



# Draft Blessington Local Area Plan Submission - Report

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| Who are you:    | Group   |
| Name:           | Ballymore Eustace Community Development Association |
| Reference:      | DBLESSLAP-133645                                    |
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## Topic

Overall Strategy of the LAP

### Submission

See submission

## Topic

Housing Development

### Submission

See submission

## Topic

Economic Development

### Submission

See submission

## Topic

Tourism Development / Greenway Supporting Infrastructure Map

### Submission

See submission

## Topic

Built and Natural Heritage & Biodiversity / Heritage Maps / Heritage Schedule & ACA

### Submission

See submission

## Topic

Green Infrastructure / GI Audit / Key GI Map

### Submission

See submission

## Topic

Infrastructure (incl. Infrastructure Delivery Schedule)

**Submission**

See submission

**Topic**

Land Use Zoning / Specific Local Objectives / Land Use Zoning Map

**Submission**

See submission

**Topic**

Strategic Flood Risk Assessment / SFRA Map

**Submission**

See submissions

**Topic**

Strategic Environmental Assessment (LAP)

**Submission**

See submissions

**Topic**

Appropriate Assessment (LAP)

**Submission**

See submissions

**File**

Ballymore Eustace CDA Blessington Draft LAP.docx, 0.33MB

**Ballymore Eustace Community Development Centre**

**Resource Centre**

**Ballymore Eustace**

**Co Kildare**

**Planning Department**

**Wicklow County Council**

**To whom it concerns**

**Ballymore Eustace CDA wish to make the following submission to the Blessington Draft LAP**

Having reviewed the draft document there are many issues to be addressed in order for a sustainable Blessington Local Area Plan to be adopted.

Wicklow County Council states that the LAP will “*Build on 2013 successful strategy and objectives 2022 County Development Plan*” and be area specific and have achievable objectives. The plans says it will “*avoid*” aspirational objectives.

Ballymore Eustace CDA agrees with this sentiment – that the objectives of the plan must be achievable and that aspirational objectives must be avoided. At the outset it has to be said that Ballymore Eustace CDA do not wish to hinder the appropriate development of Blessington, however there are some very serious considerations to be taken into account first.

**1. Wastewater & The River Liffey**

Blessington Town is in a beautiful scenic location in West Wicklow, on the Kildare Border. An area of outstanding natural beauty. A hundred years ago, this natural beauty was part of the River Liffey valley, at the foothills of the Wicklow Mountains. Today it is the Blessington Lakes or Poulaphouca Reservoir (otherwise known as the Liffey Scheme from the 1936 Liffey Reservoir Act – infrastructure developed in the co-ownership of Dublin City Council (now Uisce Eireann) and ESB). This manmade feature, in County Wicklow and County Kildare, but to which neither Council is in control of, will be the main feature that will define Blessington’s future.

The proximity of the reservoir has serious consequences for Blessington Town that cannot be easily mitigated for.

- Ownership of the reservoir is Uisce Eireann for drinking water and ESB for power generation.
- The reservoir is also used in Flood Mitigation, a role covered by the ESB in management of the associated dams (this is done remotely by the ESB from Turlough Hill). The flood management is not controlled by Wicklow County Council or OPW.
- The reservoir is a pHNA, SAC and SPA – with serious statutory requirements associated with those designations
- The reservoir is already under serious pressure with yearly and prolonged algal blooms. Any further pressure will create a similar event to that experienced in Lough Neagh. The various authorities in charge have not been willing or able to address the current algal bloom issue
- Blessington Town has no viable or sustainable WWTP discharge, having to rely on a 5.5km pipe to take waste water effluent along the N81, to Golden Falls reservoir, in Ballymore

Eustace, Co Kildare. This pipe was built in the 1980s by Wicklow County Council for the WWTP at that time. No capacity survey, condition survey or risk assessment has been carried out to date, even though the plant has received a 50% upgrade in 2023.

- The 5.5km outfall pipe is at high risk of damage given its position in or adjacent to the N81, especially if the N81 Upgrade scheme is further progressed.
- Planning applications associated with this WWTP have not been properly consulted. Even though the discharge from Blessington Town which is in County Wicklow, was increased into County Kildare by 50%, no planning application was received by Kildare County Council. Therefore this is an illegal discharge without the required planning consent for the outfall.
- There was no Section 85 agreement between the Councils at the time of the original planning now or in the past, for Wicklow County Council to work on behalf of Kildare County Council either. Not only does the pipe discharge to County Kildare, the pipe itself goes through parts of County Kildare along the N81.
- The discharge is also without an up to date, fully reviewed EPA consent. EPA D0063-1 is the current licence and is set at 6,000pe. Uisce Eireann have failed to obtain a review of this licence D0063-2 from the EPA even though the capacity has been increased to 9,000pe.
- This discharge is into an impoundment that is routinely emptied by the ESB for dam overhaul work. Photos and video of an empty reservoir, showing the discharge point, have been provided to Wicklow County Council.
- As a part of the publication of the Blessington LAP, Wicklow County Council should be required to review the submissions on the EPA website regarding WWDL License D0063-01 & D0063-02 in order to understand the unsustainable nature of this discharge.
- There is no minimum flow guaranteed into the Golden Falls reservoir from Poulaphouca Reservoir and the ESB can and does prevent any flow into Golden Falls at times. The discharge location is already unsustainable before any consideration is given to increased development in Blessington.
- The drinking water aspect to the Blessington Lakes is also critical. Dublin City Council / Uisce Eireann have imposed water restrictions to the Greater Dublin Area drinking water supply, in the past, as a result of poor water quality entering the Ballymore Eustace Water treatment plant from the reservoir.
- The Water Treatment Plant at Ballymore Eustace is operating above its legal abstraction limit, in contravention of a number of Kildare County Council planning permissions.
- The Water Treatment Plant discharge to the River Liffey, also at Ballymore Eustace, has had many non-compliances in recent years. The water quality at the Blessington Lakes is of paramount importance to the treatment processes at the Ballymore Eustace Water Treatment Plant and the subsequent delivery of safe clean drinking water to the greater Dublin Area (including Blessington itself).
- **Urban runoff from Blessington Town, the lack of any surfacewater quality controls, urban misconnections and road runoff from Blessington are already serious issues. The draft LAP is totally deficient in this regard.**
- There is currently no drinking water capacity to allow further growth in the greater Dublin Area as Uisce Eireann are already over abstracting water from the Blessington Lakes, which is another non-compliance matter which Wicklow County Council and Kildare County Council are responsible for addressing. Uisce Eireann cannot continue to be non-compliant in this regard. The East and Midland (Shannon) Scheme will not be available within the lifetime of this LAP.
- No comprehensive surfacewater mitigation measures, are referenced in the Draft LAP. A number of polluted streams that run through Blessington Town enter the reservoir directly,

