 2018):** No objection to the proposed development subject to conditions.

#### **4.4. Third Party Observations**

**4.4.1.** Two (2 no.) third party submissions were made on the application. The issues which are raised can be summarised as follows:

(1) Inappropriate development in an Area of Outstanding Natural Beauty,

(2) negative visual impact on the lake, (3) loss of mature trees, (4) regional road is narrow adjacent to the proposed entrance, (5) potential pollution from septic tank, (6) no commercial benefit to the town of Blessington, (7) inaccurate site notice, (8) negative impact on qualifying interests of the adjoining SPA, (9) no consideration given to the enlargement of the existing rowing facility, (10) future plans for existing facility not clarified, (11) greenway has impacted the fauna of the SPA on foot of human and animal disturbance.

## **5.0 Planning History**

**5.1.** No Planning History on the subject site.

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

**ABP 312479-22**

Permission refused on the 22/11/2024 for the Blessington Greenway consisting of approximately 33 kilometres of walking and cycling paths that travel around Poulaphouca Reservoir/Blessington Lake for two reasons as summarised below:

1. The Board was not satisfied there was sufficient information on the file to assess the impact on the conservation objectives of the Wicklow Mountains Special Area of Conservation (Site Code: 002122) and the Poulaphouca Reservoir Special Protection Area (Site Code: 004063). Based on the absence of information the Board could not rule out adverse effects of special conservation interest species reliant on the water environment, adverse disturbance and potential displacement impacts on foraging and roosting Special Conservation Interest bird species etc.....Can no place reliance on post consent monitoring to identify further adverse effects or apply additional mitigation measures.....
2. The site of the proposed development is located around the shoreline of Poulaphouca Reservoir, which is one of two major sources of water supply for the Greater Dublin Area. The protection of the reservoir as a drinking water source is of national importance. Having regard to the sensitivity of the reservoir, and the proximity of the proposed greenway, the Board is not satisfied, on the basis of the information on file, that the proposed development will not adversely affect the treatability of the drinking water source and has also failed to adequately demonstrate that the proposed development would not give rise to a potential deterioration of the Water Framework Directive status of the adjoining waterbody. The proposed development would, therefore, give rise to a potential source of water pollution, would be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.

## **6.0 Policy Context**

### **6.1. Wicklow County Development Plan 2022-2028**

### **6.2. Tourism and Recreation**

- 6.2.1. **Objective CPO 11.1:** To promote, encourage and facilitate the development of the tourism and recreation sectors in a sustainable manner.
- 6.2.2. **Objective CPO 11.2:** To ensure that all tourism and recreation developments are designed to the highest quality and standards.
- 6.2.3. **Objective CPO 11.4:** To only permit the development of a tourism or recreational facility 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. The natural resource / tourist product / tourist attraction that is essential to the activity shall be located at the site or in close proximity to the site, of the proposed development. The need to locate in a particular area must be balanced against the environmental impact of the development and benefits to the local community.
- 6.2.4. **Objective CPO 11.6:** To ensure that tourism and recreation related developments are appropriately located in the County. Subject to exceptions relating to static caravans, mobile homes and holiday homes, all tourist and recreation related developments are 'open for consideration' in all landscape areas.

### **6.3. Landscape**

- 6.3.1. The appeal site is located in the Blessington Lakes Area of Outstanding Natural Beauty (AONB) as identified on Map No. 17.09 B of the development plan. Views of Special Amenity Value of Special Interest are identified on Map No. 17.10 D. View no. 33 is of Poulaphouca Reservoir and inlet from the N81 at Burgage More, south of Blessington and approx. 1.1 km to the north-west of the appeal site. View no. 34 is of Threecastles (national monument 532) and a broken view of the reservoir through the trees from the L4371 at north-eastern end of lake. Prospect no. 20 is of Poulaphouca Reservoir from the N81, which extends to the south of the appeal site.



- 6.3.2. **Objective CPO 17.4:** To contribute, as appropriate, towards the protection of designated ecological sites including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs); Wildlife Sites (including proposed Natural Heritage Areas); Salmonid Waters; Flora Protection Order sites; Wildfowl Sanctuaries (see S.I. 192 of 1979); Freshwater Pearl Mussel catchments; and Tree Preservation Orders (TPOs).
- 6.3.3. **Objective CPO 17.22:** To require and ensure the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees, as part of the development management process, and require the planting of native broad-leaved species, and species of local provenance in all new developments.
- 6.3.4. **Objective CPO 17.36:** 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, which shall include, inter alia, an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape, a series of photos or photomontages of the site / development from clearly identified vantage points, an evaluation of 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 character / visibility). The Assessment shall demonstrate that landscape impacts have been anticipated and avoided to a level consistent with the sensitivity of the landscape and the nature of the designation.
- 6.3.5. **Objective CPO 17.38:** 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 applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

#### 6.4. **Green Infrastructure**

- 6.4.1. Poulaphouca Reservoir is a SPA and is a Wildfowl Sanctuary as identified in Table 18.2 (Green Infrastructure in County Wicklow) of the plan.

- 6.4.2. **Objective CPO 18.9:** To facilitate the use of natural areas for active outdoor pursuits, subject to ecological and cultural heritage assessment and associated mitigation as appropriate and all other normal planning controls.

## 6.5. **Flood Risk Management**

- 6.5.1. **Objective CPO 14.08:** To limit or break up large areas of hard surfacing in new developments and to require all surface car parks to integrate permeability measures such as permeable paving.

## 6.6. **Natural Heritage Designations**

- 6.6.1. Poulaphouca Reservoir is designated a Special Protection Area (SPA) for birds and a proposed Natural Heritage Area (pNHA) and a Wildfowl Sanctuary.

## 7.0 **EIA Screening**

- 7.1.1. The applicant submitted Schedule 7A information with their appeal response. An EIA screening assessment of the proposed development has been undertaken and is set out in Form 1 appended to this report.

## 8.0 **The Appeal**

### 8.1. **Grounds of Appeal**

- 8.1.1. A third-party appeal against the Planning Authority's decision has been lodged by Raymond O'Sullivan, Naas, Co. Kildare. For the avoidance of doubt, I note that the appellant incorrectly references the submitted Ecological Impact Assessment (EcIA) as an Environmental Impact Assessment Report (EIAR). Where the EIAR acronym has been used, I consider it reasonable to assume that this is an error, given that an EIAR does not accompany the application.
- 8.1.2. The grounds of appeal can be summarised as follows:
- Habitat destruction and wildlife disturbance to Poulaphouca Reservoir SPA.

- The application represents further unwarranted encroachment on this protected area, which will result in further piecemeal destruction of an EU designated site of international ecological importance.
- A planned development of an SPA site 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 public.
- This development will adversely affect the integrity of the SPA. There is no human health or public safety issues which necessitate further interference with the site. There are no overriding reasons of public interest to suggest that this development should proceed.
- The development will have a detrimental impact on the roosting habitat of protected bird species.
- There are numerous other activities on this water body which contribute to the disturbance of wildlife.
- There is no suggestion anywhere that the existing rowing club should be replaced or subsumed into the current proposal.
- The EIAR clearly states that additional use of the reservoir as a result of increased rowing activity will negatively impact protected species of wildfowl. It states that disturbance of wildlife will occur, and mitigation measures will be required to alleviate the impact. There is no evidence of effective mitigation measures in the report, including in relation to the protection of roosting sites.
- No conditions are attached to the grant of permission specifying mitigation measures.
- The Planning Officer noted the application had little cognisance of the wider waterfowl and wader populations in the reservoir and further information was requested accordingly. There is no evidence to show that these requirements were addressed.
- The site and buildings will impact the landscape (AONB) and will be clearly visible from higher ground to the east and north and along the scenic lake shore drive from Blessington. The development cannot be effectively

screened from view by landscaping. This issue should not have been overlooked by the planning authority when reaching its decision.

- The applicant was requested to present alternative proposals for effluent treatment and disposal. The applicant submitted a revised proposal rather than an alternative proposal. There is no evidence to suggest that Irish Water will grant a licence to discharge to the Blessington WWTP or are in a position to do so under the terms of their discharge licence.
- The finished floor level of the boathouse will be 1.19 m lower than the exceptional flood level of the reservoir (186.69 m AOD). Correspondence from the ESB indicates that water levels on the reservoir have exceeded the maximum normal operating levels on several occasions in the last 25 years. The ESB indicates there is currently no protocol in place to notify the operator of the development that the reservoir level will exceed the max. normal operating level.
- The proposed holding tank is 1.19 m lower than the exceptional reservoir level and it breaches the recommended 200 m setback distance from the water's edge.
- Site notice not erected correctly.
- The main concentrations of Greylag Geese are in the Three Castles area to the north of the reservoir and to the south of the reservoir near Poulaphouca Dam. The proposal to build a corporate headquarters and rowing dock adjacent to Burgage Estuary and the roosting site near the dam, will inevitably impact negatively on protected wildlife.
- The proposal does not comply with development plan policy concerning tourism and recreational developments.

8.1.3. The appeal includes a copy of the appellant's submission acknowledgement and receipt from Wicklow County Council (Appendices 1 and 2). It also includes a copy of an acknowledgement from the European Commission of an appeal lodged by the third party in relation to the grant of permission for the Blessington Greenway (Appendix 3).

## 8.2. Applicant Response

8.2.1. The applicant submitted a response to the appeal on 22<sup>nd</sup> October 2018. The submission includes an overall response document prepared by O'Neill Town Planning; a memorandum prepared by Cronin & Sutton Consulting which includes correspondence from Uisce Éireann and a Revised Drainage Layout Drawing; and an appeal response document prepared by JBA Consulting. The combined response can be summarised as follows:

- The proposed development is outside the boundaries of the SPA. The NIS and EclA have adequately dealt with the purported impacts of the facility on the SPA and the proposed mitigation measures adequately deal with potential impacts of rowing on the lake waters.
- Most of the existing rowing clubs on the lake will use the facility and there will be a small increase in the number of boats on the lake.
- The EclA outlines the proposed rowing schedule, which avoids any rowing during hours of darkness and explains that the change in location of the boathouse is a positive measure for roosting Greylag geese. The chief roosting location is known to be at the northern shores of the lake and the geese return annually to this location. 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 is designated.
- The need for the boathouse is not to attract new members but to increase boat storage facilities for members who are training professionally and who currently transport their boats to the lake. The expected increase of usage is 8 no. individuals.
- An EIAR was not produced for the application due to the small scale of the proposed development. The EclA examined any impacts on species and habitats outside the remit of the Natura 2000 network.
- The appellant refers to predicted impacts due to recreational use of the reservoir in the absence of mitigation. Mitigation measures are proposed which will effectively reduce the projected impact to insignificant levels. The

measures include the creation of no-go zones where any suitable bird habitat exists, delineation of a set-back distance for all recreational users and the design of lake shore vegetation features to reduce any likelihood of disturbance.

- The EclA sets out mitigation measures to alleviate any potential impact on birds due to disturbance – establishing a ‘no-go’ area to the west of the proposed site where reed beds are present, designing public access features to reduce disturbance and increased tree cover overall, enforcing leash requirements for pets, establishing set-back distances of 250 m from groups of diving ducks, other waterfowl, wading birds and shorebirds will likely lessen the impacts to most sensitive species.
- Additional measures to minimise rowing impacts include: no rowing during main roosting period of Greylag Geese and Swans (night-time hours), no boat traffic will encroach on the reed bed area to the west of the site, and most rowing will occur at weekends only during the winter.
- Mitigation measures are also proposed in relation to lighting design to minimise light spill from the area. No lighting will be installed beyond the car parks and buildings. The access route down to the lake will not be illuminated.
- All native trees within the site boundary will be retained. None of the trees along the SPA site boundary will be removed. Native deciduous tree planting is proposed for the area between the boathouse and the shoreline.
- Rowing will be significantly reduced within the Three Castles area and the mid to southern sections of the lake will be used more frequently. The result will be a reduction of rowing near the main Greylag geese roosting area, which will further minimise impact on the designated features of the SPA.
- Following the additional information request, all the Planning Authority’s concerns regarding effluent storage and treatment were dealt with by moving the holding tank 200 m from the edge of the lake and increasing its holding size to 50 m<sup>3</sup>.
- Foul effluent would be transported to Irish Water’s Wastewater Facility in Blessington, which is designed to treat 6,000 PE of effluent with a current

spare capacity of 3,121 PE. Upgrade works were carried out to the plant in 2017 to ensure compliance with its discharge licence.

