



An
Bord
Pleanála

Board Direction
BD-002804-19
ABP-301798-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/04/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to a range of matters including the following:

European legislation, including of particular relevance:

- EIA Directive 2011/92/EU amended by Directive 2014/52/EU (EIA Directive);
- European Union Water Framework Directive 2000/60/EC;
- The European Union Urban Waste Water Treatment Directive 91/271/EEC;
- The European Union Bathing Water Directive 2006/7/EC;
- Groundwater Directive (2006/118/EC);
- Sewage Sludge Directive (86/278/EEC);
- Nitrates Directive (91/676/EEC);

National legislation including of particular relevance:

- The European Communities Environmental Objectives (Surface Waters) Regulations 2009, as amended;
- European Communities (Water Policy) Regulations, 2003, as amended;
- European Communities Environmental Objectives (Groundwater) Regulations 2010, as amended;
- Urban Waste Water Treatment Regulations 2001, as amended;
- The Waste Water Discharge (Authorisation) Regulations 2007, as amended;
- Bathing Water Quality Regulations 2008, as amended;

National and regional planning and related policy including:

- 'National Planning Framework – Ireland 2040' including Strategic Outcome 9 and corresponding Investment Action contained in the National Development Plan, 2018-2027;
- Water Services Strategic Plan where the upgrading of Ringsend Treatment Plant is recognised as a significant contribution in meeting its obligation under the Urban Wastewater Treatment Directive;
- National Wastewater Sludge Management Plan (2016 – 2041);
- River Basin Management Plan for Ireland 2018 – 2021;
- Greater Dublin Strategic Drainage Study (2005) and Greater Dublin Drainage Strategy: Overview & Future Strategy (2018);
- Regional Planning Guidelines for the Greater Dublin Area 2010-2022;
- Draft Regional Spatial and Economic Strategy (RSES);
- Eastern-Midlands Region Waste Management Plan 2015 – 2021;

Local planning context – Ringsend Waste Water Treatment Plant (WwTP) component

- The provisions of the Dublin City Development Plan 2016-2022, including Policies SI1 and SI2 which support development of water and wastewater systems by Irish Water in which the upgrading of the Ringsend Wastewater Treatment Plant is specifically referenced; related Planning Objectives SIO1 and SIO2 together with stated policies and objectives in support of the proposed development in the context of proper planning and sustainable development. Regard was also had to the land use zoning objectives for the area.

Local planning context – Regional Biosolids Storage Facility (RBSF) component

- The provisions of the Fingal Development Plan 2017-2023 including stated policies and objectives, particularly Objective WM15 which requires to work with Irish Water and other relevant stakeholders to ensure the provision of facilities for the safe and sustainable management of sludges (sewage, waterworks, agricultural, industrial and septic tank) and Local Objective 78, in support the proposed development in the context of proper planning and sustainable development. Regard was also had to the land use zoning objectives for the area.

and to the following matters

- the current performance of the existing wastewater treatment plant and the demonstrated need to improve discharge standards in order to increase capacity and meet water quality standards for bathing waters, coastal waters, transitional waters and designated sensitive waters in Dublin Bay in accordance with the requirements set out under the legislation and emissions limit values contained in the licence granted by the EPA under licence number D00-34-01;

- the entirety of the documentation that accompanied the planning application and reports and submissions, which were submitted by all parties, planning authorities, prescribed bodies and observers and the further submission made by the applicant during the course of the application;
- the established site context on the Poolbeg peninsula, spatially separated from residential development and the pattern of development in the area;
- the planning history of the site;
- the nature, scale and design of the proposed development including in particular the proven AGS technology and the associated nitrogen and phosphorous removal in relation to the Ringsend WwTP component and the nature, scale, design and purpose of the RBSF component,
- the range of proposed mitigation measures set out in the submitted Environmental Impact Assessment Report and Natura Impact Statement (incorporating Appropriate Assessment Screening);
- the submissions made in relation to the application and the report and recommendation of the inspector;

The Board considered that, subject to compliance with the conditions set out below that the proposed development would enable sustainable residential and economic growth through the delivery of increased wastewater treatment capacity, would improve the quality of effluent discharged to the receiving water environment, would assist Ireland in meeting obligations set down under EU Directives, national legislation and planning policy, and would be acceptable in terms of odour, noise, vibration and traffic. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1 Screening

The Board agreed with and adopted the screening (Appropriate Assessment Stage one) and conclusions carried out in the inspector's report that South Dublin Bay and River Tolka Estuary SPA (site code 004024), South Dublin Bay cSAC (site code 000210), North Bull Island SPA (site code 004006), North Dublin Bay cSAC (site code 000206), Howth Head Coast SPA (site code 004113), Dalkey Islands SPA (site code 004172) and Rockabill to Dalkey Island cSAC (site code 003000) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development as part of the overall proposed upgrade project for the aforementioned European Sites in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- a. the likely direct and indirect impacts arising from the proposed development at Ringsend WwTP and the RBSF sites both individually, when taken together and in combination with other plans or projects,
- b. the mitigation measures, which are included as part of the current proposal, and
- c. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the

potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development and wider proposed upgrade project, taking into account:

- (a) The nature, scale, location and extent of the proposed development across the Ringsend WwTP and RBSF components;
- (b) The environmental impact assessment report and associated documentation submitted with the application;
- (c) The reports and submissions received from the planning authority, observers and prescribed bodies and the applicant's further submission in the course of the application;
- (d) The Inspector's report;