with no measures in place to prevent contamination, including the possibility of a major pollution incident. Wicklow County Council have no comprehensive SUDS policy or means to improving surfacewater

- **This special location, at the foothills of the Wicklow Mountains and on the banks of the Blessington Lakes (Poulaphouca Reservoir) must come with strict requirements. The Blessington Lakes, SPA, SAC and pNHA, must be given the full and rigorous protection it requires.**

- **Furthermore, the reservoir is the source of 85% of Dublin's Drinking Water and cannot afford to be polluted in any way, from either urban runoff, surface water runoff or wastewater infrastructure associated with Blessington Town.**

- The Liffey is already maxed out in terms of abstractions and discharges:

<https://www.independent.ie/irish-news/supply-of-available-liffey-drinking-water-will-sink-by-50-million-litres-a-day-as-demand-soars/39295066.html> (June 2020).

The above link is to a very interesting article where Mr. Sean Laffey, Head of Asset Management, Irish Water, is interviewed regarding the future of abstractions from the Liffey. Of note in the context of Blessington Lakes: The main source of Dublin's drinking water will diminish during the next few decades as the city's demand for water rockets. Irish Water says the volume of water available from the River Liffey will fall by 50 million litres of water a day by 2050, while Dublin's thirst will grow by up to 330 million litres.

*"We have a climate and biodiversity emergency and that's becoming very real," said Sean Laffey, Irish Water's head of asset management. "We're having a second drought in three years and our studies indicate, for instance, that by 2050 there'll be 50 megalitres a day less available in the Liffey for Dublin." The Liffey provides more than 80pc of all of Dublin's daily water needs, but that means 40pc of its waters are extracted every day to serve the city. "If you over-abtract from a water body at particular low flows you can very quickly do irreversible ecological and environmental damage," Mr Laffey said.*

- This has all been pointed out to Wicklow County Council in the Ballymore Eustace CDA submission to the pre-draft and continues to be ignored by the Council.

Wicklow County Council needs to consider that the EPA decision on D0063-02, when it is available, will be judicially reviewed, should the EPA see fit to grant the licence review. Wicklow County Council needs to further consider that before the lifetime of this LAP is over, that Blessington will again be out of wastewater capacity. When this happens and Uisce Eireann are required to make a new Planning Application, it is highly likely that the WTP won't survive an EIA process unless the discharge is changed. This LAP needs to start considering options for a new discharge. For example, if and when the N81 upgrade to Tallaght happens there should be joined up thinking between TII/NRO and Uisce Eireann and a rising main should be installed in the new road taking the Blessington Wastewater to the Dublin networks and ultimately to the sea via the GDD orbital sewer to North Dublin or to Ringsend WWTP, which is built to cater for large quantities of wastewater. One way or another a new outfall pipe is required.

The reason engineers in the 80s decided to a discharge bring a pipe to Golden Falls was to reduce the risk of pollution of Blessington Lakes from the WWTP. This was always going to be unsustainable and relatively short sighted. In that regard, the provision of new or multiple WWTPs in Blessington must also be prevented. If those engineers designed the system to go the other direction, towards the Dublin sewerage system, then there would be less of a risk to the reservoir, no risk to the upper Liffey and plenty of development capacity.

## 2. Joint LAP with Kildare County Council

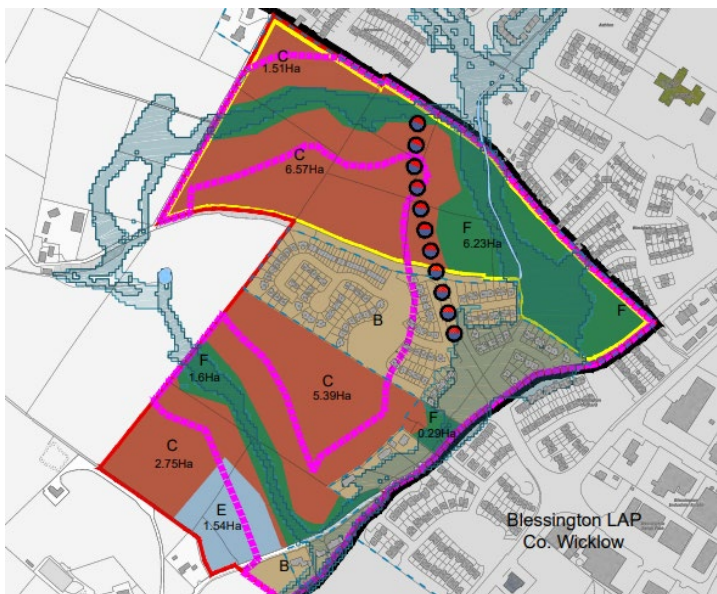
The next query from Ballymore Eustace Community Development Association is related to the fact that County Kildare forms part of the Blessington Town Development Area. Therefore why is this LAP not a joint one, where the issues of concern can be addressed transparently by both Kildare County Council and Wicklow County Council. Given the importance of the area, and the risk of overdevelopment aspirations of both Local Authorities, a joint LAP should be considered, as in the case of Maynooth, Co Kildare.

