



An
Bord
Pleanála

Inspector's Report

ABP-319657-24

Development

Large scale residential development consisting of 329 residential units, extension of the Blessington Inner Relief Road, new roundabout, new junction, road signage and all ancillary site development works.

Location

Site (c. 25.14 ha) on lands within townlands of Blessington Demesne, Newpaddocks and Santryhill, Blessington, Co. Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

23689

Applicant(s)

Cairn Homes Properties Limited

Type of Application

Large-Scale Residential Development

Planning Authority Decision

Grant Permission

Type of Appeal

Third Parties vs. Grant

Appellant(s)

1. Ballymore Eustace Trout & Salmon Anglers Association

2. Ballymore Eustace Community
Development Association

Observer(s)

Frank Smyth

Date of Site Inspection

18th June 2024

Inspector

Stephen Ward

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1.0 Site Location and Description

- 1.1. The site is located on the northwestern edge of Blessington, County Wicklow, near the Kildare/Wicklow border approximately 27km southwest of Dublin and 11km from Naas. It is accessed via a partially constructed road network (Inner Relief Road) which links to the N81 Dublin Road (to the east). The site has a stated site area of c. 25ha and is annexed from the applicant's overall holding of c. 63ha within the historic Blessington Demesne. It includes the ruins of Downshire House which was burnt down in 1798.
- 1.2. The surrounding built-up area comprises mainly residential development, particularly to the south of the site. To the immediate northwest is a cluster of community facilities (school, GAA grounds, care centre), while further afield there is a large quarry (Dillonsdown) and Glen Ding Woods. The eastern surrounds include a range of commercial premises including Dunnes Stores and Aldi. The commercial core / town centre of Blessington mainly stretches along the N81 road (Main St), c. 500m southeast of the appeal site.
- 1.3. The site itself is of an irregular shape and is generally undeveloped. It effectively comprises two portions which are bisected by a road (Oak Drive / School Link Rd) running generally in an east-west direction. Overall, the site slopes gently downward from Glen Ding Woods, with an overall difference of 20m from the northwest to the southeast edges of the site. The Deerpark Stream runs generally around the northern and eastern edges of the site and discharges to a recently constructed pond/wetland area to the southeast of the site.
- 1.4. The southern portion of the site (on which a Town Park is proposed) adjoins the Inner Relief Road (IRR) and an existing residential scheme (Deerpark) to the south. The immediately adjoining land to the east and west is within the applicant's ownership and is generally undeveloped at present. The site includes a small historic woodland area on elevated ground along its western boundary.
- 1.5. The northern portion (on which the residential element is proposed) adjoins the community facilities to the west; commercial/residential development to the east; and the quarry lands to the north. The northern portion also extends to and includes part of the N81 Road to the east. There is a thick band of mature trees along the northern site boundary.

2.0 Proposed Development

2.1. In summary, permission is sought for the following:

- 329 residential units including:
 - 270 two storey houses (28 no. 2-bed, 218 no. 3-bed, 24 no. 4 bed.) comprising of semi-detached and terraced units.
 - 47 no. apartments (22 no. 1 bed, 25 no. 2 bed) provided within 1 no. four-storey block.
 - 12 no. duplex units within 1 no. three-storey blocks (6 no. 2 bed and 6 no. 3 bed units).
- Car and bicycle parking spaces to include:
 - 518 no. car parking spaces for the houses, 54 no. spaces for the apartments and 22 no. spaces for the duplex units.
 - 113 bicycle spaces for the duplex units and for the apartments.
- 10.65 ha Town Park,
- 1.041 ha public open space including pocket parks and playgrounds,
- 1,514 sqm of communal open space (1,290 sqm at Apartments, 224 sqm at Duplex units),
- Two new vehicular access off Oak Drive and one new vehicular access off the Blessington Inner Relief Road,
- infrastructure works to serve the housing development to include the internal road network,
- ESB substations/switchrooms, lighting, site drainage works, and all ancillary site services and development works above and below ground,
- temporary permission is also sought for the erection of three marketing signs (4.55 m high and 13.73 sqm each) and a marketing suite,
- Extension of the Blessington Inner Relief Road (approx. 700m long) from the existing 4-arm roundabout at Blessington Demesne Lands, running northwest of Blessington Business Park, and north of the Woodleigh residential area to a

new four-arm roundabout junction on the N81 Dublin Road. The new roundabout will consolidate existing junctions with Hollyvalley, Doran's Pit and the Roadstone quarry site. A new junction will be provided to the Roadstone Quarry Access Road north of the road's alignment. The scheme will comprise a two-lane single carriageway road with cycle lanes and footpaths, landscaping and drainage works (including attenuation ponds & Sustainable Urban Drainage Systems (SUDS)); road signage and all ancillary site services and development works above and below ground.

- 2.2. Surface water discharge from the residential element of the development will be limited to greenfield runoff rates in accordance with the Greater Dublin Strategic Drainage Study (GDSDS). Following surface water collection, it is proposed to discharge to the Deerpark Stream via attenuation tanks, flow control device, and separator arrangements. For the proposed road extension element, it is necessary to split the site into two separate surface water catchments. Surface water from catchment A (western end) will be attenuated in two infiltration/detention basins and discharge directly to the Deerpark stream via a flow control manhole. Surface water from catchment B (eastern end) will be attenuated in an infiltration/detention basin and discharge to the existing surface water drainage network located in Woodleigh Avenue to the south of the development.
- 2.3. For foul wastewater, the proposed development will connect to the existing 225/300mm foul sewer serving the GAA, school, and care facilities to the west of the site and will ultimately discharge to Blessington Wastewater Treatment Plant. For water supply, it is proposed to connect to the existing 150mm diameter watermain to the south of the subject site on the link road extension.
- 2.4. The proposed housing mix is summarised in the following table:

House Size	Houses	Apartments / Duplex	Total (%)
1-bed	0	22	22 (7%)
2-bed	28	31	59 (18%)
3-bed	218	6	224 (68%)
4-bed	24	0	24 (7%)
Total	270	59	329 (100%)

2.5. Based on the application information, the key figures for the proposed development are summarised in the following table:

Site Area	25.14 ha gross / 8.61 ha net (residential)
Residential Units	329
Density	Net site area (8.61ha) / 329 = 38 uph (net density)
Plot ratio	0.23
Site Coverage	21%
Other Uses	10.65 ha Town Park
Height	Apartments – 4 storeys (47 units) Duplex – 3 storeys (12 units) Houses – 2 storey (270 units)
Communal Open Space	1,514m ²
Public Open Space	1.0 ha Public Open Space (excluding Town Park)
Parking	594 car spaces, 113 bicycle spaces

2.6. In addition to the standard plans and particulars, the application is accompanied by the following documents and reports (as updated/supplemented by the further information response):

- Environmental Impact Assessment Report
- Natura Impact Statement
- Planning Report & Statement of Consistency
- Social Infrastructure Audit
- Response to LRD Opinion
- Architectural Design Statement
- Housing Quality Assessment
- Landscape Reports
- Infrastructure Design Reports
- Site Specific Flood Risk Assessments

- Traffic and Transport Assessment
- Construction & Environmental Management Plan
- Road Safety Audits
- Tree Survey / Arboricultural Reports
- Outdoor Lighting Report
- Daylight & Sunlight Assessment Report
- Verified Views and CGIs
- Energy Statement & Part L Compliance Approach
- Building Lifecycle Report
- Operational Waste Management Plan
- Resource Waste Management plan.

3.0 Planning Authority Pre-Application Opinion

- 3.1. A Section 247 Meeting was held on the 1 September 2022. A pre-application LRD Meeting was held on the 12th April 2023 and the LRD Opinion was issued by the Local Authority on the 9 May 2023. The opinion related to a proposal for the construction of 302 residential units on a site of c. 21.25ha.
- 3.2. In summary, the WCC LRD Opinion concluded that the documents submitted do not constitute a reasonable basis on which to make an application because:
- i) It has not been demonstrated that the development would be in accordance with the CDP Core Strategy and Settlement Strategy.
 - ii) It has not been demonstrated that the proposed density would be in accordance with Table 6.1 and CPO 6.13 of the CDP.
 - iii) The development would not provide an appropriate housing mix in accordance with CPO 6.27 of the CDP.
 - iv) The development is not consistent with CPO 6.30 of the CDP which requires that 'materially different design themes' are included.

- 3.3. The opinion stated that the following issues, if addressed by relevant documents, could result in a reasonable basis on which to make an application:
- i) A Statement of Consistency setting out how the proposal would be in accordance with the Core Strategy, Settlement Strategy, and other relevant CDP objectives.
 - ii) Demonstration that the proposal would be within a density range of 35-50 dwellings per hectare.
 - iii) Justification for the proposed housing mix.
 - iv) A Design Statement which provides a rationale for the proposed design.
- 3.4. Furthermore, in accordance with Article 16A (7) of the Planning and Development Regulations 2001, as amended, the Planning Authority outlined a range of specific information, in addition to the requirements of Article 23, which should be submitted with any application for permission.

4.0 Planning Authority Decision

4.1. Decision

By Order dated 12th April 2024, the planning authority made a decision to grant permission subject to 34 no. conditions. The Order states that the members of WCC resolved at a meeting of 8th April 2024 to materially contravene the Wicklow County Development Plan 2022-2028 with regard to the zoning objectives in accordance with s.34 of the Act of 2000.

The conditions of the decision are generally standard in nature. However, the notable conditions can be summarised as follows:

2 – First occupation of all units shall be by individual purchasers or those eligible for social and/or affordable housing and shall not be by a corporate entity.

10 - No occupation of any dwelling shall commence until the northern section of the Blessington Inner Relief Road, from the existing northern roundabout on the Blessington Inner Relief Road to the N81 at Santryhill, has been fully constructed to the satisfaction of the Road Authority and is operational, unless otherwise agreed in writing with the Planning Authority.

14 – Details of the proposed Inner Relief Road to be agreed.

29 – Proposals for the long-term management and maintenance of the proposed Town Park to be agreed.

34 – The temporary marketing suite and signs shall be erected for a period of three years only.

4.2. Planning Authority Reports

4.2.1. Initial Planning Report by Senior Executive Planner (SEP)

The assessment contained within this report can be summarised under the headings below.

Zoning

- The proposed uses and their distribution are consistent with the zoning objectives of the Blessington LAP 2013.

Core Strategy – Population & Housing Targets

- The present number of permitted units in Blessington exceeds the CDP Core Strategy housing/growth target.
- The development would be located on a greenfield site that is not within the existing built-up urban area.
- The development would result in growth that materially exceeds the Core Strategy targets and is not acceptable in principle.
- The applicant's arguments do not outweigh the clear CDP objectives to implement the Core Strategy.

Phasing

- Further information is required in relation to the delivery of open space (including the marketing suite); the phasing of site services; and the delivery of the footbridge over the stream.
- Any permission should include a condition to restrict occupation of any dwellings until the creche permitted under PRR 22/1191 is operational.

Density

- The proposed density (38uph) is acceptable having regard to the Guidelines on Sustainable Residential Development in Urban Areas (2009); the density previously permitted in Phase 1; and the location of the site at the edge of the settlement.

Roads and Transport

- The proposed design of the IRR is generally acceptable subject to clarification of sightlines; boundary treatment; drawing consistency, detailed cross sections; and closure of existing entrances on Oak Drive.
- There are concerns about the linear format of internal residential roads, compliance with DMURS/Quality Audit, and sightline detail.
- Car-parking proposals are acceptable.

Dwelling Mix

- In combination with the Phase 1 permission, the proposed development would result in a proportion of 79.3% 3/4-bedroom dwellings, which would not provide adequate choice for all households.
- It is not considered that adequate justification has been submitted for the proposed mix which would not be in accordance with CPO 6.27 of the CDP.

Open Space

- Subject to clarification of some issues, the design of the Town Park is well considered and would add significantly to the amenity value of the town.
- The 3 open spaces associated with the residential element (c. 1ha or 12% of net site area) are acceptable given the proposal to provide a public park. Section 8.5 of Appendix 1 of the CDP allows a reduced provision of 7.5% in such cases. The residential open spaces are generally suitably designed subject to clarification of surface water retention (space 1) and gradient (a Town Park space).

Residential Standards

- The proposed apartment/duplex units comply with Design Standards for New Apartments (2022) subject to clarification of internal storage space; external

storage proposals; the quality of private amenity space for all ground floor units; and the quantity and quality of communal open space.

- The house sizes, private open space, and other amenity standards for the proposed houses is generally acceptable.
- The 'universal design' units (17 units) are all 2-bed 3-person apartments and should be better spread throughout the development.

Development Design, Character, and Layout

- Concerns are raised about a predominance of straight and relatively long internal access roads and a corresponding lack of variety in building lines.
- The proposed development would not have an undue visual impact on the area.

Social Infrastructure

- In combination with Phase 1, there would be a shortfall of 6 childcare places. Clarification should be sought on the availability of other spaces in the area.
- The proposed development would not generate excessive demand for educational services.
- The permitted and proposed open spaces would be valuable additions.

Trees, Landscaping and Boundary Treatments

- Tree loss associated with the road construction is acceptable given the transport-related benefits to the town and mitigating proposals for replacement planting.
- Other landscaping and boundary treatments are generally acceptable subject to conditions and clarification of certain elements.

Water

- The details submitted in the SFRA are considered to be acceptable.
- Proposals to protect watercourses are generally acceptable subject to clarification of the pedestrian bridge and compliance with CPO 17.26.

Archaeology

- Proposals are acceptable subject to implementation of the proposed mitigation measures.

Impact on existing dwellings

- No issues arise in respect of overshadowing, overbearing or overlooking.
- Noise impacts associated with the new road traffic and construction stage noise would not be excessive and would be acceptable having regard to the proposed mitigation measures and wider benefits to the area.

Services

- The upgrade of the WWTP has increased its capacity to a PE of 9,000. This is sufficient to cater for this and other committed schemes.

Part V

- Proposals are not acceptable in terms of mix and distribution.

Appropriate Assessment

- The details of the NIS and proposed mitigation measures proposed are noted. A key risk during the construction phase, as identified in the submitted documents, is that of silt laden runoff, dust or contamination entering the Deerpark Stream. In this regard, there are concerns that no details of the proposed pedestrian bridge over the stream have been submitted and it is not clear that any impacts arising have been considered in the NIS. Additionally, it is not clear that potential operation impacts associated with the bridge have been assessed. Consequently, it is not considered that there is adequate information available to enable a Stage 2 Appropriate Assessment to be carried out. It is likely that this matter could be addressed through further information.

Environmental Impact Assessment

- The EIAR is in accordance with the requirements as set out under Schedule 6 of the Planning and Development Regulations 2001 (as amended).
- The planning assessment has considered the EIAR and all associated drawings, documentation, and submissions.
- It is considered that the proposed development results in more positive than negative changes which would otherwise not occur if the site were to remain undeveloped.

- The EIAR submitted is considered to be sufficiently detailed to comply with the requirements of the European Directive 2014/52/EU and to allow the Planning Authority to carry out a full assessment of the environmental impacts of the proposed development. In this regard it is considered that the proposed development will not result in any significant negative impacts on the environment.

Recommendation

In summary, the report recommends that the development be refused for the following reasons:

- The development proposed would conflict with the Core Strategy and Settlement Strategy in the Development Plan and would materially contravene objectives CPO 4.1, 4.2, 4.5, 4.7 and 6.19 of the Wicklow County Development Plan 2022, Objectives PH1 and PH2 of the Blessington LAP 2013 and would be contrary to the objectives of the Regional Spatial and Economic Strategy. The scale of development being proposed would be excessive and would result in unbalanced and unsustainable growth of this level 3 settlement. The proposed development would therefore seriously injure the amenities of the area, would be premature resulting in development that is not in accordance with the order of priority for sequential development of lands and would be contrary to Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities 2009. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- Having regard to the limited proportion of 1-bed and 2-bed units proposed and to the provision of all universal design units as a single dwelling type, the proposed development would fail to provide an appropriate mix of house types. Consequently, the proposed development is not in accordance with the objectives of the Wicklow County Development Plan 2022-2028, could set a precedent for similar unacceptable development and would therefore be contrary to the proper planning and sustainable development of the area.
- Having regard to the internal road layout within the residential area, which consists of linear roads that could encourage inappropriate vehicular speeds, and to the lack of information submitted in respect of a DMURS/Quality Audit and

sightline drawings, the proposed development would endanger public safety by reason of serious traffic hazard.

4.2.2. Supplementary Report from Chief Executive

This report notes the above report and recommendation from the SEP. It highlights:

- That a review of the NPF has commenced;
- The scale and nature of the ongoing housing crisis;
- Changing demographics related to the impacts of Covid, including increased working from home which has benefits but also requires improved local services and amenities;
- The significant benefits inherent in the application, including the delivery of the IRR, Town Park, public open space, and preservation of heritage features; and
- The potential for an acceptable scheme to be achieved subject to the submission of further information.

The report considers that there may be grounds to recommend a material contravention of the CDP 2022-2028 and recommends that further information is requested in respect of the following matters (in summary):

- 1) Clarify the phasing/delivery of pedestrian bridge; open spaces; site services; housing units in each phase; and the temporary marketing suite.
- 2) Clarify public open spaces including the rationale for restricting access to Downshire House site; rationale for no provision of lighting within the Town Park; the area of public/communal spaces; cross-section drawings of bioswales and estimated periods/depth of water retention in swales/basins.
- 3) Clarify road proposals to show grass verge with SuDS measures; sightline details; cross-section to show berm along Roadstone property line; and the provision of 'chicanes' on internal roads.
- 4) Clarify internal storage space for apartments; defensible planting for ground floor terraces/balconies; quality of communal/private amenity space for duplex units; external storage.

- 5) Confirm whether the existing available spaces within local childcare facilities are full or part time.
- 6) Clarify details of boundary treatments.
- 7) Provide full details of the proposed pedestrian bridge, including details of potential impacts on the Deerpark Stream and Poulaphuca SPA.
- 8) Address the WCC Housing Section concerns about Part V proposals.
- 9) Clarify existing ESB substation on site and proposals for the existing vehicular accesses from Oak Drive.