- The use of an on-site wastewater treatment system which would discharge treated effluent to groundwater would increase pollution risk.
- Irish Water has no objection to the proposed effluent discharge method.
- The proposed development is located in Flood Zone C with a predicted 1-in-1,000-year flood level of 183.60m AOD. The proposed finished floor level is 185.50m AOD. As such, the proposed boat house is located significantly above the predicted fluvial flood level.
- The ground level in the revised storage tank location is at 186.70 m AOD, above even the exceptional highwater level in the reservoir.
- In the event there was a substantial flow of water into the reservoir and water levels rose, it is highly unlikely that ESB would not issue a public warning for low-lying land in the vicinity.
- A bund is proposed around the effluent tank as recommended by Irish Water.
- The proposed development has been designed to have only storage space at ground floor level and as a water compatible development, its location can be justified as the facility will not be continuously occupied.
- The building has been designed to allow for extreme cases of flooding to the ground floor of the boat house and service building.
- No valid planning application was made on the site within the previous 6 months of application lodgement. All site notices were on a white background as required.
- No corporate headquarters is proposed on the site as asserted by the appellant.
- The proposed mitigation measures follow best practice approaches which have been chosen for prior use in developments which have successfully mitigated for protected habitats and species and are thus of demonstrable effectiveness.

- The mitigation measures have been caveated to ensure 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 proposals for this boathouse development.
- The visual impacts of the development will be minimal and not significant. The site selection process was guided by the need to minimise potential impacts on Natura 2000 sites and to minimise visual intrusion in the AONB.
- Other potential sites were considered for the proposed development but were ruled out for reasons including poor access, environmental and health and safety concerns.
- The exact positioning of the proposed boat house was determined by consideration of proximity to established rowing routes and the ability to screen the building within existing landform and vegetation.
- The wording of the county development plan in relation to LVIA is that such an assessment may not always be necessary and as such, the Planning Authority did not necessarily overlook this consideration as suggested in the appeal.
- A series of short distance digital images / photomontages were supplied with the original planning application to illustrate the development from the nearest shoreline at Baltyboys Car Park to the east and from Blessington shoreline to the north. The images do not include the full extent of the proposed planting which was submitted at Further Information stage, and which would further screen the visibility of the development from the shoreline and lake.
- The building would be seen against a backdrop of existing mature commercial forestry. No ridge lines or skylines would be interrupted by the proposed development and the natural shoreline would also be unaffected. There would be a minor negative visual impact from the middle-distance glimpsed view of the building from the lakeside drive at Carrig, which was considered not to be significant.
- Listed view no. 33 is approx. 1km west of the site. Existing mature tree planting to the north-west of the site would screen visibility from this viewpoint.



- There are 3 no. vantage points with south and west facing views over the reservoir. The proposed development would not be visible from these viewpoints and would not impact on the scenic amenity at these locations.
- Although the proposed development is a modern form of architecture, it is long and low in design and is single-storey, clad in Douglas-Fir unwrought battens and set within an existing mature woodland. There are no brightly coloured, reflective built elements of the development and the 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 an amenity area. Access to the reservoir for canoe users will be from the existing shoreline, which will not be altered as part of the proposed development. The external public / pedestrian access north and south along the shoreline will be unaffected.
- The national high-performance centre is located in the south of the country. The need for a second high-performance centre has been argued for many years and will create a much-needed and special facility for Irish rowers – especially those residing in the Greater Dublin Area, where there are many clubs but no high-performance centre.
- The design of the proposed development and its setting away from the edge of the lake will ensure the natural beauty of the area and the protected views will not be compromised, nor will the present amenity of the lake waters or the surrounding high amenity areas be compromised.
- The proposed development will take place within an area which is compliant with the aims, objectives and policies for recreational, tourist projects. The proposed development can only locate in this area.
- By designing the facility in a commercial forested area, its visual and environmental integration has been maximised.
- By designing a waste system where all foul waste is removed from the site and treated elsewhere, the applicant has ensured that the pristine nature of

the site and the fragility of the receiving environment are protected into the future.

### **8.3. Planning Authority Response**

8.3.1. None received.

### **8.4. Observations**

8.4.1. None received.

### **8.5. Further Responses**

8.5.1. The appellant was invited to make a submission on the applicant's appeal response, which was submitted to the Board on **19th November 2018**. The submission can be summarised as follows:

- It is impossible to camouflage a building of this scale, no matter what cladding material is used, in such a prominent location in an area of outstanding natural beauty without negatively impacting the visual amenity of this environment.
- The proposed development will negatively impact the local environment, the general wildlife of the SPA, the roosting habitat of two protected species of wildlife and will pose an additional threat to the purity of the city's water supply.
- The assertion that the proposed development is located outside of the SPA boundaries is not accepted.
- The applicant considers that the rowing facility is moving "dramatically" closer to the Poulaphouca Dam and will have a dramatic effect on the roosting site of the Greylag Geese.

## **9.0 Responses received following remittal of file to the Board.**

### **9.1. Introduction**

- 9.1.1. Following the remittal of the appeal case to the Board, the applicant was served with a Section 132 notice on the 07<sup>th</sup> of June 2024 requiring the submission of an updated Natura Impact Statement (on or before the 06<sup>th</sup> of September 2024). In addition, on the same date all participants were notified that the High Court had remitted the appeal back to the Board and submissions were invited on or before the 04<sup>th</sup> of July 2024.
- 9.1.2. The applicant responded to the Board with a response and 03<sup>rd</sup> of July 2024.
- 9.1.3. The PA response was received on the 03<sup>rd</sup> of July 2024.
- 9.1.4. The appellant response was received on the 04<sup>th</sup> of July 2024.
- 9.1.5. An updated NIS and EclA was received from the applicant on the 04<sup>th</sup> of July 2024. These documents and the applicant's submission was recirculated to all parties.
- 9.1.6. A submission was received from the applicant on the 10<sup>th</sup> of November 2024
- 9.1.7. The appellant made submissions on the applicant's documentation on the 11<sup>th</sup> of November 2024.
- 9.1.8. The applicant's submission was recirculated to the appellant and a response was received from the applicant on the 04<sup>th</sup> of February 2025.
- 9.1.9. The applicant made a submission on the appellant's documentation on the 04<sup>th</sup> of February 2025.
- 9.1.10. All these submissions have been summarised below.

### **9.2. Planning Authority**

- 9.2.1. An appeal response was received from the Planning Authority on **04th July 2024**. Chapters 11 and 17 and Appendix 1 of the development are considered most relevant to the proposed development. The development is considered to accord in principle with Objective CPO 11.4 of the development plan regarding tourism or recreational facilities in rural areas, subject to there being no adverse effect on the character of the area, environmental quality and amenity.

- 9.2.2. It is noted that the site is located in an Area of Outstanding Natural Beauty, in an area where there is a protected prospect (Prospect 20) and a protected view (View 33). These designations are unchanged since the previous development plan. The Planning Authority considers that the development would not be visually prominent or obtrusive in this location, and could be effectively assimilated into the landscape, such that no significant adverse impacts on the character and visual amenity of the surrounding area will arise.
- 9.2.3. The previous report of the Planning Authority and technical reports already submitted in respect of the case are considered to remain pertinent.

### 9.3. **Appellant**

- 9.3.1. The appellant made a further submission on **04<sup>th</sup> July 2024** in response to the Board's S. 131 notice which can be summarised as follows:
- This appeal cannot be determined in accordance with law in circumstances where the application for permission was originally submitted to the Planning Authority in 2017 and the information and documentation supporting the application was generated in 2016.
  - The information contained in NIS and the EIA report is fundamentally out of date and cannot be relied upon by the Board in respect of the required assessments.
  - There is a significant decline in the number of geese roosting / frequenting the reservoir in recent years and since the original planning application was made.
  - Since 2017, there has been numerous applications for development, many of which have received consent, and which have not been assessed in terms of in-combination effects. The proposed Blessington Greenway project is of particular concern.
  - The appellant is entitled to comment on the applicant's updated NIS once received by the Board.

- 9.3.2. The appellant's submission includes a copy of an earlier submission made to the Board on 25<sup>th</sup> August 2022. The latter submission has been reviewed in the adjudication of this appeal case.
- 9.3.3. A further submission was received from the appellant on **11<sup>th</sup> November 2024** which can be summarised as follows:
- The time limit imposed on the appellant to respond to the applicant's Further Information is extremely onerous and impairs their rights to properly participate in the planning process and is a breach of fair procedures.
  - The updated NIS and EclA submitted by the applicant contain considerable new information in relation to the application which goes considerably further than that which the Board sought in the S. 132 notice. This information should not be accepted by the Board.
  - The developer is seeking to plug gaps in the information and documentation submitted with the original application.
  - It is still the appellant's position that the information and documentation lodged in support of this application is outdated and therefore it would be inappropriate and impermissible for the Board to rely on such information to ground its decision.
  - There is no analysis and / or no adequate and / or no appropriate analysis in the updated NIS and EclA of potential impacts of rowing activity on the Greylag Goose.
  - It will be almost impossible to enforce limiting the areas in respect of which rowing can be conducted on site and the updated NIS and EclA fail to appreciate that birds, particularly Greylag Goose and Black Backed Gull, will regularly forage for food up to 10km from the areas in which they roost.
  - There is little reference in the updated NIS to noise generated by the rowing activity and its impacts on Greylag Goose. There is no reference to impact and effects on the Greylag Goose from visual stimuli generated by increased rowing on the lakes, from increased traffic on the lake, from increased human traffic in or around the lake and its effect on the habitats of the Greylag Goose.

- There will be increased rowing activity on the reservoir as a result of Rowing Ireland having 2 no. boathouses on the reservoir.
- The applicant has failed to address this intensification of activity and there is no suggestion that rowing activity in the Three Castles area of the reservoir will be reduced apart from a statement to that effect.
- The proposed new rowing routes shown in the EclA, particularly Route B and D, directly encroach on observed roosting areas for the Lesser Black Backed Gull. Over 1,000 Lesser Black Backed Gulls were observed roosting on open water to the northeast of Valleymount Bridge in October 2022 directly in the path of proposed rowing route D.
- It is suggested that the decline in the number of Greylag Geese migrating from Iceland to winter on the reservoir is due to climate change rather than disturbance. This assertion is contradicted by the data provided in Table 52, page 41 of the updated NIS.
- The information provided shows there has been no decline in the number of birds visiting Lough Swilly or the River Suir, which are further north and south of Poulaphouca Reservoir.
- The contradicting information presented by the applicant suggests there must be other factors than climate change responsible for the declining numbers of geese in the SPA. The intensification of rowing on the site could certainly be considered a factor. The historic impact of rowing on the site has not been adequately considered, nor has the potential impacts and effects of the intensification of rowing on the site.
- The application and significant further information contained therein should be readvertised to the public.

