

Section 5 Referral

Referral to An Bord Pleanála

Replacement Wastewater Treatment Plant

Potters Point
Brittas Bay
Co. Wicklow
A67 RV06

Prepared for
Potters Point Limited 035081-21

by

Tom Phillips + Associates
Town Planning Consultants
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04.02.21

TOM PHILLIPS
ASSOCIATES

PLANNING FOR THE FUTURE

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EXECUTIVE SUMMARY

Declaration from Wicklow County Council (WCC)

Tom Phillips + Associates lodged a referral to WCC, questioning whether the replacement of the existing Wastewater Treatment Plant (WwTP) at Potters Point, Brittas Bay, is development and is exempted development?

WCC declared that the replacement of the WwTP is not exempted development.

We do not concur with the majority of the precedent cases referenced by the Planning Officer in the Report leading to the declaration.

The exception to that is cases RL2850 and RL3233, which demonstrates a proposal as exempted development (Appendix B.)

Thus, we are referring to An Bord Pleanála (this document) as we believe the works are exempt.

Potters Point

Potters Point is an area c. 37.3 ha located along the coast with access to Brittas Bay Beach. The landholding accommodates some 176 No. mobile homes, a golf clubhouse and an office/reception building.

Existing and Replacement Wastewater Treatment Plants

The site of the WwTP is located to the south east of the landholdings away from mobile homes behind a gate, a fenced hedgerow, and a mound. (See Figures 1.2 to 1.10.)

The existing WwTP is approximately 35 years old, at the end of its operational life and has suffered from structural deterioration. As a result, the owner is proposing to replace the existing WwTP with a new modern treatment system.

The replacement WwTP is an upgrade to the existing system with an increase in aeration capacity (percentage increase of approximately 30%) and more flexibility to cater for seasonal peaks and troughs, and to allow for any buffering required. JB Barry & Partners engineers emphasise that the replacement WwTP will not increase the volume of effluent discharged into the Sea.

Key Planning Issues Arising

It is our contention that the replacement WwTP at Potters Point comprises works that are exempted development not requiring planning permission.

- It is contended that the proposal is exempt under Section 4(1)(h) of the *Planning and Development Acts, 2000-2020*:

“Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures”.

The reasons for our contention are as follows:

- 1) The works consist of improvements to the current structure. Furthermore, due to the existing and replacement WwTP residing primarily underground, behind a fenced hedgerow and a sunken mound, no material effect to the external appearance of the structure will occur so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.
- 2) Increasing the capacity within the new plant will not increase the volume of effluent discharged into the Bay. The replacement WwTP, although approximately 30% larger in size, is a like-for-like replacement in many respects, with no intensification of use likely to occur as the number of mobile homes and volume of effluent discharged remains the same.

- It is contended that the proposal is exempt under Class 41 of Part 1 of Schedule 2 of the *Planning and Development Regulations, 2001-2020*:

“Works consisting of or incidental to the carrying out of any works on land which are in accordance with, and necessary for compliance with, the terms of any licence granted under section 34 of the Local Government (Sanitary Services) Act, 1948, but not including the erection of any building, hut, chalet or the construction of any road or hard-standing”.

The reason for our contention is as follows:

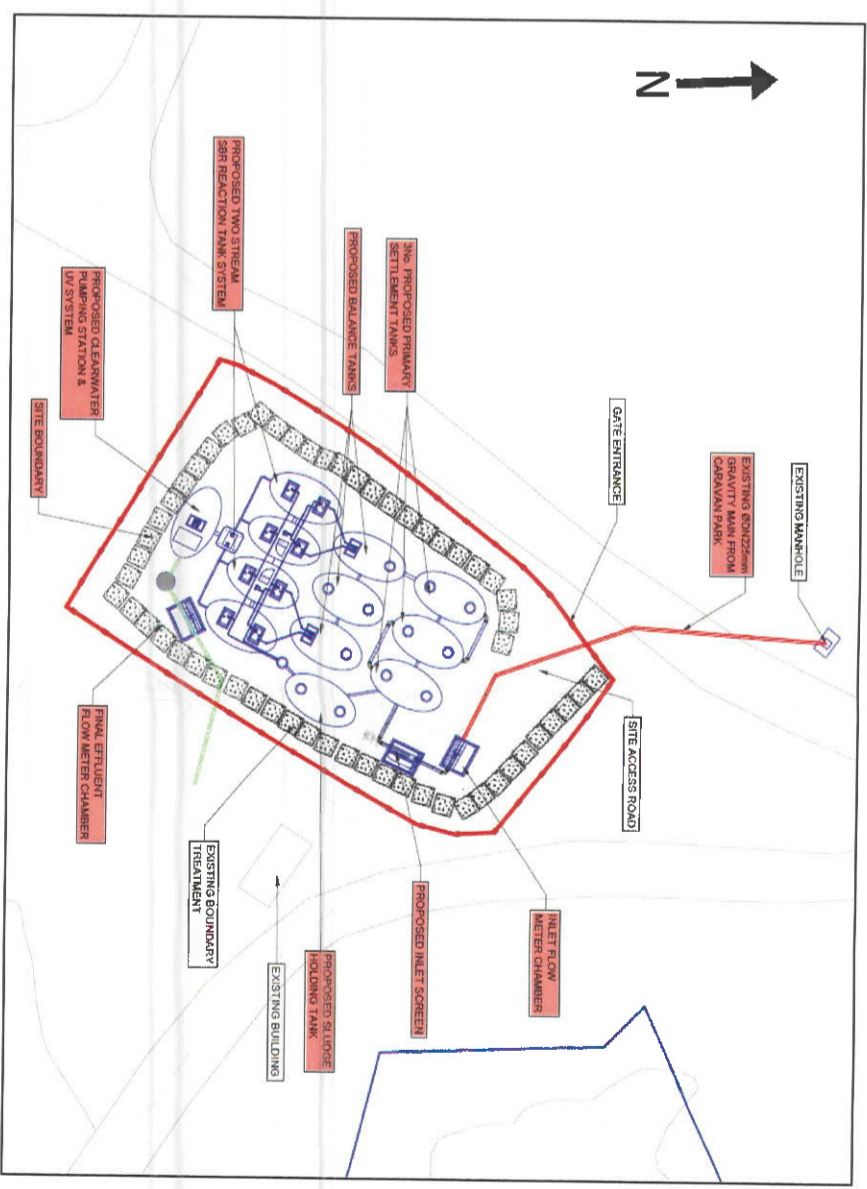
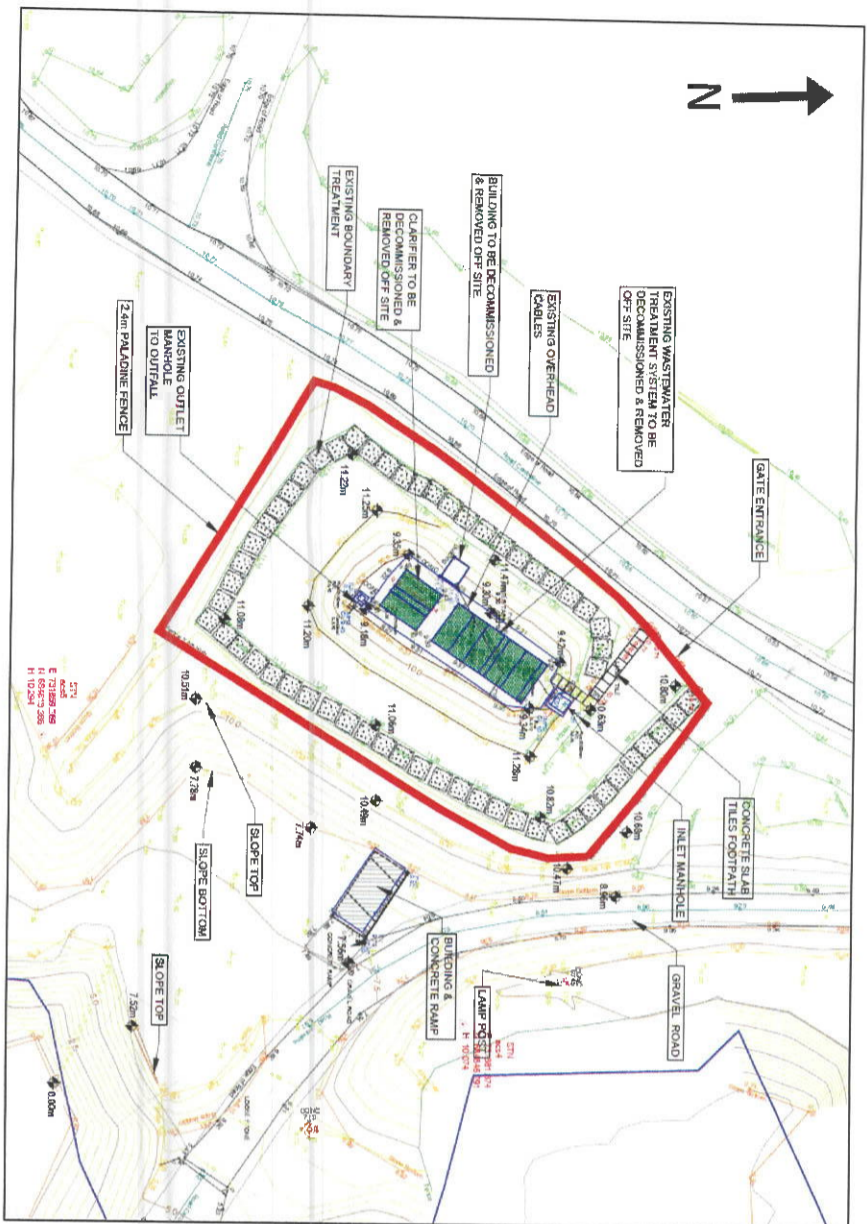
- 1) Potters Point Limited possesses a *Sanitary Services Licence* (renewed in 2020) under the *Local Government (Sanitary Services) Act, 1948*, and a *Wastewater Discharge Licence* issued in 1986 under the *Local Government (Water Pollution) Act, 1977*, meaning the Company is entitled to carry out works in accordance with the Licence. The works will also help improve compliance with the Licence.