4.2.3. Report on the Further Information Response by SEP

Following the Further Information request and subsequent response, the report of the SEP assesses the response to the relevant points as below:

- 1) The proposed phasing arrangements are considered acceptable.
- 2) Clarification is acceptable that access to Downshire House will not be restricted, and that lighting has been omitted on ecological grounds. The design of the basins/swales is also considered satisfactory.
- 3) The road details are acceptable subject to conditions.
- 4) It has been demonstrated that the design details for the apartments and duplex units will be acceptable.
- 5) The response demonstrates that there is adequate childcare capacity in the area.
- 6) Boundary treatments have been clarified and are acceptable.
- 7) Details of the pedestrian bridge satisfactorily show a 'minimum impact approach' with respect to the stream and that it will allow free movement of mammals and maintain a biodiversity corridor.
- 8) The response in respect of Part V is acceptable subject to further agreement by condition.
- 9) Drawing details regarding the ESB substation and existing vehicular entrances have been satisfactorily clarified.

The report also considers the introduction of the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024). It concludes that the proposed development is in accordance with the relevant ‘SPPRs’ and ‘Policy and Objectives’ contained within the Guidelines.

The report revisits the question of Appropriate Assessment in light of the updated details submitted regarding the pedestrian bridge. It concludes that it has been demonstrated beyond reasonable scientific doubt based on the best available scientific evidence that, subject to the proposed mitigation measures, the proposed development would not adversely affect the integrity of the Poulaphuca Reservoir SPA.

In conclusion, the report confirms that the F.I. issues have been resolved and recommends that, following on from the CE Report, the Material Contravention process is initiated. The recommendation was endorsed by the WCC Chief Executive.

4.2.4. CE Report on proposed Material Contravention

By notice dated 21st February 2024, WCC notified its intention to consider deciding to grant permission which would materially contravene Objectives CPO 4.1, 4.2, 4.5, 4.7 and 6.19 of the WCDP 2022-2028, relating to the Core Strategy, Settlement Strategy, and the sequential development of zoned land.

The CE Report states that the majority of the issues raised in the consultee responses and third-party submissions were previously considered in the assessment of the planning application. Those matters which were not raised previously, or for which it is considered appropriate to provide clarification at this point, are summarised below:

Watercourses - Chapter 7 of the EIAR assesses the potential impacts on the water environment. Subject to implementation of the recommended mitigation measures, it is concluded that it will not cause a deterioration in the status of these waterbodies and will not jeopardise compliance with the EU Water Framework Directive.

Bird Surveys – Appendix 5B of the EIAR outlines that a total of 10 no. winter surveys were carried out. Although Greylag Goose was not observed, the NIS considers potential impacts and proposes mitigation measures.

Biodiversity Management Plan – It is proposed to retain existing features and carry out additional landscaping, which will improve biodiversity value. There is no requirement for a biodiversity management plan.

Building Lifecycle Report – A report has been submitted in accordance with the requirements of the Apartments Guidelines.

Blessington WWTP - Chapter 7 of the EIAR considers the potential for negative impacts on water quality. It is noted that the WWTP is operated under statutory consents and based on the most recent Annual Environmental Report (AER) for the Plant, dated 2022, discharge from the Plant was compliant with its discharge licence. The AER 2022 also states that the capacity of the plant will not be exceeded in the next three years. Reference in the submitted documents to 'upgrades' relates to the provision of infrastructure to enable connection to the Uisce Eireann system, which would be delivered as part of the proposed development.

National/Regional/Ministerial Guidelines – Subject to conditions, the proposal would be consistent with all relevant Ministerial guidelines. It would not be in compliance with NPO 3c of the NPF or RPO 3.2 of the RSES, both of which seek to deliver at least 30% of new homes within the existing built-up footprint. The objectives are also reflected in CPO 4.2 of the WCDP.

Conclusion - Having regard to the delivery of the northern Blessington Inner Relief Road and Town Park, which are recognised objectives of the Blessington LAP 2013, the design and layout of the proposed development and its substantial compliance with the requirements and standards of the County Development Plan 2022-2028, it is considered that, subject to compliance with conditions, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Recommendation – Members are requested to approve the proposal of the CE to grant permission subject to conditions. This recommendation forms the basis of the WCC decision to grant permission.

4.2.5. **Other Technical Reports**

Area Engineer

Initial report raises issues in relation to sightlines, road marking/signage, existing road conditions, and IRR design standards. Recommends requesting further information. The report in relation to the further information response outlines that there are no objections.

Housing

Initial report raises concerns and the need for further information regarding the date of land purchase; the design of units; phased delivery of Part V units; the mix and distribution of units; the Council's preference for houses; and potential suitability for engagement with an approved housing body. The report in relation to the further information response reiterates similar points.

Roads

Initial Report confirms that the IRR design is consistent with WCC plans subject to detailed design measures and conditions. Regarding the internal residential roads, concerns are raised about the linear nature of design, compliance with DMURS, and sightlines. The report in relation to the further information response generally outlines that there are no further comments subject to agreement of detailed design measures.

4.3. **Prescribed Bodies**

Transport Infrastructure Ireland – No observations to make.

Uisce Eireann – Water connection feasible subject to watermain upgrade by UE. Wastewater connection feasible subject to sewer network upsizing/upgrades by UE. A Statement of Design Acceptance was issued on 23rd August 2023. Conditions should apply to any grant of permission.

Inland Fisheries Ireland – Response to the Material Contravention notice acknowledges direct connectivity to the Pollaphuca Reservoir via a small stream. If permission is to be considered, it recommends:

- Clarification as to whether discharge from the proposed settlement ponds is a trade effluent which requires a discharge license.
- Maintenance proposals for all drainage infrastructure.
- No contamination of surface or groundwater.
- Any discharge to groundwater to comply with the EC Environmental Objectives (Groundwater) Regulations 2010.
- Complete separation of foul and surface water systems.
- Measures to be employed to protect the adjoining watercourse.

An Taisce

Response to the Material Contravention notice highlights:

- The Liffey stream runs within the site boundary and there is a requirement for assessment against Article 4 of the Water Framework Directive. This is particularly important given the importance of the downstream reservoir for drinking water and ecology (birds). The IFI submission is also highlighted.
- The bird survey appears to lack confirmation on whether the Greylag Goose (QI of the Poulaphuca Reservoir SPA) has been observed using the site.
- The application should include a Biodiversity Management Plan.
- The Building Lifecycle Report lacks commitment to measures and technologies which are essential for decarbonisation.
- A comprehensive Archaeological Impact Assessment should be submitted.
- Clarification is required on the upgrade of Blessington WWTP prior to operation of the development. Otherwise, there is a serious risk of adverse effects at the outfall at the Golden Falls Lake (Co. Kildare).

Department of Housing, Local Government and Heritage

Response to the Material Contravention notice recommends archaeological mitigation measures should be included as a condition of any permission.

4.4. Third Party Observations

The planning authority received a range of observations at various stages of the application process. Many of the issues raised are covered in section 7 of this report. Any additional issues can be summarised under the following headings:

Ownership

- Part of the site boundary and enabling works to facilitate reconfiguration of the Holyvalley Road are in 3rd party ownership.

Traffic / Road Design / Safety

- Support is expressed for the principle of the development, in particular the indicative proposal to extend a spur road from the IRR to facilitate development to the southeast (i.e. site of P.A. Reg. Ref. 21/1396). It is suggested that the location of the spur junction should be relocated substantially closer to the roundabout, due to the location of the median opposite and the closeness of the staggered junction.
- The proposal for the IRR is welcomed and should be completed prior to the occupation of the dwellings.
- Concerns are raised about the frequency and capacity of bus services.
- The existing Holyvalley Road is inadequate and the substandard transition / alignment with the proposed road/roundabout will create a hazardous environment. The Stage 1 Road Safety Audit does not address these matters.
- The proposed walkways will lead to visitors parking in Downshire Estate and Deerpark Estate.

Residential Amenity

- The proposed walkways will compromise security for existing properties in Deerpark and inadequate precautions (lighting) have been included to address anti-social behaviour.

Surface Water and Foul Water

- It is questioned whether adequate infrastructure is in place to avoid flooding; pollution of waterbodies; and significant effects on Natura 2000 sites beyond 15kms.

Housing Supply

- The provision of additional houses is welcomed at a time of such shortage.
- The development is not sequential and should be refused. It opens up a whole new area for urban run-off, does not comply with modal shift guidance, does not support the 10-minute town, and encourages urban sprawl.

Social Infrastructure

- The Town Park proposal is welcomed and should be completed prior to the occupation of the dwellings.
- There is a need for a permanent swimming pool in the town.
- There are concerns about finding a childcare provider for the permitted creche.
- The omission of St Mary's Senior National School invalidates the findings of the applicant's audit. The Blessington Educate Together NS plans do not involve an expansion of capacity. There are ongoing capacity issues at Blessington Community College, and it is imperative the KWETB development plans are not delayed.
- There are capacity concerns for health services.
- There are concerns about the availability of banking services.
- Recreational infrastructure should be planned and facilitated in a coordinated and phased manner that is capable of meeting the demands associated with increased housing/population.

5.0 Planning History

Appeal Site

P.A. Reg. Ref. 00/3687 (and subsequent amendment applications: 04/1617 & 05/2282 & 05/2933 & 09/781 & 09/365 & 12/6585 & 14/1521 & 14/1922):

Permission granted for housing development (598 houses), retail, educational & leisure facilities and to construct a portion of Blessington Inner Relief Road. Partially completed.

P.A. Reg. Ref. 20/1146: Permission granted for: 94 houses in a mix of detached, semi-detached and terraced houses; creche; one access off the Blessington Inner Relief Road and one off the School Link Road; a 2.66 ha town park; boundary treatment, public lighting, site drainage works, an ESB substation (c.8.3sqm) and all ancillary site services and development works; Infrastructure works to include the internal road network and part of the Blessington Inner Relief Road connecting to the Oak Drive Roundabout; and Temporary permission for two marketing signs.

P.A. Reg. Ref. 22/1191: Permission granted for amendments to P.A. Reg. Ref. 20/1146. Amendments are to include: repositioning of the creche, increase in size from 304sqm to 538sqm, and an increase in the permitted number of associated car parking spaces from 7 to 20; the inclusion of an area of active open space within the Town Park and of a new pedestrian link from Oak Drive toward the future phases of the Town Park; Alteration to the site boundaries to include a change in the original site area from 9.56ha to 11.86ha. This permission is largely complete and partially occupied as 'Sorrel Wood'. It is referred to as 'Phase 1' of the overall Masterplan.

Other Relevant Sites

P.A. Reg. Ref. 20/184 (ABP Ref. 308578-20): Permission granted on site to the southeast of appeal site for nursing care home and residential development comprising 77 no. dwellings.

P.A. Reg. Ref. 20/362: Permission granted on site to the southeast of appeal site for the construction of 96 no. dwellings.

P.A. Reg. Ref. 19/1020 (ABP Ref. 306425): Permission granted on site to the southeast of appeal site for 3 apartment blocks with a total of 58 apartments.

P.A. Reg. Ref. 21/1396 (ABP Ref. 312825): The Board upheld the WCC decision to refuse permission on site adjoining the appeal site (along the N81 road) for construction of 56 dwellings.

6.0 Policy Context

6.1. National Policy/Guidance

6.1.1. 'Housing For All - a New Housing Plan for Ireland (September 2021)' is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price,
- Built to a high standard in the right place,
- Offering a high quality of life.

6.1.2. 'Project Ireland 2040 – The National Planning Framework' (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (c) aims to deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate towns and villages of all types and scale as environmental assets.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.

- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

6.1.3. The Climate Action Plan 2024 implements carbon budgets and sectoral emissions ceilings and sets a course for Ireland's targets to halve our emissions by 2030 and reach net zero no later than 2050. All new dwellings will be designed and constructed to Nearly Zero Energy Building (NZEB) standard by 2025, and Zero Emission Building standard by 2030. In relation to transport, key targets include a 20% reduction in total vehicle kilometres travelled, a 50% reduction in fossil fuel usage, a significant behavioural shift away from private car usage, and continued electrification of our vehicle fleets.

6.1.4. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the submissions received, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), Department of Housing, Local Government and Heritage, (hereafter referred to as '*the Compact Settlement Guidelines*').
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, (July 2023) (hereafter referred to as the '*Apartments Guidelines*').
- The Planning System and Flood Risk Management including the associated Technical Appendices, 2009 (the '*Flood Risk Guidelines*').
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.

- Childcare Facilities – Guidelines for Planning Authorities (June 2001) and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education Scheme (the ‘Childcare Guidelines’).
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (July 2023).

6.1.5. Other relevant national Guidelines include:

- Design Manual for Urban Roads and Streets (DMURS) (2019)
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Guidance for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

6.2. Regional Policy

- 6.2.1. The primary statutory objective of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 (RSES) is to support implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. Relevant Regional Policy Objectives (RPOs) can be summarised as follows:

RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 4.1: In preparing core strategies for development plans, local authorities shall determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES, within the population projections set out in the National Planning Framework to ensure that towns grow at a

sustainable and appropriate level, by setting out a rationale for land proposed to be zoned for residential, employment and mixed-use development across the Region. Core strategies shall also be developed having regard to the infill/brownfield targets set out in the National Planning Framework, National Policy Objectives 3a-3c.

RPO 5.4: Development of strategic residential development areas shall provide for higher densities and qualitative standards set out in national guidance documents.

- 6.2.2. The Greater Dublin Area Transport Strategy 2022-2042 (NTA) sets out a framework aiming to provide a sustainable, accessible, and effective transport system for the area which meets the region's climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.

6.3. **Wicklow County Development Plan 2022-2028**

6.3.1. Core Strategy & Settlement Strategy

Blessington is designated a Level 3 'Self-Sustaining Growth Town' and population should grow by c. 25% from 5,234 (2016) to a target of 6,145 (2028). Blessington has a housing growth target of 393 houses between Q3 2022 to Q2 2028. Table A outlines that Blessington has a surplus of 31 hectares zoned lands outside of the existing built-up area and that this will be addressed in the next LAP.

Relevant Objectives can be summarised as follows:

CPO 4.1 To implement the Core Strategy and Settlement Strategy, having regard to the availability of services and infrastructure and in particular, to direct growth into key towns, self-sustaining growth towns, self-sustaining towns and small towns.

CPO 4.2 To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

CPO 4.5 To ensure that all settlements, as far as is practicable, develop in a self-sufficient manner with population growth occurring in tandem with physical and social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.

CPO 4.7 To implement the Core Strategy and Settlement Strategy, to monitor development and the delivery of services on an ongoing basis and to review population targets where service delivery is impeded.

6.3.2. Housing

Chapter 6 builds on the Core Strategy to put in place a framework to guide the delivery of new housing. Relevant policies/objectives can be summarised as follows:

CPO 6.2 The sale of all developments of residential units, whether houses, duplexes or apartments, to commercial institutional investment bodies shall be prohibited.

CPO 6.8 Developments in excess of 20 units shall provide at least 5% universally designed homes.

CPO 6.13: Require that new residential development achieves the minimum densities as set out in Table 6.1 subject to further assessment and consideration of national guidance.

CPO 6.19: The development of zoned land should generally be phased in accordance with the sequential approach as set out in this chapter. The Council reserves the right to refuse permission for any development that is not consistent with these principles.

CPO 6.27: Require new multi-unit residential development to provide an appropriate mix of unit types and sizes.

CPO 6.30: The maximum size of any single 'housing estate' shall be 200 units and developments that include more than 200 units should be broken into a number of smaller 'estates', which shall be differentiated from each other by the use of materially different design themes.

6.3.3. Social & Community Development

Chapter 7 outlines how the enhancement of community infrastructure and facilities will contribute to CDP Strategy. Relevant policies/objectives can be summarised as follows:

CPO 7.5 Housing development shall be managed and phased to ensure that infrastructure is adequate or is being provided to match the needs of new residents, including requirements for a Social Infrastructure Audit and Accessibility Report.

CPO 7.29 Where considered necessary, require the provision of childcare facilities in all residential developments comprising 75 houses or more.

CPO 7.35 Subject to safety considerations, natural features (trees, streams etc) shall be retained in new developments.

CPO 7.46 To require open space to be provided in tandem with new residential development (in accordance with the standards set out in the Development & Design Standards Appendix).

6.3.4. Built Heritage

Chapter 8 sets out strategies and objectives with regard to the built heritage of the County, including all man-made features, buildings or structures in the environment. This includes a rich and varied archaeological and architectural heritage to be found throughout the countryside and within the historic towns and villages of the County.

6.3.5. Tourism & Recreation

Chapter 11 acknowledges that tourism and recreation make a positive contribution to the economic and social wellbeing of Wicklow.

6.3.6. Sustainable Transportation

Chapter 12 outlines the aim to craft land use policies to produce settlements of such form and layout that facilitates and encourages sustainable forms of movement and transport, prioritising active travel modes of walking and cycling, and for larger settlements, public transport.

Relevant policies/objectives can be summarised as follows:

CPO 12.8 To require the implementation of standards for EV charging.

CPO 12.31 Road Safety Audits, Road Safety Impact Assessments, Street Design Audits as per DMURS, or Accessibility Audits shall be required at the discretion of the Planning Authority but shall generally be required where new road construction or a permanent change to the existing road / street layout is proposed.

CPO 12.44 To support and drive the development and completion of the Blessington Inner Relief Road (in consultation with Kildare County Council) and upon completion, to significantly improve pedestrian and cycling infrastructure on Blessington Main Street and surrounding town centre local road network.

CPO 12.56 Outlines parking standards to comply with Objective CPO 12.8 and Appendix 1 Table 2.3.

6.3.7. Water Services and Flood Risk

Chapters 13 & 14 outline policies and objectives relating to water infrastructure, water quality, and flood risk management. Relevant aspects can be summarised as follows:

CPO 13.1 To ensure and support the implementation of the EU Groundwater Directive and the EU Water Framework Directive and associated River Basin and Sub-Basin Management Plans and Blue Dot Catchment Programme, to ensure the protection, improvement and sustainable use of all waters in the County.