We have already seen how Uisce Eireann ignored the need to consult with its affected neighbouring County Kildare population centres in assessing the Uisce Eireann planning application for an increase in capacity on the Blessington Town WWTP. Nobody required Uisce Eireann to apply to Kildare County Council for that upgrade, even though the WWTP discharge is directly into the County Kildare jurisdiction and was increased by 50%.

The days of Dublin City Council, Kildare County Council and Wicklow County Council controlling separate water services infrastructure are over now, with all Water Service assets now being in the ownership of Uisce Eireann. Uisce Eireann should have been informed that the application to upgrade Blessington WWTP was required to be considered by Kildare County Council also, given the location of the pipe through the County Kildare jurisdiction and the discharge point directly into County Kildare. Therefore in determining this LAP, it is absolutely necessary that both Local Authorities are involved in joint and transparent decision making.

Ballymore Eustace Community Development Association would also like to raise the Public Consultation associated with this plan. Referring to the comments from the An Bord Pleanála inspector, detailed below, this plan should be a joint plan with Kildare County Council, with all of the associated consultation elements carried out with the Kildare public as well as the Wicklow public. The development of Blessington Town has a direct impact on every Liffey town downstream in Kildare and the fact the discharge for the WWTP is in County Kildare and a significant element of the town boundary is in County Kildare should automatically require this.

### **Kildare zoning omitted from the plan – 16.21Ha.**



### 3. Population Figures

The Draft Plan states: *“This Blessington LAP is framed in accordance with the development horizon set out in the 2022 County Development Plan. In particular, residential development objectives including land zoning provisions have been made on the basis of providing enough housing land to meet the prevailing Core Strategy population and housing targets set out in the County Development Plan at the time of adoption of the LAP, with flexibility in the zoning provisions to ensure that (a) the targets can be achieved in the event that unforeseen impediments to the development of certain lands arise and (b) the LAP does not have to be formally amended to reflect any changes in the Core Strategy or population / housing targets that may arise during the lifetime of the County Development Plan due to changes to the National Planning Framework, Regional Spatial and Economic Strategy or changes to planning legislation”*

Ballymore Eustace CDA would disagree with the use of the residential targets shown in the draft plan. The figures don't make any sense. The population is already at 5,611 according to the 2022 census. The input to the Wastewater Treatment Plant for 2023 is over legal capacity at 6,919pe according to the 2023 AER, way above the current EPA licence at 6,000pe. That roughly and unscientifically assumes a commercial input of c.1,308pe in 2023. (more likely as high as 2,400pe)

The residential figures, in the Wicklow CDP 2022 to 2028 are:

|             | Q2 2028 | CDP Target | 2031 CDP Target |
|-------------|---------|------------|-----------------|
| Blessington | 5,234   | 6,145      | 6,313           |

Already surpassed

- Cairn Homes were recently granted planning permission by Wicklow County Council but refused Planning Permission by ABP for 329 dwellings in Blessington. That application alone, without recourse to any other development since 2022, would have brought the population to a conservatively calculated 6,433 (5611 (2022) plus 329 x 2.5 per house = 6,433pe) which would have been above the above the 2031 target. If you add the unscientific 2023 commercial input of 1,308pe to what would have happened had Cairn Homes been granted planning permission, the pe of the Blessington WWTP would have been at least 8,227pe.
- Windlynn Ltd secured planning permission in 2022 for 69 dwellings and a new primary school. Using the same principle for occupancy at 2.5 per dwelling: 69 x 2.5 = 173pe, that brings the required pe capacity of the Blessington WWTP up to 8,400pe.
- Cairn Homes were granted permission in 2022 (post census) for a 91 house development in Blessington, currently under construction. That brings the pe required up to 8,628pe).

Therefore, with those three developments, and not considering any other development, or any commercial activity in Blessington, Kildare County Council and Wicklow County Council would have allowed the newly commissioned Blessington WWTP to reach consent capacity by c.2025.

Wicklow County Council is playing with population and population equivalent numbers. Blessington WWTP is authorised to treat for 6,000pe. It's been illegally upgraded to 9,000pe by Uisce Eireann. without approval from EPA.

The 2023 WWTP AER shows the plant catering for 6,919pe. The population allocation of 6,145 persons for 2028 is already significantly breached if you consider it in terms of treatment capacity. It is very likely that the 2025 actual population equivalent will be near the 8,000pe mark. Between 2022 and 2024 Wicklow and Kildare County Councils granted permission for 489 houses in three separate planning applications alone. The 9,000pe WWTP Capacity would be used up before 2028 contrary to what Uisce Eireann indicated to the board in 2019 ie. when ABP granted permission for the WWTP Upgrade it was to achieve discharge compliance as the first priority. Now it has permissions associated with it that will push the discharge beyond its new capacity at 9,000pe.