In order to secure a *Sanitary Services Licence* on an ongoing basis, the facility must be operating to a high standard.

Question to An Bord Pleanála

Is the provision of a replacement wastewater treatment plant at Potters Point exempt from obtaining planning permission?

In summary, we request the Board review the Declaration from Wicklow County Council (Ref. 80/2020) and issue a determination that the proposed works constitute exempted development under the provisions of the *Planning and Development Acts, 2000-2020* and the *Planning and Development Regulations, 2001-2020*.



Figures 1.3 and 4.2 extracted from main body of Referral showing Existing and Proposed WwTP Site Layout Plans. (Source: JB Barry & Partners.) (See also Appendix E and F.)

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

Thursday, 4 February 2021
[By Hand]

RE: REFERRAL TO AN BORD PLEANÁLA UNDER SECTION 5(3)(A) OF THE PLANNING AND DEVELOPMENT ACTS 2000-2020 OF A DECLARATION FROM WCC ON A PROPOSED REPLACEMENT WWTP AT POTTERS POINT CARAVAN PARK (WCC REF. 80/2020)

Dear Sir

1.0 INTRODUCTION

1.1 Declaration Sought in Respect of a Replacement Wastewater Treatment Plant (WWTP) at Potters Point Caravan Park

Potters Point Limited¹ (formerly known as Amenity Developments Limited) has retained Tom Phillips + Associates², in conjunction with JB Barry Engineers³, to refer a Declaration from Wicklow County Council to An Bord Pleanála for review under section 5(3)(a) of the Planning and Development Acts 2000-2020 in respect of the proposed replacement of the existing WWTP at Potters Point. (Figure 1.1 and 1.2.)

Section 5(3)(a) states:

“Where a declaration is issued under this section, any person issued with a declaration under subsection (2)(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.”

On 8 January, WCC declared that the proposed replacement WWTP at Potters Point is not exempted development. The Council’s grounds are:

1. *“The removal and replacement of the existing Waste Water Treatment Plant involves works of construction and excavation and would therefore come within the definition of development as set out under Section 3 of the Planning and Development Act 2000 (as amended)”.*

¹ Potters Point, Brittas Bay, County Wicklow, A67 RV06.
² Tom Phillips+ Associates, 80 Harcourt Street, Dublin 2, D02 F449.

2. *“The replacement of the Waste Water Treatment Plant are not works for the maintenance, improvement or other alteration of the existing Waste Water Treatment Plant, but provide for the installation / construction of a structure and therefore the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) would not apply in this instance”.*
3. *“Neither the licence issued under Section 34 of the Local Government (Sanitary Services) Act, 1948, or that issued under the Local Government (Water Pollution) Act 1977 have set out a requirement for the replacement of the existing Waste Water Treatment Plant. Therefore the development would not come within the provisions of Class 41: Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).”*



Figure 1.1: OS Map showing Potters Point and surrounding lands. (Source: GeoHive.) (TPA OS Licence: AR0008620.)

³ Classon House, Dundrum Business Park, Dublin 14, D14 T9T0.



1.2 Documents Enclosed

The requisite fee of €220 is enclosed, with 1 No. copy of the following documents:

1. *Section 5 Referral to An Bord Pleanála - Replacement Wastewater Treatment Plant at Potters Point, Brittas Bay, Co. Wicklow, A67 RV06, dated 4 February 2021 (this document);*
2. *Sanitary Services Licence granted in 2020 (dated 2020) and Wastewater Discharge Licence granted in 1986 (dated 1987, Reg. Ref. ESS/14/14/186) for Potters Point site (Appendix C and D of this document);*
3. *Section 5 Declaration from Wicklow County Council, dated 8 January 2021 (Appendix B of this document);*
4. *Planner's Report from Wicklow County Council, dated 6 January 2021 (Appendix B); and*
5. The following drawings, prepared by JB Barry & Partners (Appendix E-G of this document):

Drawing No.	Revision No.	Drawing Title	Scale/Paper Size
20104-JBB-XX-XX-Z-1199	Rev. 1	Existing WwTP Site Layout Plan	1:250 A1/ 1:500 A3
20104-JBB-XX-XX-Z-1201	Rev. 1	Proposed WwTP Site Layout Plan	1:250 A1/ 1:500 A3
20104-JBB-XX-XX-Z-1216	Rev. 1	Proposed WwTP Site Section layout	1:250 A1/ 1:500 A3

1.3 Site Context – long established tourist facility

The subject of this Section 5 Referral concerns a wastewater treatment plant located to the south east of the property.

"Potters Point" (the wider landholding) covers an area of c. 37.3 ha, and is located along the coast with access to Brittas Bay Beach.

The McDaniel Family established Potters Point c. 1956 initially as what, in planning terms, is called a "touring caravan site". The wider park accommodates some 176 No. mobile homes, a golf clubhouse and an office/reception building.

Wastewater from the properties flows through a collection network and accumulates at a wastewater treatment plant (WwTP) to the south east of the site.

The existing plant is located in a secluded fenced-off site away from any units. It consists of the following structures, both below and on sunken ground:

1. Gravity fed inlet block manhole with manually raked screen;
2. Secondary aeration tank (mild steel GRP coated tank);
3. Secondary clarifier (mild steel GRP coated tank);
4. Outlet block manhole;
5. Discharge pipe; and
6. Small block shed (wash facility/storage).

(See Figure 1.3.)

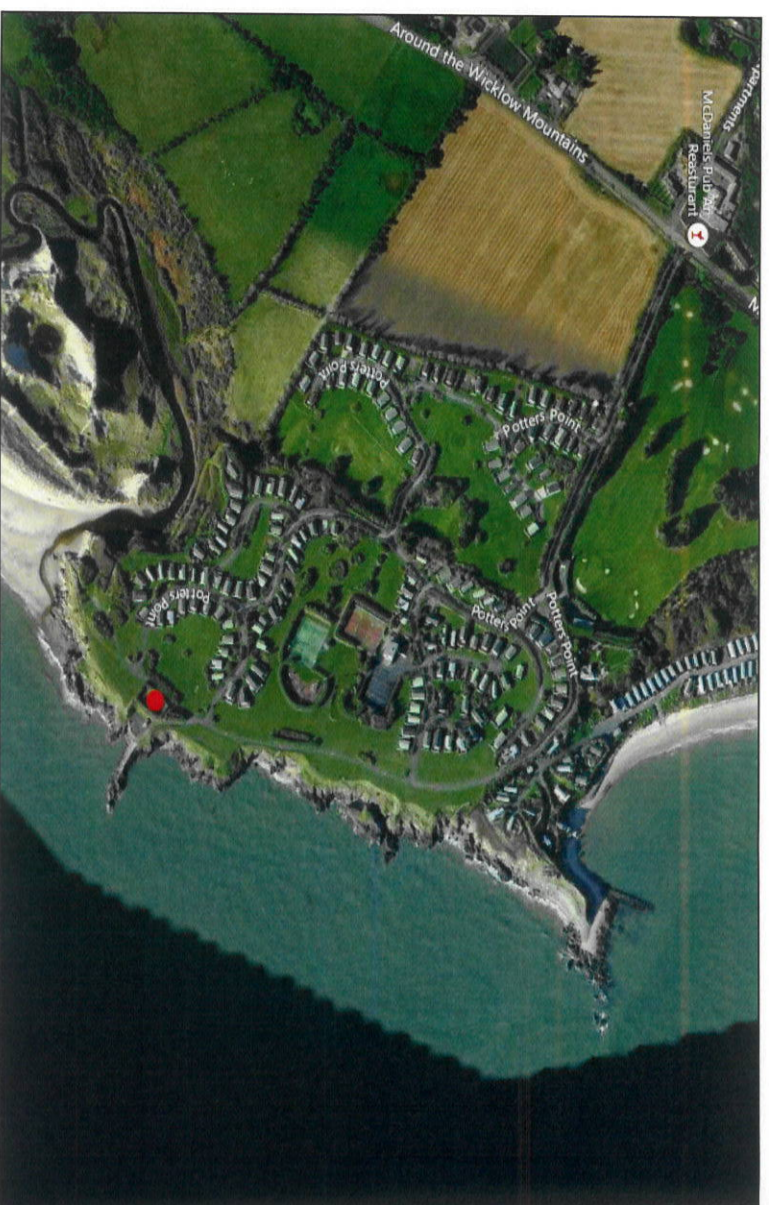


Figure 1.2: Potters Point; location of subject site indicated by red dot. (Source: Bing Maps, 2020; annotated by Tom Phillips + Associates.)

