



An
Bord
Pleanála

Inspector's Report

ABP-322363-25

Development	Installation of additional underground effluent storage and construction of a new plant and storage building together with all associated site works.
Location	Kippure Lodge & Holiday Village, Kippure Estate, Manor Kilbride, Blessington, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	25/60075
Applicant(s)	Seefin Events Unlimited Company.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Refusal
Appellant(s)	Seefin Events Unlimited Company.
Observer(s)	None.
Date of Site Inspection	1 st July 2025.
Inspector	Senior Planning Inspector

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1.0 Introduction

- 1.1. There is an extensive planning history relating to the overall development of the Kippure Estate for recreation, leisure and hospitality, referred to as the Kippure Holiday Village (KHV).
- 1.2. The subject application, (which forms part of the overall estate), is for permission to extend the existing waste water treatment plant and provide additional percolation area and plant room, to serve existing accommodation currently operated by the International Protection Accommodation Service (IPAS). This report is accompanied by two specialist reports from the Coimisiúns in house Environmental Scientist and Ecologist included as Appendix 1 and Appendix 2.
- 1.3. A concurrent Waste Discharge Licence application (under section 4 of the Local Government (Water Pollution) Act 1977 and Regulations 1978 as amended) PA Ref. L02-24 was refused by the PA. This PA decision is currently under appeal by the First Party WW27.322055 and was lodged with the Board on 11/03/2025 and awaits a decision. The Waste Discharge Licence application is dependent on this file for the works to enable the effluent entering the River Liffey reach a suitable standard for discharging.
- 1.4. The appeal site (as outlined in red) does not include the part of the site which accommodates the IPAS accommodation. A separate application for retention of accommodation and associated works currently operated by IPAS under Reg. Ref. 24/60587 was refused by the PA on 18/11/2024. This PA decision is currently on appeal by the First Party under ABP-321463-24 and awaits a decision.
- 1.5. A concurrent Section 5 Referral RL27.320327 relating to various buildings and uses including the accommodation of protected persons; was lodged with the Board on 31/07/2024 and awaits a decision.
- 1.6. All four cases are travelling together so that they can be decided on concurrently by the Coimisiún. The assessment of these cases in tandem ensures that the cumulative and in-combination impacts of each case, within their respective red line boundary are given due consideration. This report can be read in tandem with associated inspector and specialist reports on each of the above cases.

2.0 Site Location and Description

- 2.1. The appeal site is located in the rural townland of Kippure, Co. Wicklow, approximately 6.3km southeast of the village of Kilbride and 6.5km southwest of the village of Glencree.
- 2.2. The subject site is located in the foothills of the Wicklow Mountains within the Mountain and Lakeshore Area of Outstanding Natural Beauty.
- 2.3. The Kippure Holiday Village (KHV) comprises some 96.3 hectares (ha) of which c. 5.22ha are the subject of this application. The catchment area of the Wastewater Treatment Plant includes existing structures on site and has a stated area of 13ha.
- 2.4. The KHV accommodation, associated facilities and car parking area are located to the east of the appeal site. The existing gate lodge and security kiosk are located at the entrance to the estate from the R759 Regional Road to the north.
- 2.5. The existing and proposed plant upgrade is located to the south of the access roadway from the entrance to the KHV and overall lands.
- 2.6. The closest surface watercourse to the site is the Athdown Brook, which flows from north to south along the western boundary of the site. It meets the River Liffey at the southwestern corner of the site. The River Liffey flows from east to west along the southern boundary of the site.
- 2.7. The Cransillagh Brook which forms the eastern boundary of the overall Kippure estate, flows from north to south/southwest, and is located approximately 380m to the east of the appeal site. Cransillagh Brook drains into the River Liffey.
- 2.8. The water supply for the site comes from an on-site private well located approx. 625m northeast and up-gradient of the appeal site. There are no other wells within 400m of the treatment system.
- 2.9. This site is at an elevation of approx. 295-280mAOD and slopes north to south away from the access route, and the area of the existing waste water treatment system towards the River Liffey. The site area comprises a grassed area, an excavated area, gravel and associated access chambers/pipes etc.

- 2.10. The existing sewage treatment plant discharges to a soil polishing filter following secondary treatment. This comprises an existing pressurised percolation area (720m²) and gravity percolation area (880m²) located to the east of the WWTS.
- 2.11. The proposed new polishing filter/percolation area is located within a Recorded Monument WI006-015 *enclosure*, which is subject to statutory protection in the Record of Monuments and Places.

3.0 Proposed Development

- 3.1. The application was lodged with the PA 13/02/2025.
- 3.2. Permission is sought for the installation of additional underground effluent storage and treatment tanks, all associated pipework, plant and equipment, construction of a new plant and storage building, new soil polishing filter together with all associated site development works.
- 3.3. The proposed additional underground effluent storage and treatment tanks (13 no.) will be located immediately adjacent to the existing waste water treatment tanks (8 no.) on the eastern side.
- 3.4. The new polishing filter/percolation area has a stated area of 1,400m², and is located to the west of the existing waste water treatment plant (WWTP).
- 3.5. The new WWTP Plant room has a stated a stated floor area of 91m². It comprises two no. plant rooms wc and store. It is single storey and includes a mono pitch green roof. It is to be located on a proposed concrete apron next to the existing WWTP and percolation area on site.
- 3.6. The application was accompanied by the following:
- Design of Wastewater Treatment Plant – 600 PE (Low N & P) prepared by O'Reilly Oakstown Environmental dated November 2024
 - WWTP Operational Maintenance Manual 600 PE prepared by O'Reilly Oakstown Environmental dated November 2024
 - Soil Polishing Filter Completion Report prepared by Michell Environmental Ltd dated March 2023

- Appropriate Assessment Screening Report prepared by ESC Environmental Ltd. (dated November 2024)
- EIA Screening Form

3.7. Design of Existing and Proposed WWTP

- 3.7.1. The O'Reilly Oakstown Environmental report sets out details in relation to the existing Kippure estate WWTP, the upgraded plant and the status and capacity of the plant which can be summarised in Table 1 below,

Table 1

Treatment Plant Design Parameters	Existing	Current Facility	Proposed
Total Organic Loading	18,800g BOD/day		36,000g BOD/day Max
Total Hydraulic Loading	45,000l/d	51,000l/d	90,000l/d Max
PE	280 (designed to treat effluent arising from 480)		600 Max
Hydraulic discharge limit	32m ³ /day (as per current Licence)		60m ³ /day (as per new Licence application)

3.8. Existing WWTP

- 3.8.1. The O'Reilly Oakstown Environmental report states that the treatment plant was designed to treat effluent arising from up to 32m³/day. The discharge parameters were designed to meet the discharge licence as issued by Wicklow County Council in 2018.
- 3.8.2. The design was based on a Tourism facility which would cater for periodic shock loading which would maximise at 45m³/day.
- 3.8.3. The current facility is discharging circa 51m³/day (prior to discharge arrangements in place).
- 3.8.4. The treatment system currently consists of
- Primary Settlement Tank (1 no.)
 - Aeration Tank (4 no.)
 - Clarification Tank /Final Effluent (2 no.)
 - Discharge chamber (1 no.)

3.9. Proposed WWTP

3.9.1. The treatment plant will be designed to treat effluent from up to 600 people. The rationale behind the proposal for a 600 PE sewage treatment plant is to allow for the future development as a tourism venue.

3.9.2. The hydraulic limit will be in accordance with the new licence application of 60m³/day. The treatment system will consist of

- Primary Settlement Tanks (3 no.)
- Forward Feed/Buffer Tank (2 no.)
- Aeration Tank (4 no.)
- Anoxic Tank / Final Effluent (3 no.)
- Clarification Tank / Final Effluent (3 no.)

3.10. Proposals to incorporate Existing WWTP into the Upgraded WWTP

3.10.1. The WWTP Operational Maintenance Manual 600 PE prepared by O'Reilly Oakstown Environmental sets out details in relation to the existing treatment plant which will be incorporated into the upgraded wastewater treatment plant with the existing plant re-used and can be summarised in Table 2 below;

Table 2

WWTP Components	Existing	Re use of existing	New Upgrade	Total Proposed
Primary Settlement Tank	1	To be retained	Reuse of 2 former Aeration Tanks	3
Forward Feed/Buffer Tank				2
Aeration Tank	4	2 to become Primary Settlement Tanks	6	8
Anoxic Tank			4	4
Clarification Tank / Final Effluent	2	2 to become Buffer Tanks	3	3
Discharge chamber	1	To be retained		1
No. of Tanks	8			21

3.10.2. Reuse of existing as follows.

- The primary settlement tank will be retained.

- The 2 no. existing clarifiers becoming Buffer Tanks.
- 2 of the Aeration Tanks becoming Primary settlement tanks
- The discharge chamber will be retained as a discharge chamber.

3.10.3. The new upgrade treatment system will consist of

- Primary Settlement Tanks (3 no.)
- Forward Feed / Buffer Tank (2 no.)
- Aeration Tank (8 no.)
- Anoxic Tank (4 no.)
- Clarification Tank / Final Effluent (3 no.)

3.11. Percolation Area

3.11.1. The Soil Polishing Filter Completion Report prepared by Michell Environmental Ltd provides details of the upgrade of the percolation area in accordance with the discharge licence issued in 2018 and can be summarised in table 3 below;

Table 3

Chronology/Timelines	Percolation Area	Maximum Daily Loading
2018 Discharge Licence	1,600m ² Pressurised (720m ²) Gravity (880m ²)	45m ³ per day
March 2020	Stone Area 2,660m ² Gravity Area 880m ²	51m ³ per day
Current application	Additional 1,400m ²	60m ³ per day

3.11.2. In March 2020 the percolation area had been excavated, and a stone bed was in place. The overall area installed consisted of 2,660m² area in total. There was also an existing gravity percolation area consisting of an area of 880m².

3.11.3. In accordance with the 2018 discharge licence the overall percolation area was increased to a total area of 1,600m². The large stone base was then covered over. The maximum daily loading that the system is designed for is 45m³ daily. The WWTP has been designed for periodic shock-loading suitable for a tourism facility.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Permission was **refused** 28/03/2025 for three no. reasons as follows;

1. The Planning Authority is not satisfied that, the current use of Kippure Holiday Village as a reception centre/accommodation for displaced persons, and its future extension as a tourism product, have the necessary planning consents under the Planning and Development Act 2000 (as amended) and associated Regulations. The proposed development to extend the existing wastewater treatment system would serve such unauthorised development. Therefore, to permit the proposed development, would represent consolidation of unauthorised development on these lands. The provision of such a form of development unduly impacts on the amenities of the area, public health, the amenities of adjoining properties, undermines the planning regulations and the provisions of the County Development Plan 2022-2028, and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the proposed percolation area, which is to be located within the confines of Recorded Monument WI006-015 (enclosure), and the extent of the works for the percolation area, which are likely to impact on this recorded monument, and the lack of an archaeological assessment, it is considered that the development would **materially contravene** Objectives CPO 8.1 and 8.3 of the County Development Plan 2022- 2028, and would be contrary to proper planning and sustainable development.
3. The submitted Screening for Appropriate Assessment document, and the Screening for Environmental Impact Assessment document, have failed to assess the in-combination impacts of the proposed development and the existing operations / development / future tourism development at Kippure Village, which are functionally interdependent. In addition, inadequate examination has been carried out in respect to the Ammonia discharge on the assimilative capacity of the groundwater, and potential impacts on the River Liffey. The River Liffey forms part of the Wicklow Mountains SAC, bounds the Wicklow Mountains SPA, and is linked to the Poulaphouca Reservoir SPA,

which is also a major source of public water. In the absence of this information, the Planning Authority cannot be satisfied beyond reasonable scientific doubt, that the proposed development would not have significant effects on Natura 2000 sites. Therefore, it is considered that Appropriate Assessment and Environmental Impact Assessment of the proposed development is required. Furthermore, it cannot be confirmed that the development would not increase the likelihood of contaminants reaching the Poulaphouca Reservoir water source, through malfunction, lack of maintenance or otherwise. To permit the proposed development would, therefore, be prejudicial to public health, would be contrary to the Habitats Directive, to the EIA Directive, to the Objectives of the County Development Plan 2022-2028, and to proper planning and sustainable development.

4.2. Planning Authority Reports

4.2.1. Planning Reports (dated 27/3/2025)

Capacity/Scale of Proposed WWTS

- Existing waste water treatment plant was designed to treat the effluent from up to 480 people.
- The Discharge Licence issued by WCC on the 19/02/2018 identified a percolation area of 1,600sqm, with the total volume of the treated effluent to discharge from the wastewater treatment plant not to exceed of 32m³/per day.
- From the submitted details it is indicated that the current facility is discharging circa 51m³/day.
- Proposal is to provide a waste water treatment system which will be designed to treat the effluent arising from up to 600 people.
- The discharge parameter is be designed to meet the discharge license as issued by Wicklow County Council, with the plant limited to 60 m³/per day.
- Rationale behind the proposal for a 600-person equivalent (P.E.) Sewage Treatment Plant is to allow for the future development of the facility as a tourism venue.

Permitted WWTS

- PRR 17/352: Permission granted for Recreational/Tourism development which included 28 holiday homes, recreation facilities and function room. Details submitted in respect to wastewater indicated that the maximum amount of wastewater generated on busy days at Kippure Estate would be c. 32m³/day.
- The upgrade of the system as required under the 17/352, and the Discharge Licence issued in 2018 was completed c. March 2023.
- Cover letter indicates that this pipework was repaired in July / August 2024 due to blockages and network breakages.

Current Loading of WWTS

- Kippure Holiday Village (KHV) is generating an average of 53m³/waste/per day, with a daily desludging of 20m³/waste/day.
- Current system is serving a PE beyond the scope of that identified under PRR 17/352, and Discharge Licence issued in 2018. This increase in volume of waste is as a result of current operations.

Planning Status of Uses

- Having regard to ABP-320327-24 (EX 53/2024), KHV is in use as a reception centre and accommodation for displaced persons, which is indicated as being temporary/short term.
- Works undertaken at KHV e.g. gate lodges, agricultural structures, pavilion/kitchen building, belfry building, accommodation buildings without the benefit of planning permission.
- Note PRR 24/60587 for retention of these works currently on appeal.
- The WWTS is intrinsically tied to the facilities/usage of KHV, and segregating the two applications which are functionally interdependent is considered erroneous, and contrary to current Case Law i.e. O’Grianna v An Bord Pleanála.
- To allow this development would consolidate the existing unauthorised development at KHV, would undermine planning legislation, and the core

principles of the County Development Plan 2022-2028, which seeks to direct housing into towns, to protect the rural resource, whilst providing for sustainable development.

- In the absence of permission for the uses currently operating in this rural area, the operations would undermine these key principles.
- To allow this development would consolidate unauthorised development for which no permission exists, and therefore in principle would not be considered appropriate.

Waste Discharge Licence

- The treatment plant is subject of a Waste Discharge Licence which is the remit of the Environment Section. Note that the Environment Section are the competent authority dealing with the discharge licence under Section 4 of the Local Government (Water Pollution) Act 1977 (as amended).
- Current Application for a Discharge Licence appealed to An Bord Pleanála.

Impact on Landscape

- Site is located within an Area of Outstanding Natural Beauty, however existing trees and topography would ensure that the impact of the works would be visually limited to the internal access route within the KHV development.
- Existing WWTS is visible from the internal access route, and the provision of plant room upgrade works would generally sit within the envelope of such works. Proposed works would not further alter the landscape, and planting could be provided to soften the impact.
- The new polishing filter area would result in the alteration of an area of lands and it has not been clearly shown the extent of the works particularly on existing tree vegetation which are an attractive feature of the area.
- CPO 17.21 and CPO 17.22 seek to protect existing trees, and it is considered further details would be required in respect to the existing tree vegetation to avoid negative impacts or ameliorate such impacts in accordance with County Development Plan requirements.