9.3.4. The submission includes in Appendix 1 a copy of the appellant's earlier submission to the Board dated 4<sup>th</sup> July 2024 (which includes a copy of their earlier submission dated 25<sup>th</sup> August 2022 and an ecologist report dated 23<sup>rd</sup> August 2022).

9.3.5. The submission also includes an ornithological report in Appendix 2. The report sets out the results of survey work undertaken from late September 2022 to the end of February 2023 regarding Lesser Black-Backed Gull and Greylag Goose. The report

concludes that Poulaphouca Reservoir is an important location for roosting Lesser Black-backed Gulls, with nationally important numbers of birds recorded throughout the winter. It is also noted that there has been a significant reduction in the Greylag Goose population and there could be several reasons, including changing farming practices and climate change.

#### 9.4. Applicant

- 9.4.1. Following the remittal of the case to the Board, a S. 132 notice issued (**07<sup>th</sup> of June 2024**) to the applicant inviting the submission of an updated NIS, and other documentation, to address the issues raised in the High Court judgement, in particular, the considerations of the potential impacts on rowing activity on the Greylag goose. The parties to the appeal were also invited to make any further general observations on the application and on the updated Wicklow County Development Plan 2022-2028.
- 9.4.2. An updated NIS and EclA was received by the Board on the **04<sup>th</sup> of July 2024**.
- 9.4.3. The applicant submitted a response on **03<sup>rd</sup> July 2024** which identifies the relevant development provisions which apply to the application under the new development plan and a statement of compliance with same. The analysis is set out in tabular format, the contents of which have been reviewed and considered in the adjudication of this appeal case.
- 9.4.4. The submission also includes an “Updated Report to inform screening for EIA and Planning Considerations”. This report includes information for the purposes of Schedule 7 of the Planning and Development Regulations, 2001 (as amended). The report concludes that there is no requirement to conduct EIA in respect of this project. The submission also includes a report on the Management of Racing Boats (copy of document submitted at FI stage) and a Blessington Lakes Rowing Activity Report.
- 9.4.5. The latter report includes a map of training patterns and routes from the proposed development. It is noted that the circulation pattern does not encroach into the shallow wetland area in the north-east sector of the lake, where the Greylag Geese and are understood to over-winter. It is submitted that the lake areas of interest to geese and rowing activity are mutually exclusive.

- 9.4.6. To further protect the geese, it is proposed that there would be no rowing activity on Knockieran Lake (northern lake) prior to 9am in the winter months (mid-Oct to mid-April). It is also proposed to prohibit boats going beyond the 'headland' feature on Knockieran Lake during the winter months as shown on Fig. 5 of the report. In the event planning permission is granted, the focus of rowing activity would move to the Poulaphouca Reservoir Lake which is 3km from the area where the geese over-winter.
- 9.4.7. Based on currently available information, it is submitted that there is unlikely to be any overall increase in rowing activity.
- 9.4.8. The applicant made a further submission to the Board on **4<sup>th</sup> September 2024**, which includes an updated NIS and an updated Ecological Impact Assessment (both dated August 2024).
- 9.4.9. The NIS includes Appendix A: Habitat Map, Appendix B: Site Plan, Appendix C: Site Drainage Plan, Appendix D: Alternative Designs at Current Site Location, Appendix E: Alternative Site Locations and Designs, Appendix F: Relevant Policies (of the Wicklow County Development Plan 2022-2028), Appendix G: Additional Survey Data, Appendix H: Blessington Rowing Schedule and Rowing Activity Report (updated), Blessington Lakes Rowing Activity Report and Blessington Rowing Facility Hydrological and Hydrogeological Impact Assessment.
- 9.4.10. The EclA includes Appendix A: Impact Assessment and Mitigation – Table Summary, Appendix B: Proposed Planting Plan and Appendix C: Proposed Drainage Layout. The EclA includes Appendix A: Impact Assessment and Mitigation – Table Summary, Appendix B: Proposed Planting Plan and Appendix C: Proposed Drainage Layout.
- 9.4.11. The contents of this submission have been reviewed and considered in the adjudication of this appeal and are discussed further in section 8.0 of this report.
- 9.4.12. A further submission was received from the applicant on **10<sup>th</sup> November 2024** in response to the appellant's submission of **4<sup>th</sup> July 2024**. The submission can be summarised as follows:



- Updated information has been provided to the Board to assist in the appeal determination. This additional information addresses all the issues raised by the appellant.
- No requirement for EIAR arises given the nature and scale of the proposed development. The proposed development is not a 'project' within the meaning of Annex I and Annex II of the EIA Directive. An updated EIA screening report has been provided to the Board.
- An updated NIS has been provided to the Board which is based on updated site visits, surveys, assessments and the best available scientific data, particularly data related to any potential impact on Greylag Goose. Updated information on rowing activity undertaken by Rowing Ireland has also been provided.
- It is clear that there will be no impact on Greylag Goose arising from the proposed development and therefore no potential impact on the integrity of the European site.
- Site investigations and consultations with NPWS for the purposes of preparing the updated NIS indicate no reported sightings of Greylag Geese in the area of the proposed development. This is not unexpected as it is not a suitable habitat.
- The original NIS referenced sightings of Greylag Geese, but this related to an earlier, alternative location for the boathouse which was not progressed.
- There is no rowing before sunrise, and it is proposed that no rowing activity arising from the proposed development will take place on the lake before 9am from mid-October to mid-April.
- During the winter months it is also proposed that there would be no rowing beyond the 'Headland' feature on Knockieran Lake. This will provide a setback distance of 750 m, which is a more than adequate distance to negate the possibility of disturbance.
- The impact of the proposed development on the integrity of the European site has been considered in the NIS.

- The level of rowing activity and potential impacts arising have been set out in the Rowing Activity Report and the NIS. At most, there is only a marginal level of increased rowing activity on the lake.
- It is anticipated that rowing activity will move from the existing boathouse to the newly constructed proposed development if planning permission is granted. Current and anticipated use of the lake is clearly set out in the Rowing Activity Report.
- The Greylag Goose is a location faithful wintering bird species that migrates from Iceland during the winter months. The birds use the reservoir for roosting at night and forage in the fields surrounding the west and north of the reservoir during the day. The site of the proposed development has never been a location used by the geese (day or night), nor is it deemed as optimal habitat for roosting or foraging.
- Because of this understood pattern of behaviour, the Greylag Geese are only ever to be expected on or bordering the lake, at nighttime for roosting. The project ecologist is satisfied that no impacts are anticipated from the proposed development on Greylag Goose at nighttime, as rowing activity does not occur, and the geese are not found or expected in that area.
- In accordance with the precautionary principle, mitigation measures have been proposed to reduce the unlikely impact even further.
- Up-to-date information, surveys and bird counts are included and no gap in the information available on the Greylag Goose and other relevant species arises. Projects and plans known to the applicant were considered in the assessment of in-combination impacts. Any further relevant plans or projects can be fully taken account of by ABP in its determination.

9.4.13. The applicant made a further submission on **4<sup>th</sup> February 2025** in response to the appellant's submission of **11<sup>th</sup> November 2024**. The applicant's response can be summarised as follows:

- The nature of the application for permission for the proposed development has not changed. There are no suggested changes to the proposed design and development.

- The further information provided to the Board includes an updated Rowing Activity Report and updated Report to Inform Screening for EIA and Planning Considerations. An updated NIS and EcIA have also been submitted.
- The application was readvertised to the public, with 5 weeks allowed for third party submissions.
- Updated additional information has been provided on the receiving environment at the request of ABP to assist it in meeting its requirements pursuant to the Habitats Directive and / or EIA Directive when making its decision. The appellant is incorrect in the assertion that the application information is fundamentally out of date.
- ABP has the discretion to request whatever further and additional information it requires to assist in decision making and to request the readvertisement of any additional information.
- The appellant raised objections to the remittal of the appeal to ABP in the High Court. Notwithstanding the arguments made in relation to outdated application information, the High Court has ordered the remittal of the appeal to ABP. The applicant cannot seek to revisit and reopen matters that have already been determined by Orders of the Court.
- Rowing activity has been extensively described in the Rowing Activity Report. This report has been fully considered in the NIS.
- There will be no intensification of rowing activity arising from the use of the lake from the proposed development. It is anticipated that at most, there may be a marginal level of increase in the level of activity on the lake.
- Rowing activity will move from the existing boathouse to the proposed development. Rowing Ireland are not proposing to carry out rowing activity from two boathouse locations on the lake.
- In the NIS, the specific roosting and foraging areas as well as the individual sensitivities of each QI species concerned were examined in depth. Where any potential for impact was found, key actions were proposed to mitigate and avoid any impact.

- Lesser Black Backed Gull has a widespread distribution in Ireland, especially for non-breeding overwintering birds such as at Poulaphouca SPA. According to Birdlife International, this species is classified as of 'Least Concern'. The overall population trend is increasing, although some populations are decreasing or have unknown trends. The European population is estimated to be increasing.
- Lesser Black Backed Gulls differ from Greylag Geese in that they have a wider habitat choice for foraging and are far more generalist in their dietary needs.
- This species is present in good numbers at Poulaphouca SPA but are also widespread throughout the country in a range of habitat types. They are omnivorous with an opportunistic, scavenging foraging strategy, with kleptoparasitism (bird which robs other animals of other species of food) also noted.
- This species can switch foraging habitats depending on prey availability and there is no risk that an impact on supporting habitats (arising from rowing or other potential impacts) would give rise to an impact on the QI conservation objectives and therefore site integrity.
- The main driver of the population growth of this species in the second half of the twentieth century is suggested to have been caused by several factors including better legal protection and their ability to adapt to new feeding opportunities (fisheries discards and anthropogenic sources of food) and to make use of urban sites which are largely predator free.
- The Lesser Black Backed Gulls forage and roost around the reservoir at various locations. Given their mobility and dietary versatility, and the wide habitat availability for this species, there is no risk posed by rowing activity such that disturbance may result in an undermining of the conservation objectives or the site integrity of the SPA.
- In the case of Greylag Geese, the only site where they occur is in the Three Castles area to the north of the reservoir. They exclusively roost in this area and forage by day in the fields in the same area. Therefore, this area is the

area of significance in the SPA and therefore the focus of any mitigation efforts around potential disturbance by rowing activity.

- The set-back distances were scientifically devised, based on best and current scientific research around flushing distances for the species, and precautionary distances which exceeded those distances, were set within the NIS.
- In a further recent study on geese flushing distances, Greylag Geese were found to have an average flushing distance of 170 – 230 m in wetland habitats. The NIS takes account of any potential impact arising from a flushing distance of 500 – 750 m.
- There is no risk arising to the population of Lesser Black Backed Gull from the proposed development nor any rowing activity.
- The appellant seeks to misinterpret the information in the NIS to create doubt about the adequacy or robustness of the data. Section 5.2.5 of the NIS details the analysis of Greylag Geese in Ireland based on published scientific data and studies.
- Table 5.2 of the NIS must be considered with reference to all the material and relevant data in its entirety within the relevant section of the NIS. The numbers cited in the table are shown as a reflection of the generally small numbers of Greylag Geese in recent years as a whole, and not to demonstrate a trend, as a 3-year period would not represent an adequate timeframe to demonstrate a trend.
- This table shows that the overall numbers of Greylag Geese are lower than previously recorded in Ireland.
- The proposed development will not impact on roosting or foraging habitat of the Greylag Geese in the SPA. Based on the precautionary approach, if there is a likelihood of disturbance to the QI species, mitigation measures have been proposed to reduce the unlikely impact event further.
- In light of the conservation objectives for each of the QIs of the SPA, having carried out a full and detailed analysis of available scientific information and data, there will be no likely significant effect arising from the proposed

development either alone or in combination with other plans and projects on the integrity of the SPA.