#### **“Core Strategy of the CDP Application to Level 3 Settlement, Population & Housing Strategies”**

From the draft LAP - *“Level 3 settlements are designated ‘Self Sustaining Growth Towns’ described as ‘Towns with a moderate level of jobs and services – includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining’.*

*“These towns range in size (as per the Census of population in 2022) from c. 6,000 to 22,000 persons. Population growth in Level 3 towns is targeted to be in the 20%-25% range between 2016 and 2031”.*

It is Ballymore Eustace CDA view that Blessington should remain close to LEVEL 4: Small Towns and Villages - Neighbourhood Centres, Local Centres. The current population 2022 is 5611 – below the 6,000 threshold for Level 3 settlements. We are fully aware that it is probably too late for that, as granted planning permissions have hypothetically brought the population way beyond the 6,000 mark. Wicklow County Council and Kildare County Council can’t use up the capacity (9,000pe) of the upgraded treatment plant quickly enough, which goes against what was said to An Bord Pleanala during the WWTP upgrade.

#### **4. Previous report by An Bord Pleanala.**

According to An Bord Pleanala, who granted the permission to Uisce Eireann to upgrade the Blessington WWTP to 9,000pe, Uisce Eireann **“confirms that upgrade is required because of non-compliance with emission standards (the discharge license at Golden Falls Reservoir), not with future growth needs of the town”** and here we are only one year after the upgrade is commissioned, nearly at full capacity again, if Wicklow County Council had their way. The plant was commissioned in 2023 and would be over capacity by 2028. In any language, that’s “getting an inch and taking a mile” at the expense of the River Liffey downstream, its riparian communities and the wider environment.

The An Bord Pleanala inspectors report in 2019 for the Planning Application on the Blessington WWTP makes interesting reading. Of note is the recommended refusal.

The Inspector noted:

- *“There is a road reservation for the N81 very close to the site*
- *The submission from Kildare County Council with concerns on the assimilative capacity of the Liffey.*
- *Inland Fisheries Ireland did not agree with the submitted calculations for ammonia discharges.*
- *The proximity of Poulaphouca Reservoir SPA.*
- ***Uisce Eireann confirms that upgrade is required because of non-compliance with emission standards (the discharge license at Golden Falls Reservoir), not with future growth needs of the town.***



- *Further information was requested with regard to discharges to the Liffey.”*

The inspector further acknowledged Wicklow County Council’s own Environment Section observations on a number of concerns and historic algal blooms in Golden Falls Lake. The WCC Environmental Section further noted the proposed discharge would increase loadings of ammonia and orthophosphate to Golden Falls and the Liffey, because, while the discharge concentration remains the same, the volume of discharge could increase by 3000PE.

Kildare County Council had concerns on impact of discharges on the Liffey. Inland Fisheries Ireland had concerns expressed at some of the figures in the Uisce Eireann application noted requirements under Water Framework Directive and known issues with algal growth in the Golden Falls lake.

Ballymore Eustace Anglers Association submitted detailed objections to both the original application and the revised details.

Under Natural Heritage Designations the inspector notes the WWTP site is within 1 km of the Poulaphouca Lakes SPA and within 10 km of the SAC and SPA covering much of the Wicklow Mountains. Uisce Eireann had confirmed the proposed works discharge treated effluent to the short stretch of the Liffey between Poulaphouca and the Golden Falls Lake (a small reservoir), which discharges ultimately to SAC’s and SPA’s in Dublin Bay.

**This point needs to be tackled before going any further. The discharge by the Blessington WWTP is NOT into a short stretch of the River Liffey between Poulaphouca and Golden Falls. There is no such thing. The discharge is directly into the impoundment of Golden Falls. The section of where the river used to be between Poulaphouca and Golden is consigned to history as a river, it is now part of the “Liffey Scheme” below the ESB station and within the reservoir. Furthermore it has no statutory minimum flow at this point, has no flow at all on a routine basis and is controlled by the ESB as part of the Golden Falls Reservoir. Please see submitted video as evidence. Attached.**

The ABP Inspector also noted Uisce Eireann submitted an EIA Screening Report with the original WTP Application which concluded that EIA was not required. He noted that *“in Part 1 of Schedule 5 of the 2001 Regulations mandatory EIA is required for waste water treatment plans with a capacity exceeding 150000 population. Under Part 2 (11), the threshold is defined as wastewater treatment plants greater than 10,000 population (PE). As the proposed expansion is for 9,000 pe (persons equivalent) it is considered that it is sub-threshold. It is then submitted that there are no characteristics or cumulative impacts that would lead to significant effects on the environment.”*

It was a cynical exercise by Uisce Eireann, accepted by Wicklow County Council, to avoid the need for an EIA, to apply for a plant of 9,000pe capacity, when that capacity would be reached within a couple of years. The application was never truly to deal with non-compliances as can be seen by Wicklow County Council’s pursuit of the remaining development capacity for immediate development.

In dealing with the overview of the proposed development the inspector further states:

*“The current capacity is 6,000 pe, which is apparently now exceeded (it is described by Wicklow Council as ‘biologically overloaded’ and it is not meeting required Ammonia levels), with the proposed capacity of ‘up to’ 9,000 pe. The plant treats the towns effluent to a tertiary stage, with the wastewater pumped due south to the Liffey. It is submitted that the plant is required as the town of Blessington is now at capacity with the plant overloaded – it is implied in the submission documents and the planners report that the primary purpose of the works is to meet licensing requirements for emissions, with the extra capacity to allow for future population growth a secondary consideration.*

*The discharge point for the treated effluent is in a gorge between the Poulaphouca dam and the lower secondary reservoir, at Golden Falls. The discharge is to a fast flowing river\* (essentially the overflow from the Poulaphouca dam), but is a short distance from the Golden Falls reservoir. The discharge point is close to the Ballymore Eustace Water Treatment Plant where most of the drinking water for Dublin is treated and is 5.5 km from the Blessington plant. It is stated in the application documents that the proposed works will lead to an increase in treated effluent volumes at the discharge, but that capacity calculations have indicated that the receiving water has sufficient assimilative capacity to maintain 'Good' status. There have been previous appeals relating to the Ballymore Eustace plant with arguments submitted relating to the discharge of waste from the water treatment process (the most recent one is PL09.246476 – the Board upheld the decision of the planning authority to grant permission for an upgrade to the treatment works). The EPA has not commented on the application or appeal”.*

