

Validation Checklist



An
Bord
Pleanála

Lodgement Number : **LDG-071720-24**
Case Number: **ABP-319657-24**
Customer: **Báinín Eustace Community Development Association**
Lodgement Date: **07/05/2024 14:09:00**
Validation Officer: **Ronan Megannety**
PA Name: **Wicklow County Council**
PA Reg Ref: **23689**
Case Type: **Appeal - LRD**
Lodgement Type: **Appeal - LRD**

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm PA Case Link	Confirmed-Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Not Applicable
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
3rd Party Acknowledgement	Yes
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes
Valid Lodgement Channel	Yes

NEW LRD 3rd PARTY APPEAL: **ABP-319657-24**

08 May 2024 PA notified by e-mail (Ronan Megannety)

To AA:

Notify PA	Task-383305-24	LRD07 with copy of appeal ✓
Notify 1st Party	Task-383304-24	LRD05 with copy of appeal ✓
Ack Letter	Task-383303-24	LRD01 with receipt ✓

1. LRD Pink file cover

2. Please put full description on file cover (or inside cover, if too large) ✓

3. Please keep copy of all letters for file and update the PA Docs requested box in Plean-IT ✓

4. Update case narrative with date of circulation ✓

• High priority

08/05/24
- D.L.

Ronan Megannety

From: Ronan Megannety
Sent: Wednesday 8 May 2024 13:08
To: koreilly@wicklowcoco.ie
Cc: Mary Tucker; planadmin@wicklowcoco.ie
Subject: New Appeal on your reference 23689

Good Afternoon,

The Board has received a 3rd party appeal for planning reference number 23689 .This appeal was received by the Board on 07 May 2024 and our reference number is ABP-319657-24

In order for the Board to validate this appeal, can you please confirm the following;

- 1. Your date of decision was 12 April 2024*
- 2. Full Development Description*
- 3. Applicants name and address and/if Agents name and address?*
- 4. If an **EIAR** was submitted with the planning application at any stage?*
- 5. If an **NIS** was submitted with this planning application at any stage?*
- 6. If this planning application is for an **LRD** (Large Residential Development) or if it is for **Normal Planning Application**?*

Kind Regards,
Ronan Megannety

Lodgement Cover Sheet - LDG-071720-24

LRO



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Details

Lodgement Date	07/05/2024
Customer	Ballymore Eustace Community Development Association
Lodgement Channel	In Person
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Lodgement ID	LDG-071720-24
Map ID	
Created By	Andrea Caraus
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

Categorisation

Lodgement Type	Appeal
Section	Processing

PA-ref - 23 689

PA Name	Wicklow County Council
Case Type (3rd Level Category)	

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	0.00 <u>€ 220.00</u>
Refund Amount	0.00

Observation/Objection Allowed?	
Payment	PMT-055886-24
Related Payment Details Record	PD-055751-24

Grant with conditions. last day
9th may

Decision date - 12/4/2024.

DD - 018752-24.

ABP - 319657-24.

Appeal

Task

PA - 383305-24-24 - LRDO7
1st - 383304-24-24 - LRDO5
3rd - 383303-24-24 - LRDO1

Run at: 07/05/2024 14:18

Run by: Andrea Caraus

PA Case Details Manual	
PA Case Number	
PA Decision	
PA Decision Date	
Lodgement Deadline	
Development Description	
Development Address	

Appeals Type	
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Stephen Deegan

Ballymore Eustace Community Development Association

C/O 2338 St Brigids Park

Co Kildare

An Bord Pleanála

AN BORD PLEANALA
LDG- 071720-24
ABP-
07 MAY 2024
Fee: € 220.00 type: cash
Time: 13:26 By: hand

Ballymore Eustace Community Development Association wishes to make an objection to the proposed development by Cairn Homes in relation to the development below – file number 23/689

