



An
Bord
Pleanála

Board Direction
BD-002540-19
ABP-301714-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 7th 2019.

The Board decided, generally in accordance with the report and recommendation of the Inspector, to allow the appeal and to direct the licensing authority, for the following reasons and considerations, to amend conditions 2.1 and 2.2 of the revised discharge licence, so that they shall be as follows:-

- 2.1 *The licence holder shall ensure that the total volume of effluent to be discharged shall not exceed 30 cubic metres per day.*
- 2.2 *Effluent discharged from the waste water treatment plant to surface waters shall not exceed the following maximum emission limit values (ELVs):*

Parameter	Units	Maximum ELV
<i>BOD₅</i>	<i>mg/l</i>	<i>5</i>
<i>COD</i>	<i>mg/l</i>	<i>50</i>
<i>Suspended Solids</i>	<i>mg/l</i>	<i>20</i>
<i>pH</i>	<i>PH units</i>	<i>6 - 9</i>
<i>Ammonium, as N</i>	<i>mg/l</i>	<i>0.4</i>
<i>Nitrates, as N</i>	<i>mg/l</i>	<i>40</i>
<i>Total Phosphorus, as P</i>	<i>mg/l</i>	<i>1</i>
<i>MRP-P</i>	<i>mg/l</i>	<i>0.75</i>
<i>Oils, Fats and Greases</i>	<i>mg/l</i>	<i>10</i>

Screening for Appropriate Assessment

The Board completed a screening exercise, taking into account the licensing authority's screening report and the Inspector's report and submissions on file, in relation to potential impacts of the development that is the subject of the licence, having regard to the nature and scale of the development, on the South Dublin Bay and River Tolka Estuary Special Protection Area (site code 004024), and on any other European site, in the light of the conservation objectives of these sites. The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report, and was therefore satisfied that the development that is the subject of the licence, by itself or in combination with other plans and projects, is not likely to have a significant effect on the South Dublin Bay and River Tolka Estuary Special Protection Area (site code 004024), and on any other European site, in the light of the conservation objectives of these sites, and that an Appropriate Assessment, and the submission of a Natura impact statement, is not required in this instance.

REASONS AND CONSIDERATIONS

Having regard to the following:

- the assimilation capacity simulations for the receiving waters conducted by the Inspector and contained in her report,
- the impracticality of compliance with the emission limit value specified for total phosphorous by the licensing authority,
- the available dilution factors in the receiving waters,
- the environmental sensitivity of the receiving waters (River Tolka) and its characteristics including current water quality, and
- the requirement under the Water Framework Directive to enhance the quality in rivers and the requirements of the relevant legislation governing protection of water quality,

it is considered that, subject to compliance with the amended conditions set out above, the revised flow volumetric limits and emission limit values are appropriate to ensure the protection of water quality and the environment, and the discharges from the waste water treatment plant, when in compliance with these limits and values, can comply with the requirements of the European Communities Environmental Objectives (Surface Water Regulations) Regulations, 2009 (S.I. No. 272 of 2009), the requirements of the European Communities (Quality of Salmonid Waters) Regulations, 1988 (S.I. 293/1988), the requirements of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011) and the requirements of the European Communities (Conservation Of Wild Birds (South Dublin Bay And River Tolka Estuary Special Protection Area 004024)) Regulations 2010 [S.I. No. 212 Of 2010].

Board Member

Date: 8th March 2019

Philip Jones