**\* Again, this point needs to be tackled before going any further. The discharge by the Blessington WWTP is NOT into a short stretch of the River Liffey, between Poulaphouca and Golden Falls. There is no such thing. The discharge is directly into the impoundment of Golden Falls. The section of where the river used to be between Poulaphouca and Golden is consigned to history, as part of the Liffey Scheme. Furthermore it has no statutory minimum flow, has no flow on a routine basis, and is controlled by the ESB as part of the Golden Falls Reservoir. Please see submitted video as evidence. Attached.**

The inspector identified some key issues with regard to the objections to the WWTP Planning application.

*“The key issue in this appeal, raised by all the appellants and the submissions with the original application, relate to the discharge of treated effluent to the Liffey River, and hence to the Golden Falls reservoir. The proposed development is subject to a discharge license from the EPA and as such the issues of the type and quantity of discharge is within the competence of the licensing regime of the EPA, not the planning system. Notwithstanding this, there are a number of planning issues raised by the discharge at this point of the Liffey, most notably I consider to be the suitability of the location for discharging an increased quantity of treated wastewater into the Liffey catchment upstream of the reservoir”*

**The An Bord Pleanála inspector also noted that there is a significant part of the Blessington population catchment in County Kildare and it appears there has not always been a consistent approach in planning between the two counties.**

The inspector raised another concern in that *“It is not clear from available information if the Blessington area as designated in the Plans is effectively the catchment of the wastewater plant, or if it the plant also serves housing or commercial units from a wider catchment, including in Kildare. I note in this regard that the existing 6,000 pe treatment system seems to have become biologically overloaded before the town has reached an official population of 6,000, which may be because of differing catchments or because of additional pressure from commercial developments in the town. If this is the case, then I would infer that the proposed development may become overloaded in turn before the population of the town officially reaches 9,000”.*

*“There are no indications on the file as to whether it is projected that the proposed plant is required simply for growth within the immediate future (i.e. the lifetime of the current Plan, or is to provide a longer term capacity. As it is clear that the plant is already over capacity, it seems reasonable to conclude that an increase in scale to 9,000 pe will provide little more than capacity for the existing*

*quantum of zoned land if it is developed within the current plan period, so if growth continues at the current rate a further expansion in the near future may well be required”.*

*“This raises the overall question of whether it is appropriate to facilitate incremental increases to what appears to be a less than satisfactory arrangement for final disposal of the effluent. While the location of the treatment plant is uncontroversial, discharging to the Liffey directly upstream of a lake seems questionable in the light of known issues with maintaining water quality in both the lake and the overall catchment. An obvious solution would be to direct the discharge to downstream of Golden Falls dam where there would be greater assimilative capacity, although there is no information on file to indicate if this would address all the known issues, in particular due to problems known from apparent discharges from the other Irish Water treatment plant at Ballymore Eustace”*

*“The appellant also raised the issue of connecting to the greater Dublin scheme, but there is no information available to state whether this is practical or appropriate”.*

*“I note with regard to the assimilative capacity of the Liffey between the two dams that flow rates are subject to statutory levels set out in the original enabling act for the ESB works at Poulaphouca. But it seems that this is difficult to achieve these levels during times of water stress and may result in problems up to at least the implementation of a future additional drinking water supply scheme for the region”*

*“I also note the sensitivity of the local environment. The reservoir is a significant local amenity, as is the Liffey. The Poulaphouca Reservoir is an SPA. The ravine between the two does not however appear to be easily accessible to the public, although it was once a well-known tourist attraction prior to the construction of the two dams”.*

In concluding the inspector had some serious concerns and recommended refusal.

*“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. It is a matter for the EPA to decide if the discharge would meet statutory requirements, but 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. It is my opinion that granting permission for this development is not addressing the need to satisfy the broader policy objectives for Blessington as set out in the LAP and Development Plan. I would note that a somewhat larger development would result in the development being in excess of 10,000 pe, which would bring it within Schedule 2 of the EIA regulations, and as part of this a full assessment of cumulative and indirect impacts would be required, in addition to an assessment of alternatives”.*

*There are very significant areas of ambiguity in the stated aim of the proposed works and how it fits in with projected future growth for Blessington in the context of the National Planning Framework and CDP and LAP objectives. 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 problems 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.*

*If the proposed development was for a short term upgrade pending a full review, I would consider it possibly justified, but in the absence of a clear technical case that the ongoing use of the discharge to above the Golden Falls reservoir is the best available solution, I would recommend a refusal of permission for the proposed development. **I conclude that there is sufficient uncertainty about the appropriateness of the scale and design of the proposed development with regard to the amenities of Golden Falls lake to refuse permission.***

*If the Board is minded to grant permission, I would recommend that it seeks clarification from the applicant as to when it is anticipated a further upgrade would be required having regard to proposed planned increases in population for the Blessington catchment, and to address other possible alternatives for discharge including to below the Golden Falls reservoir; connection with other systems in the region; or other technical solutions such as the use of reedbeds for further treatment of effluent prior to discharge”*