Development Description: LARGE-SCALE RESIDENTIAL DEVELOPMENT consisting of 329 residential units and associated site works. the development will also include: the extension of the Blessington Inner Relief Road (approx. 700m long) from the existing 4-arm roundabout at Blessington Demesne Lands, running north west of Blessington Business Park, and north of the Woodleigh residential area to a new four-arm roundabout junction on the N81 Dublin Road. The new roundabout will consolidate existing junctions with Holyvalley, Doran's Pit and the Roadstone quarry site. A new junction will be provided to The scheme will comprise a two-lane single carriageway road with cycle lanes and footpaths, landscaping and drainage works (including attenuation ponds & Sustainable Urban Drainage Systems (SUDS)); road signage and all ancillary site services and development works above and below ground. An Environmental Impact Assessment Report and a Natura Impact Statement have been prepared in respect of the proposed development and are submitted with the application.

Development Address: Site c. 25.14 ha on lands within the townlands of, Blessington Demesne, Newpaddocks and Santryhill, Blessington, Co. Wicklow

Ballymore Eustace Community Development Association were notified by Wicklow County Council in a letter dated 12/04/24, that Permission for 23/689 – Cairn Homes LRD at Blessington, Co Wicklow has been granted planning permission.

Ballymore Eustace Community Development Association wishes to appeal this decision to An Bord Pleanála on the following grounds.

1. Blessington WWTP: The expansion to the Blessington Wastewater Treatment Plant, that is proposed to cater for this development is unauthorised, that the authorised capacity at the time of the application is 6,000pe, and that the Blessington WWTP is already catering for 17% higher than its EPA authorised capacity. This is before any consideration can be given to further development in Blessington.
2. The previous expansion to the Blessington WWTP, carried out by Irish Water, under permission from WCC, was never approved by the EPA and never considered the waste water treatment system and outfall in full. The WWTP was upgraded but the outfall pipe was not considered. The WWTP cannot be considered in isolation to the 6km discharge pipe.
3. The discharge pipe from Blessington to Ballymore Eustace was built in the 1980s to cater for a max capacity of 6,000pe. That limit has already been surpassed, without permission from EPA. In all of the decision making to date the capacity of that pipe and the condition of the pipe (now nearly 50 years old) has not in any way been addressed.
4. There are no Stormwater overflows in Blessington because the risk to the reservoir is too high therefore stormwater is captured and put into the treatment works over time. No measure of this has been provided – thus the throughput of the discharge pipe is significantly higher than stated, even before 23/689 is even built.
5. Current Algal Bloom issues. In the intervening period since Ballymore Eustace Community Development Association made its original submission, a major Blessington Lakes algal bloom has hit the national media with RTE, KFM, and various newspaper covering the story on 4/10/23. Commentators such as Doctor Elaine McGoff, Head of Advocacy at An Taisce Shauna Corr, Environment Correspondent and Columnist and Tim O'Brien, Irish Times have covered this story. Water Quality in Blessington Lake and Golden Falls is already not what it should be before any consideration could be given to 23/689.
6. Any proposal that is an environmental risk / threat to the Blessington Lakes – the largest drinking water supply reservoir in the Country and a Special Area of Protection cannot be granted. Any proposal that is a threat to Golden Falls and the downstream Village of Ballymore Eustace cannot be granted.
7. **Climate Impacts:** By Irish Waters own admission, the Liffey drinking water supply to the Greater Dublin Area will fall by 50 Megalitres per day as a result of Climate Change and drought. That supply already takes 40% of the total flow of the River. Therefore how is it sustainable to keep adding more wastewater to the equation. The Liffey cannot take any more wastewater, therefore the Blessington WWTP cannot discharge more than what is permitted under D0063-01. In fact even at this limit, the discharge has never been fully compliant and Ballymore Eustace Community Development Association would argue that the discharge location in its entirety should be decommissioned in favour of building a new pipeline to the coast, should Blessington be further developed to the scale envisaged.
8. In making the decision, Wicklow County Council has not considered the capacity of the existing wastewater and **surface water network** in Blessington. The risk of foul water entering the surfacewater system and making its way to the Blessington Lakes / reservoir is very high. There is no public information on the number of foul mains blockages / spillages that enters the surface water network, already increasing the risk of further pollution or polluting nutrients entering the reservoir etc