## **10.0 Assessment**

10.1.1. Having considered the contents of the planning application and appeal, the submissions on file, having regard to relevant local planning policy, and having undertaken an inspection of the subject site and surrounding area, I consider that the key issues arising for assessment in this case include:

- Principle of the Proposed Development
- Visual Impact of the Proposed Development
- Drainage Arrangements
- Site Access Arrangements
- Flood Risk
- Ecology

10.1.2. Each of these issues is considered in turn below.

### **10.2. Principle of the Proposed Development**

10.2.1. The proposed development includes a high-performance training centre including single-storey boathouse, an attached 2-storey ancillary building, new vehicular entrance off the R758 and all associated site works on the edge of the Poulaphouca Reservoir. There is currently a boathouse and associated rowing facility to the north of the lake, Blessington Boathouse.

10.2.2. The appellant submits that the proposed development does not comply with development plan policy concerning tourism and recreational developments. The appellant also considers there is no suggestion in the application material that the existing rowing club will be replaced or subsumed into the current proposal.

10.2.3. In terms of compliance with the development plan policy, the Board will note the quashed decision had regard to the Wicklow County Development Plan 2016-2022, following the quashed decision the Wicklow County Development Plan 2022-2028 was adopted. The Board invited all parties to comment on the proposal in the context

of the current development plan. The Board is now required to assess the proposed development against the policies and objectives of the current development plan, the Wicklow County Development Plan 2022-2028.

- 10.2.4. The site is in a rural area adjoining Poulaphouca Reservoir. The site is located in an area designated as an Area of Outstanding Natural Beauty (AONB), The Blessington Lakes Area (Map No. 17.09A and 17.09B of the development plan, as altered, Wicklow Landscape Category Map). Objective CPO 17.36 of the development plan refers to the need for Landscape/ Visual Impact Assessment for any application submitted within this area which may have the potential to significantly adversely impact the landscape area. See further visual assessment below in Section 9.3.
- 10.2.5. The applicant states they considered other potential sites to accommodate the proposed development, but these were excluded for reasons of poor access, environmental, and health and safety concerns. The applicant submits that the proposed development can only locate in this area. It is also submitted that the proposed development will take place within an area which complies with the development plan aims, objectives and policies for recreational, tourist projects. I note that the Planning Authority is generally supportive of the proposed development.
- 10.2.6. The location of the boathouse and ancillary works are such in that they are screened from the surrounding area by the existing woodlands. The height of the building at two storeys will not dominate the surrounding area and, in my opinion, is an appropriate design for the site, particularly one which is located within a landscape area designated for outstanding natural beauty. Planting is proposed to replace trees required to be removed for the rowing centre. Having regard to the characteristics of the site and the design of the proposal I am satisfied there is no potential to significantly adverse the impact of the landscape area. To this end, I consider the proposal complies with Objective COP 17.36 stated above.
- 10.2.7. Objective CPO 11.6 of the development plan states that to ensure tourism and recreation related developments are appropriately located in the County, with all tourist and tourism related developments 'open for consideration' at all landscape areas (i.e. this area). Wicklow County Council considers that the development accords in principle with Objective CPO 11.4 of the plan regarding the appropriate

location of recreational facilities in rural areas (submission of 4th July 2024 refers). I have had regard to this policy, which requires that the proposed development does not adversely affect the character, environmental quality and amenity of the rural area, Objective CPO 11.6, and the location of the site within an Area of Outstanding Natural Beauty and consider the proposed development is acceptable in principle at this location.

10.2.8. The existing boathouse facility is located towards the northeastern end of the reservoir, adjacent to Blessington Bridge. With regard to the use of the lake for rowing activity; I note the applicant's submission following remittal of the file that the proposed development is required to facilitate an increase in boat storage facilities, which will remove the requirement for the daily transfer of boats to / from the boathouse. In the event planning permission is granted, the applicant has clarified that rowing activity will move from the existing boathouse to the subject site. Whilst there will be a marginal increase in rowing activity in the lake, from the proposed development, the applicant does not consider this activity to be significant. Current and anticipated use of the lake is clearly set out in the Rowing Activity Report.

10.2.9. Having regard to the information submitted by the applicant, I am satisfied that it is not intended to operate rowing activity from 2 no. locations on the lake as asserted by the appellant. To prevent any significant intensification of rowing activity on the lake, and in the interest of a full and balanced assessment within the Appropriate Assessment, I consider it reasonable to include a condition on any grant of permission restricting the use of rowing activity to that proposed at the new facility, and not at the existing boathouse.

10.2.10. Overall, having regard to the location of the site along the edge of the Blessington Lakes, the design and layout of the proposed development and the policies and objectives of the development plan, I consider the principle of development acceptable having regard to all other planning considerations detailed below.

### **10.3. Visual Impact of the Proposed Development**

10.3.1. The appellant submits that the proposed development will impact the landscape, which is an AONB, and will be clearly visible from higher ground to the east and



north and along the scenic lake shore drive from Blessington. It is considered that the development cannot be effectively screened by landscaping.

- 10.3.2. The Planning Authority confirms that the landscape designations which apply to the site remain unchanged under the provisions of the Wicklow County Development Plan 2022-2028. The Authority considers that the proposed development would not be visually prominent or obtrusive and that no significant adverse impacts will arise to the character and visual amenity of the surrounding area.
- 10.3.3. The planning application document entitled “Boat House Blessington” considers the visual impact of the proposed development. It states that the building design has sought to minimise its visual appearance by using untreated Douglas Fir, which will weather to a natural grey to compliment the palette of colours on the site.
- 10.3.4. Views of the proposed development from 4 no. locations around the site are provided. View no. 1 looks towards the site from the proposed entrance adjoining the regional road. The proposed development is screened by tree planting in this view. View no. 2 is from Baltyboys car park on the opposite (eastern) side of Baltyboys Bridge. Part of the front elevation of the building will be visible from this location, with the remainder largely screened by tree planting. View no. 3 is from St. Mark’s Cross to the north of the site, looking towards Baltyboys Bridge. The front elevation of the building will be partially visible and partially screened by tree planting in this view. View no. 4 is a close-up view from the water to the north of the site. The visibility of the site in this view reflects that of view no. 3.
- 10.3.5. The applicant states that the proposed development will not be visible from Protected View no. 34, which originates from local road L4371 adjoining the northeasterly end of the reservoir. It is described in the development plan as “view Threecastles (National Mon 532) and broken view of Poulaphouca Reservoir through trees”. I agree that the site would not be visible from this location given the morphology of the lake and the position of the site relative to this view. Protected view no. 33 is of Poulaphouca Reservoir and inlet from national road N81 at Burgage More, south of Blessington. The applicant submits that the depth of the proposed building within the existing coniferous trees will eliminate its visual impact from this protected view (and from Baltyboys Bridge). I am satisfied that the proposed development would not have a negative visual impact from this viewpoint.

- 10.3.6. I agree that glimpsed views of the proposed development may arise from Lake Drive to the east (prospect no. 20) across the reservoir. However, given the separation distances arising, and that the views across the lake from the road are interrupted by trees and hedgerows, I do not consider that the boat house would appear jarring in the landscape or have any significant negative visual impact. I also note that sporadic one-off rural dwellings and agricultural buildings have been developed on the reservoir side of Lake Shore Drive, and which could also be considered to have a visual impact on views across the water. Having regard to the foregoing, I am satisfied that no significant visual impact would arise in this context.
- 10.3.7. Thus, while I acknowledge the site location within an AONB and the existence of protected views and prospects in the wider vicinity, I am satisfied that the proposed development would have no undue visual impact on the landscape or the reservoir.

#### **10.4. Drainage Arrangements**

- **Foul Drainage**

- 10.4.1. The appellant submits that the applicant was requested to present alternative proposals for effluent treatment and disposal under the Planning Authority's Further Information request. They consider that a revised proposal was submitted, rather than an alternative proposal. The appellant also considers there is no evidence to suggest that Irish Water will grant a licence to discharge to the Blessington WWTP or are able to do so under the terms of their discharge licence. It is noted that the proposed holding tank is 1.19 m lower than the exceptional reservoir level and it breaches the recommended 200 m setback distance from the water's edge.
- 10.4.2. The foul effluent storage tank was originally proposed to the rear of the building, proximate to the proposed car parking area (Proposed Drainage Layout Drawing 0061-004 refers). The projected effluent volume is in the region of 10m<sup>3</sup> / day during maximum occupancy. The storage capacity of the tank is 50 m<sup>3</sup> to ensure suitable spare capacity is available. While I acknowledge that a tank capacity figure of 10 m<sup>3</sup> was quoted in the applicant's Unsolicited Further Information Submission, I am satisfied that this comprises a typographical error. I note that the Planning Authority attached a planning condition to verify this matter (condition no. 4a refers). For the

avoidance of any doubt, I recommend that such a condition be attached if the Board decides to grant planning permission for the proposed development.

10.4.3. The Planning Authority requested the applicant to investigate alternative effluent treatment proposals on foot of concerns regarding pollution risks to Poulaphouca Reservoir (Item No. 1 of the Further Information request refers). The applicant held discussions with Dublin City Council in formulating a response and determined that an on-site wastewater treatment plant is unsuitable as the required separation distances are not available. The applicant also highlighted that the likelihood of effluent being drawn into the reservoir from an on-site percolation area would increase and that the intermittent use of the treatment plant, would not guarantee its optimal performance. I accept that these concerns are valid.

10.4.4. As part of the applicant's response, the sealed storage tank was relocated to the south-western site corner proximate to the entrance, with a separation distance of 200 m arising to the site boundary adjoining the reservoir (Proposed Drainage Layout Drawing No. 0061-004 Rev. A refers). In assessing the foregoing, the Planning Authority considered that the proposed method of effluent disposal would be prejudicial to public health (report of 2<sup>nd</sup> August 2018 refers).

10.4.5. The applicant subsequently submitted Unsolicited Further Information to the Planning Authority (dated 16<sup>th</sup> August 2018) comprising a memorandum on the proposed foul effluent drainage arrangements. In summary it states:

- the holding tank is designed as a water retaining structure
- there will be no ingress of groundwater or egress of stored effluent to / from the tank and drainage pipework
- the tank will be fitted with fail-safe monitoring equipment with battery back-up and regular inspection.

10.4.6. The applicant's response includes a copy of Irish Water's submission to the Planning Authority as received on 11<sup>th</sup> August 2018, which confirms no objections arise to the proposed development subject to conditions, including that the storage tank be sealed and a mechanism be installed to warn of any leaks. Irish Water made a further submission to the Planning Authority on 23<sup>rd</sup> August 2018 which recommended that the wastewater storage tank be located within an adequately

bunded / spill prevention hard standing area to contain accidental spills during emptying. I note that Dublin City Council continued to object to the proposed wastewater treatment method (report of 23<sup>rd</sup> August 2018 refers).

- 10.4.7. A further planning assessment of the proposal was undertaken by the Wicklow County Council following the receipt of this information (report of 24<sup>th</sup> August 2018). The Planning Authority considered that the revised location of the holding tank had overcome their previous concerns in relation to this element of the proposed development. The Planning Authority also considered that while the removal of effluent from the tank will require significant maintenance, suitable conditions could be attached to ensure the operations are appropriately monitored.
- 10.4.8. In my opinion, the proposed foul effluent treatment arrangements are acceptable. I note that the risk of ground and surface water pollution has been mitigated by the enclosed nature of the storage tank. Having regard to the foregoing, the volume of waste arising and the intermittent occupancy of the building, I am satisfied that the ongoing maintenance and operation of the proposed foul drainage infrastructure can be addressed by condition (condition nos. 4 and 5 of the Planning Authority's decision refer).
- 10.4.9. With regard to the issue of capacity at the Blessington WWTP, I note the public information on the Uisce Éireann website (accessed 07<sup>th</sup> July 2025) refers to the upgrade of the treatment system to 9,000 (pe) in a town of just over 4,000 people as of February 2023. Therefore, I do not consider any issues arise with the potential disposal of waste from the site.
- 10.4.10. I also note that the Planning Authority has attached a condition requiring the use of mobile toilet facilities where attendance at the facility for special events such as regattas would exceed normal levels. I consider this requirement to be reasonable, and I note that such facilities are self-contained. As such, I am satisfied they would not result in an increased risk of foul effluent leakage on the site. I recommend that a similar condition be attached if the Board decides to grant planning permission for the proposed development.