Archaeology

- Site of the proposed new polishing filter/percolation area is within the zone of notification with respect to Recorded Monument WI006-015 enclosure.
- Given the extent of the works for the percolation area, these may impact on this recorded monument. Objective 8.3 of the County Development Plan 2022-2028 requires the submission of archaeological assessment, which has not been provided.

Traffic

- Traffic impacts, solely relate to the construction of the wastewater facility, would be temporary in nature, limited in scale, and can be accommodated.

Groundwater

- The Environment Section have raised concerns in respect to the assimilative capacity of the groundwater. The assimilative capacity assessment excludes the high Ammonia results observed in the groundwater downgradient of the existing plant following overloading of the treatment plant in 2023 and 2024 and instead assumes clean groundwater to dilute the treated effluent.
- The high ammonia measured downgradient of the discharge in 2023 & 2024 is cause for concern and shows the lack of assimilative capacity in the groundwater for ammonia should the treatment plant fail to operate to the required high standard.
- No impact has been measured in the River Liffey in respect to the High Ammonia discharge.
- The site will be visited 3 times a week following commissioning of the upgrade WWTP for 2 weeks. After that there will be an alarm system by email. Details submitted do not provide sufficient evidence that there are adequate measures in place or to be put in place to ensure that the protection of the groundwater has been prioritised to safeguard against pollution.
- Recommend refusal.

4.2.2. Other Technical Reports

- **Executive Chemist (Pollution Control Section):** Report dated 20/03/2025 recommends a **refusal** for two no. reasons.
 1. 'Given the risk of a larger wastewater treatment system, if poorly operated, impacting on groundwater and the River Liffey downgradient which is hydraulically connected to the Poulaphuca Reservoir Special Protected Area, I am not satisfied that the project either individually, or in combination with other plans of projects, would not have a significant impact on the Poulaphuca SPA. Therefore, to grant would be contrary to the habitats directive.
 2. Having regard to the unauthorised development status of a significant proportion of the development that would give rise to the additional wastewater loading which the larger wastewater treatment plant is proposed to treat, granting permission would be premature pending authorisation of such development and would result in an unacceptable increased risk to groundwater and river water at a sensitive location.
- **Roads:** Report dated 18/02/2025 recommends no objection.

4.3. Prescribed Bodies

- **Uisce Éireann:** Report dated 14/03/2025 recommends **further information**. Report states that a Tier 3 Assessment is to be provided to ensure adequate provision of public water services. Further Information is requested as follows.
 1. A Tier 3 Assessment is to be carried out for the proposed development in accordance with Part 4 Guidance on the Authorisation of Discharges to Groundwater (EPA, 2011). The assessment must consider the sites proximity to the River Liffey and Uisce Éireann's downstream drinking water source at Poulaphuca Reservoir.
 2. The applicants shall demonstrate that are no adverse impacts to receiving waters, water quality and water treatability during construction and operational of the development.
 3. The applicants shall provide loading wastewater loading profiles to include seasonal and peak demands.

4. The applicant shall provide evidence that the proposals to upgrade the current on-site wastewater treatment plant and percolation area to increase the capacity to 600 person equivalent (PE) or 60m³/day is technically feasible, and that no constraint exists on site to achieve the appropriate percolation area’.

- **DAU, Department of Housing, Local Government and Heritage:** Report dated 11/03/2025 recommends **further information**.

Report notes that ‘the proposed development site is located within the Zone of Notification associated with Recorded Monument WI006-015 *enclosure*, which is subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994.

Report notes that ‘there is a possibility that the proposed works may cause disturbance to archaeological remains associated with the monument. The identified monument WI006-015 is described as follows in the Archaeological Survey of Ireland records:

“Situated in the grounds of Kippure House. Large circular enclosure (diam. c. 120m) defined by a low bank and shallow external fosse. It is marked ‘Nursery’ and shown with internal paths on the 1838 OS 6-inch map. Probably a landscape feature.”

It is recommended that a fieldwork-based Archaeological Impact Assessment, be prepared to assess the potential impact, if any, on archaeological remains in the area where development is proposed to take place.

Recommend an Archaeological Impact Assessment be requested by way of further information.

1. Applicant is required to engage the services of a suitably qualified archaeologist to carry out a fieldwork-based archaeological impact assessment of the proposed development. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.
2. Archaeologist shall carry out any relevant documentary research and inspect the site. The assessment shall involve documentary and cartographic

research, a condition survey and written record of Recorded Monument WI006-015 enclosure, archaeological testing (licensed under the National Monuments Acts 1930-2014) and an examination of the proposed plans for development. Test trenches shall be excavated at locations specified by the archaeologist within the proposed development area, having consulted the site plans and results of fieldwork, to determine the presence/absence of archaeological remains within the areas of proposed groundworks.

3. Having completed the work, the archaeologist shall submit a written report, including an archaeological impact statement, to the Planning Authority and to the Department in advance of the planning decision. Where archaeological material/features are shown to be present, preservation in situ, the establishment of sufficient 'buffers' to ensure preservation of archaeological remains, review of development layout and design, preservation by record (excavation) or monitoring, may be required and suggested mitigatory measures shall be outlined in the report.

4. The developer shall fully comply with any further archaeological requirements identified by the Planning Authority, following consultation with the Department, and all specified archaeological mitigation measures shall be implemented by the developer and a final archaeological report submitted to the relevant authorities following the completion of any further archaeological investigative work on site. All resulting and associated archaeological costs shall be borne by the developer.

It should be borne in mind that, if significant archaeological remains are found, refusal might still be recommended, and/or further monitoring or excavation required. It is our view that a final decision should not be made on this application until the Planning Authority and the Department has had the opportunity to evaluate the Archaeological Assessment.

4.4. Third Party Observations

4.4.1. One third party submission was received by the Planning Authority from John Conway & Louth Environmental Group.

4.4.2. The issues raised can be summarised as follows:

- *Unauthorised development* - Proposal should be refused.
- *EIAR and AA Screening* - Given size of development within an Area of “Natural Beauty” within the Wicklow Mountains Rural Area adjacent to the River Liffey requires a full EIAR and AA screening report.
- *EIAR Screening Report* - Has failed to take account of cumulative impacts and in-combination effects of existing, ongoing or proposed projects which overlap with this development.
- Process provided for under the 2016 Act contravenes the requirements of the EIA Directive and the public participation requirements set out at Art 6.
- *Biodiversity and Human Health* - The impact on biodiversity and human health arising from the proposed development, during both the construction and operational phases, is inadequate and lacking any information.
- Insufficient information submitted by the applicant and contrary to the requirements of EU Directives and National Law.
- *Climate Change* - Inadequate consideration has been given to Climate Change.
- *SPA and SAC* - Unauthorized development is located within a Special Area of Conservation and Special Protected Area under EU Law. 2000 Act (ss.177R-177AE) and the Habitats Directive.
- *AA Screening Report* - Inadequacies and lacunae in the AA Screening Report contrary to requirements of Habitats Directive.
- *Birds* - Insufficient surveys have been carried out to assess the potential impacts arising from bird collision/flight risks insofar as the proposed development may impact bird flight paths.
- *Cumulative effects* - Inadequate regard has been given to the cumulative effects of the proposed development, in combination with other development in the vicinity, on the protected sites.
- *Water Quality* - No regard to the quality of natural water bodies, to the nature and the scale of this development on the River Liffey and other nearby streams, rivers, lakes and ground water. There have been no measures put in

place with no regard to Planning for Watercourses in the Urban Environment by Inland Fisheries Ireland for urban locations.

- *Compliance with WCC Policy and EPA Standards* - Method of treatment and disposal does not comply with Wicklow County Council's Policy for Wastewater Treatment & Disposal Systems for Single Houses (PE ≤ 10) and the Environmental Protection Agency Waste Water Treatment Manuals.

5.0 Planning History

- 5.1. The following applications relate to developments within the overall Kippure Lodge & Holiday Village, Kippure Estate, Manor Kilbride, Blessington, Co. Wicklow.

Concurrent Appeals

- 5.1.1. **PA Ref. L02-24 ABP-WW27.322055:** Application **refused** by PA 12/02/2025 for a discharge licence under section 4 of the Local Government (Water Pollution) Act 1977 and Regulations 1978 as amended by Seefin Events Unlimited Company. The decision to refuse permission is currently on appeal and awaits a decision.
- 5.1.2. **PA Reg. Ref. 24/60587 ABP-321463-24:** Permission **refused** by PA 18/11/2024 for retention of ESB substation, agricultural storage, maintenance buildings, mixed use building, accommodation building and all associated works for four no. reasons as follows;
1. Having regard to the location of the development in proximity to the Wicklow Mountains SAC and the Wicklow Mountains SPA, the hydraulic connection to the Poulaphouca Reservoir SPA, the qualifying interests of these Natura 2000 sites and their conservation objectives, the direct/indirect pathways to these Natura 2000 sites, the absence of any ecological assessment, the nature and scale of the works undertaken, the Planning Authority cannot be satisfied beyond reasonable scientific doubt, that the proposed development would not have had significant effects on these Natura 2000 sites, and therefore the development for which retention is sought would have required Appropriate Assessment. Therefore, to permit the proposed development would be contrary to the Habitats Directive, the Objectives of the County Development Plan 2022 - 2028 and proper planning and sustainable development.

2. Having regard to

- i. the sensitive location of the site,
- ii. the extent of the works subject of this application, and the works which will facilitate the overall operations/ development
- iii. the Landscape designation Area of Outstanding Natural Beauty
- iv. the connection to Cransillagh Brook and the River Liffey,
- v. the proximity to the proposed development to the boundaries of the Wicklow Wetlands: River Liffey, Wicklow Mountains SAC and Wicklow Mountains SPA, and Poulaphouca Reservoir SPA.
- vi. the potential that the works have impacted on Wetlands and Natura 2000 sites,
- vii. the absence of information in accordance with Schedule 7A of the Planning and Development Regulations 2001(as amended),

on preliminary examination, it is considered that the need for an Environmental Impact Assessment cannot be screened out. Insufficient information has been submitted to allow the Planning Authority to carry out a Sub-threshold Screening Determination, or to confirm that the works have not already breached the thresholds set out in the Planning and Development Regulations 2001(as amended). Therefore, to permit the proposed development in the absence of adequate information and a Sub-threshold Screening Determination, would be contrary to the provisions of EU Directive 2014/52/EU, the County Development Plan 2022-2028, and proper planning and sustainable development.

3. Having regard to

- i. the location of the development within an Area of Outstanding Natural Beauty: Wicklow Uplands
- ii. the scale of works for retention
- iii. the current usage and proposed usage of the structures for retention and completion in the short/ medium term for the accommodation of International Protection Applicants/ Displaced Persons

- iv. The lack of a comprehensive justification for the design and scale of the structures for future tourism usage.
- v. Objectives CPO 11.1, CPO 11.2, CPO 11.3, CPO 11.14 of the County Development Plan 2022-2028 in respect of Tourism development
- vi. the settlement strategy as set out in the County Development Plan 2022-2028

It is considered that the development for retention would not ensure economic, environmental and social sustainability, would result in residential development outside of any settlement, remote from services, and with no public transport provision. The development would therefore materially contravene the Tourism Objectives and Settlement Strategy of the County Development Plan 2022-2028, would set a precedent for further unsustainable footloose development, and would result in a deterioration of the landscape quality of this Area of Outstanding Natural Beauty. The development would therefore be contrary to proper planning and sustainable development.

4. Insufficient information has been submitted in relation to:

- i. Wastewater Treatment Infrastructure
- ii. Surface Water Disposal
- iii. Water Demand
- iv. Traffic Impacts
- v. Sightlines
- vi. Visual Impacts
- vii. Loss of, or impacts on, Biodiversity

Therefore, it cannot be confirmed that the development would accord with the policies and Objectives of the County Development Plan 2022-2028, and with current guidance in respect of waste water disposal, surface water disposal and traffic movements. The development would therefore endanger public safety by reason of serious traffic hazard, would be prejudicial to public health, would cause serious pollution, would undermine the protection of Biodiversity, and would materially contravene the provisions of the County

Development Plan 2022-2028. The development would therefore be contrary to proper planning and sustainable development.

The applicant is Seefin Events Unlimited Company. The decision to refuse permission is currently on appeal and awaits a decision.

Relevant Planning History

- 5.1.3. **PA Reg. Ref. 17/1335 ABP-300834-18** Permission **refused** by PA 03/09/2018 for retention of 2 no. marquees, 3 no. prefabricated units and 1 no. 40ft container to Kippure Estate Manor, Kilbride, Blessington. The applicant was Kippure Lodge Ltd. The reason for refusal was as follows;

1. Having regard to the planning history of the site and to the ongoing concerns of the planning authority in respect of the adequacy of the on-site wastewater treatment and disposal system, the Board cannot be satisfied that the proposed development to be retained either individually, or in combination with other plans or projects, would not be likely to have a significant effect on the Designated European Sites in proximity to the proposed development, in view of the sites' conservation objectives. In such circumstances the Board is precluded from granting permission.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted that the planning authority, in undertaking a screening for appropriate assessment, had concerns about the adequacy of the on-site wastewater treatment and disposal system in relation to Designated European Sites. The Board, therefore, was not satisfied on the basis of the information on the file that the retention of the development sought, including the ongoing use of the on-site wastewater treatment and disposal system, would not be likely to have a significant effect on a Designated European Site.

Parent Permissions

- 5.1.4. **PA Ref. No. 17/352.** Permission **granted** on 4/01/2018 for a replacement dormer style building in place of the section of the original building which was burnt down 29/06/2016. Permission is also sought for alterations to the original design layout of the section of the overall building, elevational alterations, the construction of a single storey kitchen extension to the rear, the construction of an open canopy above the existing entrance doors over the eastern facade of the existing two storey

section which was undamaged in the fire, relocating the front entrance door to the existing two storey building, minor internal and external elevational alterations to all the existing building. WWTS. The applicant was Kippure Lodge Ltd.

Condition No. 3:

- a) 'Within 6 months of the final grant the wastewater treatment plant shall be upgraded and additional polishing filter provided, which shall be appropriately designed in accordance with the details submitted and the requirements of the Discharge License. Within 7 months of the final grant, a certificate from a Chartered Engineer, or Hydrogeologist, (with professional indemnity insurance) stating that the effluent disposal system has been installed to this requirement, shall be submitted to the Planning Authority including as constructed drawings, site layout map and photographic evidence of installation.
- b) Within 3 months of the upgrade of the wastewater treatment plant and polishing filter service contracts of 5 years duration should be entered into with competent firms for the preventative maintenance of the wastewater treatment plant and polishing filter, and for the monitoring of effluent from the wastewater treatment plant. The frequency and details of maintenance visits for effluent monitoring shall be submitted to and agreed in writing with the Planning Authority.

Reason: To ensure the provision of an adequate sewage disposal system in the interests of public health'.

5.1.5. **PA Ref. No. 12/6761.** Permission **granted** on 02/05/2013 for a single storey function room extension to rear of conference and admin building. Materials to match existing, with new roof lights to existing and new roof to a holiday and adventure centre. All at the Kippure Estate, Manor Kilbride, Blessington, Co. Wicklow. The applicant was Kippure Lodge Ltd.

Condition No. 2:

'No development shall commence on foot of this permission until the Water and Environmental Services Authority confirms in writing that the Wastewater treatment and disposal system and the water supply, serving both the existing and proposed development, have been installed to their satisfaction

Reason: To ensure that an adequate water supply and wastewater treatment facility is available to serve the proposed development and in the interests of public health’.

5.1.6. **PA Ref. No. 12/6539.** Permission **granted** on 23/08/2012 for the retention of revised floor levels and changes to elevations for 14 no. two storey houses within walled garden to comply with planning permission 04/1945 at a holiday and adventure centre, Kippure Estate, Manor Kilbride, Blessington, Co. Wicklow. The applicant was Kippure Lodge Ltd.

5.1.7. **PA Ref. No. 12/6455.** Permission **granted** on 2/08/2012 for the retention of end of terrace 3-bedroom, 2 storey dormer House No. 1 within walled garden to comply with planning permission 04/1945 at a holiday and adventure centre, Kippure Estate, Manor Kilbride, Blessington, Co. Wicklow. The applicant was Kippure Lodge Ltd.