CPO 13.2 To prevent development that would pollute water bodies.

CPO 13.3 To minimise alterations or interference with river / stream beds, banks and channels.

CPO 13.21 Ensure the implementation of Sustainable Urban Drainage Systems (SuDS) in accordance with the Wicklow County Council SuDS Policy.

CPO 13.22 To promote the use of green infrastructure, such as swales and wetlands, where feasible as landscape features in new development to provide storm / surface runoff storage and reduce pollutants, as well as habitat, recreation and aesthetic functions.

CPO 14.09 Outlines the requirements for applications in areas at risk of flooding.

CPO 14.14 Underground tanks and storage systems shall be permitted as a last resort only where it can be demonstrated that other more sustainable SuDS infrastructure measures are not feasible. In any case underground tanks and storage systems shall not be permitted under public open space, unless there is no other feasible alternative.

6.3.8. Natural Heritage & Biodiversity

Chapter 17 sets out strategies and objectives with regard to natural heritage, biodiversity, and landscape conservation. The Landscape Category Map places the site within an 'Urban Area' which is deemed suitable for development.

6.3.9. Green Infrastructure

Chapter 18 highlights the importance of Green Infrastructure and its overlap with many other aspects of the CDP.

6.3.10. Development & Design Standards

Volume 3 (Appendix 1) contains standards and guidance setting out the principal factors that should be considered in the design of new development. The relevant sections include the following:

1 – The overarching requirements to ensure that new developments meet the highest standards of quality design and amenity, contribute to the creation of beautiful and healthy places, address climate change and protect existing amenities and character.

2.1 – Roads and Transport, including parking standards.

2.2 – Water Services, including water supply/demand, wastewater, and stormwater.

3 – Mixed Use and Housing Developments, including density, building height, and other standards/guidance.

7 – Social & Community Developments, including requirements for social infrastructure audits, childcare facilities and others.

8 – Open Space, including requirements for a range of spaces with quantitative and qualitative standards.

6.4. **Blessington Local Area Plan 2013-2019**

6.4.1. The question of the lifetime of this LAP is discussed further in section 8.3 of this report. For the information of the Board, the main provisions are summarised hereunder.

6.4.2. Population and Housing

Objectives include the following:

PH1 To adhere to the objectives of the Wicklow County Development Plan in regard to population and housing as are applicable to the plan area.

PH2 Notwithstanding the zoning of land for residential purposes, the Development Management process shall monitor and implement the population targets for Blessington as set out in the County Development Plan and shall phase and restrict, where necessary, the granting of residential planning permissions to ensure these targets are not exceeded.

6.4.3. Tourism

The tourism strategy includes objectives (T2 and T4) to improve the principal access routes and junctions linking Blessington town centre to surrounding tourist attractions such as Glen Ding Wood, and to require new developments in proximity to Glen Ding (or between the town centre and these areas) to provide / fund the development of new roads, and pedestrian / cycle linkages between the development and the existing town centre.

6.4.4. Service Infrastructure

Relevant objectives include the following:

S2 – To improve and expand wastewater treatment facilities sufficiently to ensure that no barriers exist in Blessington fulfilling its role as a moderate growth town as set out in the Wicklow ‘Core Strategy’ and Regional Planning Guidelines for the GDA 2010 – 2022.

S7 - To facilitate the completion of the Inner Relief Road.

6.4.5. Built and Natural Heritage

Chapter 8 outlines that the protection and enhancement of heritage assets through the plan will help to safeguard the local character and distinctiveness of the town of Blessington and its surroundings, providing local economic, social and environmental benefits. The historic core of Blessington is designated an ‘Architectural Conservation Area’. Objectives include the following:

BD1 To protect the natural, architectural and archaeological heritage of the town.

BD3 In the interests of the protection and enhancement of biodiversity in Blessington, it is an objective of this plan to:

- Protect trees, hedgerows and wooded areas (particularly those containing indigenous species), watercourses and other features of the natural landscape.

- Require the planting of indigenous plant and tree species in new developments and in the restoration of former quarry lands.

6.4.6. Zoning

The zoning objectives for the site can be summarised as follows:

- The majority of the southern (Town Park) element is zoned 'Open Space', with the objective 'To preserve, provide and improve recreational amenity and passive open space'. A small portion comprising the 'Bastion Wood' is zoned 'Employment / Proposed Employment', with the objective 'To provide for the development of enterprise and employment'.
- The majority of the northern (Residential) element is zoned 'Proposed Residential', with the objective 'To protect, provide and improve residential amenities'. A small linear portion following the treeline/stream around the northern/eastern periphery is zoned 'Open Space'.
- The eastern portion of the site (IRR link to N81) is primarily reserved as an 'Indicative Road Line'. The site boundaries generally follow this line but also include minor elements of adjoining zonings (i.e. Employment and Residential).
- The linear portion of the site linking the southern and northern portions is also reserved as an 'Indicative Road Line'.
- The southern (Town Park) portion includes an 'Indicative Pedestrian & Cycle Route' linking the IRR with Glen Ding Wood.

6.5. **Natural Heritage Designations**

- 6.5.1. The nearest Natura 2000 site is the Poulaphouca Reservoir SPA, located c. 700m southeast of the appeal site.

7.0 **The Appeals**

7.1. **Grounds of Appeal**

The WCC decision to grant permission has been appealed by Ballymore Eustace Community Development Association and Ballymore Eustace Trout & Anglers' Association. The appeals raise common concerns which are primarily related to

water pollution. The issues can be collectively summarised under the headings below.

Blessington WWTP and network

- The expansion proposed to cater for the development is unauthorised. The authorised capacity is 6,000 PE and the plant is already catering for a PE that is 17% higher than its EPA authorised capacity. This is before any consideration can be given to further development in Blessington.
- The previously permitted expansion was never approved by the EPA and never considered the WWTP and outfall in full. The WWTP was upgraded but the 6km outfall pipe was not considered.
- The discharge pipe (250mm) was built in the 1980s to cater for a 6,000 PE and the capacity/condition of the pipe has not been considered since.
- Stormwater overflow in Blessington is captured and put into the WWTP. This has not been measured and the throughput of the plant and discharge pipe is significantly higher than stated (including increased population and increased rainfall due to climate change), even before the proposed development is built.
- The discharge has never been fully compliant and should be decommissioned in favour of a new pipeline to the coast.
- No further dwellings should be granted until the scale of misconnections is known.
- The Irish Water application to the EPA for licence review is currently under assessment (May 2024) and yet WCC, Irish Water, and the developers are operating outside the conditions of any authorisation process.
- Current applications will swallow up all of the WWTP capacity (even at 9,000 PE). Reference is made to various applications involving a total of 575 residential units.
- WCC is aware of the water flow regime at the WWTP discharge point and yet granted permission to Uisce Eireann for its upgrade to 9,000 PE based on the lie that the discharge is into a river (i.e. not a reservoir).
- The WWTP permitted in 1985 did not guarantee minimum dilution of effluent.

- The discharge license granted by ESB in 1985 was based on a 6,000 PE and this has not changed.
- The permission to upgrade the WWTP to 9,000 PE (ABP Ref. 302732-18) is based on the lie that it discharges into a river with a constant minimum flow of 1.5m³/sec. An Uisce Eireann response (7th September 2023) to the EPA confirmed that such flows are not consistent at this point and that there can sometimes be no flow into Golden Falls Lake/Reservoir for up to 7 days at a time. As the lake volume decreases, pollution concentration rise resulting in disaster for water quality and associated impacts.

Water Quality

- A major Blessington lakes algal bloom has occurred and has been covered in the media. Water quality in Blessington Lake (the largest drinking water supply reservoir in the country and an SPA) and Golden Falls is not what it should be even before the proposed development is considered. Any proposal that is a risk to these waterbodies cannot be granted.
- Irish Water admits that the Liffey drinking water supply to the GDA will fall by 50 Megalitres per day as a result of climate change. The supply already takes 40% of the total river flow and it is not sustainable to add more wastewater.
- The pollution risk of foul water entering the surface water network and making its way to Blessington Lakes / reservoir is very high and has not been considered. Potential risks include overflows, flooding, surface water discharge to streams, and emergency overflows from the WWTP to an adjoining stream.
- A number of proposals have already been refused due to potential impacts on the reservoir, which is already suffering from pollution. Developers are seeking to build almost 1,000 additional homes in Blessington which presents a serious risk of further pollution.
- Downstream of the discharge point, there will be impacts on the quality of life for communities; the aesthetic and recreational value of the Liffey; water quality and biodiversity of the Liffey; and the drinking water supply for the Leixlip Water Treatment Plant.

- Given its integral part of the Liffey system, it is questioned how Golden Falls Lake/Reservoir is not included as a 'sensitive area' under the Urban Waste Water Treatment Directive or designated as an SAC and SPA.

Local Area Plan

- The Blessington LAP is out of date by a full cycle and needs to be addressed given the reservoir is an SPA and WCC, Irish Water, and the EPA appear at odds. There is a serious conflict of interest between Irish Water and Local Authorities and sometimes it has to be acknowledged that there is no growth potential without a complete rethink of drainage infrastructure.
- It is in the interest of WCC not to publish the next iteration of the LAP as the level of zoning would not stack up to current thinking on sustainable development. This way permissions can be granted by stealth and the new additional WWTP PE capacity will be exhausted within a couple of years.

7.2. Applicant Response

The applicant's response to the grounds of the two appeals is accompanied by several reports. The response states that the appeals relate almost entirely to waste water, water quality, and WWTP capacity, and contends that they inappropriately attempt to re-open the Board's previous decision to grant permission for the upgrade of the WWTP (ABP Ref. PL27.302732). The contents of the reports and the applicant's response can be summarised under the following headings. The reports contain common information which is not repeated hereunder.

Tobin Report – Review of WWTP information

This report assesses the capacity of the WWTP and the extent to which the discharge licence process has complied with the relevant standards. The main points can be summarised as follows:

- The upgraded WWTP has a capacity of 9,000 PE. The current loading is 6,919 PE and the proposed development would increase that to c. 8,000 PE.
- The WWTP includes a high level of tertiary treatment to remove phosphates.

- The most recent Annual Environmental Reports (AERs) for the WWTP show compliance with the relevant standards and UE has no objection to the proposed connections.
- As part of the latest discharge licence application, the EPA requested further information relating to low water flows (managed by the ESB).
- A copy of the Water Quality Impact Assessment report prepared by UE in response to the EPA request for further information is included.
- The UE response identified that zero flow is passed between the reservoirs for up to 20% of the time while flows from Golden Falls reservoir are maintained at a minimum of 1.5m³/s.
- The hydrological analysis shows that there is not a consistent flow of 1.5m³/s at the WWTP discharge point and a Tier 3 surface water modelling assessment was deemed necessary to assess the discharge/mixing effects on Golden Falls Lake.
- The results show that transient increases in concentrations under zero flow periods are not sustained long enough to allow reservoir concentrations of BOD, ammonia or orthophosphate to approach the relevant EQS for lakes or rivers except under extreme conditions (1 in 14 years). This does not account for additional ground/surface water inflows and therefore is considered a robust assessment.
- Based on all available data, the proposed development will not result in an exceedance of the upgraded WTP capacity.

DBFL Technical Note

This has been prepared in response to the relevant civil engineering issues raised.

The main points can be summarised as follows:

- The WWTP capacity has been increased to 9,000 PE and UE have issued Confirmation of Feasibility for connections. The discharge licence is under review by the EPA.
- Regarding the capacity of the WWTP 250mm discharge pipe, it is stated that when originally designed in 1985 the daily flow allowance was 225 litres per person, giving a total flow of 1350m³/day. The current UE flow per person per day

is 150 litres and a capacity of 9,000 PE also results in a total flow of 1350m³/day. The WWTP also has stormwater tanks for storm event storage prior to the controlled release to the discharge pipe.

- Storm water proposals have been designed in accordance with the GDSDS, the CIRA SUDS manual, and the government's 'Nature based solutions to the management of rainwater and surface water run-off in urban areas' guidelines. Storm water is subject to treatment, storage, attenuation, and petrol interception to mimic existing greenfield conditions. Allowance is made for the 100-years storm event and climate change (20%).
- Foul effluent would only enter the surface water system where a surface water sewer discharges to a combined sewer which flows directly to the WWTP. Any such event would be appropriately treated at the WWTP.
- Any surface water discharge to a watercourse would not be at risk of foul effluent as they are totally independent of the foul and combined sewers.

Altamar Report

This report responds to the ecological issues raised and the main points can be summarised as follows:

- The lakes in question are actually reservoirs contained by the hydroelectric dams and are not natural waterbodies. The dams have altered fish migration patterns and the natural flow and nutrient dynamics of the catchment. Soils were not removed in the flooding of the areas and residual nutrients would have been retained. In order to understand the causes of algal blooms in these waterbodies, a greater understanding of the historical, limnological, sedimentary, and chemical elements is required, particularly the role that nutrient sinks play.
- As outlined in the May 2024 WFD report of the catchment (copy included), agriculture is the top significant pressure impacting 39% on the 59 'At Risk' waterbodies, followed by urban run-off (34%), and hydromorphological pressures (24%).
- The 2023 AER for the WWTP (copy included) is referenced, which concludes that the discharge does not have an observable impact on water quality or WFD status. No significant increase in Ammonia or o-Phosphate is noted between

upstream and downstream sampling points, meaning that the WWTP is not significantly increasing the baseline concentration of nutrients available for algae.

- On the basis that foul effluent will be treated to the required standards in accordance with relevant statutory consents, there will be no impact on the quality or WFD status or hydrological receptors including the Deerpark Stream/River, the Poulaphouca Lake, the River Liffey, and Golden Falls Lake.

Enviroguide Report

This report responds to the relevant environmental items raised and the main points can be summarised as follows:

- As documented in the Blessington Gravels GWB Report (GSI, 2024), groundwater flow direction is likely to the southeast and discharging to the Poulphouca Lake. Golden Fall Lake is c. 7km southwest and cross-gradient of the site and therefore there is no hydrogeological connection.
- The report outlines the hydrological connection from the site via the Deerpark Stream to Poulaphouca Lake, Golden Falls Lake, the River Liffey and Dublin Bay etc. It outlines the CEMP and EIAR mitigation and monitoring measures to protect surface/ground water quality at construction and operational stage, as well as the operational proposals to connect foul water to the WTP to comply with statutory consents.
- Suggestions regarding a revised WWTP discharge location are outside the remit of the application.
- Ongoing regular monitoring and maintenance of drainage and the SuDS measures will be incorporated into the overall management strategy.

LAP submissions

Pre-draft submissions made by Uisce Eireann and Balymore Eustace Community Development Association are included. The submissions relate to the recent commencement of preparation of a new LAP for Blessington.

MacCabe Durney Barnes Report

In addition to referencing the above reports, the main points raised in this report can be summarised as follows:

- Condition no. 22 of the WCC decision (i.e. the agreement of water services with UE) is a routine provision and is in accordance with s. 34(4)(m) and the FIFTH SCHEDULE (15, 16, & 18) of the Act of 2000. The condition recognises that UE is the appropriate regulatory authority for water services and provision and should be seen as an environmental control.
- The LAP and CDP fully acknowledge the status of Blessington Lakes SPA and WCC, Irish Water, and the EPA all place enormous weight on the protection of designated sites. A comprehensive NIA (*sic*) was included in the application which informed the water services design and mitigation measures.
- No evidence is presented about misconnections in Blessington.
- References to the previous application for the upgrade of the WWTP (ABP Ref. PL27.302732) have already been considered and granted by the Board.
- References to the High Court quashing of the Board's approval for a high-performance training centre (ABP Ref. 302615) at Blessington Lake are noted. However, the court's decision had nothing to do with the WWTP and should not act as a precedent. The ruling entirely related to the site location next to the reservoir (SPA) and the potential impact of activity on greylag geese.
- References to the LAP 2013-2019 being out of date are made in the context of WWTP capacity. WCC recently completed pre-draft consultation on a new LAP and the UE submission confirms that the upgraded WWTP (9,000 PE) will enable future growth in compliance with legislative requirements; storm water maintenance and monitoring will continue; UE are available to assist in terms of identifying sequential development; and all new development will be subject to UE's Connections and Developer Service process. The development has been designed to operate within the sustainable environmental capacity of the town, including its WWTP.
- The proposed development fully complies with the LAP 2013-2019; a masterplan layout previously presented to WCC; and previous permissions.
- To address potential procedural issues regarding the timelines of the outgoing LAP and a new Draft LAP, WCC used the material contravention procedure to ensure that the permission cannot be questioned with regard to LAP lifespans.

- Under ABP Ref. 315792, the Board granted permission for a residential development and the status of the LAP was not considered an issue by the Inspector or the Board.
- The applicant requests that the Board confines its assessment to the issues raised in the appeal. It would be inappropriate to consider the case *de novo* and would prejudice the applicant's right of response.

7.3. Planning Authority Response

The WCC response refers to the planning report previously forwarded. Additional comments can be summarised as follows:

- Allegations regarding the attachment of condition no. 22 (agreement of water services with UE) are strongly refuted. This is a standard condition attached to permissions where water connections are proposed.
- UE is responsible for all aspects of public water services planning, delivery and operation. The UE submission on this application confirmed that there were no objections to the WWTP connection subject to upgrades.
- UE control all connections to the wastewater network, and it is their responsibility to not allow connections where treatment capacity does not exist.
- Any discharges from the WWTP are subject to a Discharge Licence, which is a matter for the EPA to approve and for UE to comply with.
- The appeal is effectively an argument against the WWTP previously granted by the Board under ABP Ref. 302732-18.

7.4. Observations

One observation has been received from Frank Smyth of 13 Deerpark Green, Blessington. The relevant issues raised can be summarised as follows:

- While housing is welcomed, it must be in balance with its surrounds and the capacity of local infrastructure.
- The application should be viewed in conjunction with Phase 1.