- **Surface Water**

- 10.4.11. Two separate surface water systems are proposed to serve the development. Rainwater from the roof of the boathouse will be collected in a new storm system

and directed to an on-site soakaway. The soakaway will be designed to cater for a 1-in-10-year storm event. For more extreme events, up to and including the 1-in-100-year storm, runoff will be allowed to pond over the soakaway and drain into the subsoil over time.

10.4.12. All storm water which falls on the car parking hardstanding area will be collected in a new drainage system and directed to a suitable oil separator to remove any hydrocarbons and then into a soakaway for disposal. The soakaway will be sized for a 1-in-10-year event and will reflect the arrangements for extreme events as set out above. The new access road will have a gravel surface to enable rainwater percolation.

10.4.13. I am satisfied that the proposed surface water drainage arrangements are acceptable. I recommend that final details of the surface water drainage infrastructure, including proposals for the maintenance of the soakaways and the interceptor (as recommended by Inland Fisheries Ireland), should be agreed in writing with the Planning Authority prior to the commencement of development. This matter can be addressed by planning condition.

## **10.5. Site Access and Parking Arrangements**

10.5.1. The existing pedestrian entrance into the site from the R758 forms part of the Blessington Greenway, which extends along the site's western/northwestern boundary. The existing path within the site will be widened to 5 m to enable 2 no. vehicles to pass. A new 2 m wide footpath will be provided to facilitate users of the greenway.

10.5.2. A vehicular entrance of 24.63 m is proposed adjoining the regional road (in the location of the existing pedestrian access). The Sight Lines and Entrance Details Drawing (No. 0061-002) confirms that sightlines of 160 m are available in either direction. The entrance will be gated at a setback of approx. 16.75 m from the roadside edge to accommodate cars with boat trailers.

10.5.3. A total of 78 no. car parking spaces are proposed within the site boundary which will be screened by a 1 m high earth mound. No car parking standards for recreational uses are identified in the county development plan. As such, the number of proposed

parking spaces has been determined based on the number of rowing boats stored and the likely number of people travelling to row at the centre at any one time.

- 10.5.4. Wicklow County Council's Area Engineer identified an existing car parking issue at the location of the proposed site entrance associated with users of the Blessington Greenway. It was considered that this parking will become more extensive on foot of the proposed entrance arrangements. The Area Engineer suggested that 8 no. car parking spaces (accessible without a barrier and maintained by Wicklow County Council), could be provided within the site to facilitate greenway users.
- 10.5.5. In my opinion, the provision of on-site parking for an unrelated use is outside the scope of issues which can be considered under this planning application. As such, I consider it would be inappropriate for the Board to attach a condition in relation to this matter.
- 10.5.6. I am satisfied that all other matters relating to site access and car parking arising on foot of the proposed development have been adequately resolved by the applicant. Final design details in relation to same can be agreed in advance with the Planning Authority and can be addressed by condition.

#### **10.6. Flood Risk**

- 10.6.1. The appellant has raised concerns that the finished floor level of the boathouse will be lower than the exceptional flood level of the adjoining reservoir. It is submitted that water levels on the reservoir have exceeded maximum normal operating levels on several occasions in the last 25 years. It is further submitted that the proposed effluent holding tank is lower than the exceptional reservoir level and it breaches the recommended 200 m setback distance from the water's edge.
- 10.6.2. The footprint of the proposed development, including the revised location of the effluent holding tank, is located within Flood Zone C. As such, the site has a low probability of flooding. I note that the proposal comprises a water compatible development, which has been designed to have storage space only at the ground floor level and to allow for extreme cases of flooding to the ground floor of the boat house and service building. I further note that the building will not be occupied on a full-time basis.

10.6.3. The proposed effluent holding tank is an enclosed system, and as such, is not susceptible to flood risk. The proposed Drainage Layout Drawing submitted with the applicant's Unsolicited Further Information indicates a set-back distance of 200 m between the tank and the reservoir.

10.6.4. Having regard to the foregoing, I am satisfied that the applicant's concerns in relation to flood risk have been addressed through the design and layout of the proposed development and the location of the site within Flood Zone C.

## 10.7. Ecology

10.7.1. The site is located along the edge of the Blessington Lake, on an area which is currently heavily wooded. It is proposed to remove some of the trees from the site to accommodate the boathouse and 11 bays for the rowing boats, the two-storey attached ancillary building, launch boats, vehicular access and all other ancillary works. The application was accompanied with a EclA, and NIS and a Tree Protection Plan.

### Impact on Bats

10.7.2. The EclA notes bats species recorded within 2km from the site. There is no buildings or structures within the study area which the applicant considered can provide shelter for the bats. Mature beech trees to the west of the site did not contain any evidence of occupation such as scratches/ staining around entry points, feeding remains or bat droppings. Mature trees species to west may offer bat roosting potential and the applicant states these will be retained and protected during construction works. Lighting will be controlled to address any potential impacts on nocturnal species.

10.7.3. Having regard to the information contained in the EclA, and the absence of any evidence of bat activity, I am satisfied that the construction works will not have a direct impact on any bat roosting. In addition, I consider the operation, in particular the control of specie lighting can be used to prevent any future adverse impact on bat activity. In the event of any grant of permission the applicant should be requires, by way of condition, to submitted propsoed lighting details for the written approval of the PA.

10.7.4. Impact on Trees

- 10.7.5. The site is currently a heavily wooded area. There are no trees and woodlands with existing preservation orders on the site.
- 10.7.6. On foot of a further information request the applicant submitted a trees survey, information on trees to be removed from the site, Trees Protection Plan and an Arboricultural Method Statement.
- 10.7.7. As stated in Appendix 1 below, the proposed development will require the removal of the existing commercial coniferous forest on the site and all native trees within the site boundary will be retained. None of the trees along the SPA site boundary will be removed and native deciduous tree planting is proposed for the area between the boathouse and the shoreline.
- 10.7.8. Objective CPO 17.22 of the development plan requires the preservation and enhancement of native and semi-natural woodlands, groups of trees and individual trees, as part of the development management process, and require the planting of native broad-leaved species, and species of local provenance in all new developments.
- 10.7.9. Having regard to the information submitted with the applicant's documentation and the proposal to retain mature trees and include further planting, I am satisfied the proposal would not have a significant negative impact on the trees within or adjoining the site and would be in compliance with the objectives of the development plan.

#### Impact during Construction

- 10.7.10. The applicant proposed to implement a number of mitigation measures during construction to prevent any deterioration in water quality, disturbance of species of special interest, other waterbirds, disturbance to fauna and habitats on the site. Those specific mitigation measures relating to the impact on the special species in the SPA are further detailed in the Appropriate Assessment in Appendix 2.
- 10.7.11. I have had regard to the mitigation measures within the EclA and I am satisfied that these are reasonable and sufficient to prevent any significant impacts on the designated sites, WFD status, habitats, legally protected species, or any other features of ecological importance during the construction of the proposed development.



## **11.0 Appropriate Assessment**

### **Stage 1: Screening**

- 11.1. In accordance with Section 177U (4) of the Planning and Development Act 2000 (as amended), and on the basis of objective information provided by the applicant, I conclude that the proposed development alone is likely to have a significant effect on the qualifying interests of Poulaphouca Reservoir SPA (site code: 004063) on foot of potential pollution events during construction, resulting in water quality deterioration, disturbance of qualifying interests during construction / operation and on foot of operational impacts due to human activity on the lake. In addition, I conclude the proposed development would have no likely effects on any other European Sites (see Appendix 2)
- 11.2. As such, I consider that this matter requires further detailed assessment under a Stage 2 Appropriate Assessment. I note that this conclusion reflects that of the applicant's AA screening report. See Appendix 2 below.

### **Stage 2: Appropriate Assessment: Conclusion**

- 11.3. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Poulaphouca Reservoir SPA in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177U was required.
- 11.4. Following an examination, analysis and evaluation of the NIS and all associated material submitted, including the grounds of appeal related to nature conservation, the additional information contained in the applicant's revised NIS and taking into account observations of the Department of Culture, Heritage and the Gaeltacht, I consider that adverse effects on site integrity of Poulaphouca Reservoir SPA can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.
- 11.5. My conclusion is based on the following:
- A detailed assessment of construction and operational impacts.

- The proposed development will not affect the maintenance of the conservation objective for Lesser Black-backed Gull or prevent or delay the restoration of favourable conservation condition for Greylag Goose
- The effectiveness of the mitigation measures proposed, the adoption of an approved CEMP in consultation with the Planning Authority, the schedule of commitments identified in relation to rowing activity schedules and rowing routes on the lake, and
- The application of planning conditions to ensure the appropriate management and monitoring of the stormwater and foul effluent site drainage infrastructure and the implementation of all identified mitigation measures.
- The report of the Board's Ecologist dated 16<sup>th</sup> of July 2025.

11.6. See Appendix 2 of this report for details of Appropriate Assessment undertaken.

## **12.0 Water Framework Directive**

12.1.1. The subject site is located along the edge of the Poulaphouca Reservoir which is a Special Area of Conservation and a protected drinking water source.

12.1.2. The proposed development comprises of a high-performance training centre for a rowing club including single-storey boathouse, an attached 2-storey ancillary building, new vehicular entrance off the R758 and all associated site works.

12.1.3. No water deterioration concerns were raised in the planning appeal.

12.1.4. I have assessed the construction of the boat club and all other ancillary works proposed and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

12.1.5. The reason for this conclusion is as follows:

- The minor nature of the works proposed, in particular the servicing of the site and the treatment of the surface and wastewater.
- The design and operation of the sealed waste tank and the mitigation measures involved to prevent any impact on water quality of the lake.
- The applicants WFD assessment in Section 5.13 of the updated EclA and updated WFD information from the EPA website<sup>1</sup>.

## **Conclusion**

12.1.6. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **13.0 Recommendation**

13.1. I recommend that planning permission be granted for the proposed development based on the reasons and considerations set out hereunder.

## **14.0 Reasons and Considerations**

14.1. Having regard to:

- the nature, scale and design of the proposed development, which is considered sympathetic to the site location in an Area of Outstanding Natural Beauty,
- the provisions of Objective CPO 11.6 of the Wicklow County Development Plan 2022-2028, which confirms that all recreation related developments are 'open for consideration' in all landscape areas,
- the specific locational requirements of the rowing activity which the proposed development will facilitate,

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<sup>1</sup> [Data - Catchments.ie - Catchments.ie](https://data.catchments.ie)

- the technical assessments undertaken by the applicant, including the Ecological Impact Assessment and Natura Impact Assessments (as updated),

the proposed development is considered acceptable at this location and would have no significant negative visual or environmental impacts on the immediate vicinity or surrounding area, including on the adjoining Poulaphouca Reservoir Special Protection Area, and would be in accordance with the proper planning and sustainable development of the area.