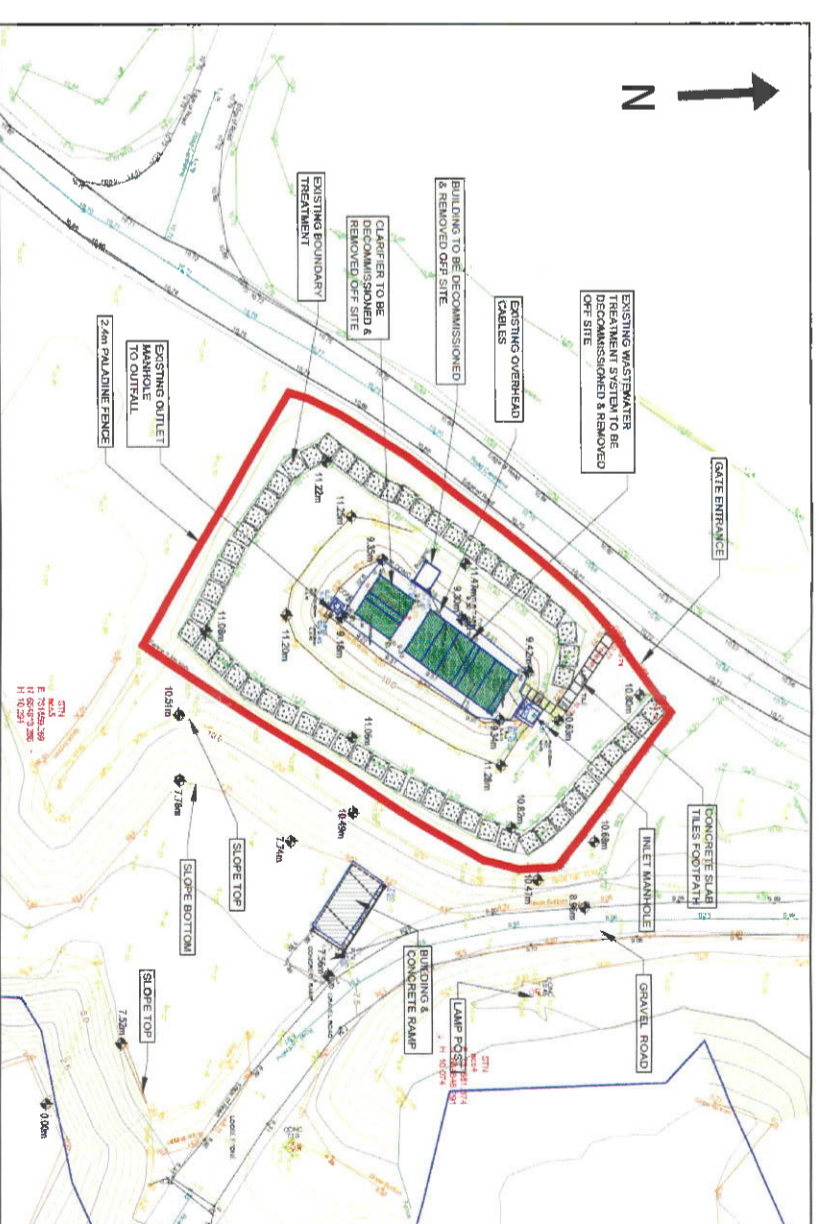


Figure 1.3: Existing WWTTP Site Layout Plan. (Source: JB Barry & Partners.) (JB Barry & Partners OS Licence: EN0003018.)

The existing plant is licenced under the *Wastewater Discharge Licence* (2020) granted under the *Local Government (Water Pollution) Act, 1977* (Appendix D).

The original WWTTP was installed in 1983 and subsequently extended in 1985' however, JB Barry & Partners engineers advise that the plant is now at the end of its operational life.

Issues with the existing arrangement are as follows:

- No automated composite sampling;
- No flow measurement;
- Undersized aeration capacity for full occupancy during peak season;
- No tertiary treatment processes;
- No sludge holding/treatment; and

- No storm storage.

Figures 1.4-1.10, which follow, show the subject site through photographs.



Figure 1.4: Existing small block shed (wash facility/storage). (Source: JB Barry & Partners.)



Figure 1.5: Perimeter around the Site. (Source: JB Barry & Partners.)



Figure 1.6: Mound and Hedgerow around the Site. (Source: JB Barry & Partners.)



Figure 1.7: Gate entrance to the Site. (Source: JB Barry & Partners.)



Figure 1.8: Access to the inlet of the existing WwTP. (Source: JB Barry & Partners.)



Figure 1.9: Downstream view of the existing WwTP. (Source: JB Barry & Partners.)



Figure 1.10: Upstream view of the existing WwTP. (Source: JB Barry & Partners.)

2.0 RELEVANT PLANNING HISTORY OF THE SUBJECT SITE

2.1 Potters Point – Predates Modern Planning: 14 No. Amendment Applications

The identified planning history of Potters Point is presented below.

It is important to note that the original Potters Point pre-dates the transposition of the *Local Government (Planning and Development) Act 1963*, on 1 October 1964.

We have identified 14 No. applications in respect of Potters Point since 1976. Of the 14 No. applications: 8 No. were permitted; 1 No. was for outline permission; 4 No. were planning refusals; and 1 No. has an unknown decision.

Table 2.1, below, sets out the references for the Applications that were granted in respect of Potters Point, in date order, the development description, the development decision, and the decision date for the period 1976 to date.

Reg. Ref.	Development Description	Decision	Decision Date
1 76/70	Provision of sanitary services and arrangement of layout and improvements to existing caravan park.	Granted Permission by Wicklow County Council.	4 th August 1976
2 76/1060 PL27/5/38291	Alterations and revisions to caravan park	Granted Permission by An Bord Pleanála.	25 th February 1977
3 83/8819	Caravan Park and sewerage treatment works.	Granted Permission by Wicklow County Council.	7 th June 1983
4 84/107 PL27/5/66742	Extension to caravan park and enlargement of sewerage treatment plant.	Granted Permission by An Bord Pleanála.	30 th January 1985
5 85/1294	Extension to existing sewerage treatment plant for caravan park.	Granted Permission by Wicklow County Council.	21 st October 1985
6 90/5793 PL27/5/84241	Demolition of derelict chalets and erection of three caravan units.	Granted Permission by An Bord Pleanála.	9 th May 1991
7 92/8056 PL27/5/89756	Renewal of permission and retention of development for caravan park.	Granted Permission by An Bord Pleanála.	31 st March 1993
8 96/5001	Machinery Store for Golf Course	Granted Permission by Wicklow County Council.	23 rd January 1997

(Table 2.1: Applications that were granted in respect to Potters Point.) (Source: Tom Phillips + Associates, 2016, 2021.)

As such, in our professional planning opinion, the permitted and established use at Potters Point is for a Caravan Park with ancillary facilities.

3.0 DEVELOPMENT PLAN GUIDING DEVELOPMENT ON THE SITE

3.1 Wicklow County Development Plan 2016-2022

For the purposes of this Section 5 Referral, it is considered necessary to outline the relevant Wicklow County Development Plan 2016-2022 (Development Plan) designations governing the future development of Potters Point.

3.3 Examination of the Proposed Works

Section 4.0 below provides a comprehensive list of works proposed to Potters Point and how these works do not impact adversely on the area.

3.2 Applicable Zoning Designation

The Development Plan is the statutory plan for the area and will guide all future development relating to the site to 2022.

There are no designated zoning objectives applicable to the overall site.

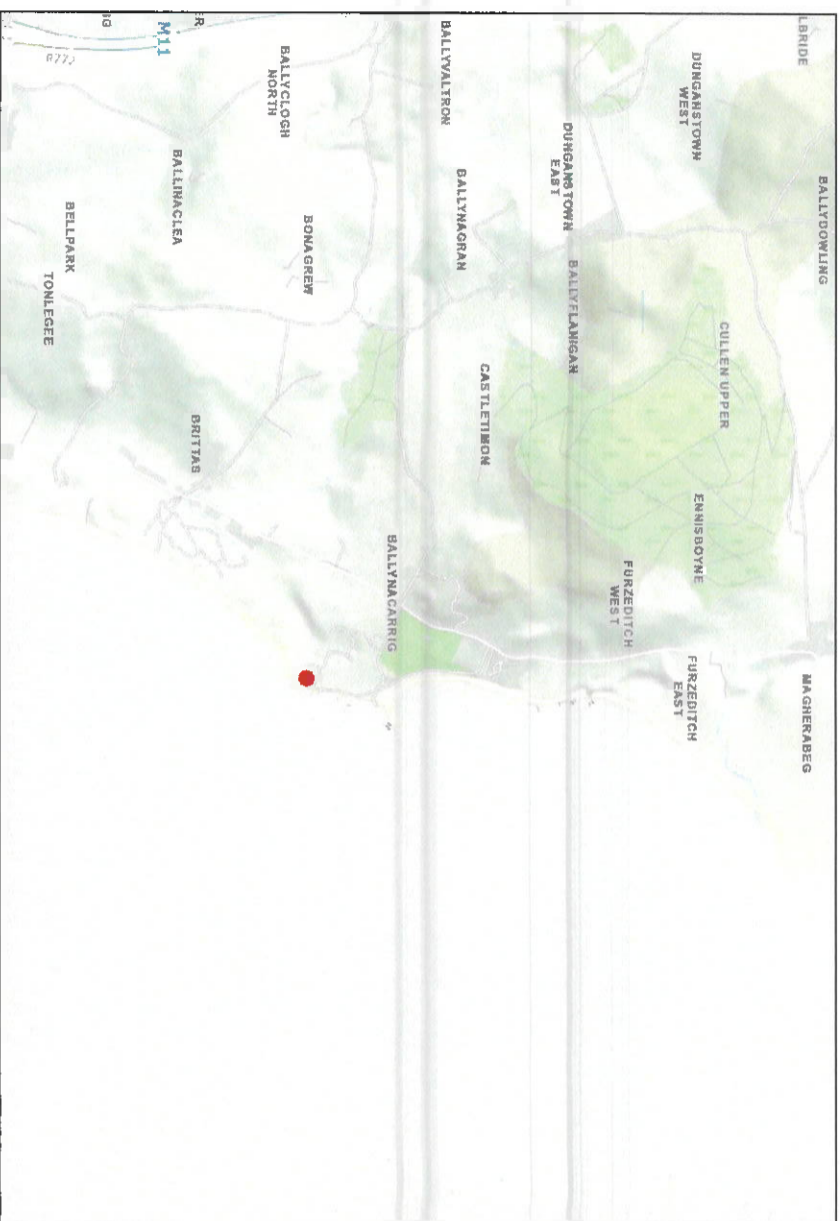


Figure 3.1: Subject site is not zoned. (Source: MyPlan.ie; annotated by Tom Phillips + Associates, 2020.) (TPA OS Licence: AR0008620.)