- Due to drainage problems on the overall lands (to the west) the applicant is attempting to accommodate as many houses as possible on the eastern part. However, the land use and density mix cannot be achieved.
- The combined phases (1 & 2) will bring 750 cars, together with traffic generated by other existing and permitted developments in the area.
- There does not appear to be a 'right hand turning lane' at the entrance to the residential site, which will inevitably lead to traffic queueing on 'the proposed new motorway'.
- The application wishes to change the existing IRR into the N81 bypass, becoming part of the national road network (as indicated by a WCC official in a pre-planning meeting). The residents of the area would be gridlocked within their own estates and the complete failure to tackle the N81 Bypass in any realistic fashion is there for all to see.
- Unlike other estate entrances on the IRR, no right-turn lane was provided for the Phase 1 development (Sorrel Wood). This has contributed to queuing, congestion, and traffic hazard on the IRR and this grave error of judgement looks set to be repeated in this application.
- There are concerns about the developer's future intentions to accommodate additional entrances for employment-related developments.
- It is questioned whether third-party concerns about land ownership along the Holyvalley Road have been resolved.
- Conditions 8A and 8B of the Phase 1 permission (P.A. Reg. Ref 20/1146) have not been complied with.
- The capacity of water and wastewater facilities is questionable and one recent development remained vacant until related issues were resolved. Together with climate change and increased development, the risk of water pollution remains high.
- It is wholly unreasonable for WCC to accept plans which materially contravene their objectives.

8.0 Assessment

8.1. Introduction

- 8.1.1. I have considered the planning authority assessment of the proposed development and submissions received. This includes an assessment of the residential standards within the proposed development, as well as its impact on surrounding properties. The proposals have been assessed in accordance with the provisions of the recently published Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). The planning authority has deemed the proposed standards, design and layout to be generally acceptable and no significant issues have been raised in this regard in the context of the appeal.
- 8.1.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority and prescribed bodies, and having inspected the site and had regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues to be considered in this appeal are as follows:
- Water Services & Water Quality
 - Blessington Local Area Plan 2013-2019
 - Core Strategy
 - Social Infrastructure
 - Traffic & Transport
 - Environmental Impact Assessment (See section 9 of this report)
 - Appropriate Assessment Screening (See section 10 of this report).

8.2. Water Services & Water Quality

- 8.2.1. I note that much of the appeal content concentrates on the infrastructural capacity of water-related infrastructure to accommodate the proposed development and the potential to result in water pollution and associated impacts on biodiversity, amenity, and public health etc. However, I consider that many of the issues raised are outside the remit of this appeal case. This includes concerns about the previous consents for the construction / upgrade of the WWTP and discharge pipe; allegations of unauthorised development / non-compliance with the Discharge Licence; the current

application for a review of the Discharge licence; potential alternative locations for the WWTP discharge; the appropriateness of designations relating to Golden Falls; and other potential pollution sources in the area.

- 8.2.2. It is my view that consideration should be limited to the capacity of water services infrastructure to accommodate the proposed development and the potential for any associated environmental effects. These matters will be addressed as part of the Environmental Impact Assessment in section 9.9 of this report.

8.3. **Blessington Local Area Plan 2013-2019**

- 8.3.1. The planning authority assessment and decision to grant permission is partially based on the objectives of the Blessington Local Area Plan 2013 – 2019. However, the appeal has raised concerns that the LAP is significantly outdated and needs to be updated to address the infrastructural capacity and environmental sensitivity of the area. It has been submitted that the current level of zoning in the area does not stack up to current thinking on sustainable development.
- 8.3.2. The Blessington LAP 2013-2019 was adopted by Wicklow County Council on 3 December 2012 and came into effect on 11 January 2013. Under s. 18 (4)(a) of the Act of 2000, a local area plan '*shall indicate the period for which the plan is to remain in force*'. The title of the Blessington LAP self-evidently indicates that the plan was to remain in force for a period of 6 years (i.e. until 2019).
- 8.3.3. This is further confirmed from various excerpts of the LAP text:
- (S. 1.2) *In accordance with the Act, a LAP shall have a duration of 6 years, unless after 5 years it is determined that the existing LAP is still consistent with the objectives and core strategy of the County Development Plan and the objectives of the plan have not been substantially secured. In such circumstances, the duration of the plan may be extended for an additional 5 years (i.e. giving the plan a total duration of 10 years) subject to adherence to the procedures set out in Section 19 (1) of the Act.*
- (S. 2.2) *Although this Plan will cover the six years from 2013 to 2019, this plan shall provide enough zoned housing land to meet residential needs up to 2022 i.e. 3 years beyond the life of the plan...*

...while it is intended initially that this plan shall have a duration of 6 years, in accordance with Section 19 of the Act, this plan could be extended to a 10 year duration if it is deemed that it remains a robust planning framework for this additional time period and the objectives of the plan have not been substantially secured.

- 8.3.4. Consistent with the indications in the LAP, I note that s. 19 of the Act of 2000 provides a mechanism to effectively extend the period for which an LAP is to remain in force. However, that mechanism involves a formal process including the preparation of a CE Report, the passing of a resolution by the planning authority, and public notification that any such resolution has been passed. This process has not been followed to 'extend' the Blessington LAP 2013-2019. The preparation of a new LAP for Blessington is currently only at pre-draft stage.
- 8.3.5. I note that sections 1.2 and 3.5 of the CDP indicate that a LAP is in place for Blessington and other settlements. However, section 1.2 states that these LAPs do not form part of the CDP and section 3.5 refers to them as 'stand-alone' LAPs. I acknowledge that the lifetime of LAPs can sometimes be extended through their incorporation in full as part of the CDP. However, it is clear that this has not occurred in this case. And given that the lifetime of the LAP had already expired prior to the adoption of the CDP, it is my view that it has not been renewed as a 'stand-alone' LAP simply based on the CDP narrative that it is still 'in place'.
- 8.3.6. Having regard to the foregoing, and notwithstanding the approach of the planning authority, it is my opinion that the Blessington LAP 2013-2019 and all its objectives no longer remain in force. I have outlined a summary of its provisions for the information of the Board in s. 6.4 of this report but I do not propose to rely on any of these provisions in the assessment of the application.
- 8.3.7. If the Board agrees with this position, then the site is not zoned for any particular purpose, and this may have implications for the validity of the LRD process in this case. I raise this matter as it is my opinion that s. 32A of the Act effectively requires (albeit in a roundabout manner) that LRD applications must be on land '*the zoning of which facilitates its use for the purposes proposed in the application*'. However, I note that this is primarily a matter for the consideration of the planning authority (i.e. at the LRD Opinion and planning application stages), and I do not propose to pursue the matter further given the over-riding issues outlined in the following assessment.

8.4. Core Strategy

- 8.4.1. The planning authority has concluded that the proposed development would materially contravene the CDP Core Strategy and Settlement Strategy. The grounds for this conclusion are mainly by reason of the extent of existing and permitted housing in excess of CDP housing growth targets for Blessington, together the peripheral location of the site which would not meet targets for compact/sequential development and to deliver at least 30% of all new homes within the built-up footprint. By extension, the planning authority has concluded that the proposal would not be in accordance with NPO 3c of the NPF or RPO 3.2 of the RSES.
- 8.4.2. The planning authority assessment is based on a housing growth target during the CDP period (2022-2028) of 393 no. units. As of 5th October 2023, the WCC planner's report outlines that 54 no. units had been completed, 119 no. units were under construction, and extant permissions were in place for 390 no. units. This results in a total 'pipeline' delivery of 563 no. units, which exceeds the housing growth target by 170 no. units (or 43%). I have reviewed the WCC online planning register and there would not appear to be any significant housing permissions granted since the 5th October 2023.
- 8.4.3. The applicant's 'Planning Report & Statement of Consistency' states that the validity of the CDP population and housing targets are the subject of judicial review proceedings and that they should not be relied upon to refuse permission. It contends that the needs of the existing and future population of the County would be better served by a grant of permission.
- 8.4.4. The applicant's report highlights that section 3.5 of the CDP acknowledges the surpluses of zoned land, including the Blessington LAP 2013-2019. It states that prior to the adoption of new LAPs reflecting the targets set out in this plan, the Council will strictly adhere to the compact growth, sequential development and phasing principles set out in this plan. The applicant's report submits that only these principles should be considered, and not the core strategy figures. It also highlights that section 3.5 of the CDP outlines four zoning principles, i.e. 1 - Compact Growth, 2 – Delivery of Population and Housing Targets, 3 – Higher Density, and 4 – Sequential Approach.

- 8.4.5. For the reasons previously outlined, the applicant contends that '2 - Delivery of Population and Housing Targets' does not apply to this case as housing targets may change to reflect updated Census 2022 information. It also submits that '3 – Higher Density' does not apply, although the matter of density is addressed elsewhere in the response to the LRD Opinion. Accordingly, it concludes that the only principles to be used in the assessment of planning applications in advance of the review of the relevant LAP relate to compact growth (Principle 1) and sequential development and phasing (Principle 4).
- 8.4.6. In considering Principle 1 (Compact Growth), the applicant assesses compliance with a minimum of 30% growth target to be delivered within the existing built-up area (BUA) of the settlement. Based on CDP Core Strategy Table A, which indicates that 300 units can be accommodated within the existing BUA, it concludes that overall housing targets would accommodate 700 units (i.e. 70%) outside the existing BUA.
- 8.4.7. The applicant calculates that there are 373 no. units permitted outside the BUA and, when added to the 329 no. proposed units, submits that the total no of units (702) is in line with the 700-unit threshold for the area outside the BUA.
- 8.4.8. In considering Principle 4 (Sequential Development and Phasing) the applicant has carried out a 'sequential test' of potential residential development sites. It considers 22 no. sites and classifies them by the categories of priority under Principle 4, which are:
- P1 - Designated 'town', 'village' and 'neighbourhood centre'
- P2 – Strategic Sites as identified by the RSES and associated MASP
- P3 – Infill within the built envelope of the town as defined by the CSO town boundary
- P4 – Where there is a need for greenfield residential development, a two-tier approach will be taken as per the NPF (Tier 1 (serviceable) and Tier 2).
- 8.4.9. The assessment considers 3 'P1' sites. Three of these sites (involving c. 2ha and extant permission for 58 no. units) are considered 'sequentially developable'. The other four sites are not due to a combination of viability constraints, alternative use preference, or existing use constraints.

- 8.4.10. No 'P2' sites have been considered as the assessment outlines that no strategic sites have been identified by the RSES and associated MASP.
- 8.4.11. The assessment considers three 'P3' sites, two of which (involving c. 4ha and 101 no. houses under construction) are considered 'sequentially developable'. The other site (P3.3 - c. 5ha) is not due to previous refusals regarding WWTP and water supply capacity. However, those decisions were in 2003/2004 and it would appear that these capacity constraints have since been addressed.
- 8.4.12. The assessment considers 12 no. 'P4' sites and classifies them as Tier 1/ Tier 2. Only 2 of these sites are classified as Tier 1, namely the appeal site (9.75ha / 329 units) and an extant permission on P4.6 (3.5ha / 106 units). Four of the nine Tier 2 sites (P4.1, P4.2, P4.3, P4.7) are classified as such on the basis that they are constrained by the final design and/or delivery of the IRR. However, I would highlight that the planning authority agreed to the partial development of P4.3 in advance of the delivery of the IRR and similar discussions (i.e. compliance with conditions) appear to be ongoing regarding P4.1 and P4.2. Furthermore, while the applicant promotes the suitability of the appeal site as 'Tier 1' based partly on the delivery of the IRR, I would submit that this would also have the effect of removing the constraints that currently affect the other 4 sites (P4.1, P4.2, P4.3, P4.7). Therefore, I consider that similar constraints affect all 5 sites and that they should be classified within the same 'tier'.
- 8.4.13. In conclusion, the applicant's report assesses the proposed development against relevant CDP principles, which can be summarised as follows:
- Sequential approach – Extends development outward from the centre and is contiguous to existing built up areas of Blessington.
 - Compact growth targets - Complies with the NPF compact growth target of ensuring that 30% of new development is accommodated in the built envelope.
 - Walkable neighbourhoods – The development is in close proximity to the town centre and other facilities, and the delivery of the IRR and Town Park will greatly improve accessibility and amenities.
 - Accessibility – Within 500m of bus services, which connect to Dublin City Centre (no.65) and Naas and Ballymore Eustace (Local Link Service).

- Tiered zoning approach - The sequential test demonstrates that the site may be classified as 'Priority 4 - Tier 1' and does not prejudice the development of other Priority 1 and 3 sites.
- Water Services - All elements of the services will be gravity fed and will not require any additional pumping facilities.
- Environmental Protection – The EIAR and NIS illustrate that all aspects of the environment are protected to the appropriate extent.
- Sustainable development targets and climate action commitments – The application includes a site-specific flood risk assessment, appropriate SUDS measures, biodiversity measures, and detailed landscaping plans.
- Greenbelt – Maintains a more than adequate greenbelt between towns.

8.4.14. The applicant's 'Response to Wicklow County Council's Opinion' also addresses compliance with the Core Strategy and Settlement Hierarchy. It highlights the ongoing revision process for the NPF, as well as evidence of significant pressure from population growth in the Eastern and Midlands Region; a significant drop in planning applications; and NPO 32 of the NPF which targets the delivery of 550,000 additional households to 2040. It contends that restricting the development of zoned and serviceable land is materially inconsistent with the policy of the Minister, and that, having regard to upcoming revisions to the NPF Road Map and consequent changes to population and housing targets, the housing targets as set out in the current CDP cannot be used or relied upon in any assessment of an individual planning application.

8.4.15. The applicant's response also refers to the Development Plan Guidelines 2022 and contends that they post-date and supersede the CDP 2022-2028. It highlights provisions that suitable land should not be subject to de-zoning but that a phased approach should be taken to prioritise the preferred sequence of development in accordance with specified guidelines.

8.4.16. I have acknowledged the differing positions of the planning authority and the applicant on the questions of housing/population targets, the core/settlement strategy, and material contravention of the CDP. Ultimately however, I do not accept the applicant's contention that housing targets should not be used in the assessment of applications. It is my opinion that they are a 'core' element of the CDP which help

to ensure appropriate and sustainable growth throughout the county in accordance with objectives set out in the National Planning Framework and Regional Spatial and Economic Strategy. And while the applicant contends that assessment should be limited to the compact growth, sequential development and phasing principles set out in the CDP, I consider that these principles have already been applied to formulate the Core Strategy and that they should not be used to disregard the housing targets therein.

- 8.4.17. Rather than using the stated CDP population/housing targets and then assessing the suitability of sites in accordance with those targets and CPO 4.2 (i.e. the delivery of at least 30% of new homes within the BUA), the applicant takes a reverse approach of firstly considering the capacity within the BUA (i.e. 300 units) and then concluding that 700 units can be accommodated outside the BUA. This would result in the accommodation of 1,000 additional units, which would be grossly in excess of the stated housing target of 393 units and completely contrary to the Core Strategy approach.
- 8.4.18. I note that the applicant has also carried out a sequential test of all potential development sites. However, I have outlined concerns about the applicant's negative conclusions in relation to several sites, including P3.3, P4.1, P4.2, P4.3, P4.7. Cumulatively, I estimate that these sites amount to c. 17ha, and I consider that their omission from the 'sequentially developable' sites greatly underestimates the overall level of 'pipeline' housing and the potential for compact development on sites closer to the town centre.
- 8.4.19. Having regard to the foregoing, I would concur with the planning authority position that the proposed development would materially contravene the CDP in respect of the Core Strategy, the Settlement Strategy, and sequential development. Of course, the Board will be aware that, under s. 37(2)(a) of the Act, it may decide to grant a permission even if the proposed development contravenes materially the development plan. I will then consider the basis, if any, for permitting any such material contravention.
- 8.4.20. The WCC CE Report of 27th October 2023 outlines the potential grounds for a material contravention. It firstly refers to the commencement of the review of the NPF, the scale and nature of the ongoing housing crisis, and changing

demographics of the county. The applicant has also highlighted similar grounds and I acknowledge that the timeline for the NPF revision process aimed for the publication of the draft revised NPF and accompanying technical assessments for national public consultation in June 2024. This has not been published at the time of writing. The Draft will be followed by an Amendment Stage (due August 2024) for review and consideration of the submissions received and the application of any relevant amendments. The finalised document is planned to be published in September 2024. However, in the absence of a finalised revision of the NPF and any subsequent amendments of regional and local-level population/housing targets in a hierarchical plan-led manner, I consider that it would be premature to contravene the current CDP provisions.

8.4.21. The CE Report and the applicant's reports also reference the significant benefits inherent in the application. In this regard, I acknowledge the proposal to deliver the northern section of the IRR and to develop a Town Park to include public open space and the preservation of heritage features. However, while I acknowledge the 'planning gain' associated with these elements, I do not consider that this should be used to warrant a material contravention of the CDP Core Strategy. Furthermore, it is open to the Board to grant permission for the IRR and the Town Park even if the residential element is refused.

8.4.22. I do not consider that there is an evidential policy basis to warrant a material contravention of the CDP. I acknowledge the ongoing review of the NPF and the widely accepted housing shortage affecting the entire country. Notwithstanding this, I do not consider that developments like this should be permitted on a haphazard basis given the importance that housing is not only delivered but also that the appropriate type of housing is delivered at the appropriate location. And while much of the appeal arguments revolve around the infrastructural capacity to accommodate the proposed development, I do not consider that this should be the determining factor in such cases. The principle of accommodating significant additional development in settlements like Blessington cannot be considered in isolation as it would have implications for the growth potential of higher-order regional 'Key Towns' such as Naas, Bray, and Wicklow. This is a matter which needs consideration within a holistic plan-led framework at national, regional, and local level (i.e. the CDP Core Strategy).

8.4.23. In addition to concerns about the quantum of development, I note that the original WCC Planner's Report highlighted concerns about the mix of housing. There was deemed to be an inadequate proportion of 1 and 2-bed units (c. 20% taken in conjunction with Phase 1) and non-compliance with CPO 6.27 of the CDP. This matter was not included in the F.I. Request and was not subsequently addressed by the applicant. However, I note that CPO 6.27 does not specify a particular mix requirement (i.e. it refers to '*an appropriate mix of unit types and sizes*') and the proposed mix would appear to have been ultimately accepted in the planning authority decision.