Concurrent Section 5 Referral

5.1.8. **PA Ref. EX 53/2024 ABP RL27.320327:** Section 5 Declaration issued by WCC 04/07/2024 ‘is not exempted’.

First Party Referral by Seefin Events Unlimited Company lodged 31/07/2024 on
Whether or not:

- (a) Structure No. 1: Gate Lodge A and Gate Lodge B;
- (b) Structure No. 2: Semi-detached agricultural storage facility;
- (c) Structure No. 3: Detached agricultural maintenance/storage facility;
- (d) Structure No. 4: Electricity distribution building;
- (e) Structure No. 5: Open fronted agricultural storage shed;
- (f) Structure No. 6: Former agricultural building, now used to accommodate protected persons;
- (g) Structure No. 7 and Structure No. 8: Pavillion and kitchen building;
- (h) Structure No. 10: Former Belfry Building;
- (i) Structure No. 11: Concrete paved area adjacent to structure no. 10 and 12;
- (j) Structure No. 12: Accommodation block no. 1;
- (k) Structure No. 13: Art O’Neills building;
- (l) Structure No. 14: Car park adjacent to the former Belfry Building;

- (m) Structure No. 15: Large, gravelled area to the north east of the holiday village;
 - (n) Structure No. 16: Accommodation block no. 2 and
 - (o) On-site storage of soil/stone, boulders, machinery and building materials
- is or is not development or is or is not exempted development.

PA determined that each item constitutes development and is not exempt development. The applicant is Seefin Events unlimited with Goldstein Property ICAV stated as owner occupier. PA Declaration issued by the PA in July 2024 is currently on appeal to the Coimisiún and awaits a decision.

Enforcement

- 5.1.9. **UD 5239:** Relates to 04/1945, 05/2792, 12/6455, 12/6539, 12/6761, and 17/352. Enforcement Notice issued 10/05/2024.

6.0 Policy Context

6.1. Wicklow County Development Plan 2022-2028

6.1.1. Chapter 11 Tourism & Recreation

CPO 11.1: To promote, encourage and facilitate the development of the tourism and recreation sectors in a sustainable manner.

CPO 11.2: To ensure that all tourism and recreation developments are designed to the highest quality and standards.

6.1.2. Chapter 13 Water Services

Objective CPO 13.2: To prevent development that would pollute water bodies and in particular, to regulate the installation of effluent storage and disposal systems in the vicinity of natural water bodies or development that would exacerbate existing underlying water contamination.

Objective CPO13.3: To minimise alterations or interference with river / stream beds, banks and channels, except for reasons of overriding public health and safety (e.g. to reduce risk of flooding); a buffer of generally 25m along watercourses should be provided (or other width, as determined by the Planning Authority having particular regard to 'Planning for Watercourses in the Urban Environment' by Inland Fisheries Ireland for urban locations) free from inappropriate development, with undeveloped

riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible.

Objective CPO 13.11: Where connection to an existing public water supply is not possible, or the existing supply system does not have sufficient capacity, the provision of a private water supply will be only permitted where it can be demonstrated that the proposed water supply meets the standards set out in EU and national legislation and guidance, would not be prejudicial to public health, would not impact on the source or yield of an existing supply, particularly a public supply or would not adversely affect the ability of water bodies to meet the objectives of the Water Framework Directive. Private water supplies for multi-house developments will not be permitted.

Objective CPO 13.18: Private wastewater treatment plants for commercial / employment generating development will only be considered where:

- Irish Water has confirmed the site is due to be connected to a future public system in the area or Irish Water has confirmed there are no plans for a public system in the area;
- It can clearly demonstrate that the proposed system can meet all EPA / Local Authority environmental criteria; and
- An annually renewed contract for the management and maintenance of the system is contracted with a reputable company / person, details of which shall be provided to the Local Authority.

CPO 13.19: Where any application for a private treatment plant would require a discharge licence under the Water Pollution Acts, a simultaneous application for same shall be required to be made when submitting the planning application.

6.1.3. **Chapter 8 Built Heritage**

CPO 8.1: To secure the preservation of all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of sites, features and objects of archaeological interest generally. In the development management process, there will be a presumption of favour of preservation in-situ or, as a minimum, preservation by record. In securing such preservation, the Planning Authority will have regard to

the advice and recommendations of the National Monuments Service of the Department of Housing, Local Government and Heritage.

CPO 8.2: No development in the vicinity of a feature included in the Record of Monuments & Places (RMP) or any other site of archaeological interest will be permitted which seriously detracts from the setting of the feature or which is seriously injurious to its cultural or educational value.

CPO 8.3: Any development that may, due to its size, location or nature, have implications for archaeological heritage (including both sites and areas of archaeological potential / significance as identified in Schedules 08.01 & 08.02 and Maps 8.01 & 8.02 of this plan) shall be subject to an archaeological assessment.

6.1.4. **Chapter 17 Natural Heritage & Biodiversity**

CPO 17.5: Projects giving rise to adverse effects on the integrity of European sites (cumulatively, directly or indirectly) arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall not be permitted on the basis of this plan.

CPO 17.6: Ensure that development proposals, contribute as appropriate towards the protection and where possible enhancement of the ecological coherence of the European Site network and encourage the retention and management of landscape features that are of major importance for wild fauna and flora as per Article 10 of the EU Habitats directive. All projects and plans arising from this Plan will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive.

CPO 17.7: To maintain the conservation value of all proposed and future Natural Heritage Areas (NHAs) and to protect other designated ecological sites in Wicklow.

CPO 17.26: Protect rivers, streams and other water courses by avoiding interference with river / stream beds, banks and channels and maintaining a core riparian buffer zone of generally 25m along watercourses (or other width, as determined by the Planning Authority having particular regard to 'Planning for Watercourses in the Urban Environment' by Inland Fisheries Ireland for urban locations) free from inappropriate development, with undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible. Structures

such as bridges should be clear span and designed and built in accordance with Inland Fisheries Ireland guidance.

- 6.1.5. The Wicklow County Development Plan 2022-2028 includes several specific policy objectives at promoting and supporting the provisions and upgrading of wastewater treatment systems to ensure the protection of water quality in the county.

Objective WS1: To work in conjunction with Irish Water to facilitate the timely delivery of water and wastewater services required to realise the development objectives of this plan.

Objective WS2: To ensure that new developments are adequately services with a suitable quantity and quality of drinking water and adequate wastewater collection and treatment systems to serve the development.

Objective WS3: To promote compliance with environmental standards and objectives established:

- For bodies of surface water, by the European Communities Environmental Objectives (Surface Water) Regulations 2009;
- For groundwater, by the European Communities Environmental Objectives (Groundwater) Regulations 2010;
- For protected areas included in the Register of Protected Areas established under the European Communities (Water Policy) Regulations 2003.

Objective WS4: To ensure that private wastewater treatment facilities are only provided where the proposed facility meets all the relevant environmental standards and where provision is made for the future maintenance of the facility.

- 6.1.6. Other provisions which apply to the appeal site include;

- Landscape Designation: Area of Outstanding Natural Beauty – The Mountain Uplands
- Prospect 18: Sally Gap Road R759: Prospect extending from Sroughmore to Ballysmuttan.
- Recorded Monuments – WI006-015
- Wicklow Wetland Survey : Wicklow Mountains SAC/ SPA
- County Geological Site : Upper River Liffey

- Wicklow Mountain National Park Development and Design Standards :
Appendix 1 : Section 5 – Tourism and Recreation.

6.2. **Comprehensive Accommodation Strategy for International Protection Applicants,**

- 6.2.1. A new Comprehensive Accommodation Strategy for International Protection Applicants (IPAs) was adopted in March 2024, by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY).
- 6.2.2. Since the publication of the *White Paper to End Direct Provision and Establish A New International Protection Support Service* in 2021, increased numbers of international protection applicants as well as the requirement to accommodate beneficiaries of temporary protection, have presented significant challenges to the State's ability to provide accommodation for those seeking international protection. From 2022-2024, there were 30,000 new arrivals.
- 6.2.3. This new strategy has two parts – a near term strategy aiming to respond to the current homelessness crisis and a Revised Accommodation Model. The latter revises the approach outlined in the White Paper, to take account of the increased annual arrivals, while maintaining the core principles of the White Paper and ensuring compliance with reception regulations. By 2028 the State expects to directly cater for the 14,000 beds places with 21,000 beds by commercial providers.
- 6.2.4. European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection)_Regulation 2022 (S.I.No.306/2022) relates to proposed development carried out by or on behalf of a state authority for the purpose of providing temporary protection to displaced persons.
- 6.2.5. The Planning and Development (Amendment) (No. 4) Regulations 2022 (S.I 605 of 2022) amend Part 1 of Schedule 2, entitled 'Exempted Development - General' to insert a new Class 20F exemption to allow the temporary use of a certain class/use of building to accommodate persons seeking international protection.
- 6.2.6. Class 20F was updated by the Planning and Development (Exempted Development) (No. 4) Regulations 2023 (SI No. 376/2023) to include "displaced persons" as being those persons displaced due to the Ukraine war and to extend the exemption from 31st of December 2024 to 31st of December 2028 as detailed below.

- 6.2.7. **Class 20F** – *‘Temporary use by or on behalf of the Minister for Children, Equality, Disability, Integration and Youth to accommodate or support displaced persons or persons seeking international protection of any structure or part of a structure used as a school, college, university, training centre, social centre, community centre, non-residential club, art gallery, museum, library, reading room, sports club or stadium, gymnasium, hotel, convention centre, conference centre, shop, office, Defence Forces barracks, light industrial building, airport operational building, wholesale warehouse or repository, local authority administrative office, play centre, medical and other health and social care accommodation, event and exhibition space or any structure or part of structure normally used for public worship or religious instruction.’*

6.3. **Climate Action Plan 2025**

- 6.3.1. Climate Action Plan 2025 (CAP25) is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021.
- 6.3.2. The Plan lays out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.
- 6.3.3. Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

6.4. **Ireland's 4th National Biodiversity Action Plan 2023–2030**

- 6.4.1. Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The NBAP will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity,
- Objective 2 - Meet Urgent Conservation and Restoration Needs,
- Objective 3 - Secure Nature's Contribution to People,
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives.

6.5. National Guidelines

- 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).
- The Planning System and Flood Risk Management including the associated Technical Appendices, 2009 (the 'Flood Risk Guidelines').

6.6. Water Quality Standards

- The EPA **Wastewater Treatment Manual for Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999)** provides guidance on the selection, operation and maintenance of wastewater treatments systems with a p.e. of 10-500.
- The EPA **Guidance on the Authorisation of Discharges to Ground Water (2011)** provides guidance on the assessment needed to authorise discharges to ground water in order to satisfy the requirements of the European Communities Environmental Objectives (Groundwater Regulations) 2010.
- The European Communities Environmental Objectives (Groundwater) Regulations 2010 implement the requirements of the Water Framework and

the Groundwater Directive. The regulations impose duties on public authorities in relation to groundwater;

- Prevent or limiting input of pollutants into groundwater bodies,
- Protect, enhance and restore all ground water bodies to achieve good groundwater status by December 2015,
- To reverse any significant and sustained upward trend in pollutants in groundwater bodies arising from human activity,
- To achieve compliance with any standards established for groundwater dependent protected areas. Article 5 of requires that a public authority shall not in the performance of its functions undertake those functions in a manner that knowingly causes or allows deterioration in the quantitative status or chemical status of a body of ground water. Local authorities and the Board are defined in the first schedule as public authorities.
- The EPA Tier 3 Assessment

6.6.1. Tier 3 assessments generally cover these higher risk activities:

- Inputs greater than 20 m³/d of domestic waste water;
- Landfills;
- Any other proposed activity that is screened as carrying a high risk of impact on a receptor; and Any discharge activities where the results of an initial Tier 1 or Tier 2 assessment indicate significant scientific uncertainty.

6.6.2. The Tier 3 assessment has the same objectives and general content as in Tier 2, but the level of technical detail is greater. Subsoil characterisation has these additional requirements:

- Continuous subsoil sampling to bedrock (e.g., split-spoon samples or coring);
- Grain size analyses, including the clay fraction; and
- Estimation of subsoil permeability from field permeability tests or laboratory testing (e.g. for vertical hydraulic conductivity), the latter being especially important when clays are present.

6.6.3. Groundwater characterisation has these additional requirements:

- Pumping tests, rather than rising or falling head tests, are the preferred and accepted means of estimating hydraulic properties of the aquifer underlying the site, provided meaningful tests can be carried out (this may not always be the case in certain hydrogeological settings).

6.6.4. As with Tier 2, the number of boreholes and pumping and/or monitoring wells that may be needed for site characterisation and monitoring cannot be prescribed but is a function of the size of the discharge activity and the conceptual hydrogeological model of the site. The objective is to produce representative hydrogeological data of subsoil characteristics as well as groundwater flow gradients, fluxes and quality. A Tier 3 assessment must be carried out by a suitably qualified person.

6.7. Water Framework Directive

6.7.1. The European Union Water Framework Directive 2000/60/EC (WFD) was adopted in 2000 as a single piece of legislation covering rivers, lakes, groundwater and transitional (estuarine) and coastal waters and includes heavily modified and artificial waterbodies. The overarching aim of the WFD is to prevent further deterioration of and to protect, enhance and restore the status of all bodies of water with the aim of achieving at least 'good' ecological status by 2015 (or where certain derogations have been justified to 2021 or 2027).

Surface Water

6.7.2. The site is located within the (Liffey_020 Catchment EU_EA_09L010200) Liffey and Dublin Bay (Catchment ID 09) Water Framework Directive catchment area and in the Liffey_SC_0110 Sub-catchment.

6.7.3. The nearest river waterbody to the site is the River Liffey (IE_EA_09L010200) (EPA code 09L01) which is located c. 100m south of the site (the site being that of the wastewater treatment system and percolation area itself). The River Liffey (IE_EA_09L010200) has an Ecological Status of Good, with monitoring and its WFD risk is under review currently. The Liffey flows in a westerly direction from the Wicklow Mountains towards the Poulaphouca Reservoir c. 10km downstream.

6.7.4. The Athdown Brook, also flows from north to south along the western boundary of the site and meets the river Liffey at the southwestern corner of the site.

- 6.7.5. A report prepared by the Coimisiún's in house Environmental Scientist has concluded that *'water quality in the river Liffey directly downstream of the Kippure area is of a high standard and displays no evidence of having been impacted negatively by the presence of the existing wastewater treatment system'*. The report of the Coimisiún's in house Environmental Scientist is included as Appendix 1 of this report.

Groundwater

- 6.7.6. The site is located within the Kilcullen groundwater body European Code: IE_EA_G_003 which is identified as a Poorly productive bedrock. The groundwater WFD Status 2016-2021 IE_EA_G_003 is identified as overall 'Good'.
- 6.7.7. The River Liffey flows towards the Poulaphouca Reservoir European Code: IE_EA_09_71 which has Good water status with monitoring.
- 6.7.8. A report prepared by the Coimisiún's in house Environmental Scientist has concluded that *'having overall regard to the Tier 3 Hydrogeological Assessment, I am satisfied that the investigations and report were prepared in accordance with the guidance provided by the EPA for managing discharges to groundwaters. The report has demonstrated that the installation of the wastewater treatment system and soil polishing filter will not have a significant impact on groundwater quality.'* On that basis, I am satisfied that that the disposal to groundwater is acceptable.

6.8. Natural Heritage Designations

- 6.8.1. The nearest designated sites are the overlapping Wicklow Mountains Special Area of Conservation (SAC) (Site Code 002122), and Wicklow Mountains Special Protection Area (SPA) (Site Code 004040) are located c. 100m from the southern boundary of the proposed wastewater treatment plant.
- 6.8.2. The Poulaphouca Reservoir Special Protection Area (Site Code: 004063), is approximately 7.8km southwest of the appeal site, and The Glenasmole Valley Special Area of Conservation (Site Code: 001209), is approximately 7km to the north.