It is our opinion that the proposed development does not contravene any zoning regulations.

4.0 PROPOSED WORKS AT POTTERS POINT

4.1 Description of the Proposed Works

The following describes the proposed works to Potters Point, subject of this Section 5 Referral.



Figure 4.1: Proposed WwTP Site Layout Plan superimposed over existing WwTP. (Source: JB Barry & Partners.)

The proposed scope of the works is to remove all existing tanks and structures and replace with a new WwTP.

The Original WwTP was installed in the early 1980s and it is considered prudent to replace it for the following reasons:

- 1) The existing system is approximately 35 years old and is at the end of its operational life. JB Barry & Partners engineers have advised that it suffered from structural deterioration and it is important to replace it before any potential issues arise, which could affect its performance; and
- 2) The existing system aeration capacity is at its limit during absolute peak season.

The replacement WwTP is an upgrade to the existing system with an increased aeration capacity to cater for seasonal peaks and troughs and to allow for any buffering required.

The number of mobile homes will not increase, meaning there will be no increase in the volume of effluent discharged into the Sea.

In addition, the following elements are to be provided with the replacement WwTP. These elements will improve compliance, increase capacity, and prolong the operational life of the existing plant:

- 1) New automatic inlet screen (mechanical auger partially above ground installed in a below ground concrete chamber);
- 2) Flow measurement & control;
- 3) Influent and Effluent composite sampling;
- 4) Primary Settlement tanks (concrete precast tanks);
- 5) Storm/Balancing tanks (concrete precast tanks);
- 6) SBR (Sequence Batch Reactor) secondary treatment tanks (concrete precast tanks) caters for seasonal low and high demand;
- 7) Sludge Holding tank (concrete precast tank);
- 8) Clearwater and Ultra-Violet Tertiary treatment (concrete precast tank); and
- 9) Fully automated control and alarm system.

The drawings below show the proposed WwTP Site Layout Plan and Site Section Layout. (Figure 4.2 and 4.3.)



Figure 4.2: Proposed WwTP Site Layout Plan. (Source: JB Barry & Partners.) (JB Barry & Partners OS Licence: EN0003018.)

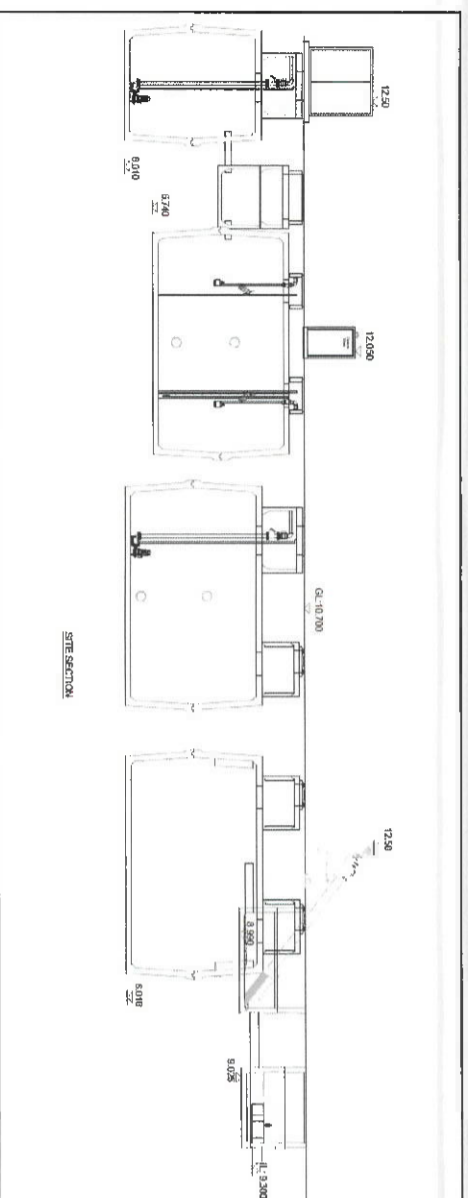


Figure 4.3: Proposed WwTP Site Section layout. (Source: JB Barry & Partners.)

4.2 Benefits of Proposed Works

The proposed works will provide a range of benefits to the community, the environment of the area and the receiving waters and coastline of Brittas Bay.

The following are several of the benefits which the upgrade works will provide:

- 1) Provision of influent screening of all foul waters received to the WwTP, e.g. Wipes, plastics, and large materials. This will enable mechanical and electrical equipment to function properly and enable the treatment process to work more efficiently. It will also prevent any wash through of these materials into the Bay;
- 2) Control of flows to treatment and the proposed balancing/storm tank will enable storm waters to be diverted and stored temporarily from treatment during periods of high rainfall. This will limit the discharge of untreated wastewater to the Bay and will prevent unsettlement of the treatment process and prevent washing out of the sludge from the treatment process. This will enhance the condition of the final effluent quality;
- 3) New automated dual stream secondary aeration treatment system which will cater for low and high seasonal demands;
- 4) The provision of a new sludge holding tank will enable sludge to be automatically removed from the secondary processes as required and stored for a minimum of 14 days, this will mean less frequent visits to the site for the sludge tanker;
- 5) Tertiary UV treatment. No tertiary treatment is required under the current *Wastewater Discharge Licence* agreement however, E.coli and IE (Intestinal Enterococci) target concentrations are set by the *Bathing Water Quality Regulations, SI 79/2008*. As such, the proposed WwTP upgrade includes UV sterilisation to improve the bathing water standards;
- 6) Automated flow measurement and sampling will allow for sufficient monitoring of the biological and hydraulic load vs plant performance; and
- 7) The WwTP will provide a modern, reliable and robust treatment process for the next 20+ years. The supplier will provide emergency back-up support, maintenance, training, and spare parts inventory.

4.3 Impacts of Proposed Works

The environmental impacts considered are noise, odour and visual as well as impact on the receiving waters and coastline. It is envisaged that none of these will be impacted by the new works. Furthermore, there will be no change in the volume of effluent discharged into the Bay.

4.4 Compliance with the terms of the *Sanitary Services Licence* and of the *Wastewater Discharge Licence*

The replacement WWTP will serve the site to ensure compliance with the existing *Sanitary Services Licence* and the existing *Wastewater Discharge Licence*. The proposed new WWTP will remove the risks associated with the existing WWTP in terms of potential failure and impact on effluent quality due to its age. The proposal includes the provision of inlet and outlet composite sampling and flow measurement to facilitate continued monitoring of the influent and the effluent parameters.



5.0 OPINION PRESENTED TO WCC - WHY WE SUBMIT THE PROPOSED WWTP AT POTTERS POINT IS EXEMPTED DEVELOPMENT

5.1 Summary Opinion

It is contended that the proposed works are exempt under Section 4(1)(h) of the *Planning and Development Acts, 2000-2020* as the works will have no material effect to the exterior of the existing structure and the character of neighbouring structures. Furthermore, Potters Point Limited has a *Sanitary Services Licence* issued under the *Local Government (Sanitary Services) Act, 1948*, and a *Wastewater Discharge Licence* under the *Local Government (Water Pollution) Act, 1977*, for the site which we contend ensures the Company is exempt from development necessary for compliance with the Licences, which the proposed works are.

5.2 Why the Proposed WWTP at Potters Point is Exempted Development

The following Section outlines the proposed works to be considered under this Section 5 Referral.

- It is contended that the works would fall within the remit of Section 4(1)(h) of the *Planning and Development Acts, 2000-2020*:

“Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures”.

The works consist of improvements to the current structure, thus making the development exempt. Furthermore, due to the structure being located underground, and also behind a fenced hedgerow, there will be no material effect to the external appearance of the structure, thus not rendering it inconsistent with the character of the structure or of neighbouring structures.

Although there will be an overall increase in the size of the plant, the proposed WWTP is a like-for-like replacement in many respects. These like-for-like qualities mean that the replacement WWTP should be considered exempt from requiring planning permission. Furthermore, no material intensification of use is likely to occur.

An outline of the existing and proposed structures is as follows:

- The existing system has:
 - Inlet works; and

2) Secondary aeration (activated sludge) and final clarifier.

- The new system will have:

- Improved automated inlet works, primary settlement;
- Secondary aeration system (modified activated sludge) as well as designated flow balancing, sludge holding tanks; and
- UV chamber, flow monitoring and automated sampling.

It is contended that there are enough similarities between the two structures to constitute a like-for-like replacement.

- It is contended that the works fall within the remit of Class 41 of Part 1 of Schedule 2 of the *Planning and Development Regulations, 2001-2020*:

“Works consisting of or incidental to the carrying out of any works on land which are in accordance with, and necessary for compliance with, the terms of any licence granted under section 34 of the Local Government (Sanitary Services) Act, 1948, but not including the erection of any building, hut, chalet or the construction of any road or hard-standing”.

Potters Point Limited has a *Sanitary Services Licence* issued for authorisation in 2020 under the *Local Government (Sanitary Services) Act, 1948*, for the site, which we contend ensures the Company is exempt from development necessary for compliance with the Licence, which the proposed works are.

