

# Validation Checklist

Lodgement Number : **LDG-071747-24**  
Case Number: **ABP-319657-24**  
Customer: **Ballymore Eustace Trout & Salmon Anglers Association.**  
Lodgement Date: **08/05/2024 15:06:00**  
Validation Officer: **Ronan Megannety**  
PA Name: **Wicklow County Council**  
PA Reg Ref: **23689**  
Case Type: **Appeal - LRD**  
Lodgement Type: **Appeal - LRD**



An  
Bord  
Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
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

## FURTHER MULTIPLE LRD 3<sup>rd</sup> PARTY APPEAL: ABP-319657-24

### To AA:

1. Task-383545-24 LRD01M to **Ballymore Eustace Trout & Salmon Anglers Association** with receipt and copy of 1 other appeals. ✓
2. Task-383549-24 (in ABP case) LRD06 to PA & Cairn Homes's agent & Ballymore Eustace Community Development Assoc with copies of the 1 new appeal. ✓
3. Update inside and outside of file cover with new details. ✓
4. Note cross circulation information in case narrative ✓
5. ✓

Lodgement Cover Sheet - LDG-071747-24

Details

Lodgement Date	08/05/2024
Customer	Ballymore Eustace Trout & Salmon Anglers Association
Lodgement Channel	Post
Lodgement by Agent	No
Agent Name	
Correspondence Primarily Sent to	
Registered Post Reference	

Categorisation

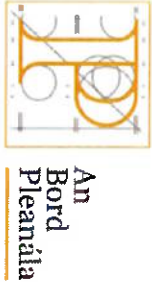
Lodgement Type	Appeal
Section	Processing

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro
Fee Value	0.00
Refund Amount	0.00

Appeal

CRD



Lodgement ID	LDG-071747-24
Map ID	
Created By	Robyn Hayden
Physical Items Included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	

PA Ref - 25689

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

Observation/Objection Allowed?	
Payment	PMT-055914-24
Related Payment Details Record	PD-055779-24

Grant with conditions.

Decision date - 12/4/24.

DD

APP - 319657-24

Last day  
9th May

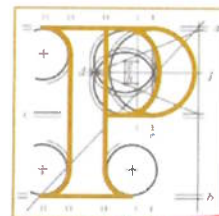
Task - 383548-24  
AB-case - WD  
CRD

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

Appeals Type	
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Our Case Number: ABP-319635-24

Planning Authority Reference Number: 23689



An  
Bord  
Pleanála

Ballymore Eustace Trout & Salmon Anglers' Assoc.  
Broadleas  
Ballymore Eustace  
Co. Kildare

**AN BORD PLEANÁLA**  
LDG- 071747-24  
ABP- \_\_\_\_\_  
08 MAY 2021  
Fee: € 220 Type: cha  
Time: 9:20 By: post

Date:

**Re:** Large scale residential development consisting of 329 residential units, extension of the Blessington Inner Relief Road, new roundabout, new junction, road signage and all ancillary site development works. An Environmental Impact Assessment Report and a Natura Impact Statement were submitted with the application.  
Site(c.25.14 ha) on lands within townlands of Blessington Demesne, Newpaddocks and Santryhill, Blessington, Co. Wicklow

Dear Sir / Madam,

An Bord Pleanála has received your letter in which you intended to make an appeal in relation to the above-mentioned large-scale residential development under the Planning and Development Act, 2000, (as amended).

Section 127(1)(f) of the 2000 Act, (as amended), provides that an appeal shall be accompanied by the statutory fee. Your letter was not accompanied by the correct fee as provided for by section 144 of the 2000 Act, (as amended), and it is regretted that it must, therefore, be regarded as an invalid appeal in accordance with section 127(2)(a) of the Act. To lodge a valid appeal you must comply with ALL of the requirements of section 127.

The fee required in your case is €220.

You are reminded that the final date for the lodgement of a valid appeal is 4 weeks beginning on the day of the decision by the planning authority.

Please note that the fee of €200 which you lodged will issue under separate cover, shortly. The appeal documentation which you submitted is being returned to you to facilitate resubmission of this appeal with the correct fee. Should you intend resubmitting the appeal to the Board, you must submit the required fee of €220 notwithstanding the fee refund which is currently pending from the Board's offices.

Teil  
Glao Áitiúil  
Facs  
Láithreán Gréasáin  
Ríomhphost

Tel  
LoCall  
Fax  
Website  
Email  
(01) 858 8100  
1800 275 175  
(01) 872 2684  
www.pleanala.ie  
bord@pleanala.ie

64 Sráid Maoilbhríde  
Baile Átha Cliath 1  
D01 V902

64 Marlborough Street  
Dublin 1  
D01 V902

Please also note that where the final date falls on a Saturday, a Sunday, a public holiday or any other day on which the offices of the Board are closed, an appeal shall be valid as having been made in time if received by the Board on the next following day on which the offices of the Board are open.