6.9. EIA Screening

- 6.9.1. The proposed development involves the upgrading of an existing wastewater treatment plant and percolation area.
- 6.9.2. Item 11 (c), and 15 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:

11. Other Projects

(c) Wastewater treatment plants with a capacity greater than 10,000 population equivalents as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.

15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

- 6.9.3. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is a significant and realistic doubt regarding the likelihood of significant effects on the environment.
- 6.9.4. The proposed development, therefore, triggers a requirement for Schedule 7A Information required to enable a Screening Determination to be carried out.
- 6.9.5. A screening determination was carried out and included in Section 10 and as an Appendix to this report. The screening determination finds that the proposed development of an extension to the existing WWTP that no EIAR is required.
- 6.9.6. I note that the WWTP serves the development at KHV and was originally used as a holiday resort. It is currently in use for IPAS accommodation. It is accepted that the WWTP may serve a holiday use on the Kippure estate into the future.
- 6.9.7. There is an EIA issue relating to the overall use of the Kippure estate. However, having regard to the nature of the subject application, and irrespective of the use or

future use of the lands, I have decided to consider the subject application for the upgrade of the existing WWTP under 11(c) 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.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. A First Party appeal against the decision of Wicklow County Council to refuse planning permission was submitted by the applicant. The grounds of appeal were accompanied by the following;

- Tier 3 Hydrogeological Impact Assessment dated 9th December 2024 (which was submitted with the application to the PA). This includes the following Appendices;
 - Appendix A: Particle Size Distribution Curves for subsoil beneath proposed soil polishing filter.
 - Appendix B: Monitoring borehole design logs
 - Appendix C: Results of Water Quality Analysis of Groundwater Samples (Monitoring piezometers GW1, GW2, GW3, GW4, and Water supply borehole GW5, 07/03/2024)
 - Appendix D: Results of Water Quality Analysis of Groundwater Samples in monitoring piezometers GW1, GW2, GW3, GW4 on 09/05/2024, 16/05/2024, 23/05/2024, 05/06/2024, 10/07/2024, 24/07/2024, 29/08/2024, 02/10/2024 and 03/11/2024.
 - Appendix F: Photographs of salient features on-site
 - Appendix G: Weekly flow measurements for waste water treatment plant at Kippure Estate, 2023 and monitored flow readings from 2024.

7.1.2. The main grounds of appeal can be summarised as follows;

7.2. Response to Refusal Reason No. 1

Planning Status of Existing Use

- Current use at Kippure Estate is temporary and short-term as a reception centre and accommodation for displaced persons.
- Use results in a known and measured PE loading, which is disposed of via the existing WWTP, percolation area and desludging.
- *Waste Discharge Licence* - The site and WWTP are subject of a Waste Discharge Licence (WDL), the disposal of waste from the WWTP is a matter for the Environment Section of WCC and is subject to a separate and independent process. The PA under section 34 is precluded from considering, refusing or conditioning the proposed development in respect of matters before the competent authority dealing with the discharge licence under Section 4 of the Local Government (Waste Pollution) Act 1977 and as amended in 1990, etc.
- *Desludging* - Volumes and daily discharge results have been provided as part of the Hydrological Report to WCC as part of the current WDL to confirm this calculation. In terms of the planning application and in an effort not to conflate the two processes, this data has not been submitted to the PA under Section 34, but the PA has the data.
- *Subject application* - Relates only to the proposed upgrades to the WWTP and additional percolation area and does not relate to the development feeding into the WWTP. The development that will be served by the subject WWTP upgrade and existing WWTP, comprise the existing KHV, and the existing use of the village as a reception centre for asylum seekers/displaces persons, and ultimately the proposed use of the site as a tourism destination and holiday village, as may be accommodated in the existing structures on site.
- *Retention application* - The existing structures on site are the subject of a retention application 24/60587, currently on appeal to An Bord Pleanála and provide for the long-term use of the site and buildings as a tourist destination.

- *Planning Consent* - PA's assertion that the current use of KHV as a reception and accommodation centre for displaced persons 'lacks necessary planning consent' is disputed. The facility has operated for many years in the tourism sector, including hosting, weddings, hospitality and tourist accommodation services. Having regard to the previously permitted use, the current use falls under emergency legislation for the facility to accommodate International Protection applicants.
- *Planning Merits* - Consideration of the Board is limited to considerations relating to the planning merits and key issues are likely to be the potential impact from a visual and policy perspective, no traffic, noise, or other such potential impact arises regarding the subject development.
- *Visual Amenity* - Satisfied that while a short-term impact may arise within the immediate vicinity of the subject site during the construction phase, satisfied that following reinstatement of the soil and grassland thereafter there will be no long term adverse visual impact. Impact will be localised slight imperceptible and short term. Biodiversity, soils and lands will be subject to a similar localised imperceptible impact, and it can be confirmed that no significant adverse impact will arise in respect of lands, soils or biodiversity.
- Submit that the current planning status of some structures (under appeal) in the overall context of the permitted and authorised development and use for displaced persons does not justify an outright refusal of the necessary infrastructure upgrades. The proposed WWTS is environmentally beneficial and supports existing and permitted and exempted uses.
- Argue that the wastewater upgrades are environmentally responsible and do not constitute consolidation of unauthorised development, but rather, support the existing use and the future sustainable tourism use of the site.

7.3. **Response to Refusal Reason No. 2**

Archaeological Concerns

- *Addressable by Condition* - Submit that while the Development Plan includes robust provisions to protect recorded monuments and associated buffer

zones, it is standard and reasonable practice to address such matters by way of a planning condition requiring pre-development archaeological investigation.

- Proposed polishing filter and percolation area, although located within the statutory 20m buffer of WI006-015, do not involve permanent or irreversible development that would prevent archaeological recording or mitigation. Works are subsurface and reversible in nature, involving soil filtration and piping works.
- The WCDP 2022-2028, in Objective AH1 and AH4, aims to safeguard archaeological heritage, but does not mandate refusal where development impacts are unclear or capable of mitigation. In fact, it promotes preservation in situ where feasible, and preservation by record where impacts are unavoidable, both of which can be addressed through an AIA.
- This approach is well established in planning precedent and has been accepted by both the Board and local authorities in numerous cases where infrastructure is proposed near heritage sites.
- *Material Contravention* - PA erred in treating this issue as a material contravention, rather than addressing it via a standard condition. The wording of a suitable condition is provided.
- Applicant is fully committed to archaeological compliance and welcomes such a condition.
- Refusal on contravention grounds in this case is both premature and disproportionate.

7.4. Response to Refusal Reason No. 3

Appropriate Assessment and Tier 3 Hydrogeological Assessment (including in-combination effects)

- *AA Screening* - Appropriate Assessment Screening provided confirms that there is no likelihood of adverse effect on the conservation objectives of a European Site.

- *EIA Screening* – Having regard to the nature and scale of the proposed development on a site of 5.22ha site, being an extension to an existing WWTP and filtration area, which would not have any significant adverse impacts on the environment, whether relating to noise, air quality, traffic, visual, water quality, biodiversity, soil, etc. we have screened out any requirements to carry out an EIAR in respect of the subject development at the preliminary stage. A preliminary EIA screening form has been completed and is attached.
- Satisfied that the permitted and proposed development remains below any threshold or requirement for EIA.
- *Tier 3 Hydrogeological Assessment* – Report submitted with appeal provides robust scientific analysis demonstrating that the proposed development will not adversely affect groundwater quality or Natura 2000 sites.
- *In-Combination Effects* – The report addresses in combination effects, ammonia discharge, and risks to the River Liffey and Poulaphouca Reservoir.
- Submit that the proposed development is not a standalone intensification of use, but rather a replacement and improvement of existing infrastructure to support current activities with some ‘headroom’. It is designed to address deficiencies in wastewater handling.
- *Cumulative Impacts* - The Tier 3 Hydrogeological Assessment and the accompanying AA screening have been informed by a detailed understanding of existing operational volumes, including recent peak wastewater loadings, tankering data, and potential system upgrades. These analyses reflect realistic operational scenarios and account for cumulative pressures.
- *Future Development* - Application is not seeking approval for new or expanded tourism or residential development. Any future intensification would require separate planning consent and environmental screening.
- *In-Combination Effects* - Functionally interdependent operations (e.g. accommodation, catering, events) are already licensed and in use, and their wastewater outputs have been captured in the Tier 3 load calculations and

assimilative capacity modelling. In combination effects have been appropriately accounted for in the hydrological impact analysis.

- The AA screening has correctly identified all relevant European sites (including the Poulaphouca Reservoir SPA and River Liffey SAC) and concluded no likely significant effect alone or in combination, especially as the proposed system improves effluent quality and ensures compliance with environmental thresholds.
- Argue that the Bord should consider the robustness of the Tier 3 and AA analyses submitted, and that the refusal based on an alleged failure to assess in-combination effects is unwarranted given the nature and scope of the application.
- Tier 3 Hydrogeological Assessment provides a thorough analysis of the hydrogeological context of Kippure Estate. It supports the proposal to replace the existing underperforming WWTS with an upgraded solution, ensuring protection of local groundwater and surface water resources.
- The key highlights of the report are outlined and include:
 - Site Characterisation: The area is underlain by sandy subsoils derived from granite till with moderate to high permeability. The bedrock is a Poor Aquifer (PI), limiting widespread contamination risks.
 - Monitoring and Investigation: Four piezometers were installed and sampled (1 upgradient, 3 down gradient). Results showed nutrient and contaminant levels remain within acceptable thresholds. The on-site water supply well is located 625m up gradient from the treatment site, offering an ample protection buffer.
 - System Upgrade Details: The new O'Reilly Oakstown BAF will treat 60m³/day and discharge to a 3,000m² soil polishing filter, replacing the previously overloaded system.
 - Environmental Impact: Groundwater simulations show post treatment nutrient levels (including nitrogen and ammonia) are negligible. There is no significant risk to River Liffey or local aquifers. Natural attenuation processes and deep, permeable soils enhance protection.

- Compliance and Monitoring: The proposal meets EPA guidelines for discharge to groundwater and includes provisions for ongoing monitoring. It aligns with best environmental practice and supports a revised discharge license application.
- The assessment concludes that the proposed system upgrade presents no adverse effects on groundwater, surface water, public health, or nearby Natura 2000 sites. It is a necessary, evidence-based solution to existing system failures.
- *Conclude* - Proposed development constitutes a necessary and environmentally responsible infrastructure upgrade. Concerns raised in the PA refusal are resolvable via appropriate conditions or are addressed through this submission.
- Request that the Bord overturn the refusal decision and grant permission for the necessary upgrades, with any reasonable conditions necessary to ensure environmental compliance.

7.5. Planning Authority Response

- None received.

7.6. Observations

- None received.

7.7. Further Responses

7.7.1. The First Party appeal was circulated by the Board to the following Uisce Éireann, the DAU, EPA, Inland Fisheries and NPWS for comment. The following responses were received at the time of writing;

- **Inland Fisheries Ireland (IFI)**: Report dated 7/07/2025 raise concerns in relation to the assimilative capacity in the groundwater body beneath the infiltration area.

- **DAU:** Report dated 3/07/2025 reiterate concerns raised previously to the PA and recommends further information.

7.8. Response to Request for Further Information

- 7.8.1. A response to the request for further information issued by An Bord Pleanála under Article 109(2)(b)(ii) of the Planning and Development Regulation 2001(as amended) was received by An Coimisiún on 24th July 2025.
- 7.8.2. It comprises a supplementary report entitled ‘Combined EIA Screening Analysis – Waste Water Treatment Plant and Kippure Holiday Village Development.’
- 7.8.3. The applicant states that the above report was prepared specifically to address the request relating to in-combination effects.
- 7.8.4. The submission incorporates an assessment for both projects and evaluates potential cumulative impacts in accordance with the guidance set out by the Office of the Planning Regulator.
- 7.8.5. The combined assessment concludes the following;
 - Both the WWTP expansion and the KHV development fall below the mandatory thresholds for EIA.
 - The WWTP expansion is confined to an existing developed envelope and augments licensed infrastructure. It is designed to accommodate current and proposed demand.
 - The holiday village comprises a combination or retention and completion of previously developed structures and also permitted structures and does not increase the PE loading beyond that already assessed by the Coimisún.
 - The developments are located outside of Natura 2000 sites, with no identified hydrological connectivity or likely significant effects.
 - The WWTP does not introduce any new sources of waste and in fact mitigates potential risk through improved treatment, thereby enhancing local environment quality.
 - Cumulative impacts across categories: visual, water, biodiversity, cultural heritage, and traffic, are minor or positive and do not create significant effects.

7.8.6. Under Article 109(2A) the following documentation was submitted;

1. The previously submitted EIA Preliminary Screening Report for the WWTP
2. The Scheule 7A Screening Report originally prepared for the Kippure Holiday Village development.
3. A comparative Cumulative Effects Assessment Table (Section 8 of the enclosed report) summarising potential interactions across the environmental receptors.

8.0 **Assessment**

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

- Planning Status
- Archaeology
- Impact on Public Water Supply
- Flooding
- AA and EIA

8.2. **Planning Status of current use as Kippure Holiday Village/IPAS Centre and future use**

8.2.1. Reason for Refusal No 1 refers to the current use of KHV (as a reception centre/accommodation for displaced persons), and its future extension as a tourism product, which do not have the necessary planning consents. The proposed development to extend the existing wastewater treatment system would serve such unauthorised development.

8.2.2. The PA considered that to permit the proposed development, would represent consolidation of unauthorised development which unduly impacts on the amenities of the area, public health, the amenities of adjoining properties.

- 8.2.3. The appellant disputes that the current use is unauthorised. The appellant's case is, that the current use as IPAS accommodation is exempt because of IPAS legislation and that waste discharge is subject to a separate Waste Discharge Licence.
- 8.2.4. I note that concurrent applications for a Section 5 Referral application in respect of the existing structures and associated uses, the related retention application of the Kippure Holiday Village (KHV), and waste discharge licence application which are all currently on appeal to the Coimisiún and await decisions.
- 8.2.5. In my view a single application for retention of the existing uses on site to include the proposed upgrade to the WWTS would have provided a far more straightforward planning approach to resolving the current planning status of existing and future development on site.
- 8.2.6. Notwithstanding, I acknowledge that the various concurrent applications are seeking to resolve the outstanding planning issues in terms of developments already carried out, current uses on site and technical capacity issues in relation to wastewater treatment and disposal on site.
- 8.2.7. I concur with the PA that the subject application for wastewater treatment and disposal of waste, is intrinsically linked to the application for retention of parts of the KHV. However, it would still be possible to provide for infrastructure without granting planning permission for additional development. An example of this was the grant of permission for the second runway in Dublin Airport for which was separate and independent from the grant of planning permission for Terminal 2. Improvements in infrastructure does not necessarily relate to an intensification of use.
- 8.2.8. In the interests of clarity, my assessment will focus on the proposed upgrade of the existing WWTS which serves existing permitted development on the overall site and allows for proposed future development. A grant of permission for the proposed upgrade of the existing WWTS does not imply that a grant of permission for intensification of use.
- 8.2.9. In terms of sequencing, if the Coimisiún are of a mind to grant permission for the upgrade of the WWTS to serve existing permitted uses, then as I see it, the first reason for refusal is substantially addressed. I would therefore see no difficulty in principle in granting permission for the subject upgrading of the existing WWTP subject of course to an examination of the technical issues.