#### *Reasons and Considerations*

*Having regard to:*

- *Stated housing targets within the Blessington Local Area Plan 2013-2019 and the Wicklow County Development Plan 2016-2022 and the quantum of lands zoned within the town,*
- *Policy objective S2 of the Blessington LAP which states that it is policy to improve and expand wastewater treatment facilities sufficiently to ensure that no barriers exist in Blessington fulfilling its role as a moderate growth town as set out in the Wicklow Core Strategy and Regional Planning Guidelines for the GDA 2010-2022, and*
- *The amenity value and sensitivity to pollution of the Golden Falls Reservoir and the location of the outfall for the Blessington wastewater treatment works upstream of this waterbody, the Board is not satisfied, having regard to future projections for growth in the Blessington area, that the proposed increase in treated effluent to a section of river upstream from the Golden Falls Reservoir would not, by way of cumulative impacts with other developments in the area, result in an unacceptable pollution impact on a waterbody of significant amenity use. It is considered that a facility with a capacity of ‘up to’ 9,000 PE has not been demonstrated to be adequate for foreseeable future growth of Blessington and the proposed development has not been demonstrated to be the most environmentally appropriate approach to addressing the disposal of treated effluent. **It is considered that in the absence of a full assessment of future needs for Blessington and appropriate alternative strategies for wastewater disposal, the proposed development would be contrary to policy objective S2 of the Blessington Local Area plan and may result in pollution to a watercourse. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.***

*Philip Davis*

*Planning Inspector*

*25th January 2019”*

Notwithstanding the Board overturning the inspectors report, it is a damning description of the failures of the relevant Local Authorities, Wicklow County Council & Kildare County Council, ESB, The Environmental Protection Agency and Uisce Eireann to follow any kind of joined up approach and ensure sustainable development and protection of the environment. This now feeds into the

drafting of the Local Area Plan and allows to the unsustainable approach to development to continue.

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## 5. Surfacewater and Environmental Issues

For fear the Council will simply ignore all of the above wastewater issues on the basis that it's now the EPA's or Uisce Eireann's problem, Ballymore Eustace Community Development would also highlight the surfacewater and environmental issues implications of what is proposed.

### ***"Infrastructure Strategy In accordance with the County Development Plan:"***

The Draft Plan states the *"Only locations that are already served, or are serviceable with water and wastewater infrastructure shall be identified for new development"*.

Ballymore Eustace CDA objects strenuously to the above sentence unless there is a definition on *"or are serviceable"*. This is far too open ended and subject to interpretation. In fact anything within 200m of the lakeshore and 100m of a stream should not be *"serviceable"*. The block on development within 100m from a stream rule is something that Dublin City Council (now Uisce Eireann) stipulates in planning for the protection of the reservoir within the catchment, and this rule should be followed through into the LAP.

### **Environmental Strategy**

From the draft LAP. *"To ensure the objectives of the plan are consistent with the conservation and protection of the environment"*.

This must include the Blessington sewerage system, WWTP and associated outfall

### **Natural Environment**

From the Draft LAP. *"Despite the fact that Blessington is urban in character, the area includes several elements of the natural environment that impact on the future development of the area, most significantly the Poulaphouca Reservoir Special Protection Area and associated low-lying wetlands. This SPA includes Greylag Goose and Lesser Black-backed Gull as qualifying interests. There was an observed 78% decrease in the numbers of Greylag Goose present in the SPA over the period 1995-2016, therefore it is imperative that the integrity of the SPA, and wider areas of potential habitat, is appropriately conserved in developing strategies for the future development of Blessington. In general, the largest quantum of intensive development will be directed away from areas in proximity to Poulaphouca Reservoir, towards the west of the settlement, although a limited level of development may be possible to the south east of the settlement with mitigating objectives and appropriate buffer zones."*

Ballymore Eustace CDA object to the zoning South West of the Settlement. SLO5 SLO6 and SLO7 given the proximity to the Reservoir and distance from the centre of the settlement. The plan must seek to control urban sprawl and promote density, whilst making best use of improvements to the Town Centre under the town centre first plan. These Specific Land Objectives do not comply with good land use planning and would lead to car dependent development.

From the draft LAP *-To ensure that the lands surrounding the European Site of the Poulaphouca Reservoir SPA are protected from adverse impacts arising from new development and to carefully manage and control the extension of existing development in proximity to these areas. Generally,*

*zoning for new development will only be provided for above the 194m contour adjoining the lakeshore. There should be a vertical and horizontal buffer zone”.*

The Ballymore Eustace CDA is of the view that the lake regularly reaches 186m OD, only 8m below the proposed 194m OD development contour, however such is the steepness of the reservoir surroundings that in certain locations this could be only a few meters horizontally from the water. The development contour at Blessington should be 200m horizontally away from the water levels at 186m OD. There must be a horizontal buffer distance to give space for nature, erosion and open space.

*From the draft LAP “Biodiversity and Natural Heritage” “The conservation and enhancement of biodiversity requires the suitable and sustainable protection of designated habitats and facilitating linkages between natural sites (whether they are natural or man-made). This is increasingly important in areas of biodiversity value within an urban setting, as they are becoming increasingly threatened by development pressure in addition to other anthropogenic impacts due to their proximity to large centres of population.*

*Special Protection Areas (SPA) – There are no Special Protection Areas within the plan area. However, the Poulaphouca Reservoir SPA immediately adjoins the plan area and purposefully demarcates the settlement boundary around much of the lakeshore. The Wicklow Mountains SPA is located further to the east of the plan area.*

*Special Areas of Conservation (SAC) – There are no Special Areas of Conservation within the plan area. However, immediately to the north of the plan area, in Co. Kildare, is located the Red Bog SAC. The Wicklow Mountains SAC is located further to the east of the plan area.*

Ballymore Eustace CDA are of the view the LAP is trying to reduce the importance of the SPA and SAC by saying “There are no Areas within the plan”. The proximity of the SAC, SPA is such that Blessington Town might as be within them. Where is the buffer to the SAC and SPA?