Furthermore, Potters Point Limited has a *Wastewater Discharge Licence* issued in 1986 under the *Local Government (Water Pollution) Act, 1977*, for the site, which we contend ensures the Company is exempt from development necessary for compliance with the Licence, which the proposed works are.

It is our contention that the proposed development is exempt from obtaining planning permission as stated under Section 4(1)(h) of the *Planning and Development Acts, 2000-2020*. Furthermore, under Class 41 of Part 1 of Schedule 2 of the *Planning and Development Regulations, 2001-2020*, in accordance with the *Sanitary Services Licence* and *Wastewater Discharge Licence*.

6.0 ADDRESSING WCC'S MAIN REASONS WITH RESPECT TO THE SECTION 5 DECLARATION AND PLANNER'S REPORT (APPENDIX A AND B)

6.1 Falls within the Definition of Development: Main Reason (i)

The first reason that WCC gave for declaring the replacement WwTP not exempted development, is that

"The removal and replacement of the existing Waste Water Treatment Plant involves works of construction and excavation and would therefore come within the definition of development as set out under Section 3 of the Planning and Development Act 2000 (as amended)".

6.1.1 Our Response

We agree with WCC's view that the proposed works come within the definition of "development", but crucially contend that it constitutes exempted development.

6.2 Installation/Construction: Main Reason (ii)

The second reason that WCC gave for declaring the replacement WwTP not exempted development, is that:

"The replacement of the Waste Water Treatment Plant are not works for the maintenance, improvement or other alteration of the existing Waste Water Treatment Plant, but provide for the installation / construction of a structure and therefore the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) would not apply in this instance".

6.2.1 Our Response

We emphasise that the purpose of the replacement WwTP is for the improvement to the existing WwTP. The current WwTP is approximately 35 years old and has suffered from deterioration resulting from continuous use over many years; improvements must be made in order to meet the existing demand. Therefore, the proposed works are for the improvement of the existing WwTP.

We disagree with WCC's view that if it comprises new structures it cannot fall within the provisions of Section 4(1)(h).

Section 4(1)(h) of the Planning and Development Act 2000 (as amended), states:

"development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures".

[Our emphasis.]

We contend that the purpose of Section 4(1)(h) is to ensure that development does not materially affect the the character of neighbouring structures.

As such, no material affect to the external appearance of the structure will occur, as the existing and replacement WwTPs reside underground, behind a sunken mound, and behind a fenced hedgerow. Furthermore, the Plant cannot be seen from any point in Potters Point or the surrounding lands. Thus, the improvement works will not affect the character of neighbouring structures.

The replacement WwTP should be exempt on these grounds.

6.3 Compliance with Class 41: Main Reason (iii)

The third reason that WCC gave for declaring the replacement WwTP not exempted development, is that:

"Neither the licence issued under Section 34 of the Local Government (Sanitary Services) Act, 1948, or that issued under the Local Government (Water Pollution) Act 1977 have set out a requirement for the replacement of the existing Waste Water Treatment Plant. Therefore the development would not come within the provisions of Class 41: Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended)".

6.3.1 Our Response

Class 41: Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended) states:

"the carrying out of any works on land which are in accordance with, and necessary for compliance with, the terms of any licence granted under section 34 of the Local Government (Sanitary Services) Act, 1948".

[Our emphasis.]

The *Sanitary Services Licence* states that any “effluent disposal system must be licenced under the *Water Pollution Acts with Wicklow County Council*”.

Therefore, we contend that, to be in compliance with the *Sanitary Services Licence*, the WWTP must also be in compliance with the *Wastewater Discharge Licence*.

Although the WWTP is currently compliant with the *Wastewater Discharge Licence*, the age of the plant means that it is becoming less and less compliant. Thus, the improvement works being proposed are necessary for the continued compliance with the *Wastewater Discharge licence*.

Therefore, since the improvement works are necessary for compliance with the *Wastewater Discharge Licence*, they are *ipso facto* necessary for compliance with the *Sanitary Services Licence*.

The Replacement WWTP should be exempt on these grounds.

6.4 Our Commentary on the WCC Planner’s Report, dated 6 January 2021 (Appendix B)

The WCC Planner’s Report references the following cases, with our brief commentary set out below:

6.4.1 ABP-302930-18 – (2019)

This referral was for a works consisting of more than the replacement of a WWTP. Thus, this case is not an accurate comparison, and should be disregarded as the proposed works do not consist of works to a timber house and associated infrastructure.

6.4.2 18.RL3532 – (2018)

This referral is for the provision of a new septic tank with no existing tanks present. Thus, this case is not an accurate comparison, and should be disregarded as the proposed works at Potters point is for a replacement WWTP.

6.4.3 RL3233 – (2014)

The works in this case were declared exempted development by An Bord Pl. The works had many similarities to the proposed works at Point Point. Firstly, the works consisted of the removal of underground tanks and replacement with new tanks.

Similarly to what we argued to WCC, the Board declared that the works would result in no material effect to the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures, coming within the scope of Section 4(1)(h).

We urge the Board to declare the same for the proposed works at Potters Point.

6.4.4 RL2850 – (2011)

Like the case referenced above, the works in this case were declared exempted development by the Board and also consisted of the removal and replacement of underground tanks.

The capacity of the tanks increased by 50%. The proposed works at Potters Point only increase the capacity, but not the output, by 30%, it is clear to see that the proposed works are a more of like-for-like replacement than those works.

We emphasise this case and urge the Board to consider the similarities.

6.4.5 RL2340

This referral is for the provision of a new septic tank with no existing tanks present. Thus, this case is not an accurate comparison, and should be disregarded as the proposed works at Potters point is for a replacement WWTP.

7.0 CONCLUSION

It is our contention that the various proposed alterations and amendments to Potters Point are exempted development (i.e. not requiring planning permission.)

These alterations will not affect the external appearance of the structure, thus not rendering it inconsistent with the character of the structure or of neighbouring structures as stated in Section 4(1)(h) of the *Planning and Development Acts, 2000-2020*.

Similarly, we contend that the improvement work would not result in a material intensification of use.

We look forward to hearing from you in this regard and are happy to clarify any issues arising.

Yours faithfully



Tom Phillips
Managing Director
Tom Phillips + Associates

Encl:

APPENDICES

**Appendix A - Section 5 Declaration from Wicklow County Council (Reg. Ref. 80/2020), dated 8
January 2021 (Next Page)**

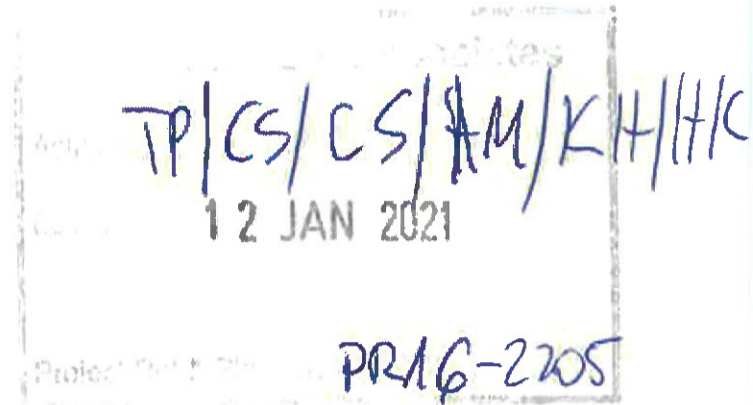


Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
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Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

8 January 2021



Tom Phillips & Associates
Town Planning & Consultants,
80 Harcourt Street
Dublin 2
D02 F449

**RE: Declaration in accordance with Section 5
of the Planning & Development Acts 2000 - 2011**

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000 in respect of the following:

Exemption Ref. No: 80/2020
Applicant: Potters Point Ltd
Nature of Application: Replacement of a wastewater treatment plant
Location: Brittas Bay.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,



ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Encl.

REG POST

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.





Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol Planning Development and Environment

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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000.

Applicant: Potters Point
Location: Brittas Bay, Co Wicklow

DIRECTOR OF SERVICES ORDER NO. 26/2021

A question has arisen as to whether or not replacement of a wastewater treatment plan is or is not exempted development.

Having regard to:

- (g) The details submitted with this Section 5 Application.
- (h) Planning Permission Register Reference PRR 85/1294, Appeal Reference PL27/5/66742 (PRR 107/85) & PL27.089756 (PRR 92/8056)
- (i) An Bord Pleanála Referrals ABP-302930-18, 18.RL.3532, RL 3233, RL2850, RL2340
- (j) Article 6,9 and Class 41 (a):Part1:Schedule 2 of the Planning and Development Regulations 2001
- (k) Licence issued to Potters Point under Section 34 of the Section 34 of the Local Government (Sanitary Services) Act, 1948, and Discharge Licence issued to Potters Point under Local Government (Water Pollution) Act 1977
- (l) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),

Main Reasons with respect to Section 5 Declaration:

- (i.) The removal and replacement of the existing Waste Water Treatment Plant involves works of construction and excavation and would therefore come within the definition of development as set out under Section 3 of the Planning and Development Act 2000(as amended).
- (ii.) The replacement of the Waste Water Treatment Plant are not works for the maintenance, improvement or other alteration of the existing Waste Water Treatment Plant , but provide for the installation/ construction of a structure and therefore the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) would not apply in this instance.
- (iii.) Neither the licence issued under Section 34 of the Local Government (Sanitary Services) Act, 1948, or that issued under the Local Government (Water Pollution) Act 1977 have set out a requirement for the replacement of the existing Waste Water Treatment Plant. Therefore the development would not come within the provisions of Class 41: Part 1 ; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