- 8.2.10. I have had regard to the extensive planning history on the site and issues arising in terms of conditions attached to permitted developments relating specifically to capacity, loading and maintenance of wastewater treatment plants and issuing of relevant Waste Discharge Licences.
- 8.2.11. Regarding the current use I refer the Coimisiún to the concurrent Section 5 Referral ABP RL27.320327. This refers to whether each of the 17 no. structures in addition to on-site storage of soil/stone, boulders, machinery and building materials identified is or is not development or is or is not exempted development.
- 8.2.12. Regarding the concurrent planning appeal under ABP-321463-24 which is for permission for retention of ESB substation, agricultural storage, maintenance buildings, mixed use building, accommodation building and all associated works, please refer to this inspectors report which is travelling with the subject appeal. I can confirm from my site visit in respect of that application that the site is currently in use as an IPAS centre with accommodation. The two applications overlap necessarily in terms of planning considerations.
- 8.2.13. I am of the view that subject to the current application for an upgraded WWTS being acceptable from a waste discharge and water quality perspective that many of the concerns raised by the PA under ABP-321463-24 in respect of public health are potentially resolved under the current application.
- 8.2.14. The applicant has submitted a Tier 3 Assessment with the appeal. This assessment had been sought by way of further information by Uisce Éireann. I have considered the contents of this assessment, and it has also been assessed by the Coimisiún's in house Environmental Scientist (please see Appendix 1). This assessment concludes that the proposed development is acceptable from a public health, and an environmental perspective, and I am satisfied that the proposals would improve public health and reduce the risk of water pollution.
- 8.2.15. While I note the current enforcement actions which have been undertaken by Wicklow County Council on site, I note also that the Coimisiún have no jurisdiction on these matters.
- 8.2.16. I note also the concurrent wastewater Discharge Licence application, which is currently on appeal to the Coimisiún, but would highlight that the issuing of discharge licences is under a separate code.

Conclusion

- 8.2.17. I am satisfied that the necessary planning applications which are actively seeking to resolve the planning status and associated technical waste water requirements have been lodged with the PA and are currently under appeal to the Coimisiún.
- 8.2.18. If the Coimisiún are of a mind to grant permission for the current application, then I am of the view that this first reason for refusal will be substantially addressed and does not warrant a refusal on the grounds of planning status.
- 8.2.19. The proposed development would bring about a material improvement in terms of public health, reduce pollution risk to water quality and consequent impacts on biodiversity. Therefore, I consider that the proposed development is acceptable in principle.

8.3. Archaeology

- 8.3.1. Reason for Refusal No 2 refers to the location of the proposed percolation area, which is within the confines of Recorded Monument (WI006-015) (enclosure), and the extent of the works for the percolation area, which are likely to impact on this recorded monument, and the lack of an archaeological assessment.
- 8.3.2. The PA consider that the development would materially contravene Objectives CPO 8.1 and 8.3 of the County Development Plan 2022-2028.
- 8.3.3. The appellants case is, that the matter could have been dealt with by way of a planning condition requiring pre-development archaeological investigation. It is further submitted that the PA erred in treating this issue as a material contravention requiring refusal.
- 8.3.4. The proposed development site is located within the Zone of Notification associated with Recorded Monument WI006-015 *enclosure*, which is subject to statutory protection in the Record of Monuments and Places, established under section 12 of the National Monuments (Amendment) Act 1994.
- 8.3.5. The DAU notes the 'possibility that the proposed works may cause disturbance to archaeological remains associated with the monument. The identified monument WI006-015 is described as follows in the Archaeological Survey of Ireland records:

“Situated in the grounds of Kippure House. Large circular enclosure (diam. c. 120m) defined by a low bank and shallow external fosse. It is marked 'Nursery' and shown with internal paths on the 1838 OS 6-inch map. Probably a landscape feature.”

- 8.3.6. The DAU recommended that a fieldwork-based Archaeological Impact Assessment, (AIA) be prepared to assess the potential impact, if any, on archaeological remains in the area where development is proposed to take place.
- 8.3.7. The applicant accepts that the proposed polishing filter and percolation area, are located within the statutory 20m buffer of WI006-015, but submit that the proposed works do not involve permanent or irreversible development that would prevent archaeological recording or mitigation. The appellant's case is that the works are subsurface involving soil filtration and piping works.
- 8.3.8. From my examination of the site layout plans submitted, it is clear to me that the location of the proposed additional 1400m² soil polishing filter percolation area is entirely within the area of the Recorded Monument WI006-015 *enclosure*. This is not disputed by the applicant.
- 8.3.9. From my site inspection I saw no evidence above ground of any archaeological features. I do note however from aerial photographs a stand of trees in a roughly circular configuration in the vicinity of the site.
- 8.3.10. In my opinion the extent to which the proposed soil polishing filter percolation area encroaches on the enclosure and the nature of the works proposed which require ground disturbance, does warrant further archaeological investigation prior to any works taking place on foot of a grant of permission.
- 8.3.11. I do accept however as submitted by the applicant that the archaeological issues could have been dealt with by way of a planning condition. I also would draw the Coimisiún's attention to the fact that the applicant did not avail of the opportunity to have an AIA carried out which could have been submitted with the planning appeal, however, I also acknowledge that there may have been insufficient time to carry one out.
- 8.3.12. I have considered Objectives CPO 8.1 and 8.3 within Chapter 8 Built Heritage of the County Development Plan 2022-2028 in terms of whether the proposed development would materially contravene these objectives.

- 8.3.13. CPO 8.1 seeks to secure the preservation of all archaeological monuments included in the Record of Monuments and Places while having regard to the advice and recommendations of the National Monuments Service of the Department of Housing, Local Government and Heritage.
- 8.3.14. CPO 8.3 requires that developments due to size, location or nature, which have implications for archaeological heritage (including both sites and areas of archaeological potential / significance as identified in Schedules 08.01 & 08.02 and Maps 8.01 & 8.02 of this plan) shall be subject to an archaeological assessment.
- 8.3.15. I have had regard to Schedules 08.01 and 08.02 contained within Chapter 8 Built Heritage, and to Maps 8.01 and 8.02. These maps identify areas of archaeological potential or significance, and major sites of archaeological importance in Wicklow. I note the Seefin Passage Tomb Scurlocksleap is located to the north of the appeal site but at a distance within an area of forestry to the north.
- 8.3.16. I am satisfied that the DAU have given very clear advice on the need to examine the implications of this development for the archaeological feature by way of an AIA. In my mind CPO 8.3 is very clear that development which have implications for archaeological heritage require an archaeological assessment.
- 8.3.17. Again, the appellant submits that while the Development Plan includes robust provisions to protect recorded monuments and associated buffer zones, it is standard and reasonable practice to address such matters by way of a planning condition requiring pre-development archaeological investigation. As already discussed above I accept in this instance that the potential impact on archaeological heritage can be dealt with by way of condition.
- 8.3.18. I am satisfied therefore, given the size, location or nature of the proposed development, that further archaeological investigation prior to any works taking place can be carried out on site, subject to an appropriately worded condition. On this basis I am of the opinion that the proposed development would not be contrary to CPO 8.1 and CPO 8.3 of the County Development Plan. Should the Coimisiún disagree with me, the next section will consider the legal ramifications of material contravention.

Material Contravention

8.3.19. The Coimisiún will note that Reason Number 2 of the decision of Wicklow County Council to refuse planning permission for the proposed development states that the proposed development would materially contravene Objectives CPO 8.1 and 8.3 of the County Development Plan 2022-2028. Therefore, Section 37 (2)(b) of the 2000 Planning and Development Act (as amended) applies. This states:-

(2) (b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that:

(i) the proposed development is of strategic or national importance

(ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of the development, and permissions granted, in the area since the making of the development plan’.

8.3.20. The appellant’s case is that the PA have erred in their decision for refusal on contravention grounds which it is submitted is both premature and disproportionate, given the urgent need to upgrade the WWTS to accommodate International Protection Applicants on site.

8.3.21. Having considered the file, and the provisions of the Plans, as outlined above, I consider that the Planning Authority’s conclusion that the development materially contravenes the Plan is unreasonable. I am satisfied that the proposed development would not materially contravene Objectives CPO 8.1 and 8.3 of the County Development Plan 2022- 2028 and would not be contrary to proper planning and sustainable development.

- 8.3.22. Should the Coimisiún consider that a material contravention occurs, it will have to address itself to the requirements, in the event that it was minded granting a permission in this case. I am of the view that this development which currently serves IPAS accommodation is of strategic and national importance and would not be out of keeping with pattern of the development in the area.
- 8.3.23. I am satisfied therefore that this reason for refusal should not be upheld by the Coimisiún.

8.4. Requirement for AA and EIA

- 8.4.1. Reason for Refusal no. 3 considers that Appropriate Assessment and Environmental Impact Assessment of the proposed development is required.
- 8.4.2. In forming this view the PA note that
- The submitted Screening for Appropriate Assessment document, and the Screening for Environmental Impact Assessment document, have failed to assess the in-combination impacts of the proposed development and the existing operations / development / future tourism development at Kippure Village, which are functionally interdependent, and that
 - Inadequate examination has been carried out in respect to the Ammonia discharge on the assimilative capacity of the groundwater, and potential impacts on the River Liffey. The River Liffey forms part of the Wicklow Mountains SAC, bounds the Wicklow Mountains SPA, and is linked to the Poulaphouca Reservoir SPA, which is also a major source of public water.

Requirement for AA

- 8.4.3. I note an Appropriate Assessment Screening Report prepared by ESC Environmental Ltd. (dated November 2024) which was lodged with the application
- 8.4.4. The Appropriate Assessment section of the Planners report notes that no ecological assessment has been submitted with the application documents to support the statements identified in the screening, and concerns raised by the Environment Section in respect to elevated ammonia concentration in the groundwater.
- 8.4.5. The PA concluded that the proposed development could result in significant effects on the Wicklow Mountains SAC, the Wicklow Mountains SPA and the Poulaphouca

Reservoir SPA, in view of the conservation objectives of a number of qualifying interest features of those sites. It therefore determined that Appropriate Assessment (stage 2) under Section 177U of the Planning and Development Act 2000 of proposed development is required.

This determination is based on:

- The nature and scale of the proposed development
- The close proximity of the subject site to the Wicklow Mountains SAC, the Wicklow Mountains SPA and direct hydrological connection to the Poulaphouca Reservoir SPA
- The planning history of the subject site.

8.4.6. The first party appeal was accompanied by a copy of the Appropriate Assessment Screening Report prepared by ESC Environmental Ltd. (dated November 2024) which was lodged with the application.

8.4.7. The appellant accepts that there are functionally interdependent operations (e.g. accommodation, catering, events) but that these are already licensed and in use, and their wastewater outputs have been captured in the Tier 3 load calculations and assimilative capacity modelling.

8.4.8. The appellant's case is that the proposed development is a replacement and improvement of existing infrastructure to support current activities with some 'headroom' and that it is designed to address deficiencies in wastewater handling.

8.4.9. Section 9 of this report considers AA Screening further. The assessment and report of the in-house Ecologist have screened out the need for a stage 2 Appropriate Assessment. The report states *'that likely significant effects on any European Site from the proposed WWTP development either alone or in combination with other plans or projects can be excluded beyond reasonable scientific doubt. Therefore, Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.'* The report of the Coimisiún's in house Ecologist is included as Appendix 2 of this report.

8.4.10. Requirement for EIA

- 8.4.11. I note the EIA screening submitted with the application screened out the need to carry out an EIAR of the subject development at preliminary stage. A preliminary EIA screening form accompanied the application.
- 8.4.12. The applicant considered the nature and scale of the proposed development on a 5.22ha site, (being an extension to an existing wastewater treatment plant and filtration area), would not have any significant adverse impacts on the environment, whether relating to noise, air quality, traffic, visual, water quality, biodiversity, soil etc.'
- 8.4.13. The applicant also 'had regard to the wider area and development subject of appeal (which forms the wastewater treatment catchment area for the proposed WWTP, and comprises c.13ha, including the application site)'
- 8.4.14. It is submitted by the applicant that 'the existing permitted and proposed development at KHV which is to be served by the existing (permitted in 1997) and in the future by the proposed augmented wastewater treatment plant does not require an EIAR and that the proposed development remains below any threshold or requirements for EIA.
- 8.4.15. The Planners Report of the PA notes the Screening for EIAR submitted by the applicant states that a waste water treatment facility is not in a class of development listed in Schedule 5. The PA is of the opinion however, that Part 2, Class 11 (c) would however apply in this instance, and therefore screening is required i.e. 11 *Other Projects*

(c) Waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.

- 8.4.16. I concur with this assessment by the PA.
- 8.4.17. The PA note that the screening conclusion under PRR 24/60587 identified that development to come within the description set out in the Planning and Development Regulations 2001(as amended) Schedule 5: Part 2; 12 *Tourism and Leisure* i.e. *(c) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.*

- 8.4.18. The PA note the conclusion reached in the above application is that the need for EIA can be ruled out as the development comprises c. 150 bedrooms (this includes previously permitted development) as there is no real likelihood of significant impacts on the environment. The PA however submit that the calculations do not take account of bedrooms being provided, notwithstanding their proposed temporary nature in Structure 6.
- 8.4.19. I note that the subject application as outlined in red does not include the existing KHV. Having regard to the complexity in relation to use of the overall site, as per section 6.9.7 of my report, I will focus on the EIA requirements in relation to the upgrading of the existing WWTP
- 8.4.20. The PA also consider a further category which requires investigation i.e. Project 1(c)
- Agriculture, Silviculture and Aquaculture*
- 1(c) Development consisting of the carrying out of drainage and/or reclamation of wetlands where more than 2 hectares of wetlands would be affected.*
- 8.4.21. The PA consider that the works to develop Structure 15, extended beyond the redline boundary, and would have impacted on areas identified as Wetlands.
- 8.4.22. I note Structure 15 refers to a hardcore-surfaced compound area located in the north east corner of the overall Kippure estate site and not within the subject site and is not relevant to the current appeal.
- 8.4.23. The PA refer to significant case law on project splitting and consider it erroneous to omit those areas beyond the redline boundaries. This applies also to other elements of the Kippure Village Development which have not been included in this current application but are alluded to in the documents i.e. Chapel Style Building, Stone building beside chapel, and pedestrian Bridge.
- 8.4.24. The PA also had regard to various road/ pathways extending beyond boundaries of the application site which are also a part of the facilitating works, and which have not been included. Improvements to the effluent treatment system is another element key to the operations on site. While I consider that an application for development of the overall Kippure estate would have been a more straightforward approach, I consider that due to the extent and nature of development, which is currently posing a threat of pollution, that there is an urgent need to deal with this matter. I am

satisfied that EIA assessment of this application can be considered under Class 11 (c). I note the other appeals have considered the overall development on the estate as a whole.

8.4.25. I am satisfied that those elements can be assessed separately. I do not consider the O’Grianna v An Bord Pleanála case relevant as that related to the **proposed** development of a windfarm development. In this case the KHV has been operating for over a decade, and the proposed development is necessary for the purposes of public health and reduction of the risk of water pollution.

8.4.26. The proposed development is part of an existing development (the KHV), and it is providing for an upgrade to the permitted development with a WWTP of 1,600m² to 3,000m². I am satisfied that the provision of additional WWTP facilities does not provide planning permission for the expansion of the KHV in terms of holiday accommodation. Therefore, I am satisfied that the proposed development is sub threshold for the purposes of EIA for a waste water treatment plant.

Schedule 7A

8.4.27. The PA considered the EIA screening as insufficient to fully screen the development and considered that full Schedule 7A details should be included with the application.

8.4.28. The first party in the appeal refers to the detailed EIA screening with Schedule 7A information submitted with PRR 24/60587 now on appeal with An Bord Pleanála Appeal Reference PL27.321463. The applicant states that they did not consider it necessary to submit this Schedule 7A information as it is a matter before An Bord Pleanála, but indicated they were willing to do so.

8.4.29. I have had regard to the Scheule 7A information submitted by the applicant following a request by the Board for further information. I note however, that it relates to the concurrent application under ABP-321463 and is not specific to the current proposal. Nevertheless, I am satisfied that there is sufficient information on file to carry out an EIA Screening Determination for the purposes of this application.

8.4.30. I have had regard to the supplementary report entitled ‘Combined EIA Screening Analysis – Waste Water Treatment Plant and Kippure Holiday Village Development.’, submitted by the applicant following a request by the Board for further information.

8.4.31. The applicant submits that during construction, the potential impacts to soil and geology, visual and landscape traffic and hydrology will be short term, insignificant and neutral. It is also submitted that when operational the proposed development will result in an improvement in terms of hydrology as it augments the existing system.