9. In Planning terms, the fact that the Blessington LAP is out of date by a full cycle, the fact that the Blessington Lakes reservoir is a Special Protection Area and the fact that Wicklow County Council, Irish Water and the Environmental Protection Agency appear at odds needs to be fully addressed.
10. Misconnections. The scale of misconnections in Blessington is not known. Other urban area studies show misconnections could be as high as 10% of dwellings. No further dwellings should be granted permission until at least the scale of this problem is known.

11. It is noted that there are no stated storm overflows in this agglomeration and that storm flows are recycled through the wastewater treatment plant. Given the significant increase in heavy rainfall events due to Climate Change this must be challenged. The 5.5 km pipe to Golden Falls is only 250mm. There must be capacity constraints on this pipe in terms of the current allowable 6,000pe (actually an unauthorized 6,641pe !!) AND recycling of stormwater. (The hydraulic throughput of Blessington WWTP is far higher than 6,000pe when you take stormwater into account.

Consultants (RPS) in determining this pipe size in 1885, would possibly have added capacity for a factor of safety over the population equivalent at that time **WHICH WAS 3,600pe**. The population equivalent has almost doubled, we now have Climate Change type heavy rainfall, a condition survey has never been carried out on the 5.5km pipe and any factor of safety has long been breached. **The question needs to be asked as to what the design capacity of the pipe is / was – and this needs to be simply put in PE terms**

In relation to inflows, the capacity of the network should also be questioned. How many drain overflows occur in Blessington every year. Just because there are no official overflows, doesn't mean the system is closed. Drains overflow for many reasons (capacity, blockages, fat build ups) and the more pressure that is put on the network, the more such overflows will occur. Furthermore any overflows that do occur will end up in Poulaphouca Reservoir. In a similar vein, Blessington experiences intermittent flooding from time to time, and what flooding does is that it makes that link between foul and surface water, thus flood waters are generally polluted. Again this polluted floodwater has nowhere to go only the Poulaphouca Reservoir.

12. As Blessington grows, so too does the threat of pollution to Poulaphouca Reservoir from urban surface water runoff. Poulaphouca Reservoir is already on a pollution knife edge due to mismanagement of the catchment, and the proliferation of yearly algal blooms caused by nutrients from various runoffs including urban runoff. Surface waters from Blessington are simply discharged to the local streams which are directly flowing to the Poulaphouca reservoir. There is a stream adjacent to the WWTP also – when things go bad, which they will based on 5.5km forward feed pipe during storm weather, is it expected that emergency flows will enter this stream? Is the ABP 100% confident this has never happening before and won't happen into the future.

Again to reiterate / summarise the point – the forward feed discharge main (which is a pressure main) at 250mm pipe diameter was installed around 1985, when Blessington had a c3,600pe, which was capped at 6,000pe and which now operates at around c7,000pe in an unauthorized manner, and which must also cater for changes in Climate Change and increased heavy rainfall events, without any spill into the wider environment, which in this instance would directly impact on Poulaphouca Reservoir which is the main supply of water for the Dublin Region, is an SPA and already in itself on a knife edge.

13. In **March 2021** Irish Water applied to the EPA for a license review. There appear to be a number of reasons, the D0063-01 initial license would need to be reviewed.
- Constant non compliances on D0063-01 identified through EPA site visits and reported breaches of license parameters
 - Breaches in relation to the capacity of the plant
 - Irish Water were proceeding with certain upgrades to deal with non-compliance, but decided to also significantly increase the capacity of the WWTP – without the consent of the EPA

The license review is still under assessment by the EPA as of May 2024, yet Wicklow County Council, Irish Water and by default developers, are operating OUTSIDE the conditions of any authorization process.