The documents lodged by you are enclosed and a cheque for the money lodged will follow under separate cover.

Yours faithfully,



Mary Tucker  
Executive Officer  
Direct Line: 01-8737132

LRD15IT

**Tel**  
**Glaao Áitiúil**  
**Facs**  
**Láithreán Gréasáin**  
**Ríomhphost**

**Tel** (01) 858 8100  
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64 Sráid Maoilbhríde  
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64 Marlborough Street  
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**BALLYMORE EUSTACE TROUT AND SALMON ANGLERS' ASSOCIATION**

**AN BORD PLEANÁLA**  
LOG- 071637-64  
ABP- \_\_\_\_\_  
30 APR 2024  
Fee: € 200.00 Type: Cha  
Time: 9:28 By: post

Broadleas,  
Ballymore Eustace,  
Co. Kildare.  
20<sup>th</sup> April 2024

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

**Re; Wicklow County Council Planning Register Reference No. 23689**

Dear Sir/Madam,

Ballymore Eustace Trout and Salmon Anglers' Association wishes to appeal Wicklow County Councils decision to grant planning permission to Cairn Homes Properties Ltd. for large scale development on lands within the townlands of Blessington Demesne, Newpaddocks and Santry Hill, Blessington, Co. Wicklow. The proposed large scale development will consist of 329 units, Wicklow County Council Planning Register Reference No. 23689

Our appeal relates to what appears to be a convenient and disingenuous sleight of hand on Wicklow County Council's behalf relating to:-

"Services

22 a) Prior to commencement of development the written agreement of Uisce Éireann shall be obtained for the provision of water services necessary to serve the proposed development.

b) The granting of this permission by Wicklow County Council is in its role as a Planning Authority. It does not commit Wicklow County Council to the provision of any water services to serve the proposed development. Details of connections and specification of materials to be used for the water services are a matter for Irish Water.

Reason: In the interests of clarifications and proper planning and development."

Wicklow County Council are well aware of the water flow regime at the Blessington WWTP discharge point in Golden Falls Lake/Reservoir as this quote from an email reply to me dated 1<sup>st</sup> February 2023 from the Executive Scientist, Pollution Control Section, Planning Development and Environment, Wicklow County Council states:-

"With regards The River Liffey versus Golden Falls Reservoir:

We have to code all our monitoring stations using the EPA's Online data repository.

It shows the monitoring location as a river, even though it is a reservoir. So I can't get a lake code from the EPA, and have to log it as a river station. – otherwise I can't return the data to the EPA.

I have pointed the fact that this is a reservoir out to the EPA.

I agree that the flow is intermittent at this location depending on ESB generation."

Despite this knowledge, Wicklow County Council granted planning permission to Uisce Éireann for the upgrade of the Blessington WWTP to 9000 P.E. based on the lie that the discharge is into a river.

Uisce Éireann have also sought a review of the Blessington WWDL from the EPA based on the same lie.

Wicklow County Council now wants a decision which will affect the quality of life for the communities living downstream of the Blessington WWTP discharge into Golden Falls Lake/Reservoir, the aesthetic and recreational value of the River Liffey downstream of Golden Falls, the water quality and biodiversity of the River Liffey downstream of Golden Falls and the drinking water supply for the Leixlip Water Treatment

Plant to be taken behind closed doors by Uisce Éireann without any third party involvement or right of appeal.

Wicklow County Council, Dublin Corporation and the ESB created an injustice in 1985 by granting planning permission for the then new Blessington 3000 P.E. WWTP discharge into Golden Falls Lake/Reservoir in the knowledge that a minimum dilution of the effluent would not be guaranteed.

Our appeal is also based on the grounds that in 1985 ESB granted a licence to Wicklow County Council to allow the Blessington Sewage Treatment Plant discharge into Golden Falls Lake/Reservoir based on a maximum of 6000 P.E. discharge and other Emission Limit Values (ELV's). As far as we are aware this is still the current ESB licence. The ESB licence has not been changed or renegotiated.

The current Blessington Waste Water Discharge Licence (WWDL D0063-01) granted by the EPA to Wicklow County Council in 2012 is based on a 6000 P.E. discharge from the Blessington WWTP into Golden Falls Lake/Reservoir. This discharge licence is based on the lie that the discharge point from Blessington WWTP is into "a river 200 metres upstream of Golden Falls Lake."

Since the Liffey Scheme 80 years ago, there is no river flowing into Golden Falls Lake/Reservoir.

The Blessington WWDL D0063-01 has not been updated and is the current EPA Blessington WWDL. The present Blessington 6000 P.E. WWDL is overloaded and therefore cannot take further loading from a large scale 329 unit development.