8.4.32. The key potential impacts identified include the following;

- Wastewater impacts are controlled and licensed, which are considered to remove risks of operating over the design capacity
- Surface water and foul drainage systems mitigate runoff risk.
- The proposed upgrade obviates the need for surplus sludge/effluent to be removed by tanker, reduces traffic on the road, better protects the soils, hydrology and hydrogeology in the area, and enhances the environment for human beings and for flora and fauna.
- There are no effects predicted on Natura 2000 sites, protected species or cultural heritage.

8.4.33. I concur with this assessment of potential impacts.

8.4.34. I have also had regard to the comparative Cumulative Effects Assessment provided in Table 1 of the above report summarising potential interactions across the environmental receptors.

8.4.35. I am satisfied that the applicant has considered the potential impacts of the proposed development and considered the cumulative effects. I concur with the cumulative effects identified result in minor or positive effects and does not give rise to likely significant effects. I am satisfied that this supports the conclusion that the combined development remains below the EIA threshold and does not require EIA.

8.4.36. In relation to the AA and EIA screening the appellant's case is that in-combination effects have been accounted for in the hydrological impact analysis.

8.4.37. In my opinion, it is entirely plausible for the PA to take the position that they did in relation to in-combination impacts, given that the existing/proposed wastewater treatment systems are intrinsically linked to the existing proposed development and uses on site.

- 8.4.38. However, in my opinion, the robustness of this Tier 3 Assessment submitted with the appeal fundamentally informs the assessment of likely environmental impacts on Natura 2000 sites, or protected species, and potential impact on the river Liffey and therefore the requirement for AA and EIA. This element of the application is addressed in section 8.7 of my report below.
- 8.4.39. Section 9 of this report deals with Appropriate Assessment (AA) Screening, while section 10 deals with Environmental Impact Assessment (EIA) Screening. These sections are supported by preliminary screening forms for AA and EIA which are attached as appendices to this report.
- 8.4.40. I am also satisfied that the assessment of the concurrent applications by the Coimisiún allows for consideration of the in-combination impacts with adjoining development.
- 8.4.41. Therefore, in my opinion the third reason for refusal has been addressed by the applicant in the appeal, and this reason for refusal should not be upheld.

8.5. Impact on Groundwater and Public Water Supply (Public Health)

- 8.5.1. Reason for Refusal No. 3 refers to the inadequate examination carried out in respect to the Ammonia discharge on the assimilative capacity of the groundwater, and potential impacts on the River Liffey. The River Liffey is linked to the Poulaphouca Reservoir SPA, which is also a major source of public water.
- 8.5.2. The PA considered that in the absence of this information that 'it cannot be confirmed that the development would not increase the likelihood of contaminants reaching the Poulaphouca Reservoir water source, through malfunction, lack of maintenance or otherwise. To permit the proposed development would, therefore, be prejudicial to public health.'
- 8.5.3. The appellant's case is that the proposed development constitutes a necessary and environmentally responsible infrastructure upgrade. It is submitted that concerns raised in the PA refusal are resolvable via appropriate conditions or are addressed through the Tier 3 Assessment submitted as part of the First Party appeal.

Public Water Supply

- 8.5.4. Uisce Éireann have stated in their report to the PA that the protection of drinking water sources is a priority, and that a precautionary approach is applied to development proposals that may impact public drinking water sources.
- 8.5.5. The report also states that 'UÉ is cognisant of and supportive of the Groundwater Quality Objectives under Regulation 4 & 7 of the Groundwater Regulations (S.I. No. 9 of 2010) and the objectives of the Water Framework Directive where it is a requirement of the Water Framework Directive that waters used for the abstraction of drinking water are protected to avoid deterioration in quality.'
- 8.5.6. The report notes that the proposal is 'located within the Drinking Water Abstraction Catchment for the Dublin City Council Water Supply Zone 1 (Ballymore Eustace Water Treatment Plant) which serves a population of 877,000 people.'
- 8.5.7. The River Liffey is located approximately 100m to the south of the proposed works and a portion of the river Liffey interfaces with the proposed works and redline boundary. The river Liffey feeds into the Poulaphouca Reservoir 12.5km downstream where public water supply is abstracted from the Poulaphouca Reservoir which is a critical drinking water source for the Greater Dublin Area. Therefore, UÉ is of the opinion that the proposed activity carries the risk of potential impact on these receptors.

Discharge to Groundwater

- 8.5.8. Uisce Éireann note that a Tier 3 Assessment although referred to by the applicants does not appear to have been submitted as part of this planning application.
- 8.5.9. Given the volume of effluent exceeds the 20 m³/d threshold for a Tier 3 Assessment under Part 4 Guidance on the Authorisation of Discharges to Groundwater (EPA, 2011), Uisce Éireann would need to review the Tier 3 Assessment ahead of any determination on the proposals and the potential impact to receptors.
- 8.5.10. The appellant's case is that a Tier 3 Assessment has been submitted as part of the First Party appeal. This has been circulated by the Board to Uisce Éireann for comment, but no response was received at the time of writing.
- 8.5.11. The Environment Section of the PA note '*the site will be visited 3 times a week following commissioning of the upgrade WWTP for 2 weeks. After that that there will be an alarm system by email*'. The Environment Section of the PA considered that

‘details submitted do not provide sufficient evidence that there are adequate measures in place or to be put in place to ensure that the protection of the groundwater has been prioritised to safeguard against pollution.’

- 8.5.12. The Coimisiún’s in-house Environmental Scientist has reviewed the application, and the Tier 3 Assessment report which contains ground water sampling and monitoring results for nitrates, ammonia and orthophosphates. This specialist report is attached as an Appendix to this report.
- 8.5.13. The report considers whether the Tier 3 Assessment has demonstrated that this groundwater environment will be capable of attenuating the volume of wastewater the new polishing filter is designed to accept which is up to 28m³/day.
- 8.5.14. The report concludes *‘having overall regard to the Tier 3 Hydrogeological Assessment, I am satisfied that the investigations and report were prepared in accordance with the guidance provided by the EPA for managing discharges to groundwaters. The report has demonstrated that the installation of the wastewater treatment system and soil polishing filter will not have a significant impact on groundwater quality.’* On that basis I am satisfied that the disposal to groundwater is acceptable.

Proprietary Wastewater Treatment Proposal

- 8.5.15. It is proposed to upgrade the current on-site wastewater treatment plant and percolation area to increase the capacity to 600 person equivalent (PE) or 60m³/d.
- 8.5.16. I note the design report for the Wastewater Treatment Plant prepared by O’Reilly Oakstown Environmental submitted detailing the proposed additional underground effluent storage and treatment tanks, associated pipework, plant and equipment. See also section 3.7 above.

Existing Kippure Estate – Wastewater Treatment Plant

- 8.5.17. The report states that the existing development on the site is currently served by an individual wastewater treatment system which has an existing licence to discharge 32 m³ per day to groundwater.
- 8.5.18. In the period (2023, early 2024) this has malfunctioned and was overloaded as was the existing soil polishing filter. The discharge to this soil polishing filter has ameliorated owing to the tankering of waste away from the site several times per

week and the volumes discharged to ground have been more in keeping with the previously granted Discharge Licence from 2018. On the day of my site inspection mid-morning on a week day in July a tanker visited the site to collect waste from the waste water treatment tanks.

8.5.19. A Soil Polishing Filter report prepared by Mitchell Environmental has also been submitted detailing the works already undertaken to the existing soil polishing filter and the new percolation area.

8.5.20. The fact that the existing WWTS is underperforming is not disputed by any party.

8.5.21. The Coimisiún's in-house Environmental Scientist has reviewed the Soil Polishing Filter report and surface water quality impacts and water quality data in nearby waterbodies. This specialist report is attached as an Appendix to this report.

8.5.22. The report concludes that *'having regard to the available water quality data for the river Liffey and control sites the overall conclusion of my assessment is that the water quality in the river Liffey directly downstream of the Kippure area is of a high standard and displays no evidence of having been impacted negatively by the presence of the existing wastewater treatment system.'* On that basis I am satisfied that that the disposal to surface water is acceptable.

Conclusion

8.5.23. I have considered the assessments submitted, which have been considered by the Coimisiún's in house Environmental Scientist, and I am satisfied that issues raised in the third reason for refusal with respect to water quality has been addressed in the appeal. If the Coimisiún are minded granting permission a suitably worded condition requiring the carrying out of these works within a specified period of six months can be attached.

8.6. Flood Risk

8.6.1. Given the location of the proposed WWTS and percolation area in proximity to the River Liffey I have considered the potential for fluvial flooding of the appeal site.

8.6.2. In this regard and as already noted the subject site is located c.100m north of the river Liffey near its source in the Wicklow Mountains.

- 8.6.3. I am satisfied that CFRAM flood maps for the subject site shows that the site is at no risk of flooding due to the elevation above the river. While the area 5m either side of the river are at risk of fluvial flooding, there is a significant distance between the river and the site that flooding probability is negligible.
- 8.6.4. I am satisfied that the likelihood of the subject site being flooded is considered low as it is not within the flood zone, therefore additional mitigation measures to those set out in respect of fluvial flood risk are not necessary.
- 8.6.5. In terms of pluvial flooding, I am satisfied given the greenfield nature of the majority of the site, and the slope/elevation of the site, that the probability of surface water flooding is low. I am satisfied that the development incorporates appropriate mitigating measures including ensuring that the plant room is constructed at appropriate levels and that the application includes SUDS measures.
- 8.6.6. I am satisfied that the proposed development will not result in a risk of fluvial or pluvial flooding and is acceptable from a flood risk perspective.

9.0 AA Screening

- 9.1.1. I have considered the nature and scale of the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended, and with input from the Coimisiún's in house Ecologist and Environmental Scientist.
- 9.1.2. The proposed development comprises the installation of additional underground effluent storage and construction of a new plant and storage building together with all associated site works as described in section 3 of this report.
- 9.1.3. The subject site is located within or adjacent to a European Site.
- The Wicklow Mountains Special Area of Conservation (SAC) (Site Code 002122), and Wicklow Mountains Special Protection Area (SPA) (Site Code 004040) are located c. 100m from the southern boundary of the proposed wastewater treatment plant.
 - The Poulaphouca Reservoir Special Protection Area (Site Code: 004063), is approximately 7.8km southwest of the appeal site, and

- The Glenasmole Valley Special Area of Conservation (Site Code: 001209), is approximately 7km to the north.

9.1.4. The in-house ecologist considered potential effects on qualifying interests/species having regard to their conservation objectives: These include Otter (qualifying interest (QI) species of Wicklow Mountains SAC) and Greylag goose and lesser black backed gull (special conservation interest (SCI) species of Poulaphouca Reservoir SPA).

9.1.1. Historic and future water quality impacts on otter (QI species of Wicklow Mountains SAC) and Greylag goose and lesser black backed gull (SCI species of Poulaphouca Reservoir SPA) from the proposed WWTP development were also considered and can be ruled out.

9.1.2. The in-house ecologist considered the potential for significant effects on the Wicklow Mountains SAC and concluded that significant effects on the Wicklow Mountains SAC can be ruled out having regard to the qualifying interest habitats and species of this SAC and its conservation objectives.

9.1.3. Given the location, nature and current use of the existing site (existing WWTP on grassed area, excavated area, gravel and associated access chambers/pipes), the in-house ecologist also considers that the proposed development site does not provide significant ex-situ habitat for SCI species for the Poulaphouca Reservoir SPA (Greylag goose and lesser black-backed gull).

9.1.4. The in-house ecologist considered the potential of the development on Wicklow Mountains SPA. Given the location, nature and current use of the existing site (existing WWTP on grassed area, excavated area, gravel and associated access chambers/pipes), the in-house ecologist concluded that the proposed development site does not provide significant ex-situ habitat for SCI species for this SPA (Merlin and Peregrine).

9.1.5. Likely significant effects from the proposed development on the Poulaphouca Reservoir SPA and the Wicklow Mountains SPA can also be ruled out.

9.1.6. In-combination effects were considered by the in-house ecologist and are as follows;

- *Potential disturbance to otter during the future construction of the WWTP.*
Likely significant disturbance effects in the future on otter from the proposed

WWTP development alone have been ruled out. Likely significant disturbance effects on otter for IPAS (ABP-321463-24) were not ruled out, due to lack of information in the application documentation, however these were for construction works which already took place. Thus, cumulative (additive) effects will not arise.

- *Historic water quality effects on otter, greylag goose and black backed gull. The Commissions in-house Environmental Scientist has considered historic water quality effects from the overall Kippure site as a whole (i.e all projects cumulatively) and likely significant effects have been excluded.*
- *Future water quality effects on otter, greylag goose and black backed gull. The Commissions in-house Environmental Scientist concluded that that impacts on groundwaters from the future WWTP discharge are likely to be negligible and are considered acceptable. Thus, likely significant water quality effects from the proposed WWTP development alone will not arise. Likely significant effects on otter, greylag goose and black backed gull were not ruled out for IPAS (ABP-321463-24) alone, due to lack of information in the application documentation on the proposed surface water drainage network. I do not consider that cumulative (additive) effects from the proposed development, in combination with ABP-321463-24 will arise given that the proposed WWTP will comply with the Water Framework Directive.*

9.1.7. The in-house ecologist report and conclusions is included in Appendix 2 of this report, and I agree with these conclusions.

9.1.8. Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. This determination is based on:

- Scale and nature of the WWTP development
- Distance from European sites
- Likelihood of indirect connections to the European sites
- Information provided in the AA Screening Report.
- Information provided in the Commissions in-house Environmental Scientist report (ABP-322363-25).

- 9.1.9. I conclude, on the basis of objective information, in house Environmental Scientist Specialist Report and Ecologist Specialist Report 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 and can be excluded beyond reasonable scientific doubt.
- 9.1.10. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Environmental Impact Assessment

10.1. Pre Screening for Environmental Impact Assessment

- 10.1.1. The matter of this EIA assessment has been considered in my report see under section 6.9.7 and 8.4.19.
- 10.1.2. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations), and section 172(1)(a) of the Planning and Development Act 2000, as amended (2000 Act), identify classes of development with specified thresholds for which EIA is required.
- 10.1.3. I identify the following classes of development in the 2001 Regulations as being of relevance to the proposal:

11. Other projects

(c) Waste water treatment plants with a capacity greater than 10,000 population equivalents as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.

15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

- 10.1.4. The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Section 11 (c) of the 2001 Regulations as the proposed development provides for a wastewater treatment plant with a PE of 600 persons.
- 10.1.5. As such, the criteria in Schedule 7 of the 2001 Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment and should be the subject of EIA. The

criteria include the characteristics of the project, the location of the site, and any other factors leading to an environmental impact.

10.2. Screening Determination for Environmental Impact Assessment

- 10.2.1. The applicant submitted an Environmental Impact Assessment screening report (EIASR) on foot of a request by An Coimisiún addressing issues which are included for in Schedule 7A of the 2001 Regulations.
- 10.2.2. Based on the criteria in Schedule 7 of the 2001 Regulations, I have carried out an EIA screening determination of the project (included in Appendix 4 of this report). I have had regard to the information provided in the applicant's EIASR and other related assessments and reports included in the case file. I concur with the nature and scale of the impacts identified by the applicant and note the range of mitigation measures proposed. I am satisfied that the submitted EIASR identifies and describes adequately the effects of the proposed development on the environment.
- 10.2.3. I have concluded that the proposed development would not be likely to have significant effects (in terms of extent, magnitude, complexity, probability, duration, frequency, or reversibility) on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.
- 10.2.4. This conclusion is based on regard being had to:
- (a) The nature and scale of the project,
 - (b) The planning history at the site and within the area.
 - (c) The pattern of existing and permitted development in the area.
 - (d) The need to prevent impacts on public health, and to reduce risk to water quality and biodiversity.
 - (h) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those identified in the AA Screening Report.

11.0 Recommendation

11.1.1. Following from the above assessment, I recommend that permission is GRANTED for the development as proposed to be retained due to the following reasons and considerations, and subject to the conditions set out below.