The Planning Authority considers that replacement of a wastewater treatment plan is development but is NOT exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 8 January 2021

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



An Bord Pleanála References

ABP-302930-18 – (2019)

An Bord Pleanála, decided that the refurbishment of a timber house and associated infrastructure is development and is not exempted development and the works to the entrance of these premises are development and are exempted development, all at The Chalet, Furbo Hill, Spiddal, County Galway

An Bord Pleanála has concluded that –

- (a) the original chalet situated on this site was a “house” and a “habitable house” within the meaning of section 2 of the Planning and Development Act, 2000, as amended, and, on the basis of the documentation submitted as part of the referral, was in existence prior to the appointed day of 1st October, 1964, and was, therefore, established,
- (b) the works for the refurbishment of the original chalet on the site, the improvement to the infrastructure, including the provision of a percolation area and the repair/upgrade of the septic tank on the site, and the removal of the pier from the existing entrance, all involved the carrying out of works, and, therefore, constitute development within the meaning of the legislation,
- (c) the works for the refurbishment of the original chalet on the site, in so far as can be ascertained from the documentation submitted on the file by the referrer and by the planning authority, involved the substantial removal of the original chalet and its replacement by the structure now existing on the site, and, therefore, notwithstanding that the structure now existing on the site may have had the same floor area and be on the same footprint as the original chalet, would not come within the scope of section 4 (1)(h) of the Planning and Development Act, 2000, as amended, not being works for the maintenance, improvement or other alteration of the original structure, but rather works for the provision of a new structure that has replaced that original structure,
- (d) there are no other provisions, in the Planning and Development Act 2000, as amended, or in the Planning and Development Regulations, 2001, as amended, whereby this development would be classified as exempted development, and this development is, therefore, not exempted development,
- (e) the development involving the repair/upgrade of a septic tank and the provision of a percolation area, if the subject of an advisory notice under Section 70(H)(5) of the Water Services Act 2002, as amended, would be exempted development under Class 41(g) of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, but as no evidence of the service of such notice has been supplied as part of this referral, the development in question is not exempted development, and
- (f) the works to the entrance would come within the scope of Class 5 of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended, and are exempted development. On the basis of the documentation submitted with the referral, the Board is satisfied that the works in question have not resulted in the material widening of this means of access to the public road, and, accordingly, the restrictions on exemption set out in Article 9 (1)(a)(ii) of the Planning and Development Regulations 2001, as amended, do not apply in this instance:

18.RL.3532– (2018)

An Bord Pleanála, hereby decides that the installation of a septic tank and percolation area at Drumquill, Castleblaney, County Monaghan is development and is not exempted development.

An Bord Pleanála has concluded that - (a) the installation of a septic tank and percolation area on, in or under the land involves the carrying out of works, as defined under section 3(1) of the Planning and Development Act, 2000, as amended, and is, therefore, development, (b) the development that has taken place does not come within the scope of section 4(1) of the Planning and Development Act 2000, as amended, (c) the development that has taken place does not come within the scope of any Class of development listed in Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and

(d) there is no evidence that the septic tank and percolation area have the benefit of a grant of planning permission or pre-date the commencement of the Local Government (Planning and Development) Act, 1963:

Relevant legislation

Planning and Development Act 2000 (as amended)

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

(b) in relation to a protected structure or proposed protected structure, includes—

- i. the interior of the structure,
- ii. the land lying within the curtilage of the structure,
- iii. any other structures lying within that curtilage and their interiors, and
- iv. all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i) or (iii)*;

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3:

(1) In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4:

(1) The following shall be exempted developments for the purposes of this Act—

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

(j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such;

(2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act - The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

(3) A reference in this Act to exempted development shall be construed as a reference to development which is—

(a) any of the developments specified in *subsection (1)*, or

(b) development which, having regard to any regulations under *subsection (2)*, is exempted development for the purposes of this Act.

(4) Notwithstanding *paragraphs (a), (i), (ia) and (l) of subsection (1)* and any regulations under *subsection (2)*, development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

(3); A reference in this Act to exempted development shall be construed as a reference to development which is—

(a) any of the developments specified in *subsection (1)*, or

(b) development which, having regard to any regulations under *subsection (2)*, is exempted development for the purposes of this Act.

Planning and Development Regulations 2001(as amended)

Planning and Development Regulations 2001(as amended)

Article 6 (1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—
(a) if the carrying out of such development would - see Regulations for all restrictions.

Schedule 2 : Part 1 : Class 41

Works consisting of or incidental to—

(a) the carrying out of any works on land which are in accordance with, and necessary for compliance with, the terms of any licence granted under section 34 of the Local Government (Sanitary Services) Act, 1948, but not including the erection of any building, hut or chalet or the construction of any road or hard-standing,

Assessment

The applicant seeks confirmation in respect of the replacement of the existing wastewater treatment plant at Potters Point is exempted development.

A report is submitted with the documentation indicating that the –
Existing WWTP is 35 years old and at the end of its operational life, and it ^{is} proposed to replace same with a new modern treatment plant.

The composition of the existing WWTP is inlet works and secondary aeration system.

The composition of the replacement WWTP is improved automated inlet works, primary settlement, secondary aeration system (modified activated sludge) as well as designated flow balancing, sludge holding tanks; and tertiary UV chamber, flow monitoring and automated sampling.

It is considered that the works would be exempt having regard to S 4(1)(h) of the P&D Acts 2000-20 as

- i. The works consist of improvements to the current structure, thus making development exempt. Furthermore, due to the existing and replacement WWTP residing primarily underground, behind a fenced hedgerow and a mound, no material effect to the external appearance of the structure will occur so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.*
- ii. Increasing the capacity within the new plant will not increase the volume of effluent discharging into the Bay. The replacement WWTP, although larger in size, is a like for like replacement in many respects, with no intensification of use likely to occur.*

Proposal is exempt under Class 41 : Part 1 : Schedule 2 of the Planning & Development Regulations 2001-20 i.e.

Works consisting of or incidental to—

(a) the carrying out of any works on land which are in accordance with, and necessary for compliance with, the terms of any licence granted under section 34 of the Local Government (Sanitary Services) Act, 1948, but not including the erection of any building, hut or chalet or the construction of any road or hard-standing,

- iii. Potters Point Ltd possess a Sanitary Services Licence (renewed 2020) under the Local Government (Sanitary Services) Act, 1948, and a wastewater discharge licence issued in 1986 under the Local Government (Water Pollution Act, 1977, meaning the company is entitled to carry out works in accordance with the Licence.*

- Note the Licence issued by WCC is attached to document .

The first question therefore to be asked is whether or not the proposal is or is not development. To this end the removal of the existing WWTP, and it's replacement with a new plant is considered to be works as it will involve both construction and excavation, and therefore would come within the meaning of development as set out under Section 3 of the Planning and Development Act 2000(as amended).

Section 4 (1) (h) of the Planning and Development Act 2000(as amended) provides that :

(1) The following shall be exempted developments for the purposes of this Act—

- (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

The exemption provided under Section 4(1)(h) has been reviewed by An Bord Pleanala in a number of relevant Declarations, and a brief summary has been provided in this report, furthermore I attach the relevant Declarations and Inspectors reports to this assessment. The more recent assessments which relate to single domestic waste water treatment systems, and which are considered the most relevant in this instance have identified that both the maintenance

of a Septic Tank and provision of a new septic tank i.e. ABP-302930-18 and ABP-301312-18, are not exempted development. The following extracts are taken from the Inspectors reports on ABP-302930-18 and ABP-301312-18

ABP-302930-18

8.16. There are no provisions within either the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) which refer to exemptions for this type development. I therefore conclude that the works carried out to the septic tank and percolation are development and are not exempted development.

ABP-301312-18

8.2.2. I do not consider that the installation of a septic tank or a percolation area would come within the scope of subsection 4(1)(h) or 4(1)(j) of the Acts. Section 4(1)(h) relates solely to works for the maintenance, improvement or other alteration of a structure, and section 4(1)(j) relates solely to the use of a structure or land within the curtilage of a house. It is clear to me that neither subsection relates to the installation or construction of a structure, and neither can be relied upon in this instance.

The current proposal as is evident will require the removal of the existing Waste Water Treatment Plant i.e. the existing structure, and its replacement with a new structure. Section 4(1)(h) relates to works for the maintenance, improvement or other alteration of any structure, and as identified in the Inspectors report on ABP-301312-18, does not provide for the installation or construction of a structure and therefore would not apply in this instance. Furthermore, this conclusion would be supported by the Boards Declaration under ABP-302930-18.

Section 4 (2) provides that the he Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act, Class 41:Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended) provides that –

Works consisting of or incidental to—

(a) the carrying out of any works on land which are in accordance with, and necessary for compliance with, the terms of any licence granted under section 34 of the Local Government (Sanitary Services) Act, 1948, but not including the erection of any building, hut or chalet or the construction of any road or hard-standing,

Section 34 of the Local Government (Sanitary Services) Act, 1948 relates to the licencing of lands for caravans/ camping i.e.

A sanitary authority may, if they so think fit, but subject to the provisions of subsection (5) of this section, grant to the occupier of land, being land within their sanitary district or the part thereof as respects which this section is in operation, or, with the consent of such occupier to a camping organisation a licence authorising the use during a specified period of twelve consecutive months of such land for camping.

Such licences issue on a yearly basis, and the submitted documents include the licence issued by WCC for 2019. This licence refers under Point 7 to the Waste Water Treatment Facility, however the reference indicates that the effluent disposal system must be licensed under the Water Pollution Acts with Wicklow County Council. There is no requirement in the licence to upgrade. Furthermore the Discharge Licence for the plant was issued in 1987 under the Local Government (Water Pollution) Act 1977, and no review of the Licence has been issued which has identified any works necessary. Given neither the licence under the LG (SS) Act 1948 or the Discharge Licence have identified any works necessary to the Waste Water Treatment Plant to comply with such licences the provisions of Class 41 are not applicable in this case.