## 15.0 Conditions

1.	<p>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 received by the Planning Authority on the 5<sup>th</sup> July 2018, the 11<sup>th</sup> day of August 2018 and the 16<sup>th</sup> day of August 2018, as further amended by the plans and particulars received by An Bord Pleanála on 3<sup>rd</sup> day of July 2024 and 4<sup>th</sup> day of September 2024, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The mitigation measures contained in updated Natura Impact Statement (NIS) submitted to An Bord Pleanála on the 4<sup>th</sup> day of September 2024, shall be implemented.</p> <p><b>Reason:</b> To protect the integrity of European Sites.</p>
3.	<p>The mitigation measures contained in the updated Ecological Impact Assessment Report (EclA) submitted to An Bord Pleanála on the 4<sup>th</sup> day of September 2024, shall be implemented.</p> <p><b>Reason:</b> To protect the environment.</p>

4.	<p>Prior to the operation of the proposed development, the applicant shall submit written confirmation to the Planning Authority confirming the cessation of rowing activities from the existing facility.</p> <p><b>Reason:</b> In the interest of clarity.</p>
5.	<p>Prior to the commencement of development, the applicant shall submit a lighting scheme for the written agreement of the planning authority which shall include information contained in the updated Ecological Impact Assessment and:</p> <ul style="list-style-type: none"> <li>a) Lighting will be provided with the minimum luminosity sufficient for safety and security purposes.</li> <li>b) Lighting will be switched off when not in use.</li> <li>c) Lighting will be positioned and directed so that it does not unnecessarily intrude on adjacent ecological receptors. There will be no lighting focused towards these boundary habitats and cowlings and focusing lights downwards will minimise spillage.</li> <li>d) Works will primarily take place during hours of daylight to minimise disturbance to nocturnal mammal species.</li> </ul> <p><b>Reason:</b> To minimise disturbance to bats.</p>
6.	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, traffic management measures and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the Planning Authority. The agreed CEMP shall be implemented in full in the carrying out of the development.</p>

	<b>Reason:</b> In the interest of environmental protection.
7.	<p>(a) The attenuation and disposal of surface water shall comply with the requirements of the Planning Authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the Planning Authority.</p> <p>(b) Prior to the commencement of development, the developer shall submit details of proposed measures for the ongoing maintenance of SUDS infrastructure on the site for the written agreement of the Planning Authority.</p> <p><b>Reason:</b> To prevent flooding and in the interests of sustainable drainage.</p>
8.	<p>(a) The wastewater holding tank shall be a minimum size of 50 m<sup>3</sup>.</p> <p>(b) The wastewater holding tank shall be sealed and fitted with a leakage warning mechanism with battery backup. The tank shall also be fitted with monitoring equipment with battery backup to alert when the tank is approaching capacity.</p> <p>(c) The wastewater holding tank shall be provided with an adequately bunded / spill prevention hard standing area to contain accidental spills. Details showing compliance with this requirement shall be submitted to, and agreed in writing with the Planning Authority, prior to the commencement of development.</p> <p>(d) The operators of the proposed development shall enter an annual maintenance and servicing contract with respect to the wastewater holding tank. A copy of the signed agreement shall be submitted for the written approval of the Planning Authority, prior to the occupation of the proposed development.</p> <p>(e) Records of the emptying of the wastewater holding tank shall be kept by the operator of the proposed development, and on request, shall be made available for inspection by the Planning Authority.</p> <p><b>Reason:</b> In the interest of public health.</p>

9.	<p>A plan containing details for the management of waste (in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste in the interest of protecting the environment and the amenities of properties in the vicinity.</p>
10.	<p>Mobile toilet facilities shall be provided on site for any regattas or large events associated with the proposed development which would increase user numbers over and above normal day-to-day operations.</p> <p><b>Reason:</b> In the interest of public health.</p>
11.	<p>(a) The developer shall engage the services of a suitably qualified arborist to oversee all ground works, development works, tree removal and site landscaping.</p> <p>(b) Tree protection measures shall be undertaken in accordance with the Tree Protection Plan and Arboricultural Method Statement submitted to the Planning Authority on 5<sup>th</sup> July 2018.</p> <p>(c) The project arborist shall carry out a post construction tree survey and assessment of the condition of the retained trees. A completion certificate shall be signed off by the project arborist when all permitted development works are completed in line with the recommendations of the tree strategy. The certificate shall be submitted for the written agreement of the Planning Authority upon completion of the works.</p> <p><b>Reason:</b> To ensure that site trees are not damaged or otherwise adversely affected by building operations.</p>
12.	<p>(a) The landscaping scheme submitted to the Planning Authority on the 5<sup>th</sup> day of July 2018 shall be carried out within the first planting season following substantial completion of external construction works.</p>

	<p>(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 5 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.</p> <p>(c) Prior to the commencement of the development, the developer shall appoint and retain the services of a qualified Landscape Architect as a Landscape Consultant throughout the life of the construction works and shall notify the planning authority of that appointment in writing. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
13.	<p>Final design and construction details of the proposed site access from regional road R758, the internal site road, pedestrian access and parking areas shall be agreed in writing with the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of road, traffic and pedestrian safety and to ensure an appropriate standard of development.</p>
14.	<p>If, during the course of site works any archaeological material is discovered, the County Archaeologist/Planning Authority shall be notified immediately. The developer is further advised that in this event, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.</p> <p><b>Reason:</b> In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.</p>
15.	<p>Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply network.</p>



	<b>Reason:</b> In the interest of public health and to ensure adequate water facilities.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Karen Hamilton  
Assistant Director of Planning  
18<sup>th</sup> of July 2025

## 16.0 Appendix 1: EIA Screening Determination

<b>A. CASE DETAILS</b>		
<b>An Bord Pleanála Case Reference</b>	<b>314020-22</b>	
<b>Development Summary</b>	High-performance training centre including a single-storey boathouse an attached 2-storey ancillary building, new vehicular access from R758, 78 no. car parking spaces, all site drainage works and site landscaping.	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	<b>No</b>	
<b>2. Has Schedule 7A information been submitted?</b>	<b>Yes</b>	
<b>3. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An NIS was initially submitted with the application. An updated NIS was submitted to the Board on 4 <sup>th</sup> September 2024.
<b>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	
<b>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	<b>Yes</b>	A Strategic Environmental Assessment of the Wicklow County Development Plan 2022-2028 was undertaken.

B. EXAMINATION	Yes/ No/ Uncertain	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<p><b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b></p>			
<p><b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)</p>			
<p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p><b>No</b></p>	<p>The site is currently used for commercial forestry purposes and as such, the proposed development will permanently alter its character. The proposed development will be used by a rowing organisation which operates from a similar facility on a site to the north-east, which also adjoins Poulaphouca Reservoir. The nature of the proposed development is such that it is tied to a location adjoining the waterbody. As such, the character of the proposed development will not be significantly different in the surrounding environment. The applicant has sought to minimise the scale of the development and</p>	<p><b>No</b></p>

		has proposed building materials which are appropriate to the rural setting.	
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	<b>Yes</b>	The proposed development will result in physical changes to the land use and topography of the site. Construction works will be managed in accordance with a Construction Environmental Management Plan, the final details of which can be agreed in advance with the Planning Authority prior to the commencement of development.	<b>No</b>
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	<b>Yes</b>	Construction materials will be typical for a development of this nature. The loss of natural resources or local biodiversity as a result of the development of the site is not regarded as significant.	<b>No</b>
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	<b>Yes</b>	<p>Construction activities will require the use of potentially harmful materials, such as fuels, oils and other substances. This is typical of any construction site. Any impacts would be local and temporary in nature. The implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>During the operation of the proposed development, foul effluent will be stored in a sealed underground tank. Stormwater from the proposed car parking area will be directed to a suitable oil separator / petrol interceptor to remove any hydrocarbons before disposal via a soakaway.</p>	<b>No</b>

<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other substances and will give rise to waste for disposal. This is typical of any construction site. Noise and dust emissions are likely to arise during construction. Such construction impacts would be temporary and local in nature and the implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Foul effluent generated during the operational stage of the development will be contained within a sealed underground tank. The tank has been designed to provide spare capacity and will be fitted with telemetry and alarm systems so that the remaining tank capacity is known at all times. The management / disposal of green, brown and grey waste materials generated within the facility can be controlled by condition.</p>	<p><b>No</b></p>
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p><b>Yes</b></p>	<p>The Outline Construction and Waste Management Plan sets out environmental management measures which will be undertaken by the site contractor during the construction phase of the project. The final Plan will be agreed with the Planning Authority prior to the commencement of development and can be addressed by planning condition.</p>	<p><b>No</b></p>

		There is the potential for groundwater contamination from foul effluent generated during the operational stage of the proposed development and from contaminants (such as oil, petrol) contained in surface water runoff from the proposed car parking area. The potential for such impacts to occur will be mitigated by the design of the effluent holding tank (sealed, underground system) and the inclusion of an oil/petrol interceptor in the surface water drainage system.	
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	<b>Yes</b>	<p>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature and their impacts will be suitably mitigated by the measures identified in the Construction Environmental Management Plan.</p> <p>Operational lighting will be designed to minimise light spill to the surrounding environment. No lighting will be installed beyond the car park and buildings. The access route down to the lake will not be illuminated.</p>	<b>No</b>
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	<b>No</b>	<p>Construction activity is likely to give rise to dust and noise emissions. Such construction impacts would be localised and temporary in nature.</p> <p>Foul effluent will be collected in a sealed underground tank, which will mitigate the</p>	<b>No</b>

		potential for groundwater contamination. No significant operational impacts are anticipated.	
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	<b>No</b>	<p>No significant risk of major accidents is anticipated having regard to the nature and scale of the proposed development. There are no SEVESO/COMAH sites in the vicinity of the site. Any risk arising from construction works will be localised and temporary in nature.</p> <p>The site is located in Flood Zone C. The proposed boathouse is located above the predicted flood level for the 1-in-1,000-year flood level. The proposed development has been designed to have storage space only at the ground floor level and the building will not be continuously occupied. The building has been designed to allow for extreme cases of flooding to the ground floor of the boat house and service building.</p>	<b>No</b>
<b>1.10</b> Will the project affect the social environment (population, employment)	<b>Yes</b>	<p>Some additional short-term employment opportunities will be generated on the site during the construction phase.</p> <p>The proposed development will replace an existing boathouse facility and as such, is not anticipated to alter the population or employment characteristics of the area in the long-term.</p> <p>The proposed development will provide a long-term recreational resource on the subject site.</p>	<b>No</b>