8.4.24. In conclusion, it is my view that a grant of permission would be premature pending the completion of the NPF review; the translation of updated NPF population/housing targets at regional/county level; and the subsequent completion of a new Local Area Plan for Blessington. In the absence of same, the proposed development would materially contravene the CDP and would be contrary to the proper planning and sustainable development of the area.

8.5. Social Infrastructure

8.5.1. I note that third-party concerns have been raised about perceived deficiencies relating to recreation/leisure, education/childcare, health, and financial services. I acknowledge the importance of the provision of social infrastructure in association with additional residential development, but also that there needs to be a balanced approach given that such facilities would commonly be provided following the demonstration of sufficient demand through additional housing and population.

8.5.2. The proposal for the Town Park has generally been understandably welcomed and I consider that this would make a significant and valuable contribution to the recreational/leisure amenities in the town. Consistent with the planning authority view, I am satisfied that it has been appropriately designed and I would have no objection to a grant of permission for this element of the development.

8.5.3. The applicant's Social Infrastructure Audit outlines a good range of other recreation/leisure facilities serving the area. And while I note the concerns about the lack of a permanent swimming pool, I consider that this matter is outside the reasonable remit of the current appeal case.

- 8.5.4. In relation to school capacity, I consider that the statutory plan-making process is the preferred instrument to assess and identify school requirements. Under the 'Agreed Actions' of the 'Provision of Schools and the Planning System, A Code of Practice for Planning Authorities', the Department of Education and Science, and the Department of the Environment, Heritage and Local Government (2008), planning authorities should identify suitable lands, policies and objectives for school requirements under statutory plans in consultation with the Department of Education.
- 8.5.5. Although it has now expired, I note that the Blessington LAP 2013-2019 identified a wide range of sites zoned 'Community, Education and Institutional', which aimed to provide for educational facilities. It is reasonable to expect that these sites will be subject to ongoing planning to cater for future demand as part of the Department of Education's school building / improvement programme.
- 8.5.6. In terms of the Development Management process, the Code of Practice highlights the potential requirement for major housing proposals to be accompanied by school capacity assessments. The applicant's Social Infrastructure Audit also examines school capacity. Although I note that it does not include St Mary's Senior National School (c.320 students), it identifies c. 165 available spaces within existing primary schools. And while it is acknowledged that there is currently a waiting list for the post-primary Blessington Community College, the report refers to plans to increase capacity to 1,000 pupils. In this regard, it is noted that WCC recently decided to grant permission (P.A. Reg. Ref. 23/60317) for the construction of a 1,000 pupil post-primary school to replace the existing community college (current enrolment of c.624 pupils).
- 8.5.7. The audit estimates that the cumulative impact of the proposed development together with the permitted Phase 1 scheme would generate demand for c. 163 primary school spaces and c. 80 post-primary places. I consider that the methodology applied in the estimates is reasonable and I acknowledge that the demand would occur over several years. Having regard to the existing school capacity and the extent of planned/permitted school development in the area, I do not consider that the proposed development would place an excessive or unacceptable demand on school capacity.

- 8.5.8. I note that the application does not include a childcare facility but instead relies upon the facility permitted in phase 1 of the overall lands (i.e. P.A. Reg. Ref. 22/1191) involving 100 child spaces. I note that this facility is now nearing completion as part of Phase 1. Together with details of the capacity of existing facilities as submitted in the further information response (31 spaces), I am satisfied that there will be adequate childcare capacity to accommodate the proposed development and the Phase 1 development (estimated demand of 108 no. children). I note the concerns raised about the availability of childcare providers, but I consider that this is outside the scope of the appeal case.
- 8.5.9. Concerns have also been raised about deficiencies in a range of other services in the area including health and banking. I note that changes to modern banking models have raised concerns about access to services throughout the country. And while access to health services is also a widespread concern, the applicant's report highlights the proximity of Blessington to hospitals in Tallaght and Naas, as well as the Primary Care Centre and a range of other practices in Blessington. Similar to the other concerns raised about social infrastructure, I do not consider that a refusal of permission would be warranted on this basis.

8.6. Traffic & Transport

- 8.6.1. The third-party observation in this case mainly highlights a range of traffic and transport-related concerns. In particular, there are concerns that the extent of proposed and permitted development is excessive for the design and capacity of the Inner Relief Road, and that this will result in significant adverse implications for local residents.
- 8.6.2. The application is accompanied by a Traffic and Transport Assessment (TTA). It outlines an account of the existing facilities serving the area, which is predominantly road infrastructure including the IRR and associated roads and the N81 road through the town. The surrounding road network includes footpaths and lighting, while the IRR includes segregated cycle tracks. In terms of bus services, it highlights Dublin Bus No. 65 and Bus Eireann No. 132 services to/from Dublin, as well as a Local Link service, and demonstrates that some parts of Dublin City Centre can be reached within an hour on public transport. The local school is within a 5-min walk while the

town centre is a 10 to 15-minute walk. The entire town is shown to be reachable within a 10-min cycle time.

- 8.6.3. The TTA also considers future transport developments. The Busconnects Local Route L44 will connect Blessington to Tallaght every 60mins and provide opportunities for interchange with the Luas and a range of additional Busconnects routes. As part of 'Connecting Ireland', two new rural bus routes are also proposed to serve Blessington. It is also stated that the planned realignment of the N81 and the IRR will remove significant traffic volumes from the town centre.
- 8.6.4. Prior to predicting trip generation and distribution, traffic surveys from April 2023 were considered for three junctions: J1 (IRR / Link Rd roundabout), J2 (N81 / Oak Drive), and J3 (IRR / Oak Drive). The TRICS database was used to estimate a total of 129 no. 2-way trips in the AM Peak and 147 no. 2-way trips in the PM Peak. Other committed/permited developments within the zone of influence of the development are also considered. TII Traffic Count Data has also been considered, which includes a significant reduction (2019-2022) accounting for the effects of COVID-19 and changing work patterns. The TTA estimates trip distribution and assignment and considers traffic growth for the opening year (2026), interim year (2031), and future design year (2041 in accordance with TII Guidelines.
- 8.6.5. The applicant's assessment considers two main scenarios for each assessment year. The 'base' (do-minimum) scenario considers base traffic flows and other committed/planned developments. The 'post development' (do-something) scenario considers the 'base' scenarios as well as the proposed residential development and the delivery of the IRR.
- 8.6.6. Based on an initial impact assessment, the TTA carried out a more detailed analysis of the three existing junctions and the proposed new roundabout on the N81 (J4). The analysis uses the PICADY package for priority-controlled junctions (J2) and the ARCADY package for the other junctions.
- 8.6.7. A Ratio to Flow Capacity (RFC) of greater than 85% (0.85) would indicate a junction to be approaching capacity as operation above this value is poor and deteriorates quickly. However, the analysis for the three existing junctions shows that the 'do something' scenario will operate well within the 0.85 RFC threshold for all assessment years up to and including 2041. The proposed new junction (J4) will

operate at 0.82 RFC during the AM peak and 0.85 during the PM Peak (0.85) in 2041, which would still be within the recommended threshold of 0.85.

- 8.6.8. Having regard to the foregoing, I consider that the application has satisfactorily demonstrated that the proposed development would not have any unacceptable impacts on the capacity and operation of the local road network.
- 8.6.9. In addition to the volume of traffic, I note that the third-party concerns also raise concerns about the inadequate design of the road network. I note that it is not proposed to facilitate 'right-turn' lanes into the proposed development and that the Road Safety Audits completed (for both the residential and IRR elements) do not raise any concerns in this regard. The proposed development includes three vehicular entrances to the residential development, none of which include 'right-turn' lanes. However, I consider that this is consistent with DMURS guidance (s. 3.4.2) to include more frequent minor junctions with fewer vehicle movements which help to calm traffic and make it easier for pedestrian/cyclist navigation. The inclusion of 'right turn' lanes would require a wider carriageway and a larger junction. And while the aim of any such approach would be to minimise junction delays, I do not consider that any significant delays are likely to occur. In any case, such an approach would prioritise increased vehicle speed and movement over pedestrian/cycle movements. I consider that a compact junction approach (as proposed) is appropriate and in accordance with the principles of DMURS.
- 8.6.10. Related to the question of traffic congestion, I consider that the proposed junction design will also help to calm vehicle speed as a traffic safety measure. And as outlined in DMURS (s. 3.4.2) while slower vehicle speeds are often perceived to be a cause of congestion, they can also lead to increased traffic capacity. The applicant's FI Response has demonstrated that sightline visibility of 49m is achievable at the three proposed junctions in compliance with DMURS standards for a 50km/h speed zone. Otherwise, I also note that the applicant's FI Response has addressed the planning authority's concerns about general compliance with DMURS principles in the design of the internal residential layout.
- 8.6.11. Some of the observer's concerns appear to be based on pre-planning records which indicated that the IRR would eventually become the N81 national secondary road. However, notwithstanding any such indications, I consider that there is a clear

distinction between the IRR and the planned realignment of the N81 as a 'by-pass' to the west of the town. I am satisfied that the existing and proposed sections of the IRR have been designed in accordance with the purpose of the road, i.e. an urban distributor road/street which will divert traffic away from the town centre.

Furthermore, I do not consider that the proposed development would have any unacceptable impacts on the road network in terms of capacity or safety.

- 8.6.12. The completion of the IRR remains an objective of the CDP (CPO 12.44). I am satisfied that it has been designed in accordance with DMURS principles and I note that the planning authority had no objection to the proposal subject to conditions. I agree that it would make an important contribution to transportation planning by reducing vehicular traffic in the town centre in favour of pedestrian/cycle improvements. Accordingly, I would have no objection in principle to a grant of permission for this element of the proposed development.
- 8.6.13. I note that some concerns were raised at application stage regarding land ownership and tie-in details between the proposed IRR and the Holyvalley Road. Regarding land ownership, I am satisfied that the applicant has provided sufficient evidence of legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. As outlined in Section 5.13 of the Development Management Guidelines for Planning Authorities (DoEHLG, 2007), the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land. These are matters to be resolved between the relevant parties, having regard to the provisions of s.34(13) of the Planning and Development Act 2000 (as amended), which outlines that a person shall not be entitled solely by reason of a grant of permission to carry out any development. I acknowledge that there will be inevitable differences at the tie-in point between the proposed roundabout arm and the existing Holyvalley Road. However, in the event of a grant of permission, I am satisfied that this matter can be addressed through the agreement of detailed design measures as a condition.
- 8.6.14. On a related transport/traffic matter, I note that concerns have been raised about walkways along the Deerpark estate at the southwestern end of the site. There are concerns that the walkways will lead to additional visitor parking and security issues for local residents. However, it should be noted that this walkway has already been

developed as part of the Phase 1 permission and therefore I do not propose to examine the matter in the context of the current appeal case.

9.0 Environmental Impact Assessment

9.1. Statutory Provisions

9.1.1. The proposed development mainly involves the construction of 329 no. residential units; a 10.65-hectare Town Park; the extension of the Blessington Inner Relief Road (c. 700m long); together with all associated open spaces, site works, and services. The site has a stated overall gross area of 25.14 hectares.

9.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended, provides that an Environmental Impact Assessment (EIA) is required for projects that involve:

i) Construction of more than 500 dwelling units

iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

9.1.3. The proposal for 329 no. residential units does not exceed 500 units and would not be a class of development described at 10(b)(i). However, the proposed development, including the residential, Town Park, and Inner Relief Road elements, is an urban development project which would exceed all applicable thresholds outlined in sub-section (iv) above. Therefore, the applicant has submitted an EIAR in accordance with mandatory requirements.

9.2. EIA Structure

9.2.1. This section of the report comprises the environmental impact assessment of the proposed development in accordance with the Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). It firstly assesses compliance with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations, 2001. It then provides an examination, analysis and evaluation of the development and an

assessment of the likely direct and indirect significant effects of it on defined environmental parameters, having regard to the EIAR and relevant supplementary information. The assessment also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Boards decision, should they agree with the recommendation made.

9.3. Issues raised in respect of EIA

- 9.3.1. The third-party concerns, planning authority reports, and prescribed body submissions are considered later in this report under each relevant environmental parameter.

9.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

- 9.4.1. The following table outlines my assessment of compliance with the requirements of Article 94 and Schedule 6 of the Regulations.

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)	
Requirement	Assessment
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b)).	Section 2 of the EIAR describes the development, including location and context; physical characteristics; services; construction management; as well as information on energy usage, emissions, and waste. The description is adequate to enable a decision on EIA.
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b)).	Sections 4-16 of the EIAR describe the likely significant direct, indirect, and cumulative effects on the environment, including the factors to be considered under Article 3 of Directive 2014/52/EU. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.

<p>A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b)).</p>	<p>Each of the individual sections in the EIAR outlines the proposed mitigation and monitoring measures, which are collectively summarised in Chapter 17. They include 'designed in' measures and measures to address potential adverse effects at construction and operational stages, including an Outline Construction and Environmental Management Plan (including traffic management); a project ecologist; and a Resource and Waste Management Plan. The Mitigation measures comprise standard good practices and site-specific measures and are generally capable of offsetting any significant adverse effects identified in the EIAR.</p>
<p>A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b)).</p>	<p>Section 3 of the EIAR outlines the consideration of alternatives. This includes alternative uses; the 'do nothing' alternative; as well as alternative designs. Alternative locations were deemed to have been already addressed under SEA. Alternative processes were not considered due to the nature of the development, and alternative mitigation measures were not considered as the proposed measures were considered appropriate. The main reasons for opting for the current proposal have been outlined in relation to environmental factors. I am satisfied, therefore, that the applicant has studied reasonable alternatives and has outlined the main reasons for opting for the current proposal before the Board and in doing so the applicant has taken into account the potential impacts on the environment.</p>

Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).	
A description of the baseline environment and likely evolution in the absence of the development.	Each of the EIAR sections includes a detailed description of the baseline environment which enables a comparison with the predicted impacts of the proposed development.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.	Each of the EIAR sections outline the methodology employed, consultations carried out, desk/field studies carried out, and any difficulties encountered. I am satisfied that the forecasting methods are adequate, as will be discussed throughout this assessment.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.	This is considered in Section 15 of the EIAR, as well as within individual chapters where relevant. It outlines that the site is not located within 8km of any Seveso sites. The EIAR concludes that residual impacts will be negligible once all control, mitigation and monitoring measures have been implemented. Having regard to the nature, scale, and location of the project, I consider this to be reasonable.
Article 94 (c) A summary of the information in non-technical language.	This information has been submitted separately as Volume I of the EIAR. I have read this document, and I am satisfied that it is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.

Article 94 (d) Sources used for the description and the assessments used in the report.	The sources used to inform the description, and the assessment of the potential environmental impact are set out in each section, including references. I consider the sources relied upon are appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report.	A list of contributors for each section and their qualifications / professional affiliations is outlined in section 1.13 of the EIAR. Each individual chapter includes further detail on the expertise of the contributors.

Consultations

- 9.4.2. The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) in respect of public notices. Submissions received from statutory bodies and third parties are considered in this report, in advance of decision making. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.
- 9.4.3. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

9.5. **Assessment of the likely significant direct and indirect effects**

- 9.5.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in Section 171A of the Planning and Development Act 2000. It includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interactions of these.

9.6. Population and Human Health

9.6.1. Issues Raised

The submissions to WCC included concerns about inadequate social infrastructure to cater for the additional population associated with the proposed development. The appeals have also raised concerns about potential impacts on the quality of drinking water, which will be addressed in section 9.9. of this report.

9.6.2. Examination, analysis and evaluation of the EIAR

Chapter 4 of the EIAR deals with Population and Human Health. The analysis was primarily conducted via desk-based methods using data primarily sourced from the key information sources such as relevant Guidelines / Plans, CSO, OSI, Geodirectory, and the Department of Education and Skills. It is generally based on a catchment area of 2-3kms, but the wider context is also considered where relevant.

Section 4.4 outlines a detailed description of the baseline environment, including an estimated population growth of 4.37% (2016-2022). It also includes a detailed socio-economic profile of the area and details of existing and permitted facilities and amenities.

The identified construction phase impacts (visual, noise, air quality, and transport) are stated to be satisfactorily addressed through the remedial/mitigation measures (including CEMP (including traffic management) and Construction Demolition and Waste Management Plan) in separate chapters of the EIAR and will not lead to significant disturbance. The construction phase will also lead to increased employment and associated economic spin-off benefits.

At operational phase, it is stated that there will be significant positive long-term impacts relating to the provision of housing (accommodating a population of c. 905 persons), open space and community facilities, as well as associated economic activity.

Section 4.6 of the EIAR considers the potential cumulative effects of other plans and projects. Mitigation measures are outlined in section 4.7 of the EIAR and mainly relate to construction management/monitoring measures to protect/control traffic, waste, water, air (dust), noise/vibration, and health & safety.

Following implementation of the mitigation measures, the residual impact is considered to be 'positive moderate long term' in facilitating additional residential population and providing improved amenities.

9.6.3. Assessment: Direct, Indirect, and Cumulative Effects

I have acknowledged the identified impacts and the associated mitigation measures identified in other sections of the EIAR. Apart from the factors discussed in later sections (9.6 to 9.13) of this EIA, I note that section 9 of the EIAR deals with 'Noise & Vibration', including construction activities and traffic (construction and operational). It outlines that any exceedances of relevant limits at sensitive receptors will be only temporary in nature and would not result in significant effects. Mitigation and monitoring measures are also proposed where relevant.

I note the third-party concerns in relation to social infrastructure and I have already outlined that there would be no unacceptable impacts in this regard (see section 8.5 of this report).

9.6.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Population and Human Health are, and will be mitigated as follows:

- Construction related disturbance including noise, dust, dirt, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and a Resource and Waste Management Plan.
- Positive socioeconomic effects through the availability of additional housing and public open space when the development is completed.

9.7. Biodiversity

9.7.1. Issues Raised

The third-party appeals raise concerns about potential water pollution and associated effects on biodiversity, including the Pulaphouca Reservoir SPA. The An Taisce submission to WCC also highlights the importance of water quality for birds; questions a lack of clarity on whether the Greylag Goose (QI of the Poulaphuca

Reservoir SPA) has been observed using the site; and suggests that the application should include a Biodiversity Management Plan.