Irish Water/Uisce Éireann obtained planning permission for the upgrade of the Blessington WWTP from 6000 P.E. to 9000 P.E. from Wicklow County Council and An Bord Pleanála (Ref No 18/255, ABP Ref 302732-18) based on the lie that the Blessington WWTP discharges into a river with a constant minimum flow of 1.5 m<sup>3</sup>/sec.

A planning permission based on a lie cannot be valid or legal? Does it set a precedent for other planning applications?

In 2019 the EPA requested Irish Water to submit a Blessington WWDL review (D0063-02).

Uisce Éireann responded dated 7<sup>th</sup> September 2023 to a simple further information request from the EPA i.e. "Provide flow data for the receiving waterbody in the vicinity of the primary discharge point showing a constant minimum flow of 1.5 m<sup>3</sup>/s at all times" as follows; "With reference to the Environmental Protection Agency's request for information --- hydrological analysis shows that there is not a consistent flow of 1.5 m<sup>3</sup>/s at the Blessington WWTP primary discharge point."

This should have been followed by an apology from Uisce Éireann for misleading the EPA in their initial Blessington WWDL D0063-02 review application and they should have pointed out that the WWDL D0063-01 granted to Wicklow County Council is also based on the lie that the discharge is into a constant minimum flow of 1.5m<sup>3</sup>/sec.

Uisce Éireann should also have apologised for obtaining Planning Permission from Wicklow County Council and An Bord Pleanála for the upgrading of the Blessington WWTP from 6000 P.E to 9000 P.E. based on the lie that the Blessington WWTP discharges into a constant minimum flow of 1.5 m<sup>3</sup>/sec.

It didn't fool Bord Pleanála Inspector who recommended refusing planning permission for the upgrade to 9000P.E. but he was overruled by An Bord. We share the concerns expressed by the Bord Pleanála Inspector dealing with the Blessington WWTP planning application to upgrade to 9000P.E.;

*"I have very strong concerns that the proposed development represents a short term iterative response to an ongoing and serious issue, with local under-capacity in wastewater treatment leading to the increased use of an outfall which seems suboptimal in terms of modern requirements."*

*"The proposed works seem primarily intended to address existing overloading and to provide scope for relatively short term future growth in the town. I would be concerned that this represents an inappropriate approach to ongoing problem with what I would consider to be a suboptimal solution to disposing of the effluent to allow for both the protection of the water catchment and allow for reasonable projections of future growth for Blessington."*

*"---having regard to the cumulative impact of other developments in the area and the uncertainty over whether the capacity is enough for more than short term needs for Blessington, I would consider the approach of the applicants to be questionable."*

An Bord Pleanála did not accept the Inspector's recommendation to refuse planning permission but rather granted permission based on the false information supplied by the Applicant, Irish Water, i.e. the lie that the Blessington WWTP discharges into a constant minimum flow of 1.5m<sup>3</sup>/sec.

The Blessington WWDL review (D0063-02) is still under review by the EPA.

Uisce Éireann in their response to the further information requested by the EPA noted that there can be no flow into Golden Falls Lake/Reservoir, i.e. pass the Blessington WWTP discharge point, for up to 7 days at a time.

This is required at times to empty the Lake to allow for maintenance at Golden Falls Dam/Station. With no flow entering the Lake/Reservoir, the flow of the river Liffey downstream of Golden Falls empties the Lake/Reservoir.

Common sense predicts the following;

Day 1, Full Blessington WWTP discharge into Golden Falls – Lake volume decreases - nutrient concentrations etc rise.

Day 2, Full Blessington WWTP discharge into Golden Falls – Lake volume decreases further – concentrations rise.

Day 3, Full Blessington WWTP discharge into Golden Falls - Lake volume decreases further – concentrations rise.

Continue to Day 7, Full Blessington WWTP discharge into almost empty Lake – Only effluent from Blessington WWTP now in Golden Falls Lake – concentration in Golden Falls Lake/Reservoir and in the River Liffey downstream now at EPA Blessington WWDL ELV concentrations (if compliant) and multiplies of Environmental Quality Standards (EQS) – disaster for Lake, the water quality, aesthetic and recreational value of River Liffey downstream.

Also after 7 days the River Liffey, with the Blessington WWTP discharge, has travelled from Ballymore Eustace to the abstraction location of the Leixlip drinking Water Treatment Plant, the second largest Water Treatment Plant in the country, serving large parts of Dublin and Kildare.

Uisce Éireann must renegotiate the terms of the 1985 ESB Licence.

Uisce Éireann must inform Wicklow County Council that they obtained planning permission for the upgrade of the Blessington WWTP to 9000 P.E. based on a lie that the discharge is into a constant minimum flow of 1.5 m<sup>3</sup>/sec.