It is our view that this license should be capped at the current maximum of 6,000pe, a feasibility / option report should be carried out on a new discharge location, and in a number of years the whole discharge infrastructure should be decommissioned in lieu of a new location, given the associated risk to the Poulaphouca Reservoir and Golden Falls Reservoir.

14. Who is responsible for what?

Ballymore Eustace Community Development Association believes there is a serious conflict of interest between the Irish Water and Local Authorities decision making process. It's easy to understand this as Local Authorities and Irish Water are essentially of each other, under the current SLA between both organisations. As Irish Water are only responsible for Foul Wastewater and Drinking Water, the issue of surface water management and pollution of same goes back to the Local Authorities and it is not being addressed as it should be. **Sometimes it has to be acknowledged that a particular town or village has no growth capacity without a complete rethink in terms of drainage, as, to allow growth with the current infrastructure is not sustainable.**

What is the state of the discharge pipework, will pumping an additional 33% of wastewater have any impact, has a condition survey been carried out, what is the increased "emergency" risk of wastewater bursting from the line and entering Poulaphouca Reservoir.

15. Poulaphouca Reservoir, the source of the majority of Dublin's drinking water, is already suffering from serious yearly algal blooms. It's surprising it hasn't reached the news, as Lough Neagh has, in recent times. Has the risk associated with an additional 33% intensification on the discharge pipework been assessed? Is there any increase proposed on the forward pump at the WWTP that would put additional pressure on the 50 year old pipework?.

16. Blessington Plans

The Blessington Local Area Plan 2013 to 2019 is OUT OF DATE by nearly one full cycle. It's in the interest of Wicklow County Council not to publish the next iteration of the LAP, as the level of zoning would not stack up to current thinking on sustainable development. This way Planning Permissions can be granted by stealth, for large scale residential development, thus ensuring the new extra 3,000pe capacity (or rather 2,000pe given the current WWTP is probably running to c. 7,000pe at this stage) is eaten up within a matter of a couple of years. This is not sustainable infrastructure planning and should not be state funded.

Current planning applications will swallow up all of Blessingtons WWTP capacity within three years, even at 9,000pe. There is a serious question to be asked regarding how it is that a Local Authority can accept large scale planning applications, at a time when the associated WWTP is only authorized to deal with 6,000pe and is already at non-compliant at 6,641pe (2021 AER) – **and these applications are being granted**. Examples of some planning applications are below – pls note that the developers had been applying for less than 100 units at a time to avoid the Strategic Housing Development process with An Bord Pleanala. This is relevant given the most recent application for the WWTP itself was recommended for refusal by the planning inspector with An Bord Pleanala whose decision had to be overturned by the Board in order for the project to proceed.

- Cairns Homes – Sorrel Wood – Under construction / On market **91**
- Cairn Homes - application for **359** Dwellings – Submitted September 2023
- Windlynn – Granted permissions for **69** dwellings and Primary School (Kildare County Council) **plus additional lands**
- Kelland Homes **56 plus additional lands**

And WCC has just materially contravened the old plan.

17. Poulaphouca Reservoir Risk

Given the Local Authorities, Irish water, ESB and EPA appear to have no interest in protecting Golden Falls, perhaps the various authorities need to consider the impact of growth in Blessington on the Poulaphouca Reservoir. It's not as simple as stating the WWTP discharge is downstream of Poulaphouca Reservoir, as stated in the AER. There is still a very sizable risk to Poulaphouca Reservoir – the largest source of drinking water in the Country.

Poulaphouca Reservoir is a Special Protection Area (SPA) under the Birds and Habitats Directive and it's also a wildfowl reserve.

Please note the following in terms of protection of the Poulaphouca Reservoir Catchment.