12.0 Reasons and Considerations

Having regard to the following:

- a) Policies and objectives set out in the Wicklow County Development Plan 2022-2028 as varied.
- b) Climate Action Plan, 2025.
- c) National Biodiversity Plan 2023-2030.
- d) The Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024.
- e) The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009.
- f) Comprehensive Accommodation Strategy for International Protection Applicants, (IPAs) was adopted in March 2024, by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY).
- g) The nature, scale, and design of the proposed development including mitigation measures relating to archaeology.
- h) The pattern of existing and permitted development in the area.
- i) The planning history at the site and within the area.
- j) The reports of the planning authority.
- k) The submissions received by the planning authority from observers and prescribed bodies.
- l) The grounds of appeal.
- m) The response to the request for further information by the applicant.

- n) The Water Framework Directive
- o) The report and recommendation of the Planning Inspector and Coimisiúns Environmental Scientist and Ecologist including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

It is considered that, subject to compliance with the conditions set out below, the development to be retained and as proposed would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 13th day of February 2025, as amended by the further plans and particulars received by the Coimisiún on the 24th July 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be six months from the date of this Order.

Reason: Having regard to the nature of the development the purpose of which is to reduce the threat to public health and water quality and the waste

discharge licence application, the Coimisiún considered it appropriate to specify a period of validity of this permission to less than five years.

3. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development, as appropriate, following consultation with the Local Authority Archaeologist or the National Monument Service (NMS).

Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation, (preservation in-situ/excavation).

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) 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;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network,
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) 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;
 - (i) Provision of parking for existing properties at [specify locations] during the construction period;
 - (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 Management Plan shall be available for inspection by the planning authority;

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

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Senior Planning Inspector

24th October 2025

Appendix 1– In-house Environmental Scientist Specialist Report attached.

Appendix 2 – In-house Ecologist Specialist Report attached.

Appendix 3:

Form 1 - EIA Pre-Screening

Case Reference	322363-25
Proposed Development Summary	Installation of additional underground effluent storage and construction of a new plant and storage building together with all associated site works.
Development Address	Kippure Lodge & Holiday Village, Kippure Estate, Manor Kilbride, Blessington, Co. Wicklow.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	<p>11. <i>Other projects</i> (c) Waste water treatment plants with a capacity greater than 10,000 population equivalents as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.</p> <p>15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 4

Form 3 – EIA Screening Determination

A. CASE DETAILS		
An Coimisiún Pleanála Case Reference	322363-25	
Development Summary	Installation of additional underground effluent storage and construction of a new plant and storage building together with all associated site works	
Sub-threshold – development class referred to under Schedule 5 of Planning and Development Regulations 2001 (as amended) or Article 8 of Roads Regulations 1994:	Schedule 5, Part 2, Section 11(c) (other projects).	
	Yes/No/N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	<p>Reason for Refusal No. 3 - Summary</p> <p>Screening for Environmental Impact Assessment document, failed to assess the in-combination impacts of the proposed development and the existing operations / development / future tourism development at Kippure Village, which are functionally interdependent.</p> <p>Considered that an Environmental Impact Assessment of the proposed development is required and to permit the proposed development would, be contrary to the EIA Directive.</p>
2. Has Schedule 7A information been submitted?	Yes	<p>In response to a request for further information issued by An Bord Pleanála under Article 109(2)(b)(ii) of the Planning and Development Regulation 2001(as amended), the following were submitted</p> <ul style="list-style-type: none"> Schedule 7A information relating to the concurrent application under ABP-321463-24.

		<ul style="list-style-type: none"> • A Combined EIA Screening Analysis – Waste Water Treatment Plant and Kippure Holiday Village Development Report. • A comparative Cumulative Effects Assessment Table (Section 8 of the enclosed report) summarising potential interactions across the environmental receptors.
3. Has an AA screening report or NIS been submitted?	Yes	A Stage 1 Screening Report was submitted to the PA with the application and accompanied the First Party appeal.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	N/A
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA.	Yes	<p>A Tier 3 Assessment was submitted as part of the First Party appeal.</p> <p>A Tier 3 Assessment also accompanied the First Party appeal on the Waste Discharge Licence Application WW27.322055</p>

B.EXAMINATION	Yes/No/Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact). Mitigation measures – Where relevant specify features or measures proposed	Is this likely to result in significant effects on the environment? Yes/No/Uncertain
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		by the applicant to avoid or prevent a significant effect.	
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	<p>Upgrade to an existing waste water treatment system Works are primarily subsurface.</p> <p>The location of the subject site is in an area designated 'an Area of Outstanding Natural Beauty' entitled 'Mountain Uplands'.</p> <p><u>Mitigation Measures</u> Development on site is set into the landscape and follows the slope of the site. A Landscape and Visual Impact Assessment LVIA accompanies the appeal. The site is very well screened by existing forestry and is not visible from the public road.</p>	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	<p>Works are primarily subsurface. WWTP Plant room has a stated a stated floor area of 91m². It comprises two no. plant rooms wc and store. It is single storey and includes a mono pitch green roof. It is to be located on a proposed</p>	No

		<p>concrete apron next to the existing WWTP and percolation area on site.</p> <p>The most immediate hydrological feature in the vicinity of the subject site is the River Liffey.</p> <p>The potential impact of this is considered in full in the AA screening document carried out by ESC Environmental Limited.</p> <p>As the underlying bedrock and soils are well drained, it is expected that most rainfall on the site would percolate to ground rather than flow into surface-water drainage features. Where this occurs, it is considered that the existing water courses have the capacity to absorb such run off, and noting the development is complete and water quality in the adjacent water course remains of a high quality, the predicted impact, being imperceptible, short-term and neutral has resulted.</p> <p>Given the location of the site, within an existing brownfield envelop within a larger undisturbed estate holding, the loss of both land-use and soils is considered acceptable and of imperceptible impact.</p>	
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		<p><u>Operation</u> – During the operational stage foul effluent and surface water which will be discharged to the existing and proposed percolation areas.</p> <p><u>Mitigation Measures</u> Concurrent application for Waste Discharge Licence with conditions attached. Development is not predicted to impact on the local surface or groundwater environment.</p>	
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p><u>Land</u> - Proposed development is in a brownfield site within an established holiday village and former estate associated with Kippure Lodge. The construction works are located on lands that had been previously disturbed due to construction of existing WWTP.</p> <p><u>Soil</u> – The proposed upgrade works will necessitate the stripping of topsoil and excavation of subsoils (made ground and cohesive deposits). This accounts for an area and within an overall site of c. 5.22ha and landholding of 92ha, this is considered of negligible impact.</p> <p>The majority of excavated material will be re-used on site as fill and</p>	<p>No</p>

		<p>landscaping materials. Where excess spoil or soil material is left over from the landscaping works, this material will be brought to a licensed waste facility for disposal following appropriate waste classification.</p> <p>As the underlying bedrock and soils are well drained, it is expected that most rainfall on the site would percolate to ground rather than flow into surface-water drainage features. Where this occurs, it is considered that the existing water courses have the capacity to absorb such run off, and noting water quality in the adjacent water course remains of a high quality, the predicted impact, being imperceptible, short-term and neutral has resulted.</p> <p>Given the location of the site, within an existing brownfield envelop within a larger undisturbed estate holding, the loss of both land-use and soils is considered acceptable and of imperceptible impact.</p> <p><u>Water</u> - Development is for an upgrade of the existing WWTP on site, to serve emergency accommodation for displaced persons. There will be no</p>	
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		<p>other activities on site which would have a high demand for water resources.</p> <p>Water supply is via a bore well. This well has served Kippure Holiday Village since the 1990's when first permitted. The permitted development comprised 28 holiday homes, the public house and associated accommodation (4 no. rooms), and reception, entertainment and catering facilities for weddings, conferences and educational events/tours.</p> <p>Proposed development subject of concurrent application 321463-24 and existing development on site were considered to represent a marginal increase in water demand over and above that permitted (ie for an additional 68 own door bedrooms/136 tourist/persons).</p> <p>(As such and noting water supply was not an issue on site, evidence to demonstrate same was not considered to be essential to the assessment of the current proposal).</p> <p><u>Mitigation Measures</u></p> <p>An appropriately designed pumping test and ground water level analysis exercise has been commissioned by the</p>	
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		<p>applicant and will take place in the new year.</p> <p>Satisfied that this will demonstrate suitability and sustainability of the existing water supply/bore well given the situation of the well along the foot slope of a high mountain in an area of high effective rainfall and potential groundwater recharge.</p> <p><u>Natural Resources</u></p> <p>Have been and will be used in the construction process (i.e. stone, gravel, water,) but during the operational phase there are no uses proposed that will require the out of the ordinary use of natural resources.</p>	
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p><u>Construction Phase</u></p> <p>Potential risk to the health and safety of the public.</p> <p>Measures to manage construction traffic on the public roads and within the site to ensure the protection of human health will be implemented as part of the CEMP.</p> <p>The project developer will be required to ensure that all contractors prepare a site-specific health and safety plan before initiating construction activities.</p> <p>The plan will inform those on site of the measures to take in the event of an</p>	<p>No</p>

		<p>emergency and will be maintained for the duration of the construction phase. There will be no serious or significant adverse impact or risk materialised in respect of human health.</p> <p><u>Operational Phase</u> The risk to human health is negligible.</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p><u>Construction Phase</u> Best practice procedures in general minimise waste generated on-site.</p> <p><u>Mitigation Measures</u> Measures including good site management will be taken to limit the quantity of waste generated during the construction phase, Waste such as excavated material on-site will be recycled where possible.</p> <p><u>Residues and Emissions –</u> From the construction phase of the development related to construction waste and emissions from construction plant.</p> <p><u>Mitigation Measures</u> Applicant confirms that no out of the ordinary residues, or emissions, will arise during the construction phase of the development.</p>	<p>No</p>

		<p>Reference to Executive Scientist of Wicklow County Council highlights no pollution noted in the River Liffey, which remains of a rare high-quality status. Applicant will seek to optimise reusing and recycling of generated waste during the construction phase. All waste will be segregated on site and stored separately prior to removal, where applicable.</p> <p>The use of the onsite agricultural and maintenance yard associated with the estate facilitate this good management of waste and storage of materials during the construction period.</p> <p><u>Operation Phase</u></p> <p>No residues are likely during the operation phase of the development.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p><u>Construction</u></p> <p>Main risk to water quality during the construction phase arises from potential runoff of silt laden rainwaters associated with site excavations including, hard surfaces, installation of services and landscaping works.</p> <p><u>Mitigation Measures</u></p> <p>Best Practices will be employed.</p> <p>In terms of dust nuisance during the construction phase the site is</p>	<p>No</p>

		<p>surrounded by existing woodland and estate lands.</p> <p>Standard dust mitigation measures will be integrated into the construction phase and any impact was short term and not significant.</p> <p>Water bousers will be employed during the dry windy weather to minimise dust generation and road sweepers are employed on a weekly basis to ensure all roads and areas of hardstanding are swept clean, during periods of construction/soil movement/excavation.</p> <p>Other sources of pollutants include fuels, oils, concrete and chemicals. The management of these will be subject to best practice relating to storage and use and any risk of accidental spillage is therefore low.</p> <p><u>Operation</u> Upgrade of existing WWTP.</p> <p><u>Mitigation Measures</u> Concurrent applications for Waste Discharge Licence currently on appeal under WW27.322055. This will confirm that the proposed upgrades to the WWTP has sufficient capacity to cater for the proposed development.</p>	
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		Current demands are being met by a combination of the existing on site WWTP and management of the hydraulic loading.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	<p><u>Noise and Vibration</u> – Excavation works have the potential to cause noise vibration and dust.</p> <p><u>Mitigation Measures</u> The site is approx. 1km from the nearest neighbour outside the site, and therefore due to separation distance, buffer (of land, trees and topography) and extent of excavation no potential significant adverse impact will arise. Potential impact would be imperceptible, short term and neutral.</p>	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	<p><u>Water Contamination</u> - Increase in loading to existing WWTP, and risk of water contamination to the river Liffey.</p> <p><u>Mitigation Measures</u> Proposed upgrade of the existing WWTS will have a significant permanent positive impact in the context of existing and approved plans which will provide for the permitted and planned tourism facility on site.</p>	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	<p><u>Construction Traffic</u> Construction sites pose potential risk to health and safety of the public.</p>	No

		<p><u>Mitigation</u> Measures to manage construction traffic on the public road and within the site to ensure the protection of human health will be implement as part of the CEMP</p> <p><u>Human Health</u> The site is on elevated ground and is not located within a Flood Zone and no mapped fluvial, pluvial, coastal or groundwater flood zones have been recorded within or adjacent to the boundary or the subject site.</p> <p><u>Environment</u> considered in full in the AA Screening document carried out by ESC Environmental limited. Development which occurred in the adjacent Natura Sites to the subject development and construction of same will be subject of a future substitute consent application does not have an operational phase. No significant construction works are proposed; therefore, no construction works could arise that could result in accident or disaster.</p> <p><u>Mitigation</u> During construction all safety measures will be taken.</p> <p><u>Operation</u></p>	
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		During the operational phase, the development will not result in significant accident or risk.	
1.10 Will the project affect the social environment (population, employment).	Yes	Serves the existing IPAS Accommodation	No
1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	Yes	Proposed development site is 5.22ha, within an overall land holding of c.92ha. Overall Kippure Estate – Proposed upgrade of the existing WWTS will have a significant permanent positive impact in the context of existing and approved plans which will provide for the permitted and planned tourism facility on site.	No
1. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan.	Yes	<ul style="list-style-type: none"> Wicklow Mountains SPA and SAC approx. 100m to the South. Poulaphouca Reservoir SPA approx. 7.8km southwest. Glenasmole Valley SAC approx. 7km to the north. <p>Potential impacts on European Sites are considered in full in the AA Screening document carried out by ESC Environmental Limited.</p>	No
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for	No	Potential impacts on European Sites are considered in full in the Stage 1 AA	No

example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?		Screening document carried out by ESC Environmental Limited.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	<p><u>Landscape Character</u>: The location of the subject site is in an area designated 'an Area of Outstanding Natural Beauty' entitled 'Mountain Uplands'.</p> <p><u>Archaeological</u> The proposed percolation area is located within an area identified as Recorded Monument (WI006-015) (enclosure).</p> <p><u>Mitigation</u> An Archaeological Impact Assessment will be carried out prior to excavation and submitted to the DAU.</p> <p><u>Visual Impact</u> The visual amenity and landscape character of the site and area is of significant importance. A Landscape and Visual; Impact Assessment (LVIA) has been submitted with the appeal. The works/development assessed include several structures, hard standing areas, and other infrastructure associated with the upgrade works. Visual impacts are not considered significant.</p> <p><u>Construction</u></p>	No

		<p>The impact of the construction phase is considered to be neutral, not significant and temporary.</p> <p><u>Operation</u> The site is not visible from the surrounding road network. Visual receptors include hill walkers in the vicinity and visitors to the site. The site is entirely enclosed in woodland. The impact of the operation phase is considered to be imperceptible to slight, positive and long-term. The landscape and receiving environment is 'robust' in nature given its topography and high levels of forestation.</p>	
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>Yes</p>	<p>The landscape can be defined as the lower uplands of the Wicklow mountains, it has vegetation/ground cover transitioning from deciduous woodland to coniferous forestation and extensive heath land. The Coronation plantation sits on the uplands to the west of the site.</p> <p>The loss of grassland will result in an imperceptible impact in the context of the wider environment that is maintained and managed under the applicant's ownership.</p> <p><u>Mitigation</u></p>	<p>No</p>

		The overall impact on biodiversity in terms of predicted loss is imperceptible, neutral and long-term	
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	<p><u>Fluvial</u> The subject site is located c.100m North of the river Liffey near its source in the Wicklow Mountains. CFRAM flood maps for the subject site shows that the site is at no risk of flooding due to the elevation above the river. The area 5m either side of the river are at risk of fluvial flooding, and there is significant distance between the river and the site that flooding probability is negligible.</p> <p><u>Mitigation Measures</u> The likelihood of the subject site being flooded is considered low as it is not within the flood zone, therefore additional mitigation measures to those set out in respect of fluvial flood risk are not necessary.</p> <p><u>Pluvial</u> Given the greenfield nature of the majority of the site, and the slope/elevation of the site, the probability of surface water flooding is low.</p> <p><u>Mitigation Measures</u> Development incorporates appropriate mitigating measures including ensuring the plant room is constructed at</p>	No

		appropriate levels and the application of SUDS measures.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	These risks have not been identified in the application documentation.	No
2.7 Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The development is accessed from the R759 Regional Road to the north. The upgrade of the existing wastewater treatment system will obviate the current need for tankering of waste and therefore reduce traffic visiting the site.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	There are no sensitive community facilities in proximity to the site that could be affected by the proposed project.	No
3.Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	Yes	Developments in the vicinity of the site have been noted in the application documentation and associated assessments. Existing developments may have an impact on the environment and are subject of separate applications. The purpose of the proposed development, however, is to mitigate any existing public health issues and reduce the risk of deterioration of water quality and biodiversity and therefore reduce the likelihood of environmental impact. (See Applicants AA) and Supplementary 'Combined EIA Screening Analysis –	No

		Waste Water Treatment Plant and Kippure Holiday Village Development submitted by the applicant in response to the further information request by An Coimisiún. <u>Concurrent applications</u> <ul style="list-style-type: none"> Waste Discharge Licence WW27.322055 IPAS Accommodation 321463-24 	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	There are no transboundary effects arising.	No
3.3 Are there any other relevant considerations?	Yes	Tier 3 Hydrogeological Impact Assessment <u>Concurrent applications</u> <ul style="list-style-type: none"> Waste Discharge Licence WW27.322055 IPAS Accommodation ABP-321463-24 	
C.CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
D.MAIN REASONS AND CONSIDERATIONS			
Having regard to: -			

- (a) The nature and scale of the project,
- (b) The planning history at the site and within the area.
- (c) The pattern of existing and permitted development in the area.
- (d) The need to prevent impacts on public health, and to reduce risk to water quality and biodiversity
- (e) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those identified in the AA Screening Report.