Wicklow County Council is guilty of using this “close to the boundary” approach to its planning process on many occasions, to the detriment of proper planning and open and transparent consultation. ie The WWTP is in Wicklow but discharges to Kildare, yet an application was not required to be submitted to Kildare County Council. The discharge pipeline goes through County Kildare yet there is no Section 85 agreement or parallel planning process. The LAP is partly in County Kildare yet Kildare County Council are not jointly completing this plan. The WWTP itself shares a boundary with the Kildare border yet proper prescribed body type consultation never took place.

*From the LAP. “Natural Heritage Areas (NHA) – The Poulaphouca Reservoir proposed NHA is found within the plan area around much of the lakeshore, and extends beyond the plan boundary around the entirety of the reservoir. The Red Bog proposed NHA is located immediately to the north of the plan area in Co. Kildare”.*

*Local Habitats – A number of areas within the plan boundary have been the subject of previous studies, on foot of which several were identified as ‘Local Biodiversity Areas’ of varying levels of biodiversity value. While not a statutory designation, the identification of these areas has informed the crafting of this plan as a guide to the creation of ‘ecological corridors’ within the plan area.*

*In 2006, a report by Natura Environmental Consultants was prepared in advance of the preparation of a local area plan at that time. This provided baseline information that remains worthy of consideration to this day. This report is available on [wicklow.ie](http://wicklow.ie)*

Ballymore Eustace CDA is of the view that the Natura Environmental Consultants report should be updated in full or a new report completed. The report is 18 years old and needs to be carried out in full again, given that we are in the middle of a biodiversity crises and the lakes are heading to an algal bloom crisis. A number of reports have been carried out on the River Liffey at Ballymore Eustace which should also be consulted.

From the Draft LAP. *“Woodlands and trees – There are no Tree Preservation Orders (TPOs) within the plan area, though there are substantial areas of managed and unmanaged woodland, with Glen Ding Forest representing a significant wooded area worthy of protection within the plan boundary”*

Ballymore Eustace agrees that Glen Ding should be protected. It is also of the view that a significant proportion of the LAP boundary closest to the reservoir should be reserved for a Native Woodland, within the development buffer. SLO7 for example.

From the Draft LAP. *“Water systems – The Poulaphouca Reservoir is fed by the River Liffey and the King’s River, forming one of the main water sources for the Dublin region. Though largely outside the plan area, the reservoir contributes to low-lying wetland areas within the plan boundaries. Conversely, development patterns within the plan area must be considered in relation to any potential effect on the reservoir. Within the plan area, a number of watercourses are present, including streams flowing through the plan area from Deerpark and Newtown Park. In line with the County Development Plan, riparian zones of generally 25m on either side will be maintained free from appropriate development, and such lands will be zoned with an appropriate open space zoning where the land is largely undeveloped.*

Ballymore Eustace CDA is of the view that in order to properly protect riparian lands and the reservoir, and boost the ecology and biodiversity and recreation and amenity of the area, that the 25m buffer is too small and should be at least 50m with additional spaces encouraged for wider parkland areas. Developers should be required to ensure their green open space areas coincides which riparian zones.

Blessington Town would hugely benefit from a significant open parkland area adjoining the reservoir. This would become a regional park, tourist destination and economic attractor.

From the draft LAP. *“Heritage, Biodiversity and Green Infrastructure Objectives*

*BLESS34 Protect and enhance the character, setting and environmental quality of natural, architectural and archaeological heritage assets, and in particular those features of the natural landscape and built structures that contribute to their special interest. The natural, architectural and archaeological heritage of the area shall be protected in accordance with the objectives set out in the Wicklow County Development Plan. In particular, the heritage assets of the Poulaphouca Reservoir and Glen Ding Forest shall be rigorously protected.*

*Particular regard will be had to listed (and other) views and prospects to and from the Poulaphouca Reservoir”.*

BLESS34 is not compatible with SLO 5, SLO6 and SLO7 with regard to the rigorously protected assets of Poulaphouca Reservoir

From the Draft LAP. *BLESS42 Where relevant, applications for development must demonstrate that the proposal for development would not, individually or cumulatively, affect a water body’s ability to meet its objectives under the Water Framework Directive.*

Ballymore Eustace CDA is of the view that the words “Where relevant” should be removed. All development in Blessington must demonstrate that the proposal for development would not, individually or cumulatively, affect a water body’s ability to meet its objectives under the Water Framework Directive.

From the Draft LAP. **“Other Infrastructure Objectives - BLESS52** *To support the continued upgrade of Blessington Waste Water Treatment Plant and/or additional Waste Water Treatment Plants serving the plan area, subject to the full environmental protection of the Poulaphouca Reservoir and associated watercourses”.*

Ballymore Eustace CDA is of the view the words *“and / or additional Waste Water Treatment Plants serving the area”* should be removed from BLESS52. Blessington Town is served by a WWTP that has a 5.5km discharge pipe exactly because Wastewater Treatment is not possible in Blessington due to the proximity to the Blessington Lakes. Whilst this 5.5km discharge pipe is not a sustainable solution, neither is the building of “additional” Waste Water Treatment Plants. In order for Blessington to become fully sustainable in terms of wastewater, the discharge needs to be reviewed, changed, and redirected to Ringsend WWTP in Dublin. This could be done with joined up thinking when the N81 Upgrade Scheme moves to the next stage.