9.7.2. Examination, analysis and evaluation of the EIAR

Chapter 5 of the EIAR assesses the biodiversity of the proposed project area and the potential impacts on the ecology of the potential Zone of Influence (ZOI). In this case, the EIAR acknowledges best-practice use of a 2km ZOI, but also highlights the need to extend the ZOI as a result of the associated on-site watercourse, surface water drainage networks, and Poulaphouca Reservoir. The assessment also includes a bat assessment (App. 5A) and a wintering bird assessment (App. 5B).

A desktop study examined records and data from the NPWS, NBDC, and the EPA, in addition to mapping and aerial imagery. A wide range of field surveys were also carried out.

Section 5.4 outlines a detailed baseline description of the study area. It acknowledges a wide range of designated sites but concludes that direct hydrological / biodiversity connections exist only in relation to Poulaphouca Reservoir SPA/pNHA.

No flora or fauna of National or International conservation importance were noted on site during the surveys. No invasive species of high impact were noted. No bird species of 'red' conservation status were noted. No amphibians or reptiles were noted on site. Mixed broadleaf woodland (triangular area on the west of the site boundary) would be considered locally important to biodiversity including bats. No bird species on Annex I of the EU Birds Directive were noted on site.

The construction impacts identified mainly relate to site clearance and reprofiling, which could lead to silt laden and contaminated runoff entering the onsite watercourse and flowing further downstream (including Poulaphouca Reservoir SPA) and affecting aquatic ecology. There is potential for the works to impact on the habitats on site that could potentially support frogs either by direct destruction or by onsite pollution or silt ingress. Bat foraging activity was noted along woodland edges and treelines. There is potential for impacts on bats as a result of lighting and tree loss. Vegetation/tree loss and construction-related dust also has the potential to impact on avian ecology.

The operational stage has the potential to impact on Poulapouca Reservoir SPA/pNHA, frogs/reptiles, and aquatic ecology in the event of a pollution event affecting the watercourse / surface water networks. Lighting and increased human disturbance also have the potential to impact on terrestrial mammals, bats, and avian ecology. As the landscaping elements improve with maturity it is expected that the biodiversity value of the site to birds and flora would also increase.

Section 5.8 considers cumulative impacts of other plans/projects and the associated mitigation measures. It concludes that there would be no significant cumulative effects on biodiversity.

Section 5.9 outlines the proposed mitigation measures. The construction phase will include: the appointment of a project ecologist; tree retention/planting; site clearance/reprofiling works to be approved by the ecologist/arborist; works in the riparian corridor carried out in consultation with and to the satisfaction of Inland Fisheries Ireland and the project ecologist; timing of vegetation removal; nest/bat boxes; lighting design; pre-construction surveys; and daily monitoring of the watercourse.

The operational mitigation measures involve a post-construction inspection of drainage connections to the watercourse and a post-construction lighting assessment.

Based on the implementation of these and other EIAR mitigation measures, it is predicted that there will be no significant long-term impact on biodiversity. A worst-case scenario pollution event for the watercourse and Poulaphouca Reservoir SPA & pNHA could result in significant short term water quality impacts, but this would be considered unlikely, localised, and temporary. The overall impact is considered long term and neutral, while the proposed landscaping would provide significant long term positive benefits.

9.7.3. Assessment: Direct, Indirect, and Cumulative Effects

I acknowledge the appeal concerns regarding biodiversity effects as a result of adverse impacts on water quality. However, having considered the EIAR and my assessment on the potential impacts on water (see section 9.9 of this report), I do not consider that there would be any unacceptable impacts on water quality or any associated deterioration in biodiversity value.

Regarding the An Taisce queries regarding the use of the site by the Greylag Goose, it is noted that 10 wintering bird surveys were carried out over November 2021 to March 2022 and the Greylag Goose was not recorded. Therefore, I am satisfied that there is no likelihood of ex-situ impacts on this species.

I also note the An Taisce suggestion to require a Biodiversity Management Plan. However, I am satisfied that the design of the proposed development and the mitigation measures will satisfactorily address any potential biodiversity impacts.

9.7.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Biodiversity are, and will be mitigated as follows:

- Disruption to birds and bats due to the construction works, lighting, dust, and the loss of vegetation. This will be mitigated by the employment of good practice construction measures to reduce disruption, including pre-construction surveys and monitoring by the project ecologist, and by the design of the proposed scheme (including landscaping) which will retain and protect important habitats, and features.
- Impacts on water quality and the aquatic environment as a result of silt laden and contaminated runoff, which will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.

9.8. Land, Soil & Geology

9.8.1. Issues Raised

No specific issues have been raised in relation to this matter.

9.8.2. Examination, analysis and evaluation of the EIAR

Chapter 6 of the EIAR deals with land, soil, and geology. The assessment methodology considers relevant legislation and guidance and a desk top study reviewed information from the EPA, GSI, NPWS, and Teagasc. The study area is based on a 2km radius but considers additional pathways and receptors. In terms of the importance of the baseline environment, it is recognised that the soil and geology underlying the site would be rated as 'high' given the 'very high' potential for granular aggregates. Furthermore, the site is within the Blessington Delta geological heritage

site boundary which is classified based on the large accumulation of sands and gravel which have been quarried extensively and is considered of high value on a local scale.

The EIAR outlines that the construction phase will involve loss of land/soil which will be negative, significant, and permanent. The potential accidental release of deleterious materials could also potentially result in a 'negative', 'moderate to significant', 'long-term' impacts on soil and geology.

During the operational phase, there is a limited potential for any direct adverse impact on the receiving land, soil and geological environment. The design and construction of the proposed development will be in accordance with current Building Regulations, including appropriate radon membranes.

Section 6.6 of the EIAR considers the cumulative impacts of other plans and projects. Any cumulative impacts relating to the disposal of excavated soil/subsoil are not predicted to be significant.

The proposed mitigation measures largely relate to the proposed CEMP and RWMP, which will address potential impacts relating to the importation of aggregates; dust; reuse of soil; management of soil and stockpiles; export of resources and waste; handling of potential pollutants; emergency procedures; and welfare facilities.

No significant residual impacts are predicted, with the exception of change in land use and land take which is unavoidable.

9.8.3. Assessment: Direct, Indirect, and Cumulative Effects

I note that the EIAR identifies 'negative', 'significant', and 'permanent' impacts in relation to the loss of land and soils, and I consider that there would be similar cumulative impacts associated other permitted developments. However, I am satisfied that the loss of such land/soil is unavoidable in the event of a grant of permission and that any such loss would not result in any unacceptable environmental effects if it was deemed to be in accordance with the proper planning and sustainable development of the area.

I also note the potential significant pollution effects related to the accidental release of deleterious materials. However, I am satisfied that the proposed mitigation measures, including the CEMP, would adequately address this matter.

9.8.4. **Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that the main significant direct, indirect, and cumulative effects on land soil, and geology are, and will be mitigated as follows:

- The loss of land and soil (c. 25 hectares) of high importance due to the potential for granular aggregates, which would be mitigated by the delivery of improved development/amenities in accordance with the proper planning and sustainable development of the area.

9.9. **Water**

9.9.1. **Issues Raised**

The third-party appeal concerns mainly relate to the existing condition and capacity of the wastewater and surface water drainage network, including Blessington Wastewater Treatment Plant and its outfall, and associated impacts on water including Blessington Lakes/reservoir, Golden Falls, and the wider River Liffey system. The concerns can be summarised as follows:

- Potential for flooding/overflows/leaks and associated pollution of waterbodies.
- Potential for pollution of waterbodies and associated biodiversity impacts, including impacts on Natura 2000 sites such as the Poulaphuca Reservoir SPA.
- The inadequate water flow/dilution at the WWTP discharge point and the associated potential for pollution and degradation of water quality, drinking water, amenity/recreational value, aesthetics; and biodiversity.
- The impacts of climate change in relation to increased storm/flood events and reductions in water supply volumes.

A submission from Inland Fisheries Ireland acknowledges direct connectivity to the Pollaphuca Reservoir via a small stream. If permission is to be considered, it recommends a range of conditions involving measures to protect water quality.

The An Taisce submission highlights the contents of the IFI submission. It states that the Liffey stream runs within the site boundary and there is a requirement for assessment against Article 4 of the Water Framework Directive, which is particularly important given the importance of the downstream reservoir for drinking water and ecology (birds). It also highlights the need for the upgrade of Blessington WWTP

prior to operation of the development in order to avoid serious risk of adverse effects at the outfall at the Golden Falls Lake.

9.9.2. Examination, analysis and evaluation of the EIAR

Chapter 7 of the EIAR describes the hydrology and hydrogeology (water) environment within and immediately surrounding the site and assesses the potential impacts of the proposed development. The methodology adopted for the assessment has regard to relevant guidelines and legislation.

Section 7.4 outlines a detailed analysis of the receiving (baseline) environment, including regional hydrogeology, hydrology, flooding, water use and drinking water source protection, water quality data, Water Framework Directive status, and designated/protected sites. The site is considered to be of 'medium' hydrogeological importance given that it is underlain by a locally important gravel aquifer and given that the southern portion of the site (i.e., the proposed town park area) extends within the outer source protection area for the Blessington public water supply. The WFD status has been assigned as 'good' for the Blessington Gravels GWB; the underlying Kilcullen GWB; the Liffey_040 (i.e., the Deerpark_09 Stream / River); and the downstream Poullaphuca Reservoir (SPA and pNHA).

At the construction stage, the EIAR acknowledges that there are sources of contamination that could impact on water quality, including accidental release, run-off, groundworks/excavation, and connections. The EIAR acknowledges potential pollution pathways and the potential receptors relevant to the site include: the underlying gravel aquifer which is part of the Blessington Gravels GWB and the underlying Poullaphuca Formation bedrock aquifer which is part of the Kilcullen GWB; the Deerpark_09 Stream / River and downstream river waterbodies (including the Poullaphuca Reservoir and the River Liffey); the Poullaphuca Reservoir SPA; groundwater users including downgradient private groundwater supplies and the Blessington PWS; and surface water drinking water users including the Deerpark_09 Stream / River.

Excavation-related releases to the bedrock aquifer could result in 'moderate to significant' effects. The southern portion of the site within the outer source protection area for the Blessington PWS involves a potential risk of contaminants which enter the groundwater to flow laterally towards the receiving water supply, which could

result in 'significant' impacts for the supply and users. Run-off with entrained sediment or other contaminants from groundworks areas, stockpiled soils, and the construction of surface water outfalls could enter the Deerpark_09 Stream / River and track downstream, with potential for 'moderate' impact on the Stream / River and downstream receptors (e.g., the Poulaphouca Reservoir). Based on the dilution which will occur within the Poulaphouca Reservoir, it is considered that there is no perceived risk to further downstream waterbodies (i.e., the River Liffey).

At operational stage, it is predicted that SuDS measures will limit the impact on the hydrogeological regime and flood risk to be 'neutral' and 'imperceptible'. There will be no storage of hazardous materials and no discharges to ground other than rainfall and limited recharge from SuDS measures. All surface water will be attenuated and treated prior to discharge to the Deerpark River/Stream and it is considered that there will be a 'neutral' and 'imperceptible' impact on the quality of the Stream / River and the Poulaphouca Reservoir, although in the worst-case scenario of accidental spillage / failure it is acknowledged that there is potential for 'moderate' effects.

On the basis that foul effluent will be treated at Blessington WWTP to the required standard in accordance with relevant statutory consents, it is considered that there will be a 'neutral' and 'imperceptible' impact on receiving water quality associated with the discharge of foul water. The EIAR highlights that, as noted in the 2022 AER, the discharge of treated effluent from the Blessington WWTP will have no observable negative impact on the receiving WFD status.

Section 7.6 of the EIAR considers cumulative impacts of other plans and projects. In relation to water resources and water quality impacts, the EIAR highlights Uisce Eireann confirmation that water supply and wastewater connections are feasible subject to upgrades, which will be completed as part of the development and will be controlled in accordance with statutory consents. It also states that there will be no cumulative impacts on the receiving surface water environment in terms of water quality and flood risk.

Section 7.7 outlines the proposed mitigation measures. The construction phase measures are largely based on the implementation of the CEMP and will address the main activities of potential impact which include: the control and management of water and surface runoff, works nears water courses; concrete works; and materials

from off-site sources; appropriate fuel and chemical handling, transport and storage; welfare facilities; and management of accidental release of contaminants at the subject site. Regular monitoring and inspection of these measures will be carried out.

At operational stage, it is considered that the design is in line with the objectives of the Water Framework Directive to prevent or limit any potential impact on water quality of the receiving environment. Ongoing regular operational monitoring and maintenance of drainage and the SuDS measures will be carried out. The discharge of treated operational surface water to the Deerpark_09 Stream / River has only negligible potential to cause significant effects to downstream sensitivities due in part to the incorporation of SuDS measures and petrol interceptor.

With regard to compliance with the WFD and other related water quality provisions, the EIAR states that the mitigation measures will prevent any impact on the receiving groundwater and surface water environment.

Overall, there are no significant residual impacts on hydrology and hydrogeology anticipated regarding the proposed development.

9.9.3. Assessment: Direct, Indirect, and Cumulative Effects

I acknowledge the significant water quality concerns raised by third parties and the submissions from prescribed bodies. As previously advised, many of these involve procedural and/or historical issues which are outside the scope of this case.

In relation to surface water, I consider that the EIAR has adequately identified the potential for impacts on the adjoining Deerpark Stream/River through groundwater contamination and surface run-off. I note that the stream/river has the potential for downstream impacts on the Poulaphouca Reservoir, but I would concur with the EIAR assessment that the reservoir would provide sufficient dilution capacity to prevent any risk of further downstream impacts on the River Liffey system.

I have considered the construction stage mitigation measures, and I am satisfied that they are suitably designed to address the potential risk of pollutant releases to the groundwater and surface water network within and surrounding the appeal site. In response to the IFI submission, I also note that the EIAR confirms that any discharge to surface water will be in accordance with the necessary discharge licence issued

by WCC under Section 4 of the Local Government (Water Pollution) Act 1977, as amended in 1990.

At operational stage, I am satisfied that there will be no significant discharge to groundwater and that the surface water discharge to the Deerpark Stream will be designed in accordance with best practice SuDS measures including an interceptor and will comply with the GDSDS (Greater Dublin Strategic Drainage Study) design requirements. This will satisfactorily address the potential for any impacts.

The EIAR has acknowledged the potential downstream water interactions with biodiversity and human health, particularly given the surface water links to Poulaphouca Reservoir (which is a drinking water supply and designated as a Special Protection Area / proposed Natural Heritage Area). However, given the satisfactory mitigation measures discussed above, I am satisfied that there will be no unacceptable in-combination water impacts for biodiversity or human health.

Wastewater from the proposed development is to be connected to the Uisce Eireann (UE) network and treated at Blessington WWTP. I note that an upgrade of the WWTP plant has been completed to address compliance with national and EU legislation, including an increased capacity of 9,000 PE and improved treatment facilities. UE has confirmed that connection to the system is feasible subject to localised network/pipework upgrades and the applicant has confirmed that these will be carried out as part of the proposed development.

I note that the EIAR refers to the 2022 Annual Environmental Report for the Blessington WWTP but that the 2023 Report is now available (as referenced in the applicant's response to the appeal). The 2023 AER again confirms that the discharge is compliant with the Emission Limit Values (ELVs) specified in the discharge license. It confirms that the hydraulic and organic loading is less than the peak treatment plant capacity, which will not be exceeded in the next three years, and that there are no storm water overflows in the agglomeration. The ambient monitoring results are stated to meet the required Environmental Quality Standards set out in the Surface Water Regulations 2009. The report outlines that the discharge from the wastewater treatment plant does not have an observable impact on the water quality or the Water Framework Directive status.

In connection with the increased loading/capacity of the WWTP, I note that UE have been directed by the EPA to apply for a discharge licence review of WWDL D0063-01. According to the latest information on the EPA website, that review application has been made and is still under consideration (reference number D0063-02). I acknowledge the historical and current concerns raised in the appeal with regard to the discharge licence, which have also been addressed in the applicant's response to the appeal. However, I consider that process to be outside the remit of the current application and I am satisfied that the outcome of the discharge licence review will establish appropriate limits and standards to satisfactorily address any wastewater emissions associated with the proposed development.

The appeal also raises concerns about the capacity and condition of the drainage network, including surface water, wastewater, and the discharge pipe from the WWTP. In this regard, I note that surface water discharge will be limited to greenfield rates and would not increase the volume of discharge from the existing site.

Therefore, I am satisfied that there will be no significant impact on the surface water network, and I note that the planning authority has not raised any objections in this regard. And as previously discussed, the applicant has confirmed that any necessary wastewater network upgrades identified by UE will be completed as part of the development. I acknowledge the concerns about the wider wastewater network, including the discharge pipe. The applicant's response to the appeal outlines that there will be no increase to the design flow of the discharge pipe. I also note that UE has not raised any objection in this regard and there is no evidence of any significant deficiencies. Therefore, in the absence of any evidential constraints, I do not consider that an assessment of the overall capacity and condition of the network is warranted under the remit of the current application.

The appeals raise concerns about unplanned drainage events including flooding, overflows, leaks, etc., and the potential for adverse impacts on water quality. In relation to flooding, the application is supported by Site Specific Flood Risk Assessments. These demonstrate that the vast majority of the site is within Flood Zone C (i.e. the residential and IRR elements) and that any element within Zone B (i.e. open space) is compatible in accordance with the Flood Risk Guidelines. Flood routing mitigation measures are recommended for pluvial floods exceeding the 100-year capacity of the drainage system. The EIAR also acknowledges the potential for

worst-case scenario accidental emissions of pollutants to water as a result of spillage/failure and provision for emergency measures are included. However, I would concur with the EIAR conclusions in that such events are unlikely and that any temporary, localised effects would not be significant. The applicant's appeal response also confirms that the WWTP has stormwater tanks for storm event storage prior to the controlled release to the discharge pipe.