- a. Dublin City Council / Uisce Eireann block every single one-off dwelling planning application in the reservoir catchment, if it is within 100m of any watercourse. Consider the risk comparison between a one off house and an extra 3,000pe through the WTP also adjacent to a watercourse flowing directly into Poulaphouca Reservoir. Yet no submission was made on the Cairn application by the management of the Ballymore Eustace Water Treatment Plant.
- b. Blessington Rowing Club was refused permission to expand. This was tested through the courts and ended in **refusal** due to the SPA nature of the reservoir. Again, consider the risk comparison between a rowing club and the level of development proposed for Blessington Town, (even though as continually pointed out – D0063-01 remains fixed at 6,000pe)

- c. Cairn Homes, Kelland Homes and Windlynn Ltd are building / seeking to build almost 1,000 homes in Blessington. In itself, this presents serious risk to Poulaphouca Reservoir from over development, urban runoff, contaminated surface water flows etc. not to mention the risk associated with the wastewater discharge to Golden Falls and any risk to the forward feed sewer main overflowing into Poulaphouca Reservoir.
- d. The Poulaphouca Reservoir is already challenged and suffers from very extensive algal blooms. The reservoir undoubtedly suffers from wastewater entering the reservoir from one-offs, farm holdings and the Villages of Manor Kilbride, Lacken, Ballyknocken, and Vallymount, and run off from the likes of the N81. Greater growth in Blessington will serve to further pollute Poulaphouca Reservoir with more urban runoff pollution, over and above the WWTP discharge. It is not safe to assume that by increasing the capacity of the WWTP and allowing a greater discharge in Golden Falls, that this will eliminate or reduce the impact of Blessington Town on Poulaphouca Reservoir.

Sometimes it has to be acknowledged that a particular town or village has no growth capacity without a complete rethink in terms of drainage, as, to allow growth with the current infrastructure is not sustainable. The WWTP is 600m away from the Reservoir via a direct watercourse link. That is a high risk scenario.

10. Conclusion

How does any stretch of river end up with three significant Irish Water discharges within a kilometer of each other, within the confines of a Village environment – we that's the case in Ballymore Eustace. One of those discharges is from Blessington Town. It is our view that this discharge is now illegal and definitely unsustainable and it is certainly not appropriate to increase that discharge by 329 dwellings viz a viz Cairn 23/289. You may say all the water service issues are a matter for Irish Water, however there is huge unanswered stormwater and surfacewater component (quality, quantity and pipework capacity) here which is a Local Authority matter.

Ballymore Eustace Community Development Association does understand that this submission is very water services heavy and maybe out of Cairn's control. That does not mean permission should be granted by the Bord. On the contrary, from a planning perspective, all matter should be addressed before any further development is permitted. Planning cannot divorce itself from Uisce Eireann matters. Furthermore, Wicklow County Council have a lot of issues to address around surface water management, which is currently non existent.

It is our view that ABP must refuse this application on the basis of the concerns of Ballymore Eustace, Co Kildare, and on the basis of the threat to the SPA that is Blessington Lakes and pollution to Golden Falls, an impoundments that does not flow in any way like a natural river, and furthermore on the basis that Blessington has no EPA authorization to grow beyond 6,000pe.

Stephen Deegan
for and on behalf of BME CDA

08/05/24



Comhairle Contae Chill Mhantáin Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic & Rural Development

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
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Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

14/03/2024

Ballymore Eustace Community Development Association
C/O Stephen Deegan
2338 St. Bridgids Park
Ballymore Eustace
Co. Kildare

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANÁLA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE THAT WILL BE ACCEPTED BY AN BORD PLEANÁLA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME Wicklow County Council

PLANNING APPLICATION REFERENCE No.23689

A further submission/observation in writing, has been received from Ballymore Eustace Community Development Association on 05/03/2024 in relation to the above planning application.

The submission/ observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended) and will be taken into account by the planning authority in its determination of the planning application.


SENIOR EXECUTIVE OFFICER

PLANNING, DEVELOPMENT AND ENVIRONMENT

Date 14/03/2024

Planning Authority Stamp

Wicklow County Council

14 MAR 2024

PLANNING DEPT.

*Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.
This document is available in alternative formats on request.*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísi, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, Planning, Economic & Rural Development.