Wicklow County Council must then decide what action it will take against Uisce Éireann.

Uisce Éireann must inform An Bord Pleanála that they obtained planning permission for the upgrade of the Blessington WWTP to 9000 P.E. based on a lie that the discharge is into a constant minimum flow of 1.5 m<sup>3</sup>/sec.

An Bord Pleanála must then decide what action it will take against Uisce Éireann.

Uisce Éireann and the Irish Authorities must also correct the following false information which we obtained by way of a reply to a question submitted on our behalf from the European Commission.

E-002048/2019(ASW)

27 June 2019

Answer given by Mr Vella on behalf of the European Commission

"Question reference: E-002048/2019

1. According to the information submitted by the Irish Authorities under the last Implementation Report of Directive 91/271/EEC<sup>(1)</sup>, assessed by the Commission, the River Liffey was designated as a sensitive area in 1994, but the Golden Falls Lake was not included in this designation. In addition, it can be observed in the



interactive map associated with the report that there are no agglomerations (urban settlements) discharging into this lake.

2. Regarding the referred area, the Commission has identified two agglomerations discharging into the River Liffey, Upper Liffey Valley (91000 population) and Lower Liffey Valley (130000 population). Both are reported as complying with all their collection and treatment requirements. The agglomeration of Blessington is reported as discharging into a non-sensitive area, only relatively near to the River Liffey, but not to the lake. This agglomeration, with 6000 population, is compliant with the applicable requirements, Articles 3 (collection) and 4 (secondary treatment) of the directive

3. The Commission is not aware of any waste water discharge into the Golden Falls Lake, at least from agglomerations of 2000 population or above, falling in the scope of the Implementation Report. The reporting obligations of this directive do not require Member States to report on the effects of individual waste water discharges. If any wastewater discharge were to be identified by the Member States' authorities as a significant pressure on the water body responsible for hampering the achievement of good ecological or chemical status, obligations to set up operational monitoring would apply by virtue of Directive 2000/60/EC<sup>(2)</sup>

(1) Council Directive 91/271/EEC concerning urban waste-water treatment, OJ L 135, 30.5.1991

(2) Directive 2000/60/EC establishing a framework for Community action in the field of water policy, OJ L 327, 22.12.2000, p. 1-73."

How much longer and how far is this lie about what happens at Poulaphouca/Golden Falls going to be allowed? How can Golden Falls Lake/Reservoir not be included as a sensitive area when it was constructed under the 1936 Liffey Reservoir Act Liffey Scheme and an integral part of the Liffey system, supplying the Liffey downstream and Ireland's second largest drinking water treatment plant at Leixlip? Poulaphouca Reservoir is designated a SAC and SPA and yet Golden Falls Lake/Reservoir constructed as an integral part of that Scheme is not accorded the same status.



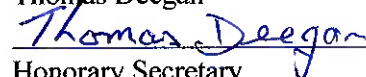
Green Algae bloom on Golden Falls Lake 21<sup>st</sup> September 2023. Green Algae puddles along the northern shoreline of Golden Falls Lake. The Lake water level fluctuates due to ESB releasing water to maintain the flow in the River Liffey downstream.

Algae pollution of the Lake, even with the upgraded Blessington WWTP operating at a loading of only 66% capacity.

Ballymore Eustace Trout and Salmon Anglers' Association respectfully request An Bord Pleanála to refuse planning permission for this large scale 329 unit development.

Yours sincerely,

Thomas Deegan



Honorary Secretary

Please find cheque €200 fee enclosed.



# Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol  
Planning Development and Environment**

Áras An Chontae / County Buildings  
Cill Mhantáin / Wicklow  
Guthán / Tel: (0404) 20148  
Faics / Fax: (0404) 69462  
Rphost / Email: [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

03/10/2023

Ballymore Eustace Trout &  
Salmon Anglers' Assoc.  
C/O Thomas Deegan  
Broadleas  
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 submission/observation in writing, has been received from  
Ballymore Eustace Trout & Salmon Anglers' Assoc. on 03/10/2023 in relation to the above planning application.

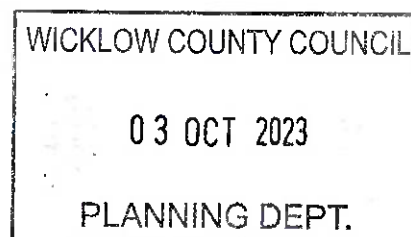
**The appropriate fee of €20 has been paid. *(Fee not applicable to prescribed bodies)***

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 03/10/2023

**Planning Authority Stamp**



*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 Seirbhísí, Forbairt Pleanála agus Comhshaol.  
All correspondence should be addressed to the Director of Services, Planning Development & Environment