<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	<b>No</b>	The proposed development comprises a stand-alone project. No developments have been identified in the vicinity of the site which would result in cumulative effects on the environment.	<b>No</b>
<b>2. Location of proposed development</b>			
<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	<b>Yes</b>	<p>The application site boundaries overlap those of the Poulaphouca Reservoir SPA and pNHA. Poulaphouca Reservoir is also a designated Wildfowl Sanctuary.</p> <p>The applicant's NIS and EclA identify mitigation measures to address potential impacts on the QI of the SPA and on local biodiversity.</p> <p>The construction of the development will be managed by a Construction Environmental Management Plan, final details of which will be agreed in advance with the Planning Authority prior to the commencement of development.</p>	<b>No</b>
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	<b>Yes</b>	The applicant's NIS and EclA has identified mitigation measures to address potential impacts on the QI of the SPA and on local biodiversity. With the implementation of these mitigation measures, the proposed development poses no significant risk of affecting the conservation objectives, or the favourable conservation condition, of the	<b>No</b>



		qualifying interests of the Poulaphouca Reservoir SPA. There are no residual direct or indirect impacts associated with the proposed development that could adversely affect the integrity of Poulaphouca Reservoir SPA.	
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	<b>Yes</b>	Listed view no. 33 is located approx. 1 km west of the application site. Existing mature tree planting to the north-west of the site would screen visibility of the proposed development from this viewpoint. There are 3 no. vantage points with south and west-facing views over the reservoir. The proposed development will not be visible from these locations. The design and setting of the proposed development away from the lake edge will ensure the natural beauty of the area and the protected views will not be compromised.	<b>No</b>
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	<b>Yes</b>	<p>The proposed development will require the removal of the existing commercial coniferous forest on the site. All native trees within the site boundary will be retained. None of the trees along the SPA site boundary will be removed. Native deciduous tree planting is proposed for the area between the boathouse and the shoreline.</p> <p>The appeal site adjoins Poulaphouca Reservoir, on which rowing activity already occurs. The design of the proposed development, including surface water and wastewater infrastructure, has sought to</p>	<b>No</b>

		minimise/ mitigate impacts to the adjoining waterbody.	
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	<b>No</b>	The potential for groundwater contamination has been minimised by provided through the proposed foul effluent collection arrangements. SuDS measures are proposed to manage surface water runoff from the site. Two soakaways will dispose of storm water generated on the site. No storm water will leave the site post construction and therefore, off-site flooding due to the proposed development is not deemed to be an issue.	<b>No</b>
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	<b>No</b>	No such risks identified.	<b>No</b>
<b>2.7</b> Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	<b>Yes</b>	The site adjoins, and will be accessed from, regional road R758. The site is located in a rural area, which is not susceptible to congestion.	<b>No</b>
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	<b>No</b>	There are no such adjoining land uses.	<b>No</b>
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	<b>No</b>	No developments have been identified in the vicinity that could give rise to significant cumulative environmental effects.	<b>No</b>

<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	<b>No</b>	No transboundary considerations arise.	<b>No</b>
<b>3.3</b> Are there any other relevant considerations?	<b>No</b>		
<b>C. CONCLUSION</b>			
No real likelihood of significant effects on the environment.	<input checked="checked" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
<b>D. MAIN REASONS AND CONSIDERATIONS</b>			
<p>Having regard to: -</p> <ol style="list-style-type: none"> <li>the criteria set out in Schedule 7, in particular             <ol style="list-style-type: none"> <li>the limited nature and scale of the proposed recreational development,</li> <li>the absence of any significant environmental sensitivity in the vicinity,</li> <li>the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)</li> </ol> </li> <li>the results of other relevant assessments of the effects on the environment submitted by the applicant including the Ecological Impact Assessment and the AA screening undertaken by the Planning Authority,</li> <li>the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular mitigation measures set out in the Natura Impact Statement in relation to the Qualifying Interests of Poulaphouca Reservoir SPA and in the Ecological Impact Assessment,</li> </ol> <p>The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.</p>			

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_

## 17.0 Appendix 2: Appropriate Assessment Determination

### Screening for Appropriate Assessment Stage 1.

Four European Sites have been included in the applicant's Stage one assessment:

European Site (SAC/SPA)	Qualifying Interest (Habitats and Species)	Distance of European site to the application site	Connectivity
Poulaphouca Reservoir SPA (site code 004063)	Anser anser (wintering) (Greylag Geese) Larus fuscus (wintering) (Lesser black-backed gull)	The site is directly adjacent to the identified SPA boundaries	Directly adjacent with potential pathway
Wicklow Mountains SAC (site code 002122)	Of the Q.I listed, the most relevant is Lutra Lutra (Otter)	c.3.7km to the east on the opposite side of the Poulaphouca Reservoir.	None. Separated by distance.
Wicklow Mountains SPA (site code 004040)	Falco columbais (breeding) (Merlin Falcon) Falco peregrinus (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.5km to the northwest.	None. The proposed development is downstream of this site.

I am satisfied, based on the information on file and the report by the Commission's Ecologist that the proposed development would only have the potential to impact the Poulaphouca Reservoir SPA.

### Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, section 177U – 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

The proposed development alone is likely to have a significant effect on the qualifying interests of Poulaphouca Reservoir SAC (site code: 004063) on foot of potential pollution events during construction, resulting in water quality deterioration, disturbance of qualifying interests during construction / operation and on foot of operational impacts due to human activity on the lake. This matter requires further detailed assessment under a Stage 2 Appropriate Assessment.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a High Performance Training Centre including a single-storey boathouse and an attached 2-storey ancillary building and all associated site works in view of the relevant conservation objectives of Poulaphouca Reservoir SPA based on scientific information provided by the applicant, and considering expert opinion set out in observations on nature conservation, including from the Dept. of Culture, Heritage and the Gaeltacht.

The information relied upon includes the following:

- Updated Natura Impact Statement prepared by Coiscéim Consulting – this includes the results of a suite of wintering bird surveys undertaken between November 2022 and March 2023. The vantage points used included the Three Castles area, the Blessington Bridge area and Baltyboys Bridge.
- Ecological Impact Assessment prepared by Coiscéim Consulting
- Site Synopsis & Conservation Objectives for Poulaphouca Reservoir SPA as available on [www.npws.ie](http://www.npws.ie)

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

### **Submissions / Observations**

The key issues related to AA which have been raised by the appellant are summarised below:

- Habitat destruction and wildlife disturbance on the reservoir
- Further piecemeal destruction of an EU designated site
- The development will adversely affect the integrity of the SPA

- The development will have a detrimental impact on the roosting habitat of protected bird species
- Numerous other activities on this water body contribute to the disturbance of wildlife
- No evidence of effective mitigation measures, including in relation to the protection of roosting sites
- No evidence that wider waterfowl and wader populations in the reservoir have been considered
- The proposed development is located within the boundary of the SPA
- The information contained within the NIS is out of date
- Significant decline in number of geese roosting / frequenting the reservoir in recent years
- In-combinations effects not sufficiently considered
- There is no appropriate analysis in the updated NIS of potential impacts of rowing activity on the Greylag Goose
- It is not possible to enforce limiting areas in which rowing can be undertaken. Greylag Goose and Black-backed Gull will regularly forage for food up to 10 km from the areas in which they roost
- Little reference in updated NIS to noise generated by rowing activity and its impact on Greylag Geese
- No reference to impact and effects on Greylag Goose from visual stimuli generated by increased rowing on the lakes, increased traffic on the lake, increased human traffic in or around the lake and its effects on the habitats of the Greylag Goose
- The application fails to address the intensification of rowing activity on the lake or the historic impact of rowing
- The proposed new rowing routes (particularly B and D) directly encroach on observed roosting areas for the Lesser Black-backed Gull
- The assertion that the decline in the number of Greylag Geese migrating from Iceland to winter on the reservoir is due to climate change is contradicted by the data provided in Table 52, page 41 of the updated NIS.

The Dept. of Culture, Heritage and the Gaeltacht initially raised concerns regarding the proposed mitigation measures against ongoing disturbance to the QI of the SPA on foot of rowing activities. Following the submission of the updated NIS, it was recommended that the identified mitigation measures be implemented by condition in the event planning permission is granted.

#### **Poulaphouca Reservoir SPA (Site Code: 004063)**

##### **Summary of Key issues that could give rise to adverse effects:**

- (i) Pollution events during construction (accidental release of hydrocarbons, surface water runoff containing suspended solids or increased nutrient loading) resulting in water quality deterioration**
- (ii) Disturbance of qualifying features during construction (noise, dust, vibration, lighting)**
- (iii) Disturbance of qualifying features during operation**

(iv)Operational impacts due to human activity on the lake

See Table 4.3 of updated NIS

Qualifying Interest features likely to be affected	Conservation Objective	Potential adverse effects	Mitigation measures (summary)	
<b>Greylag Goose</b>	<p>Restore favourable conservation condition</p> <p><b>Targets &amp; Attributes</b></p> <ol style="list-style-type: none"> <li>1. Winter population trend</li> <li>2. Winter spatial distribution</li> <li>3. Disturbance at wintering site</li> <li>4. Barriers to connectivity &amp; site use</li> <li>5. Forage spatial distribution, extent &amp; abundance</li> <li>6. Roost spatial distribution &amp; extent</li> </ol>	<p>Possible disturbance impacts (direct impact)</p> <p>Indirect impacts possible if water quality is affected</p>	<p><b>Disturbance</b></p> <ul style="list-style-type: none"> <li>-Rowing will be significantly reduced in the Three Castles area (main Greylag Geese roosting area)</li> <li>-Limited use of lake north of Blessington Bridge &amp; rowing will be limited to headland located 750m south of Threecastles area.</li> <li>-Nighttime use of lake not permitted (main roosting period of Greylag Geese and swans).</li> <li>-Rowing circulation pattern does not encroach on the shallow wetland area in the north-east sector where Greylag Geese overwinter.</li> <li>-No rowing activity on Knockieran Lake prior to 9am from mid-Oct to mid-April.</li> <li>-Construction works carried out during summer months where possible.</li> <li>-Construction footprint minimised &amp; surrounded by 3m hoarding, to be erected at the earliest stage possible.</li> </ul>	



	7. Supporting habitat: area & quality		<p>-All buffer vegetation along the lake-side edge retained.</p> <p>-Planting of native deciduous trees between the boathouse &amp; shoreline to screen.</p> <p>-Feathered trees proposed along the extreme north-western side of the site to further improve visual screening from the reeded area to the west of the site, which represents potential wetland bird habitat</p> <p><b>Water Quality</b></p> <p>-Ecological Clerk of Works will oversee implementation of construction stage mitigation measures.</p> <p>NPWS notified in advance of site clearance &amp; construction works.</p> <p>-Establish exclusion areas for vegetation &amp; soil protection beyond the construction area. Store &amp; reuse site soils.</p> <p>-Minor landscaping works behind the foreshore only undertaken in dry conditions, with no stockpiles left in the zone and following confirmation that reservoir will be managed below 181.5 m during this period.</p> <p>-Retain buffer vegetation along lake margin.</p> <p>-Locate stored soils &amp; stockpiles away from watercourses &amp; lake.</p> <p>-Temporary screening fence to delineate site boundary.</p> <p>-Buffer area delineated by sediment trap fencing along the stream edge. Warning signs of no access to the area.</p> <p>-Silt traps installed between excavation &amp; lake.</p>	
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			<p>-No stockpiles, equipment or plant permitted within the SPA.</p> <p>-Spill kits available in fuel storage areas</p> <p>-No runoff permitted to lake during construction</p> <p>-A CEMP will be agreed with the Planning Authority prior to the commencement of works.</p>	
<b>Lesser Black-backed Gull</b>	<p><b>Conservation Objective</b></p> <p>Maintain favourable conservation condition.</p> <p><b>Targets &amp; Attributes</b></p> <ol style="list-style-type: none"> <li>1. Winter population trend</li> <li>2. Winter spatial distribution</li> <li>3. Disturbance at wintering site</li> <li>4. Barriers to connectivity &amp; site use</li> <li>5. Forage spatial distribution, extent &amp; abundance</li> </ol>	<p>No direct impacts predicted</p> <p>Indirect impacts possible if water quality is affected</p>	<p><b>Water Quality</b></p> <p>-As per the mitigation measures set out above</p>	