Recommendation

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether:

The replacement of a wastewater treatment plant at Potters Point, Brittas Bay, Co. Wicklow.

The Planning Authority considers that:

The replacement of a wastewater treatment plant at Potters Point **is development** and is **Not exempted development**.

Main Considerations with respect to Section 5 Declaration:

- (a) The details submitted with this Section 5 Application.
- (b) Planning Permission Register Reference PRR 85/1294, Appeal Reference PL27/5/66742 (PRR 107/85) & PL27.089756 (PRR 92/8056)
- (c) An Bord Pleanála Referrals ABP-302930-18, 18.RL.3532, RL 3233, RL2850, RL2340
- (d) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- (e) Article 6,9 and Class 41 (a):Part1:Schedule 2 of the Planning and Development Regulations 2001
- (f) Licence issued to Potters Point under Section 34 of the Section 34 of the Local Government (Sanitary Services) Act, 1948, and Discharge Licence issued to Potters Point under Local Government (Water Pollution) Act 1977

Main Reasons with respect to Section 5 Declaration:

- (i.) The removal and replacement of the existing Waste Water Treatment Plant involves works of construction and excavation and would therefore come within the definition of development as set out under Section 3 of the Planning and Development Act 2000(as amended).
- (ii.) The replacement of the Waste Water Treatment Plant are not works for the maintenance, improvement or other alteration of the existing Waste Water Treatment Plant , but provide for the installation/ construction of a structure and therefore the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) would not apply in this instance.
- (iii.) Neither the licence issued under Section 34 of the Local Government (Sanitary Services) Act, 1948, or that issued under the Local Government (Water Pollution) Act 1977 have set out a requirement for the replacement of the existing Waste Water Treatment Plant. Therefore the development would not come within the provisions of Class 41: Part 1 ; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Edel Byrne

6/1/2021.

Noted. Having read the various ABP Declarations, I consider there is some degree of consistency that creates uncertainty particularly in the upgrading of plants associated with Patrick Stokes is dealt with in comparison to EDSs for one-off dwellings. However, on balance I concur with the above recommendation.

*Joseph T. Doyle
07/01/21.*

*Noted
Agreed
B2
DOS.
8/1/2021*

Appendix C - Sanitary Services Licence authorised for 2020, dated 29 July 2020

WICKLOW COUNTY COUNCIL

LICENCE

Local Government (Sanitary Services) Act, 1948

Whereas the COUNCIL OF THE COUNTY OF WICKLOW are the Sanitary Authority for the County Health District of Wicklow AND WHEREAS the Minister for Local Government made an Order that Section 34 of the above Act would come into operation in the said District on the 18th day of February, 1950.

In pursuance of the said Act the Council hereby grant to **Potter's Point Limited, Brittas Bay, Co. Wicklow**, being the occupier of lands at **Brittas Bay, Co. Wicklow**, a licence authorising that during the period of **2020**, the land set out hereunder may be used for the erection/retention of **176** (either caravan, motor homes, camper vans or tent pitches), subject to the conditions herein specified.

DESCRIPTION OF LAND

1. The land is that measuring exceed **82 acres** (either caravans, camper vans, motor homes or tent pitches).

CONDITIONS

2. The lands described above shall be laid out as per layout map submitted
3. The dwellings must be built of good hard and suitable material and must be adequately protected against inclement weather and be raised at least 0.3048 meters (12 inches) from the ground. The dwelling must be neat, well maintained and kept in good condition, the external appearance must be neat, well maintained and kept in good condition and the external appearance must be presentable. The minimum size of each temporary dwelling shall not be less than 8.36 meters squared (90 square feet) in floor area, if it be a caravan or a type of moveable structure, adapted for trailing behind a vehicle, and shall not be less than 16.72 square meters (180 square feet) floor area, if it be any other type of structure. Each temporary dwelling shall be of such size as to afford not less than 11.3267 meters cubed (400 cubic feet) of air space for each occupier thereof.
4. The space to be kept free between any two temporary dwellings on the land, or between a temporary dwelling on the land and any other structure thereon, shall not be less than 20 feet (6.096 meters)
5. A temporary dwelling should normally be located not less than 30 metres (33 yards) from any point on the public road. If, however, the site is suitably and adequately screened, this distance could be reduced to 10 metres (11 yards).

6. (i) Where the occupier has a **Private Water Supply**: The occupier of the lands shall provide a sufficient and accessible receptacle for the storage of water, thoroughly clean, with a proper covering and maintained in good order. Water should be provided to the requirements and standards of the Local Authority with a sufficient supply of wholesome water for the use of the inhabitants of the temporary dwellings.

Occupier must supply design details of the UV unit i.e. manufacturer, model, water flow rate. Recent service report for the UV unit, confirmation and details of the implementation of any action plan to improve water supply, where a plan was requested in previous years or where a Boil Water Notice has not been lifted by Wicklow County Council. Confirmation that the borehole is covered and located in a secure chamber (i.e. manhole) and that it is protected to prevent the ingress of rainfall/insects/small animal into the borehole should also be supplied.

(ii) Where the occupier of the lands has a **Public Water Supply**:

Where the occupier of lands has a Public Water Supply with water storage tank(s) on site, the water storage tank(s) and covers(s) should be regularly inspected for structural integrity and cleanliness. Any deficiencies found should be promptly rectified by a competent contractor and the works recorded. The tank(s) should be drained down at the end of the season to avoid water stagnation. The tank(s) should be cleaned and flushed at the beginning of the next season. **The tank(s) should be drained down for inspection, cleaning and disinfection by a competent contractor and a report on the work carried out should be submitted to the Water Services Authority.**

7. (i) Where the occupier has a **Private Wastewater Treatment Facility**:

The effluent disposal system must be licensed under the Water Pollution Acts with Wicklow County Council. Occupier must supply recent service report detailing when the septic tank system was emptied or wastewater treatment plant was emptied and serviced. Design details and size of the septic tank system or wastewater treatment plant must be supplied. The location of the sewage effluent discharge from the caravan park either to groundwater or to surface water (i.e. open drain, ditch, stream, pond, lake or sea), should be confirmed.

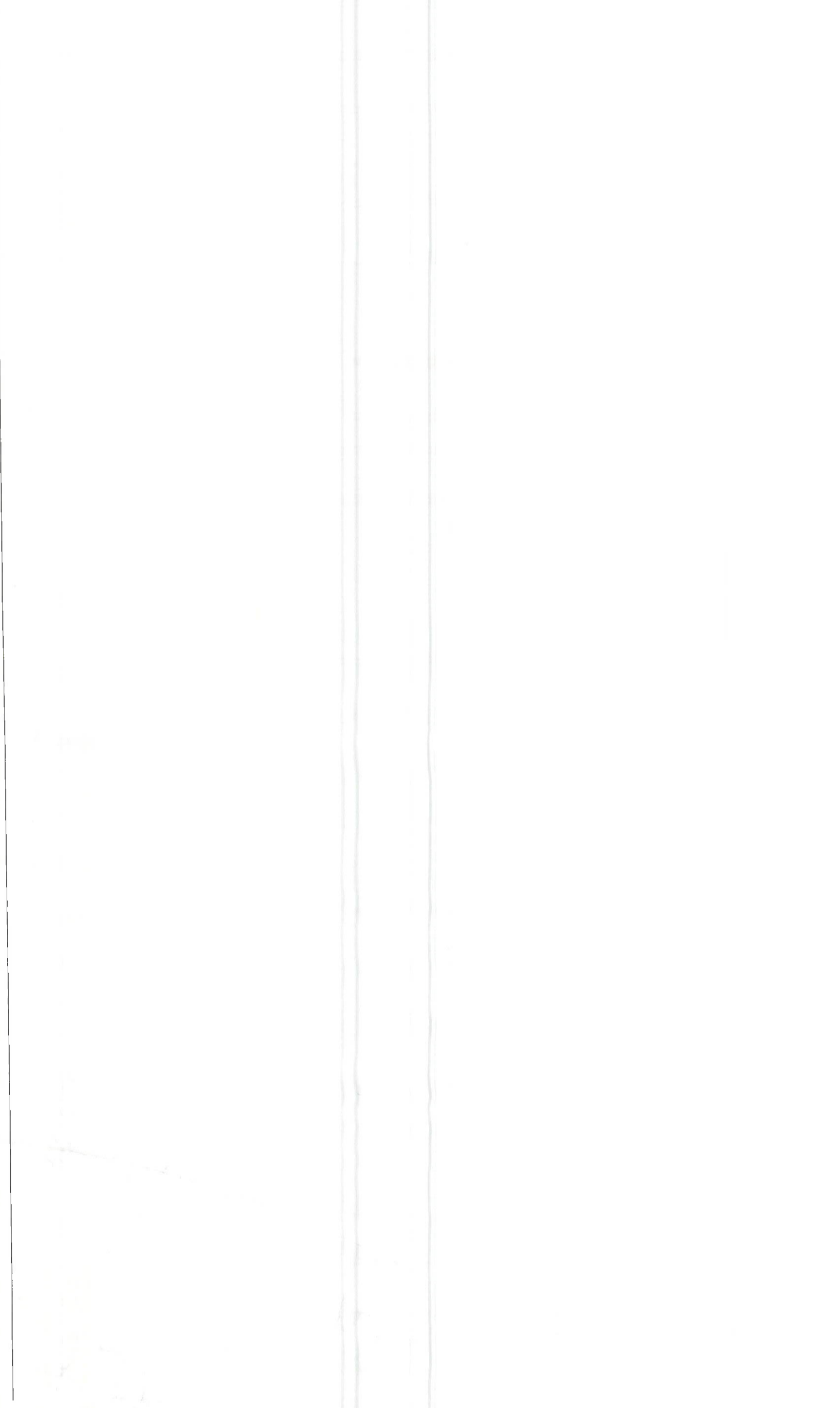
(ii) The sanitary conveniences installed, used and maintained on the said land shall be individually flushed water closets, except urinals which should have suitable automatic flushing arrangements.