In so doing, the Coimisiún concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment, and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 5:

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Case file: ABP-322363-25	
Brief description of project	Normal Planning Appeal
Brief description of development site characteristics and potential impact mechanisms	<p>The Appropriate Assessment Screening is for the Installation of additional underground effluent storage and construction of a new plant and storage building together with all associated site works at Kippure Lodge & Holiday Village, Kippure Estate, Manor Kilbride, Blessington, Co. Wicklow.</p> <p>See section 3 of Inspectors Report.</p> <p>The overall lands associated with Kippure Estate comprises some 96.3 hectares (ha) of which c. 5.22ha are the subject of this application. The catchment area of the Wastewater Treatment Plant includes existing structures on site and has a stated area of 13ha.</p> <p>The nearest river waterbody to the site is the River Liffey (EPA code 09L01) which is located c.100m south of the site.</p> <p>The site is located c.100m from the Wicklow Mountains SAC and SPA.</p> <p>The proposed development site is occupied by an existing WWTS serving existing IPAS accommodation in a rural area.</p> <p>The development will comprise an additional underground effluent storage and construction of a new plant and storage building before discharging to the River Liffey.</p> <p>The River Liffey connects downstream to the drinking water source at Poulaphouca Reservoir SPA located 6km west of the subject site.</p>
Screening Report	Yes - An Appropriate Assessment - Natura Impact Statement Screening has been provided by the applicant. Wicklow County Council screened in the need for AA.
Natura Impact Statement	No.
Relevant submissions	<p>Uisce Éireann recommended a Tier 3 Assessment be carried out for the proposed development in accordance with Part 4 Guidance on the Authorisation of Discharges to Groundwater (EPA, 2011). The assessment must consider the sites proximity to the River Liffey and Uisce Éireann's downstream drinking water source at Poulaphouca Reservoir.</p> <p>The third-party observation from John Conway to the PA raised concerns regarding the following;</p>

	<ul style="list-style-type: none"> • need for a full AA screening report. • Inadequacies and lacunae in the AA Screening Report contrary to requirements of Habitats Directive. • Insufficient surveys have been carried out to assess the potential impacts arising from bird collision/flight risks insofar as the proposed development may impact bird flight paths. • No regard and/or inadequate regard has been given to the cumulative effects of the proposed development, in combination with other development in the vicinity, on the protected sites.
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Additional Information: A concurrent planning application for retention of accommodation and structures on site, which is currently under appeal with the Coimisiún, in addition to a Section 5 referral, and waste discharge licence application. Decisions pending.

I have also had regard to the AA Screening carried out on the Waste Discharge Licence application and report of the in-house Environmental Scientist on surface water quality on (proposed wastewater treatment system application) which concludes that the site can be screened out for the purposes of AA and that there has been no deterioration in water quality.

I have also had regard to the report of the in-house Ecologist on the subject application.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The sites detailed in Table 1 below are considered to be within a potential zone of influence of the development proposed in the appeal.

Site synopsis and conservation objectives can be found on the NPWS website (www.npws.ie)

European Site (code)	Qualifying interests (NPWS, date)	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Wicklow Mountains SAC IE0002122	Oligotrophic waters containing very few minerals of sandy plains Natural dystrophic lakes and ponds Northern Atlantic wet heaths with <i>Erica tetralix</i> European dry heaths	0.102km S	Yes, direct physical connection to the SAC and direct hydrological connection via surface water runoff and groundwater to the River Liffey, which bounds the site to the south and is within the SAC.	Yes

	<p>Alpine and Boreal heaths</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i></p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)</p> <p>Blanket bogs (* if active bog)</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>Calcareous rocky slopes with chasmophytic vegetation</p> <p>Siliceous rocky slopes with chasmophytic vegetation</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Otter</p>			
Wicklow Mountains SPA IE0004040	Merlin Peregrine	0.106km S	Yes, given the proximity to the SPA, the use of the development site as	Yes

			an ex-situ site by qualifying interest species. This SPA is not designated for wetland habitats.	
Poulaphouca Reservoir SPA IE0004063	Greylag Goose Lesser Black-backed Gull	6.68km W The hydrological distance via the Liffey is c.10km.	Yes, hydrologically connected via surface water runoff and groundwater to the River Liffey, which bounds the site to the south. The river Liffey is 100m south of the site and this flows directly into Poulaphouca Reservoir c. 10km downstream.	YES
Likely effects of the project, alone or in combination on European Sites				
<p>The development is not located within a designated site and, therefore, does not result in any direct effects on the site. However, due to the proximity of the proposed development to the Wicklow Mountains SAC, the Wicklow Mountains SPA and its hydrological connection to the Poulaphouca Reservoir SPA via the River Liffey impacts generated by the construction and operational phases of the development requires consideration.</p> <p>Sources of impact and likely significant effects are detailed in Table 2 below.</p>				

Step 3 Describe the likely effects of the project (if any, alone or in combination) on European Sites

Table 2: Screening Matrix

Site Name Qualifying Interests	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
Site 1 Wicklow Mountains SAC IE0002122	<u>Construction Phase:</u> Indirect impacts include the potential release of silt and sediment during site works and potential release of construction related compounds including hydrocarbons to surface water.	The report of the in-house Environmental Scientist on (proposed wastewater treatment system application) concludes that there will be no deterioration in water quality.

	<p><u>Operational Phase:</u></p> <p>Indirect impacts from surface water run-off.</p> <p>Increased human disturbance</p>	<p>None of the QI habitats of Wicklow Mountains SAC would be directly or indirectly impacted due to the nature and the distance of the proposed development to the locations of these QI habitats.</p> <p><u>Otter</u></p> <p>Proposed development does not provide significant ex-situ habitat for terrestrial mobile QI species for this SAC (Otter).</p> <p>Otter may use Athdown brook to the west or the Liffey river to the south of the proposed development.</p> <p>However, given the current use of the existing site, given the nature and duration of the proposed works during construction of the WWTP upgrade and the distance (c. 102m to Liffey, c.95m to Athdown brook), significant disturbance effects on otter due to</p>
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		<p>construction activities can be excluded.</p> <p>Disturbance effects on other when the WWTP is in operation will not arise.</p>
	Likelihood of significant effects from proposed development (alone): No	
	Likelihood of significant effects occurring in combination with other plans or projects: No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site: No	
	Impacts	Effects
<p>Site 2 Wicklow Mountains SPA IE0004040</p>	<p><u>Construction Phase:</u></p> <p>Indirect impacts include the potential release of silt and sediment during site works and potential release of construction related compounds including hydrocarbons to surface water.</p> <p><u>Operational Phase:</u></p> <p>Indirect impacts from surface water run-off.</p> <p>Increased human disturbance</p>	<p>The report of the in-house Environmental Scientist on (proposed wastewater treatment system application) concludes that there has been no deterioration in water quality.</p> <p>Wicklow Mountains SPA is located to the south of the River Liffey and the Liffey is connected to the proposed development site, this SPA does not have a qualifying interest for wetland habitats.</p> <p><u>Merlin and Peregrine</u></p> <p>Given the location, nature and current use</p>

		<p>of the existing site (existing WWTP on grassed area, excavated area, gravel and associated access chambers/pipes), - the development site does not provide significant ex-situ habitat for Special Conservation Interest (SCI) species for this SPA (Merlin and Peregrine).</p> <p>The open peatlands of the Wicklow Mountains provide excellent foraging habitat for Merlin.</p> <p>The proposed development will not impact on the nearby conifer plantations, copses/shelter belts, or the open peatlands important to this species.</p> <p>Peregrine use this SPA as a breeding area.</p> <p>The main potential for impact on the species is due to disturbance of the crags and cliffs the species uses for nesting.</p>
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		The proposed development will have no impact on these habitats
	Likelihood of significant effects from proposed development (alone): No	
	Likelihood of significant effects occurring in combination with other plans or projects: No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site: No	
	Impacts	Effects
Site 3 Poulaphouca Reservoir SPA IE0004063	<p><u>Construction Phase:</u></p> <p>Indirect impacts include the potential release of silt and sediment during site works and potential release of construction related compounds including hydrocarbons to surface water</p> <p><u>Operational Phase:</u></p> <p>Indirect impacts from surface water run-off.</p> <p>Increased human disturbance.</p>	<p>The report of the in-house Environmental Scientist on (proposed wastewater treatment system application) concludes that there has been no deterioration in water quality.</p> <p>Greenfield runoff only. Nature of the works are mainly subsurface no drainage works proposed, no effects on otter or greylag goose and lesser lack gull.</p> <p>Disturbance effects on otter when the WWTP is operational will not arise due to separation distances and limited human activity (unlike</p>

		at present with the tankering of effluent). The development site does not provide significant ex-situ habitat for Special Conservation Interest (SCI) species for this SPA (Greylag goose and lesser black-backed gull).
	Likelihood of significant effects from proposed development (alone): No	
	Likelihood of significant effects occurring in combination with other plans or projects: No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site: No	
<p>It is not likely that there would be any significant impact either directly or indirectly on the identified Natura sites with respect to the activities carried out on site.</p> <p>The location, scale and nature of the works is such that it will not directly or indirectly impact on any of the habitats or species of the Natura sites considered, nor will it contravene their conservation objectives, plans or targets. The development location consists of non-annex habitat. The proposed development does not require water abstraction or direct discharge to surface water, land or air.</p> <p>The development has no potential for significantly impacting on the conservation objectives of the Wicklow Mountains SAC, as the only potential impact is on the river Liffey during the construction phase due to siltation, and the River Liffey does not have any species or habitats relevant to the SAC. The potential for impact from siltation is minimal due to the existing land buffer between the development and the River Liffey and is considered negligible in terms of likely significant effect on the conservation objectives.</p> <p>The Wicklow Mountains SPA and the Poulaphouca Reservoir SPA can be excluded as there are no potential impacts which would have an effect on the conservation objectives for these SPAs.</p>		
Screening Determination		
In accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that the proposed development is unlikely to result in significant effects on the Wicklow Mountains SAC, the Wicklow Mountains SPA and the		

Poulaphouca Reservoir SPA, in view of the conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment (stage 2) under Section 177U of the Planning and Development Act 2000 of the proposed development is not required.

This determination is based on:

- Scale and nature of the WWTP development
- Distance from European sites
- Likelihood of indirect connections to the European sites
- Information provided in the AA Screening Report.
- Information provided in the Commissions in-house Environmental Scientist report (ABP-322363-25).

Appendix 6

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ABP-322363-25	Townland, address	Kippure Lodge & Holiday Village, Kippure Estate, Manor Kilbride, Blessington, Co. Wicklow.
Description of project		Installation of additional underground effluent storage and construction of a new plant and storage building together with all associated site works.	
Brief site description, relevant to WFD Screening,		<p>Site is located on sloped land in the Wicklow Mountains in a rural location. It is at an elevation of approx. 295-280mAOD and slopes north to south. The River Liffey is located c. 100metres south of the site.</p> <p>The site sits within a valley strip of <u>well drained mineral soils</u> dominated by podzols or brown podzolics, whereas the majority of the wider area to the south is underlain by poorly drained peat soils.</p> <p>The site area comprises a grassed area, an excavated area, gravel and associated access chambers/ pipes etc.</p>	
Proposed surface water details		Current WWTP discharges to a soil polishing filter following secondary treatment, which in turn discharges to in situ subsoil by gravity. This system has a volumetric capacity of approx. 45m ³ .	
Proposed water supply source & available capacity		Existing well onsite located approx. 625m northeast and up-gradient of the appeal site. There are no other wells within 400m of the treatment system.	
Proposed wastewater treatment system & available capacity, other issues		<p>Proposed upgrade of existing WWTP to cater for a 600PE</p> <p>Currently the capacity of the WWTP and existing soil polishing filter area is overloaded. As the existing soil polishing filter has been designed to accommodate loadings of only 32m³ per day, there was significant overloading of the soil polishing filter before Summer 2024. Since June 2024 Waste has been tankered off site five times a week to alleviate pressure approx. 100m³ each week.</p> <p>Repair work was carried out on existing pipework in the existing soil polishing filter area in late Summer early Autumn 2024.</p>	

	Other measures required down gradient of the existing and proposed filter areas. As well as the upgrade to the plant and the provision of the proposed new filter area. These include the backfilling of a shallow open pit on the river Liffey floodplain down-gradient of the filters and the removal of a stone drainage ditch therein also.
Others?	Concurrent appeal for waste discharge licence – decision pending.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	100-200m	Liffey_20	Good	Under Review (pH identified as a potential issue)	Forestry, Peat Extraction	No direct connection to surface water but underlying groundwater flows down gradient and discharges to the river Liffey. Strong S-P-R linkage established.
Groundwater Waterbody	Underlying site	Kilcullen IE_EA_G_003	Good	At risk – aggregated pollutant (Phosphate) concentration < TV(s), but individual site concentrations higher than TV(s).	Anthropogenic, Agriculture & Forestry	S-P-R Linkage well established. Discharges of treated wastewater via soil polishing filter into groundwaters

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.
CONSTRUCTION PHASE

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Liffey_020	No direct discharge pathway. Risk of overland flows to watercourses is low due to distances	Siltation, Hydrocarbon Spillages	Standard Construction Measures/Conditions	No	Screened out
2.	Ground	Kilcullen IE_EA_G_003	Pathway exists as soils are free draining, improving the connectivity to groundwaters	Hydrocarbon Spillages	As above	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Liffey_20	No direct discharge pathway. Risk of overland flows to watercourses is low due to distances	Discharges of raw sewage to surface waters via overland flow	Implementation of WWTP Operational & Maintenance Plan Compliance with Discharge Licence	No	Screened out
4.	Ground	Kilcullen IE_EA_G_003	Pathway exists as soils are free draining, improving the connectivity to groundwaters	Discharges of excess volumes of untreated sewage to groundwaters	Implementation of WWTP Operational & Maintenance Plan Compliance with Discharge Licence	No	Screened out