	6. Roost spatial distribution & extent  7. Supporting habitat: area & quality			
<p>The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. In particular, I note those relating to disturbance and the quality of the supporting habitat are the key issues for consideration in this case, with the potential for direct impact and indirect impacts to occur.</p> <p>The rowing activities which will be associated with the proposed development have the potential to result in disturbance impacts to Greylag Geese (QI) which use the reservoir for roosting at night and which forage in the surrounding fields. The reservoir is also important for Lesser Black-backed Gull (QI) and is used by Whooper Swan. These species also primarily use the reservoir during the winter months.</p> <p>The early morning use of the lake by rowers in the winter is of main concern for the designated species of the SPA. The disturbance effect arising may have minor impacts on resting and energy intake of these species. There is also the potential for disturbance effects to arise during the construction phase of the proposed development (noise, dust, vibration, lighting).</p> <p>There is also the potential for the deterioration of the water quality of the reservoir on foot of pollution events during construction (hydrocarbons, suspended solids or increased nutrient loading) or on foot of the leakage of foul effluent during the operation of the proposed development.</p>				
<p><b>Assessment of issues that could give rise to adverse effects view of conservation objectives</b></p> <p><b>(i) Habitat degradation due to hydrological impacts</b></p> <p>The release of contaminated surface water runoff and / or an accidental spillage or pollution event during the construction or operational phases, has the potential to impact water quality in the adjoining reservoir. Reduced water quality could impact prey fish for the QI species associated with the SPA.</p> <p><b>Mitigation measures and conditions</b></p>				

The proposed mitigation measures include:

- An Ecological Clerk of Works will oversee the implementation of the proposed construction stage mitigation measures.
- NPWS will be notified in advance of site clearance and construction works
- The construction footprint will be minimised
- An exclusion area will be established for vegetation and soil protection areas beyond the construction area
- Site soils will be stored and re-used
- Minor landscaping works behind the foreshore will only be undertaken in dry conditions, when the reservoir is operating below 181.5mOD, with no stockpiles left in this zone.
- Buffer vegetation along the lake margin will be retained
- Stored soils and stockpiles will be located away from watercourses and the lake
- A temporary screening fence will be erected to delineate the site boundary
- A buffer area will be delineated by sediment trap fencing along the edge of the stream to avoid machinery encroaching on this area
- Silt traps to be installed between the excavation and the lake, above the maximum normal operating height of the reservoir
- No stockpiles, plant, equipment or machinery allowed within the SPA boundary
- Spill kits available in fuel storage areas / where oils and other materials are stored or transferred
- No runoff permitted to lake during construction
- A CEMP will be submitted to Wicklow County Council for agreement prior to the commencement of works

The stormwater drainage system includes soakaways to cater for runoff from the boathouse and car parking area, including a suitable oil interceptor to collect any hydrocarbons from the car parking area. The foul effluent infrastructure will be designed as a closed system, with effluent directed to a sealed holding tank which is designed as a water retaining structure. All drainage pipes will be designed and constructed to prevent effluent loss or groundwater ingress. The tank will be fitted with fail-safe monitoring equipment and battery back-up, with regular inspections undertaken. A bund will also be provided around the tank. The tank is located outside of the predicted 1-in-1,000-year flood level and above the exceptional reservoir level.

I am satisfied that the identified mitigation measures are adequate to address potential adverse effects on the SPA and that measures relating to the maintenance / monitoring of the stormwater drainage system and the foul effluent holding can be addressed by condition.

## **(ii) Disturbance and displacement impacts**

A temporary or permanent increase in noise, vibration and / or human activity levels during the construction and / or operation of the proposed development has the potential for disturbance to and / or displacement of SCI bird species present within the footprint of and / or in the vicinity of the proposed development.

Potential operational phase disturbance / displacement impacts include those arising from (i) traffic (human and vehicular) and (ii) rowing. Disturbance effects may: (a) impact on feeding, resting and energy intake of birds, (b) result in population impacts.

### **Mitigation measures and conditions**

The proposed mitigation measures include:

1. The design of the boathouse has sought to reduce its visual impact (visual disturbance) and will be screened through by vegetation and landscaping, including the planting of native deciduous trees between the boathouse and the shoreline
2. Feathered tree planting proposed along the extreme northwestern side of the site to further improve visual screening from the reeded area to the west of the site (potential wetland bird habitat)
2. Construction works will be carried out in the summer months, where possible
3. The construction footprint will be minimised and excluded from the surrounding area by 3 m high hoarding
4. All buffer vegetation along the lake-side edge will be retained
5. Rowing will be significantly reduced in the Threecastles area (main Greylag Geese roosting area)
6. The proposed site location south of Blessington Bridge (i.e. away from Threecastles) will further minimise the chance of disturbance
7. Restriction of rowing routes south of the 'Headland', a promontory located on the western side of the lake and approx. 750 m south of the Threecastles area, during winter months
8. Nighttime use of the lake not permitted
9. No rowing activity on Knockieran Lake prior to 9am between mid-October and mid-April
10. Lighting design will minimise light spill. No lighting will be installed beyond the car park and buildings.

Lesser Black-backed Gulls forage and roost around the reservoir at various locations. Given their mobility and dietary versatility, and the wide range of habitats available to this species, I am satisfied that there is no risk posed by the proposed development / rowing activity such that disturbance may result in the undermining of the conservation objectives or the site integrity of the SPA.

<p>I am satisfied that the identified mitigation measures are sufficient to mitigate any potential disturbance and displacement effects arising to the QI of the SPA on foot of the proposed development and associated rowing activity. While the appellant highlights that there has been a significant decline in the number of geese roosting / frequenting the reservoir in recent years, I note that the existing boathouse was constructed in the early 1970's and that rowing activity, in addition to other water-based sports / activities, has occurred on the reservoir since that time. The applicant has confirmed that the proposed development is intended to improve the existing boathouse facilities, in particular through increased boat storage, rather than attract new members. At most, it is anticipated that there will only be a marginal level of increased rowing activity at the lake. Based on the foregoing, I am satisfied that no significant intensification of rowing activity would occur on the lake and that there will be no adverse effect on the QI of the SPA.</p> <p>The northeastern / Threecastles area of the reservoir is identified as the main area where the birds roost overnight during the winter season. I note that no nighttime rowing will occur on the lake, that rowing will not take place within 750 m of this location in winter months, with no rowing activity on Knockieran Lake prior to 9am between mid-October and mid-April. Should permission be granted for the proposed development, rowing activity will only occur from the proposed site location, which is located further away from the main Greylag Goose roosting area. While the appellant submits that it is not possible to enforce limiting areas in which rowing can be undertaken, I considered that the measures put forward by the applicant regarding rowing schedules and routes are reasonable and would be capable of being monitored (and enforced if necessary). In the event permission is granted for the development, I note that the applicant will be required to carry out the development in accordance with the plans and particulars lodged with the application.</p> <p>In conclusion, I am satisfied that the proposed development and associated rowing activity would have no adverse effect on the integrity of Poulaphouca Reservoir SPA.</p>	
<p><b>In-combination effects</b></p> <p>I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no residual effects will remain post the application of mitigation measures that could combine with other plans and projects to give rise to adverse effects.</p>	
<p><b>Findings and conclusions</b></p> <p>The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, <b>or in combination with other plans and projects</b>, will not adversely affect the integrity of this European site.</p>	

Based on the information provided, I am satisfied that adverse effects arising from any aspect of the proposed development can be excluded for Poulaphouca Reservoir SPA. No direct impacts are predicted as the proposed development will result in rowing activities moving further away from the Threecastles area, which is the main roosting location of the Greylag Geese. Indirect impacts would be temporary in nature and will be mitigated by appropriate construction practices, design measures encompassed in the built structure and layout of the proposed development and the design features of the surface water and foul effluent drainage infrastructure. Monitoring measures can be required by condition to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. There will be no residual effects and no in-combination effects.

### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### **Site Integrity**

The proposed development will not affect the attainment of the Conservation Objectives of Poulaphouca Reservoir SPA. Adverse effects on site integrity can be excluded, and no reasonable scientific doubt remains as to the absence of such effects.

### **Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on Poulaphouca Reservoir SPA in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, including the grounds of appeal related to nature conservation, the additional information contained in the applicant's revised NIS and taking into account observations of the Department of Culture, Heritage and the Gaeltacht, I consider that adverse effects on site integrity of Poulaphouca Reservoir SPA can be excluded in view of the conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- A detailed assessment of construction and operational impacts.

- The proposed development will not affect the maintenance of the conservation objective for Lesser Black-backed Gull or prevent or delay the restoration of favourable conservation condition for Greylag Goose
- The effectiveness of the mitigation measures proposed, the adoption of an approved CEMP in consultation with the Planning Authority, the schedule of commitments identified in relation to rowing activity schedules and rowing routes on the lake, and
- The application of planning conditions to ensure the appropriate management and monitoring of the stormwater and foul effluent site drainage infrastructure and the implementation of all identified mitigation measures.
- The report of the Board's Ecologist dated 16<sup>th</sup> of July 2025.



## 18.0 Appendix 3: Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	314020-22	Townland, address	Burgage Moyle, Blessington, Co. Wicklow
Description of project		High Performance Training Centre including a single-storey boathouse, an attached 2 storey ancillary building, new vehicular entrance off the R758 and all associated site works.	
Brief site description, relevant to WFD Screening,		<p>Site is located on the edge of the Poulaphouca Reservoir (also known as Blessington Lakes), located at the west side of the Wicklow Mountains, to the south of Blessington</p> <p>The proposed development also includes 11 no bays for rowing boats, vehicular and pedestrian access, footpaths, 78 no carparking spaces and ancillary site drainage works.</p>	
Proposed surface water details		<p>There are two proposals to treat the surface water The rainwater from the boat house will be directed to an on-site soakaway. The soakaway will be designed to cater for a 1-in-10-year storm event. For more extreme events, up to and including the 1-in-100-year storm, runoff will be allowed to pond over the soakaway and drain into the subsoil over time. All storm water which falls on the car parking hardstanding area will be collected in a new drainage system and directed to a suitable oil separator to remove any hydrocarbons and then into a soakaway for disposal.</p> <p>The soakaway will be sized for a 1-in-10-year event and will reflect the arrangements for extreme</p>	

	events as set out above. The new access road will have a gravel surface to enable rainwater percolation.					
Proposed water supply source & available capacity	Public Water Supply connection.					
Proposed wastewater treatment system & available capacity, other issues	A proposed sealed storage unit with a capacity to store 50m <sup>3</sup> of effluent, located at the south-western site corner proximate to the entrance has been assessed above as sufficient to serve the required 10m <sup>3</sup> for boat club. The effluent will be removed from a fully sealed tank via a tanker once per week and discharged at Blessington WWTP on agreement with Uisce Éireann.					
Others?	Not applicable					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)

Lake Waterbody	Adjacent	Poulaphouca Lake IE_EA_09_71	Moderate	Not at risk	None identified	Directly linked to the site although due to the design of the sealed unit there will be no loss of nutrients to the lake. The tank is in a location where flooding is not a realistic concern. The tank is 195m from the shoreline, sealed and with no pathway to connect to the groundwater or surface water. Surface runoff minimal and treated using appropriate mitigation measures.
River Waterbody	Draining into the lake	Liffey_040	Moderate	Not At risk	Hydro morphology,	No direct pathway, rivers drain into the lake.
Groundwater waterbody	Underlying site	Kilcullen IEP_EA_G_003	Good	At risk	Chemical, chemical quality diminution for SW, Nutrients	Surface Water overflow into free draining soils.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						

CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Lake	Poulaphouca Lake IE_EA_09_71	Site is on the lake	Hydrocarbon spillages from construction.	Standard Construction Measures / Conditions.	No	Screened out
2.	Surface	Liffey_040	None	None	None	No	Screened out
3.	Ground	IEPA1_EA_G-003	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
OPERATIONAL PHASE							
1.	Lake	Poulaphouca Lake IE_EA_09_71	Site directly connected to the lake	Leakages from the removal of the wastewater storage tanks.	Design of the tank and conditions for removal of waste.	No	Screened out
2.	Surface	Liffey_040	None	None	None	No	Screened out
3.	Ground	IEPA1_EA_G-003	Drainage	Contamination from car journeys	Permeable paving along the access	No	Screened out

					routes and soak ways to filter runoff. Design and Conditions.		
DECOMMISSIONING PHASE							
1.	NA						