8. An adequate number of bins or other suitable containers for holding refuse, litter or other debris must be provided by the Licensee for the temporary dwellings and arrangements shall be made by Licensee for their clearance at regular intervals and the disposal of the contents so as not to be objectionable or to cause a nuisance. All objectionable matter and filth must be removed from the lands so soon as practicable and should be disposed of by collection by an authorised permitted waste collector. Licensee must comply with all Waste Regulations of Local Authority.

9. The Licensee shall provide a proper gateway or other suitable means of ingress and egress to and from the lands for use by the occupiers of the temporary dwellings and shall provide suitable pathways for internal communication which should have a firm surface and be of non-dusty material.

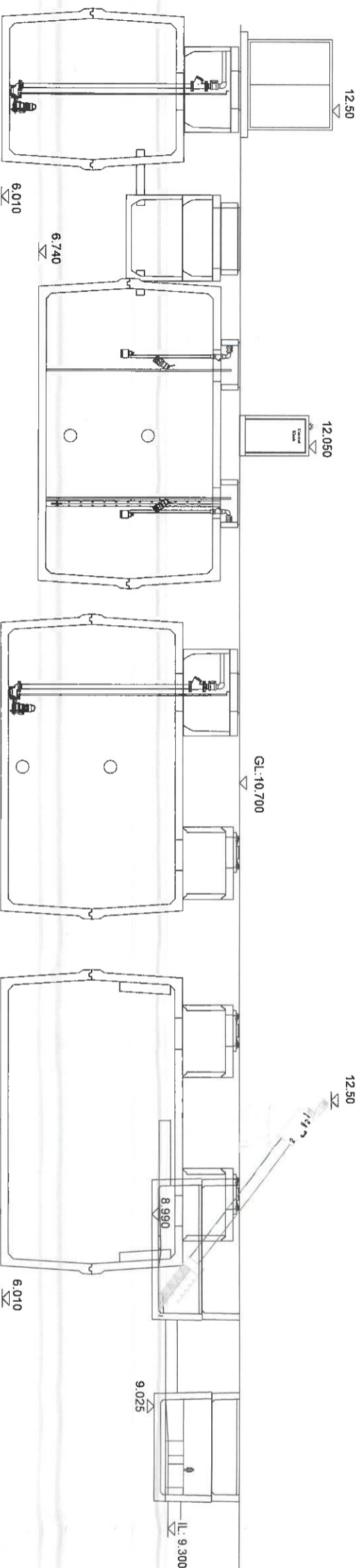
10. The Licensee shall be responsible for the orderly and decent behaviour of the inhabitants of the temporary dwellings and shall ensure that the temporary dwellings, their site and surroundings are at all times kept clean and tidy. No fencing of a dangerous nature to be erected.

Appendix G – Proposed Site Section (Next Page)



NOTE:
 All Maps are referenced to IRISH NATIONAL GRID (ITM)
 WWTTP Boundary

Notes:
 1. All levels are in metres and relate to O.S. Mean MAHLN.
 2. This drawing is reproduced from digital maps:
 O.S. MAPS - Scale 1:2,500
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 3. All Maps are referenced to IRISH TRANSVERSE MERCATOR (ITM).
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SITE SECTION

Rev.	Date	Drawn	Checked	Approved	Description
P01	04/12/20	JMG	MH	NH	ISSUED FOR INFORMATION

Potters Point
 Potters Point Ltd., Tel: +353-4-694 47355
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Checked By: JP
Approved By: MH
Date: 24/07/2020
Internal Project File: 20104

Scale: 1:50 @ A1 / 1:100 @ A3
PROPOSED WWTTP SITE SECTION LAYOUT

Drawing No.: 20104-IBB-XX-XX-Z-1216
Rev: P01

NOTE:
1. All maps are referenced to IRISH NATIONAL GRID (ITM).

WWTp Boundary

- Notes:
1. All maps are in meters and related to O.S. Datum MLLW.
 2. The maps are derived from digital maps.
 3. O.S. MAPS - Scale 1:25,000
 4. O.S. MAPS - Scale 1:50,000
 5. Discovery Series - Scale 1:50,000
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OS SHEETS: 4197-A, 4197-B, 4197-C, 4197-D,
4198

LEGEND:

SITE BOUNDARY
OUTLINED IN RED



Rev	Date	Drawn	Checked	Approved	Description
R01	04/12/20	JMG	MH	MH	ISSUED FOR INFORMATION

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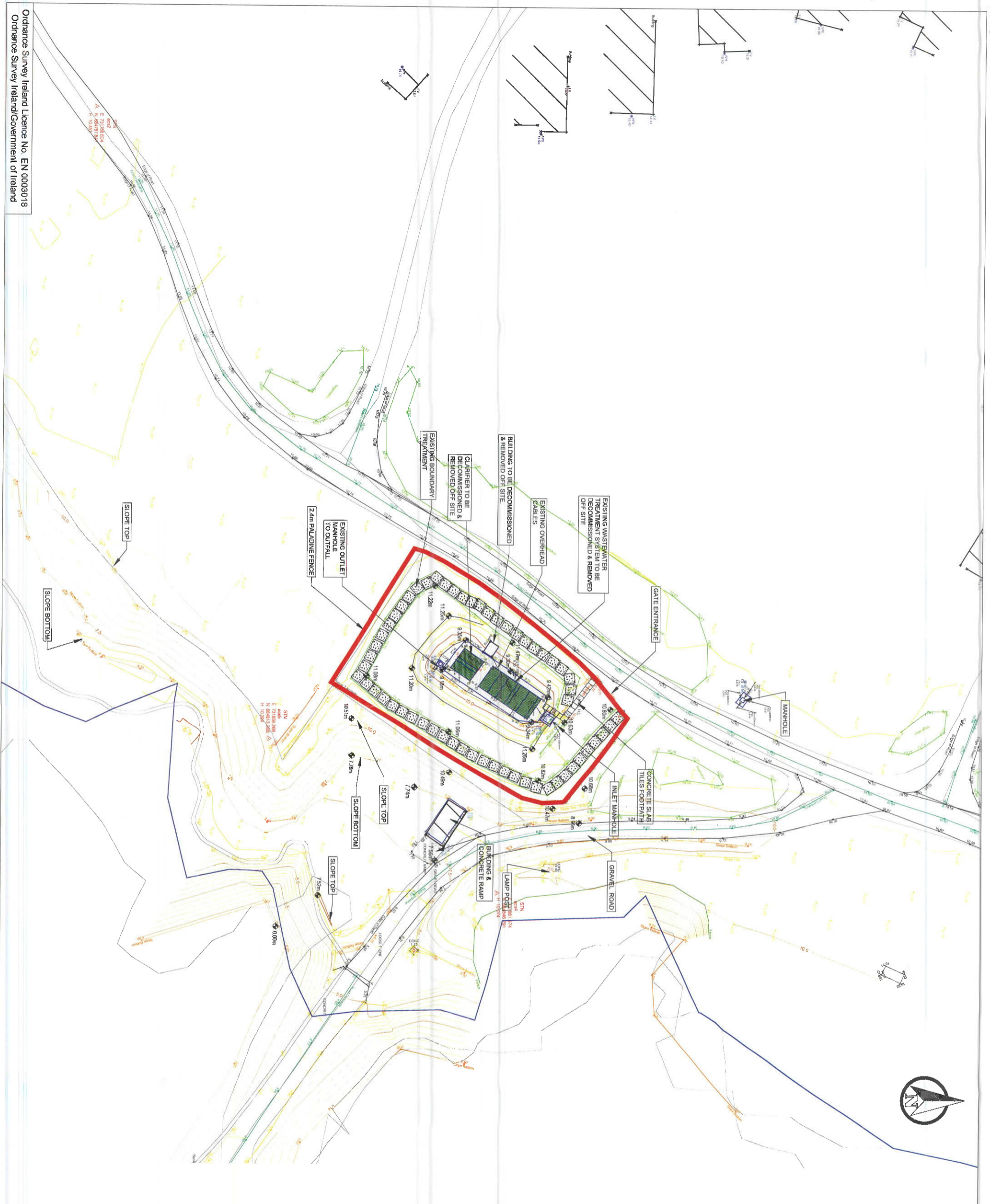
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Internal Project Ref:	20104						
Drawing Title:	PROPOSED WWTp SITE LAYOUT PLAN						

Scales: 1:250 @ A1 / 1:500 @ A3
Drawing No: 20104-JBB-XX-XX-Z-1201
Rev: P01



NOTE:
 All Maps are referenced to Irish National Grid (ITM).
 WWTIP Boundary

- Notes:
- All Maps are in metres and refer to O.S. Datum MALIN.
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MAPPING
 OS SHEETS: 4197-A, 4197-B, 4197-C, 4197-D,
 4198

LEGEND:
 SITE BOUNDARY
 OUTLINED IN RED

Rev.	Date	Drawn	Checked	Approved	Description
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JMG	JP	NH	24/07/2020

Scale: 1:250 @ A1 / 1:500 @ A3
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 Rev: P01