From the Draft LAP **“European Sites**

*There are a number of ‘European Sites’ (SACs / SPAs) located in or in proximity to the plan area. The sites themselves are protected from inappropriate development through the legal provisions of the Habitats and Birds Directives, as well as the Planning Act. Such sites, where they are located within the plan boundary, are shown on the land use map and the heritage map associated with the plan as SAC / SPA as appropriate.*

*In a number of locations, there are lands adjoining European Sites, which while not being included in the legally designated site, are linked to the site in terms of similar or supporting habitats, water flows or other characteristics which render them important to protect from inappropriate development which may have a direct or indirect effect on the designated site itself”.*

*“The approach to zoning lands adjoining European Sites has been as follows:*

*3. Where there is existing undeveloped lands, the lands have only be zoned for new development where it can be justified that such zoning and development arising therefrom is essential for the town to achieve its development vision and strategic objectives. In accordance with the provisions of the EU Habitats Directive 1992 and the Planning & Development Act, any proposed development with potential to impact upon the integrity of a European Site shall be subject to an Appropriate Assessment;”*

Ballymore Eustace CDA object to the use of point 3. Undeveloped lands that have the potential to impact on the integrity of a European Site must not be zoned in any case – with the exception of open space. That goes for SLO5, SLO6 and SLO7. The zoning map for the town omits the portion of land within the jurisdiction of Kildare County Council. This area needs to be shown on the zoning map to give the true picture of the development expectation within the town over the lifetime of the LAP.



The draft LAP states: *“European Sites Objectives*

*To protect European Sites and a suitable buffer area from inappropriate development”*

Ballymore Eustace CDA is of the view that the “suitable buffer area” must be defined in the LAP

### **Sustainable Urban Drainage System**

Ballymore Eustace CDA are of the view that reference to surfacewater infrastructure in the Draft LAP is totally deficient given the very important location of Blessington Town. Traditional drainage systems (collection, conveyance and discharge) are one thing, however this method is no longer sustainable in terms of environmental impact. An increasing population creates demand for an additional housing stock which places pressure to expand the urban area. This adds to the impact of Climate Change, where it is predicted that Ireland will have an increased amount of extreme weather events, additionally our summers are predicted to become drier creating droughts. Within the urban areas the natural water cycle will be disrupted most, where the extent of increased impermeable areas will lead to higher quantities of rainfall runoff.

Sustainable Urban Development Systems, when implemented in line with this policy, will reduce flood risk and can mitigate against the pollution of water bodies, elevated temperatures and damage to the overall environment including biodiversity loss. This is even more important given the location of Blessington Town directly adjacent to Irelands largest drinking water supply.

Wicklow County Council is required to implement both National and European legislation in this area.

The EU Water Framework Directive (WFD) (2000/60/EC) requires all member States to protect and improve water quality in all water bodies in order to achieve good ecological status by 2015 or, at the latest by 2027. The WFD was transposed into Irish Law by the European Communities Water Policy Regulations 2003.

The Surface Water Regulations (SI No 272 of 2009) give legal status to the criteria and standards used for classifying surface water in accordance with the ecological objectives outlined within the WFD. The Surface Water Regulation introduce environmental quality standards that allow authorities authorising discharges to surface waters (e.g. EPA, local authorities) to determine the allowable concentrations in discharge without causing damage to aquatic communities.

The Groundwater Directive 2006/118/EC was developed as part of the requirements of Article 4(1)(b) of the WFD, which came into operation in January 2010. The 2010 Regulations set clear environmental objectives with groundwater quality standards and threshold values for the classification of groundwater and protection against pollution.

The purpose of the including a SUDS policy in the LAP is to provide the Council’s planning requirements and the various types of SuDS components, providing stormwater management design guidance and information on the standards required by development proposals in order to implement SuDS.

These should include, but are not restricted to;

*“• Rainwater Management Plans – Guidance for Local Authorities – 2024*

*• Nature Based Management of Urban Rainwater and Urban Surface Water Discharges – A National Strategy - 2024*

- *Nature-Based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas Interim Guidance Document – DHLG&H – 2021*
- *Guidelines for Road Drainage Second Edition – March 2022*
- *Planning For Watercourses In The Urban Environment – IFI 2020*
- *NTA Greening and Nature-based SuDS for Active Travel Schemes Sept 2023*
- *The Planning System and Flood Risk Management – OPW Nov 2009*
- *GSDSDS - Regional Drainage Study – Volume 2 New Developments – March 2005*
- *Greater Dublin Regional Code of Practice for Drainage Works Comhairle Chontae Cill Mhantáin SuDs Policy and Wicklow County Council Development Guidance Version Number: WCCENV2401*
- *Sustainable Drainage Explanatory Design and Evaluation Guide, South Dublin County Council, 2022.*
- *Sustainable Drainage Explanatory Design and Evaluation Guide, Dublin City Council, 2021.*
- *Chapter 14 (Flood Risk Management) of the WCC Development Plan 2022-2028.*
- *Chapter 13 (Water Services) of the WCC Development Plan 2022-2028.*
- *Appendix 8 (Strategic Flood Risk Assessment) of the WCC Development Plan 2022-2028*
- *CIRIA SuDS manual C753 CIRIA, 2015.*
- *CIRIA C768 Guidance on the Construction of SuDS*
- *DMURS NBSuDS Advice Note 5 – Road and Street Drainage using Nature Based Solutions 2023*
- *DOEHLG – Recommendations for Site Development Work For Housing Areas*
- *Local Area Plans (Bray, Wicklow, Arklow, Greystones.... etc)*
- *Water Sensitive Urban Design in the UK - Ideas for the built environment practitioners (C723F), CIRCA, 2013.*
- *Designing Rain Gardens – a Practical Guide, Urban Design London, 2018”*

The LAP should provide data on the current surface water system in Blessington – number of sewer chokes per year, misconnection surveys, Storm Water Overflow statistics, Flood records, stream cleaning work etc.

I trust the above will be considered in the compilation of the final Local Area Plan document for Blessington.

Stephen Deegan

Ballymore Eustace Community Development Association