9.9.4. **Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that the main significant direct, indirect, and cumulative effects on Water are, and will be mitigated as follows:

- Construction stage impacts on groundwater and surface water quality, including associated downstream impacts on drinking water and biodiversity, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan.
- Operational stage surface water discharges to groundwater and the adjoining Deerpark Stream, including associated downstream impacts on drinking water and biodiversity, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.

9.10. **Air & Climate**

9.10.1. **Issues Raised**

The appeal raises the impact of climate change in relation to increased storm/flood events and reductions in water supply volumes. The An Taisce submission also contends that the Building Lifecycle Report lacks commitment to measures and technologies which are essential for decarbonisation.

9.10.2. **Examination, analysis and evaluation of the EIAR**

Chapter 8 of the EIAR considers the potential impacts on air quality and climate. It considers ambient air quality standards, international climate agreements, and national and local policy and greenhouse gas emissions.

An examination of the baseline environment has been carried out. In terms of 'air quality' the site is within 'Zone D' which is described by the EPA as 'Rural Ireland'. The EPA records of particulate matter (PM₁₀) and nitrogen oxides (NO₂) have been

used to estimate background concentrations. The macroclimate and records for the microclimate (based on the meteorological station at Baldonnel) were also considered.

At construction stage, there is a recognised potential for air quality impacts as a result of dust deposition; elevated particulate matter concentrations; and exhaust emissions. Construction dust is considered the greatest potential impact, and several sensitive receptors (surrounding houses and a school) are identified. However, due to the direction of prevailing winds and the proposed mitigation measures, significant adverse impacts are not predicted. Construction traffic is not expected to result in a significant change (> 10%) in AADT flows near to sensitive receptors and (as per TII guidelines, 2011) significant air quality impacts are not predicted.

The greatest impact on air quality at operational stage is from traffic-related emissions. Traffic-related air emissions have been modelled. Concentrations of NO₂ and PM₁₀ for the baseline year of 2023 achieved levels in compliance with the annual limit of 40 µg/m³ and further modelling of PM₁₀ for the opening and design years was not required. The impact of NO₂ was predicted for the opening (2026) and design (2041) years and was considered to be 'imperceptible'.

The construction related GHG impacts on climate were considered insignificant. At operational stage, the identified climate impacts relate to flood risk, energy use, and traffic related GHG emissions. The Site-Specific Flood Risk Assessments are referenced to demonstrate the absence of any significant risk. An Energy Statement and Part L Compliance Approach report has been prepared to identify the energy standards to be complied with and the overall strategy adopted. Traffic-related GHG emissions are also deemed to be minimal.

Section 8.5.3 of the EIAR considers the cumulative impacts of other plans and projects. Construction related dust emissions are determined to be insignificant due to the implementation of good construction practices, and the operational traffic impacts have also been considered insignificant.

The mitigation measures are largely construction-related and based on the CEMP, including the control/monitoring of dust and other standard best practice measures. No significant adverse residual impacts are anticipated.

9.10.3. **Assessment: Direct, Indirect, and Cumulative Effects**

I acknowledge the climate related concerns raised in the appeal regarding increased storm events/rainfall and reductions in water supply volumes. However, as previously outlined in section 9.9 of this report, I am satisfied that the proposed development will not have any unacceptable impacts on water supply (as confirmed by UE) and that the proposed drainage network has been adequately designed to account for climate change and to satisfactorily assess and address any flood risk concerns.

I also note the An Taisce concerns about a lack of commitment to decarbonisation in the building design. However, I would accept that detailed design measures would not be finalised at planning stage. The overall energy use strategy presented is acceptable and I am satisfied that appropriate standards will be achieved in accordance with the Building Regulations.

9.10.4. **Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that there would be no significant direct, indirect, or cumulative effects as a result of the proposed development.

9.11. **Landscape**

9.11.1. **Issues Raised**

No specific issues have been raised in relation to landscape.

9.11.2. **Examination, analysis and evaluation of the EIAR**

Chapter 8 of the EIAR deals with 'Landscape and Visual Assessment' and has been prepared with regard to 'Guidelines for Landscape and Visual Impact Assessment' (2013); Guidelines on the Information to be Contained in Environmental Impact Assessment Reports (2022); and the WCDP 2022-2028.

The EIAR outlines a comprehensive analysis of relevant planning policy (CDP and LAP), planning history, and the site itself and surrounding context.

The landscape sensitivity is classified as 'medium'. The magnitude of change at construction and operational stage is classified as 'high', resulting in short-term and permanent 'significant' effects respectively.

The visual impact is assessed using 14 representative viewpoints in the surrounding study area. The construction stage and operational stage impacts have been considered from each viewpoint. In general, a high degree of adverse but temporary impact is predicted at construction stage in close proximity to the site. At the operational stage, only 2 viewpoints were deemed to experience an adverse effect. The importance of the effect was not considered significant in any case.

Section 10.7 considers the cumulative effect of other plans and projects. The EIAR acknowledges that there is potential for significant cumulative impacts in terms of landscape and visual impact.

Section 10.8 outlines the proposed mitigation measures. The construction stage measures revolve around site management measures, landscaping, and the retention of existing vegetation. The operational measures have been integrated into the proposed design and layout, including the proposed landscaping and open space design. The proposed landscaping will be monitored and reinstated where necessary.

Given the planning policy for the area, the proposed development is considered to be in accordance with best practice and no significant residual impacts are predicted.

9.11.3. Assessment: Direct, Indirect, and Cumulative Effects

In addition to the relevant file documentation, I have inspected the site and considered the potential landscape and visual impacts, including the 'Verified Views and CGIs' as per Appendix 10A of the EIAR.

As would be expected in the case of any greenfield development, I would accept that the proposed development would result in significant change to the landscape and visual appearance of the area, although this would be a localised impact within a landscape that is not highly sensitive. I am satisfied that the retention of vegetation and open space would help to assimilate the proposed development into the landscape and that the impact would be further softened as the proposed landscaping matures.

Ultimately, I consider that the impact of the development would be consistent with the urban expansion of Blessington and would not result in any unacceptable impacts on landscape or visual amenity.

9.11.4. **Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that the main significant direct, indirect, and cumulative effects on Landscape are, and will be mitigated as follows:

- Changes to the localised landscape character associated with the development of this greenfield site, which will be mitigated by the design and layout of the proposed development, including the retention of existing vegetation and the provision of additional landscaping and open spaces.

9.12. **Cultural Heritage**

9.12.1. **Issues Raised**

A submission from An Taisce notes that six national monuments and archaeological features are located within or in close proximity to the site, and states that a comprehensive Archaeological Impact Assessment should be submitted.

A submission from the Department of Housing, Local Government and Heritage recommends that the archaeological mitigation measures contained within the EIAR should be implemented as a condition of any permission.

9.12.2. **Examination, analysis and evaluation of the EIAR**

Chapter 11 (Cultural Heritage) assesses impacts on the archaeological, architectural, and cultural heritage resource. It is informed by an analysis of all relevant data sources (RMP, CDP, NIAH, etc.), field inspections, a geophysical survey, archaeological testing, and consultation with relevant bodies.

The baseline description outlines that there are 4 no. recorded archaeological sites within the site and a further 12 no. sites within the 500m study area. There are no protected structures or structures listed in the NIAH on the site. The historic core of Blessington Village is designated as an ACA. The northwestern boundary of the ACA is c. 462m southeast of the proposed development. The site includes the former demesne landscape associated with Downshire House, which is not a recorded monument but contains the buried and upstanding remains associated with the late 17th century geometric gardens. The house was burnt in 1798 and was in ruins for a number of years before being demolished.

Overall, when considering the presence of the designed landscape established in the late 17th century (within the southern Town Park area) and the identified archaeological remains within the proposed northern residential element, the archaeological potential of these two areas is considered high. The relatively disturbed path of the proposed road extension is considered to have low archaeological potential.

At construction stage, the EIAR recognises the potential for very significant negative impacts on archaeological features within the Town Park element, as well as very significant positive effects associated with the preservation and enhancement of the Downshire House site. For the residential element, it also recognises that the layout, density, engineering and attenuation requirements make it impossible to avoid significant direct negative impacts on archaeological features. The road development also has potential for significant effects on previously undetected features.

At operational stage, it is stated that the proposed park will result in an overall direct positive impact due to the re-creation of a park that references the historic landscape and the retention of key historic elements.

Section 11.6 considers the potential cumulative impacts with other plans and projects, which include impacts on 'Downshire House (WI005-018) and geometric gardens' and 'Ringfort WI005-130'.

The construction stage mitigation measures for park element include archaeological monitoring and the retention of all built elements of the former gardens as part of the proposed park. For the residential element, archaeological remains will be preserved by record; part of the demesne wall will be repaired/reconstructed; and further test excavations and monitoring will be carried out. For the road development, a section of the demesne wall will be recorded, and further monitoring will be carried out.

At operational stage, a series of information panels relating to the landscape and archaeological/historic context will be erected in the park and an archaeological management plan will be compiled for the park area.

It is predicted that there will be no significant residual impacts on the residential and road elements of the site, and that there will be a significant positive residual impact on the park element due to its restoration, retention, and promotion of the heritage of the landscape.

9.12.3. **Assessment: Direct, Indirect, and Cumulative Effects**

I would accept that the site is sufficiently distanced from any protected structures/ACA to prevent any impacts on the architectural heritage resource. I have acknowledged the archaeological features within the site and the surrounding area, and the submissions from prescribed bodies in relation to same. I am satisfied that the EIAR outlines a comprehensive assessment of the potential archaeological impacts. Suitable mitigation measures have been included to protect/record archaeological features where relevant, and I would accept that the redevelopment of the park site has been suitably designed to protect, record, and enhance the archaeological heritage value of the historic landscape including Downshire House and the associated remains.

9.12.4. **Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that the main significant direct, indirect, and cumulative effects on Cultural Heritage are, and will be mitigated as follows:

- Disturbance of recorded and unrecorded archaeological features as a result of construction stage excavation and groundworks, which will be mitigated by a range of measures including the retention/protection of important features, further archaeological testing and monitoring, and the recording of archaeological remains.
- Positive impacts associated with the development of a Town Park which protects, enhances and promotes the cultural heritage value of the historic landscape, including the Downshire House site and its associated features.

9.13. **Material Assets**

9.13.1. **Issues Raised**

The appeals and submissions raise concerns about the condition and capacity of water services infrastructure to adequately accommodate the additional loading/demands associated with the proposed development. This includes concerns about drink water supply, wastewater infrastructure, and surface water infrastructure.

9.13.2. Examination, analysis and evaluation of the EIAR

Chapter 13 of the EIAR assesses the impact of the development on waste management, while chapter 14 considers impacts on utilities (surface water drainage, foul drainage, water supply, power, gas, and telecommunications).

At construction stage it acknowledges the potential for creation of waste. A Resource Waste Management Plan (RWMP) has been prepared; the reuse of material will be maximised; and any surplus waste will be disposed of in accordance with applicable policy/legislation. The potential impact is considered to be short-term, negative, and minor.

The EIAR also recognises the potential construction impacts on utilities, including contamination of surface water; improper foul discharge; and damage to existing utility infrastructure. These potential impacts are deemed to be neutral, short-term, and moderate.

The operational stage will also create waste. An Operational Waste Management Plan (OWMP) has been prepared which considers legal requirements, policies, and best management guidelines. The implementation of the OWMP will ensure a high level of recycling, reuse, and recovery.

The operational impacts on utilities are deemed to be only slight, including increased surface/foul water discharge; increased water usage; and accidental contamination of water-related infrastructure. It is also acknowledged that these have related impacts on human health and accidents/disasters.

The cumulative impacts of other plans and projects on waste and utilities have been considered and no significant effects are predicted.

The construction mitigation measures for waste revolve mainly around compliance with a Construction Management Plan (CMP), the RWMP, the CEMP, and relevant policy/legislation. The operational measures are based on implementation of the OWMP. Following the implementation of mitigation measures, no significant residual waste impacts are predicted.

The construction mitigation measures for utilities relate largely to the those previously outlined in the 'Water' chapter (7) of the EIAR. Alterations to other infrastructure will be managed in consultation with the relevant providers. At

operational stage, the surface water measures outlined in Chapter 7 will be implemented; foul drainage pipes will be surveyed and tested; and water conservation measures will be included in the proposed design. No significant residual utility impacts are predicted.

9.13.3. Assessment: Direct, Indirect, and Cumulative Effects

I am satisfied that waste generation is an unavoidable impact of the construction and operational stages, but I am satisfied that the proposed mitigation measures will suitably manage the effects of same. I would also acknowledge that the potential impacts on utilities will be satisfactorily addressed, particularly the impacts on water services as outlined in Chapter 7 of the EIAR and section 9.9 of this report.

9.13.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that there would be no significant direct, indirect, or cumulative effects as a result of the proposed development.

9.14. Interactions

9.14.1. Issues Raised

The appeals and submissions received have highlighted the potential for interactive water-related impacts on human health, biodiversity, and material assets (i.e. water infrastructure). The interactive impacts of climate change on water services have also been highlighted in terms of increased storm/flood events and reductions in water supply volumes.

9.14.2. Examination, analysis and evaluation of the EIAR

Chapter 16 of the EIAR summarises the interactions and cumulative effects between different aspects of the environment likely to be significantly affected by the proposed development. The cumulative impacts have already been addressed in relation to each individual environmental factor. The main potential interactions between factors can be summarised as follows (reciprocal impacts are not duplicated):

Population and Human Health

The construction stage has interactions in terms of increased noise, vibration, dust, traffic & emissions, visual impact, and disturbance of biodiversity (as a local

amenity). The operational stage will have landscape and visual impacts; increased traffic levels, emissions, and noise/vibration; as well as positive cultural heritage effects due to increased interaction with archaeological resources.

Biodiversity

The construction stage has interactions with landscape features that may also be biodiversity features. The movement of soil may impact on sensitive habitats; activities may impact on water as an ecological resource; and noise may cause temporary disturbance. However, the overall residual impact on biodiversity is considered neutral and the proposed landscaping would provide significant biodiversity enhancement.

Land, Soils, & Geology

The construction stage has potential to impact on: population as a result of dust generation; biodiversity as a result of interaction with existing habitats/species and negative impacts on water quality; water as a result of interactions with the existing water course; material assets due to the generation of waste; and cultural heritage due to the disturbance of archaeological remains.

Water

The potential impacts on human health have been considered and no public health issues have been identified. The potential biodiversity impacts as a result of water pollution have been considered and mitigation measures have been proposed. The impacts on material assets (water services) will be satisfactorily addressed by the required discharge licences and through the requirements of Uisce Eireann.

9.14.3. Assessment: Direct, Indirect, and Cumulative Effects

Consistent with the third-party appeals/submissions, I acknowledge that water is the main pathway that would facilitate potential interactions between environmental factors. However, for the reasons outlined in section 9.9 of this report, I do not consider that there would be any unacceptable impacts on water or any associated unacceptable interactive impacts. Similarly, I am satisfied that the potential for any other significant environmental interactions has been satisfactorily addressed by the proposed mitigation measures.

9.14.4. **Conclusion: Direct, Indirect, and Cumulative Effects**

I consider that, subject to the proposed mitigation measures and the recommended conditions of any permission, there would be no significant direct, indirect, or cumulative interactive effects as a result of the proposed development.

9.15. **Reasoned Conclusion**

9.15.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, as well as the submissions received from the planning authority, prescribed bodies and third parties in the course of the application and appeal, I consider that the main significant direct, indirect, and cumulative effects of the proposed development on the environment are, and will be mitigated as follows:

- **Population and Human Health:** Construction related disturbance including noise, dust, dirt, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and a Resource and Waste Management Plan.
- **Population and Human Health:** Positive socioeconomic effects through the availability of additional housing, improved transport facilities, and public open space when the development is completed.
- **Biodiversity:** Disruption to birds and bats due to the construction works, lighting, dust, and the loss of vegetation. This will be mitigated by the employment of good practice construction measures to reduce disruption, including pre-construction surveys and monitoring by the project ecologist, and by the design of the proposed scheme (including landscaping) which will retain and protect important habitats, and features.
- **Biodiversity:** Impacts on water quality and the aquatic environment as a result of silt laden and contaminated runoff, which will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.
- **Land, Soil, & Geology:** The loss of land and soil (c. 25 hectares) of high importance due to the potential for granular aggregates, which would be

mitigated by the delivery of improved facilities and amenities in accordance with the proper planning and sustainable development of the area.

- Water: Construction stage impacts on groundwater and surface water quality, including associated downstream impacts on drinking water and biodiversity, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan.
- Water: Operational stage surface water discharges to groundwater and the adjoining Deerpark Stream, including associated downstream impacts on drinking water and biodiversity, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.
- Landscape: Changes to the localised landscape character associated with the development of this greenfield site, which will be mitigated by the design and layout of the proposed development, including the retention of existing vegetation and the provision of additional landscaping and open spaces.
- Cultural Heritage: Disturbance of recorded and unrecorded archaeological features as a result of construction stage excavation and groundworks, which will be mitigated by a range of measures including the retention/protection of important features, further archaeological testing and monitoring, and the recording of archaeological remains.
- Cultural Heritage: Positive impacts associated with the development of a Town Park which protects, enhances and promotes the cultural heritage value of the historic landscape, including the Downshire House site and its associated features.

9.15.2. Having regard to the foregoing, I am satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the environment.

10.0 Appropriate Assessment Screening

10.1. An AA Screening exercise has been completed. See Appendix 1 of this report for further details.

10.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either

alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

10.3. This conclusion is based on:

- Objective information presented in the applicant's reports;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- Distance from European Sites;
- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

10.4. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

11.0 Recommendation

The application outlines that the proposed development includes three elements comprising: the residential development; the town park; and the Inner Relief Road extension. Having regard to the foregoing assessments and the reasons and considerations set out in the following Draft Order, I recommend a SPLIT DECISION whereby permission should be refused for the residential element and should be granted for the town park and Inner Relief Road extension, subject to conditions.

12.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 23/689

Appeals by Ballymore Eustace Trout and Anglers Association of Broadleas, Ballymore Eustace, Co. Kildare, and by Stephen Deegan for and on behalf of Ballymore Eustace Community Development Association, of 2338 St Brigids Park, Ballymore Eustace, Co. Kildare, against the decision made on the 12th day of April 2024, by Wicklow County Council to grant permission for the proposed development.

Proposed Development: The development will consist of:

- 329 residential units including: 270 two storey houses (28 no. 2-bed, 218 no. 3-bed, 24 no. 4 bed.) comprising of semi-detached and terraced units; 47 no. apartments (22 no. 1 bed, 25 no. 2 bed) provided within 1 no. four-storey block; 12 no. duplex units within 1 no. three-storey blocks (6 no. 2 bed and 6 no. 3 bed units).
- Car and bicycle parking spaces to include: 518 no. car parking spaces for the houses, 54 no. spaces for the apartments and 22 no. spaces for the duplex units; 167 bicycle spaces for the duplex units and for the apartments.
- 10.65 ha Town Park;
- 1.041 ha public open space including pocket parks and playgrounds;
- 1,514 sqm of communal open space (1,290 sqm at apartments, 224 sqm at duplex units);
- Two new vehicular access off Oak Drive and one new vehicular access off the Blessington Inner Relief Road;
- Infrastructure works to serve the housing development to include the internal road network;

- ESB substations/switchrooms, lighting, site drainage works and all ancillary site services and development works above and below ground;
- Temporary permission for up to 3 years is also sought for the erection of three marketing signs (4.55 m high and 13.73 sqm each) and a marketing suite.
- The extension of the Blessington Inner Relief Road (approx. 700m long) from the existing 4-arm roundabout at Blessington Demesne Lands, running north west of Blessington Business Park, and north of the Woodleigh residential area to a new four-arm roundabout junction on the N81 Dublin Road. The new roundabout will consolidate existing junctions with Holyvalley, Doran's Pit and the Roadstone quarry site. A new junction will be provided to the Roadstone Quarry Access Road north of the road's alignment. The scheme will comprise a two-lane single carriageway road with cycle lanes and footpaths, landscaping and drainage works (including attenuation ponds & Sustainable Urban Drainage Systems (SUDS)); road signage and all ancillary site services and development works above and below ground.

Decision

REFUSE permission for the proposed 329 residential units and all associated car and bicycle parking, open spaces, vehicular access, infrastructure works and site services, and the temporary marketing signs and suite, for the reasons and considerations marked (1) under, and

GRANT permission for the remainder of the development comprising the 10.65 ha Town Park and the extension of the Blessington Inner Relief Road and associated works, in accordance with the said plans and particulars, based on the reasons and considerations marked (2) under and subject to the conditions set out below.

Reasons and Considerations (1)

In accordance with Objective RPO 4.1 of the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031, the Wicklow County Development Plan 2022-2028 Settlement Hierarchy and the associated Population & Housing Allocations for Blessington have been determined in accordance with the population projections set out in the National Planning Framework to ensure that towns grow at a sustainable and appropriate level. Having regard to the nature and extent of existing and permitted residential development in Blessington, which would significantly exceed the stated allocations for the town, it is considered that the proposed development would materially contravene the objectives of the County Development Plan (i.e. CPO 4.1, CPO 4.2, CPO 4.7, and CPO 6.19) which seek to implement the Core Strategy and the Settlement Strategy in accordance with the principles of compact, sequential, and sustainable development. It is considered that the proposed development would be premature pending the finalisation of the National Planning Framework revision; the translation of any revised population and housing targets at regional and county level; and the subsequent preparation of a Local Area Plan for Blessington. The proposed development would set an undesirable precedent for further such unplanned development in the county and region and would, therefore, be contrary to the proper planning and sustainable development of the area.

Reasons and Considerations (2)

In coming to its decision, the Board had regard to the following:

- (a) The nature, scale and design of the proposed Inner Relief Road extension, which is supported by Objective CPO 12.44 of the Wicklow County Development Plan 2022-2028;
- (b) The nature, scale and design of the proposed Town Park, which would provide improved facilities and amenities to meet the needs of existing and future residents in accordance with Objective CPO 7.5 of the Wicklow County Development Plan 2022-2028;
- (c) The pattern of existing and permitted development in the area;

- (d) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;
- (e) The Climate Action Plan 2024 prepared by the Government of Ireland;
- (f) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009;
- (g) The submissions and observations received;
- (h) The reports from the Planning Authority; and
- (i) The report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale, and location of the proposed development adjoining the serviced urban area, the nature of the receiving environment, the distances to the nearest European sites and the hydrological pathway considerations, the Appropriate Assessment documentation submitted with the application, the incorporation within the proposal of best-practice standard measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site, the submissions and observations on file, the reports of the planning authority, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale, location, and extent of the proposed development;

- (b) The Environmental Impact Assessment Report and associated documentation submitted with the application and the appeal response;
- (c) The content of the appeals, the reports of the planning authority, and the submissions received from third parties and prescribed bodies; and
- (d) The report of the Planning Inspector.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation, including environmental conditions, and these are incorporated into the Board's decision.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Population and Human Health: Construction related disturbance including noise, dust, dirt, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Construction Traffic Management Plan, and a Resource and Waste Management Plan.
- Population and Human Health: Positive socioeconomic effects through the availability of improved transport facilities and public open space when the development is completed.

- **Biodiversity:** Disruption to birds and bats due to the construction works, lighting, dust, and the loss of vegetation. This will be mitigated by the employment of good practice construction measures to reduce disruption, including pre-construction surveys and monitoring by the project ecologist, and by the design of the proposed scheme (including lighting and landscaping) which will retain and protect important habitats, and features.
- **Biodiversity:** Impacts on water quality and the aquatic environment as a result of silt laden and contaminated runoff, which will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.
- **Land, Soil, & Geology:** The loss of land and soil of high importance due to the potential for granular aggregates, which would be mitigated by the delivery of improved facilities and amenities in accordance with the proper planning and sustainable development of the area.
- **Water:** Construction stage impacts on groundwater and surface water quality, including associated downstream impacts on drinking water and biodiversity, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan.
- **Water:** Operational stage surface water discharges to groundwater and the adjoining Deerpark Stream, including associated downstream impacts on drinking water and biodiversity, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.
- **Landscape:** Changes to the localised landscape character associated with the development of this greenfield site, which will be mitigated by the design and layout of the proposed development, including the retention of existing vegetation and the provision of additional landscaping and open spaces.
- **Cultural Heritage:** Disturbance of recorded and unrecorded archaeological features as a result of construction stage excavation and groundworks, which will be mitigated by a range of measures including the retention/protection of important features, further archaeological testing and monitoring, and the recording of archaeological remains.
- **Cultural Heritage:** Positive impacts associated with the development of a Town Park which protects, enhances, and promotes the cultural heritage value of the

historic landscape, including the Downshire House site and its associated features.

The Board is, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the environment.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Wicklow County Development Plan 2022-2028, would provide significant improvements to the transport and open space infrastructure in Blessington, would not seriously injure the visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not be at risk of flooding or increasing the risk of flooding to other lands and would not adversely impact on the local water regime or water quality, and would not seriously detract from the ecological or archaeological value of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19th day of December 2023, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. This permission relates to the construction of the Town Park and the extension to the Inner Relief Road elements only. Details of the full extent of these and any ancillary siteworks and services shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of clarity.

3. The mitigation and monitoring measures relevant to the permitted development (i.e. the Town Park and Inner Relief Road extension), as outlined in the Environmental Impact Assessment Report, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

4. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. The lighting scheme shall incorporate the requirements of the ecological mitigation measures contained within the Environmental Impact Assessment Report.

Reason: In the interests of amenity, public safety, and nature conservation.

5. (a) Drainage arrangements including the management, treatment, and disposal of surface water, shall comply with the Environmental Impact Assessment Report mitigation and monitoring measures, as well as the requirements of the Planning Authority for such works and services.

(b) Full details of surface water drainage proposals, including a management and maintenance plan, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of public health and surface water management.

6. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at site offices at all times.

Reason: In the interest of sustainable waste management

7. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the Environmental Impact Assessment Report, in addition to the following:
 - a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - b) Location of access points to the site for any construction related activity;
 - c) Location of areas for construction site offices and staff facilities;
 - d) Details of site security fencing and hoardings;
 - e) Details of on-site car parking facilities for site workers during the course of

construction;

- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) Measures to obviate queuing of construction traffic on the adjoining road network;
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

Reason: In order to safeguard the amenities of property in the vicinity.

9. All areas not intended to be taken in charge by the local authority and proposals for the management and maintenance of same, including the Town Park, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To provide for the satisfactory future maintenance of this development.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site in accordance with the Environmental Impact Assessment mitigation measures. In this regard, the developer shall:
 - a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

11. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

12. (a) The proposed Inner Relief Road extension shall be in accordance with the detailed construction standards of the relevant planning authority for such works and the design standards outlined in the Design Manual for Urban Roads and Streets (2019).

(b) Precise details of the proposed road design, including tie-in details with the existing road network, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of traffic safety, sustainable transport, and orderly development.

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.

Stephen Ward
Senior Planning Inspector

2nd July 2024

Appendix 1

AA Screening Determination

Screening for Appropriate Assessment

Screening Determination

1. Description of the project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site has a gross area of c.25ha and is located on the northern edge of Blessington, County Wicklow. It is c. 700m northwest of the nearest Natura 2000 site (Poulaphouca Reservoir SPA), and c. 1.3km south of the nearest designated SAC (Red Bog, Kildare SAC).

The proposed development mainly involves the construction of 329 no. residential units; a 10.65-hectare Town Park; the extension of the Blessington Inner Relief Road (c. 700m long); together with all associated open spaces, site works, and services. It is proposed to connect to the existing Uisce Eireann water and wastewater services. Surface water will mainly discharge to the Deerpark Stream adjoining the site, although a portion of the proposed Inner Relief Road will discharge to the existing surface water drainage network located in Woodleigh Avenue.

Submissions to WCC from Inland Fisheries Ireland and An Taisce highlight direct connectivity to the Pollaphuca Reservoir via a small stream and the ecological importance of downstream water quality. If permission is to be considered, a range of measures to protect water quality are recommended. The An Taisce submission also states that there appears to be a lack confirmation on whether the Greylag Goose (QI of the Poulaphuca Reservoir SPA) has been observed using the site.

A third-party submission to WCC also questioned whether adequate infrastructure is in place to avoid flooding; pollution of waterbodies; and significant effects on Natura 2000 sites beyond 15kms.

The appeals also raise similar concerns about the potential pollution of the Poulaphouca Reservoir SPA as a result of foul and surface water pollution.

After the receipt of further information regarding the proposed pedestrian bridge construction over the Deerpark Stream, the Planning Authority concluded that it has been demonstrated beyond reasonable scientific doubt based on the best available scientific

evidence that, subject to the proposed mitigation measures, the proposed development would not adversely affect the integrity of the Poulaphuca Reservoir SPA.

2. Potential impact mechanisms from the project

The site is not within or adjoining any Natura 2000 sites and I do not consider that there is potential for any direct impacts such as habitat loss, direct emissions, or species mortality/disturbance. Furthermore, the application outlines that 10 winter bird surveys were carried out from November 2021-March 2022. The 38 species recorded did not include any species of qualifying interest (QI) from nearby Special Protection Areas (SPA's) and, accordingly, I am satisfied that the site is not an ex-situ foraging or roosting site for QI species.

There is a pathway in respect of the Deerpark Stream running along the northern and eastern periphery of the site and then connecting downstream to the Poulaphuca Reservoir SPA. There are potential impacts at construction stage relating to construction-related pollutions, as well as operational impacts in terms of the quantity and quality of surface water discharge.

I also note the third-party concerns raised regarding the potential for the foul water to pollute this surface water pathway to the Poulaphuca Reservoir SPA as a result of unplanned events such as flooding, overflow, etc. However, based on the Uisce Eireann submission and my assessment as outlined in section 9.9. of this report, I am satisfied that the water services and drainage infrastructure will be upgraded as part of the development and will not result in any significant flooding or capacity impacts. Otherwise, it is also noted that the Poulaphuca Reservoir SPA does not extend downstream of the wastewater discharge point at Golden Falls.

Having regard to the nature of the site and its distance and lack of connectivity with Natura 2000 sites, I do not consider that there would be any other potential impact mechanisms.

3. European Sites at risk

Having regard to the potential impact mechanisms from the proposal, the European site(s) and qualifying features potentially at risk (i.e. within 15km) are outlined in the following table.

Table 1 European Sites at risk from impacts of the proposed project			
Effect mechanism	European Site(s)	Impact pathway/Zone of influence	Qualifying interest features at risk
Surface / storm water drainage	Poulaphouca Reservoir SPA	Deerpark Stream running through the site discharges to the reservoir.	Greylag Goose Lesser Black-backed Gull
	Red Bog, Kildare SAC	None	None – There is no pathway/link with the QI (Transition mires and quaking bogs)
	Wicklow Mountains SAC	None	None – There is no pathway/link with the QIs (Oligotrophic waters containing very few minerals of sandy plains; Natural dystrophic lakes and ponds; Northern Atlantic wet heaths with Erica tetralix; European dry heaths; Alpine and Boreal heaths; Calaminarian grasslands of the Violetalia calaminariae; Species-rich Nardus grasslands, on siliceous substrates in mountain areas; Blanket bogs (* if active bog); Siliceous scree of the montane to snow levels; Calcareous rocky slopes with chasmophytic vegetation; Siliceous rocky slopes with chasmophytic vegetation; Old sessile oak woods with Ilex and Blechnum in the British Isles; Otter.
	Glenasmole Valley SAC	None	None – There is no pathway/link with the QI (Semi-natural dry grasslands and scrubland facies on calcareous substrates; Molinia meadows on calcareous, peaty or clayey-silt-laden

			soils; Petrifying springs with tufa formation.
	Wicklow Mountains SPA	None	None – There is no pathway/link with the QIs (Merlin; Peregrine) and the significant separation distance (6.1km) will prevent disturbance.

Having regard to the above table, Poulaphouca Reservoir SPA is considered to be the only Natura 2000 site at risk from the proposed development.

Poulaphouca Reservoir SPA covers an area of approximately 20 square kilometres and exits into the River Liffey gorge at its western end. It is of principal interest and national importance for its Greylag Goose population, which is one of the largest in the country. The site provides the main roost for the birds, with feeding occurring mostly on improved grassland outside of the site. A mean peak of 701 individuals occurred during the five seasons 1995/96 to 1999/2000. It attracts roosting gulls during winter, most notably a large population of Lesser Black-backed Gull (651), which in Ireland is rare in winter away from the south coast.

4. Likely significant effects on the European site(s) 'alone'

Taking account of baseline conditions and the effects of ongoing operational plans and projects, the table below considers whether there is a likely significant effect 'alone'.

Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?
Poulaphouca Reservoir SPA		
Greylag Goose	To restore favourable conservation condition.	No

Lesser Black-backed Gull	To maintain favourable conservation condition.	No
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The Deerpark Stream provides a hydrological pathway to the SPA. It flows around the western side of Blessington and enters the reservoir to the south of the town, forming a hydrological pathway of c. 2km between the appeal site and the SPA.

The construction phase will be temporary, and the application acknowledges the potential for silt laden runoff, dust, or contamination to enter the watercourse with potential for downstream impacts on water quality and QIs within the SPA. Compliance with the Water Pollution Acts and Inland Fisheries guidance is proposed as the primary method of ensuring no significant impact on designated conservation sites. The application also proposes a range of measures as outlined in the Construction Environmental Management Plan (CEMP) and the EIAR. These mainly relate to the management of soils, excavations, hydrology & hydrogeology, traffic, accidents/spills/leaks, water utilities, and dust. Consistent with my assessment as outlined in section 9.9 of this report, I would accept that the potential for significant surface water effects to downstream sensitivities during the construction phase would be satisfactorily addressed by these measures.

For the operational stage, the surface water drainage network has been designed in accordance with SuDS principles. Ongoing regular operational monitoring and maintenance of drainage and the SuDS measures will be incorporated into the overall management strategy to ensure that there are no impacts on water quality and quantity. Consistent with my assessment as outlined in section 9.9 of this report, I would accept that the potential for significant surface water effects to downstream sensitivities during the operational phase is negligible considering the inclusion of suitable SuDS measures and a petrol interceptor.

I acknowledge that the application includes an AA Screening Report which concludes (on a strictly precautionary basis) that the potential for the aforementioned impacts to have significant effects on the Poulaphouca Reservoir SPA cannot be excluded. Therefore, the application includes a 'Stage 2' Natura Impact Statement which includes a comprehensive

range of 'mitigation measures' to address the potential effects at construction and operational stage.

However, it is my view that these are best practice standard construction management and surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The measures are otherwise incorporated into the applicant's Construction Environmental Management Plan (CEMP), the EIAR, and other elements of the documentation and drawings submitted, and I do not consider that they include any specific measures that would be uncommon for a project of this nature. Therefore, I am satisfied that these measures can be considered in the AA Screening process.

Due to the separation distance and hydrological buffer from the Poulaphouca Reservoir SPA, together with the construction and operational measures incorporated into the project (which are not included to avoid or reduce harmful effects on European sites), I do not consider that the proposed development will give rise to hydrological impacts that could significantly affect the Natura 2000 sites.

Conclusion

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of the Poulaphouca Reservoir SPA. Further AA screening in-combination with other plans and projects is required.

5. Likely significant effects on the European site(s) 'in-combination with other plans and projects'

Having regard to the foregoing, I consider that the potential for in-combination effects is limited to the cumulative impact of Surface / Storm Water Drainage associated with other developments in the area. I note that the Phase 1 development adjoining site to the east has been recently constructed and is partially occupied. The applicant's AA Screening Report also identifies other relevant projects in the area, the majority of which are of a similar residential nature but smaller in scale.

I also note that the Wicklow County Development Plan 2022-2028 includes a range of policies and objectives to protect water quality, water regime, and Natura 2000 sites, and that any approved projects would have to demonstrate compliance with same.

I acknowledge that other developments have a potential cumulative impact on the surface water drainage network. However, consistent with the current application, I am satisfied that they have demonstrated that there would be no significant residual effects on hydrology and Natura 2000 sites.

I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the applicant's reports;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- Distance from European Sites;
- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.