The Board agreed with the summary and examination set out in the inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the inspector's report sets out how these were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current

knowledge and methods of assessment. The Board is satisfied that the information contained in the EIAR is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan (CEMP) is the overarching general mitigation embedded in the project design and delivery for the construction stage. In addition, plans relating to Waste Management, Invasive Species Management, Traffic Management, Odour Management, Monitoring Plans and Emergency Response Plans are also proposed. The remaining impacts, both positive and negative are:

- Benefits/positive impacts to **population and human health** arising as a result of the overall project upgrade due to providing increased treatment infrastructural capacity and improved level of treatment which would improve compliance with EU Directives and corresponding legislation and would be pivotal in supporting planned residential and economic growth in Dublin city and the region.
- Negative temporary impact on **population and human health** (recreational swimmers/water based sporting activities) because of a deterioration in water quality during a nine-month period of decommissioning of aspects of the WwTP (during construction) and a corresponding temporary loss of recreational amenity which would be partially mitigated by carrying out the works in winter period when the recreational water based activities are at seasonally low levels;
- Benefits/positive impacts on the environment (**soils, traffic, water quality, climate**) as a result of reduction in excavation and truck movements (estimated to be 70,000 HGV movements over an 18-month period) which would otherwise have been required to remove and transport rock and spoil during the construction phase of the undersea tunnel. During the operation phase, the proposal to omit the tunnel and associated diffuser point 9 km out

to sea would also mean that there would be no deterioration of water quality at this location.

- Impacts arising on **land and soils** as a result of spread of invasive species (Japanese Knotweed) present on the Ringsend wastewater treatment site and which would be mitigated by the preparation and implementation of an Invasive Species Management Plan and method statement for the control of disturbance of soils containing Japanese Knotweed and the requirement that a suitably qualified ecologist would be engaged to oversee the implementation of the Invasive Species Management Plan and monitor the success of the mitigation measures post-construction;
- Risk of pollution of **receiving water environment** as a result of accidental spillages of chemicals, hydrocarbons or other contaminants entering the drainage system and discharging to the stream thereafter during the construction and operational phases. The impacts would be mitigated by measures within a Construction and Environmental Monitoring Plan (CEMP) and adherence to best practice construction measures and incorporation of appropriate drainage facilities. Measures set out in the CIRIA guidance document on 'control and management of water pollution from construction sites' would be implemented. The guidelines provided by the Inland Fisheries Ireland (2016) on the protection of fisheries habitats during construction projects would also be adhered to.
- **Noise** impacts for the construction and operation phases which would be mitigated by the requirements to prepare and adhere to the Noise and Vibration Management Plans (NWMP) and comply with appropriate noise and vibration limits which are set out in the EIAR in respect of the development at Ringsend wastewater treatment plant and the development of the RBSF.
- **Odour impacts** for the operational phase which would be mitigated by the following:

- Ringsend WwTP: odour from the wastewater treatment plant (excluding storm tanks) would be required not to exceed 10 ouE/m³ as the 99.4th percentile of hourly averages at the boundary of the Ringsend WwTP site. The adopted odour annoyance criterion of 3 ouE/m³ as the 98th percentile of hourly averages would not be exceeded at any sensitive receptor location. The Odour Management Plan would be updated as necessary and implemented to ensure the above standard is achieved during construction and operation.
- RBSF: The adopted odour annoyance criterion of 3 ouE/m³ as the 98th percentile of hourly averages would not be exceeded at any sensitive receptor location.

The Board completed an environmental impact assessment in relation to the proposed development forming part of the overall proposed upgrade project and concluded that, subject to the implementation of the mitigation measures referred to above including proposed monitoring as appropriate, subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions set out in the inspector's report.

Conclusion on Proper Planning and Sustainable Development

The benefits of the proposed development are considered to be positive. Its delivery would assist Ireland in meeting obligations set down under EU Directives, national legislation and planning policy expressed through the hierarchy plans which regulate development at a national, regional and local level. The development would enable sustainable residential and economic growth through the delivery of increased wastewater treatment capacity while protecting the environment through improving the quality of effluent discharged to the receiving water environment. It has been demonstrated in the application that the improvement envisaged in final effluent quality can be achieved at the existing Ringsend Wastewater treatment plant by the

incorporation of scientifically proven aerobic granular sludge technology into the treatment process together with associated nitrogen and phosphorous removal. When compared to the previously permitted and proposed long sea outfall (in tunnel) option, the current proposal has significant advantages and would be less intrusive on the receiving environment. The regional biosolids storage facility would assist in meeting the aims of the Sewage Sludge Directive, regulating the use of sewage sludge in agriculture to prevent harmful effects. Environmental impact assessment and appropriate assessment have also been considered as set out in the sections above. It can, therefore, be concluded that the proposed development is in accordance with the proper planning and sustainable development of the area.

Conditions

Ringsend WwTP and the RBSF components

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application and the information contained in the Environmental Impact Assessment Report and Natura Impact Statement, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or in default of agreement, shall be referred to An Bord Pleanála for determination, and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. Mitigation

- a) All mitigation and environmental commitments identified in the EIAR (Table 17-1 of Volume 3 and 4) shall be implemented in full as part of the proposed development except as may otherwise be required to comply with the following conditions.

Monitoring

- b) All monitoring measures identified in the EIAR (Table 17-2-of Volume 3 and 4) shall be carried out and the details of monitoring results shall be submitted to the Planning Authorities (Dublin City Council in respect of the Ringsend wastewater treatment plant and Fingal County Council in respect of the RBSF) except as may otherwise be required to comply with the following conditions.

Reason: In the interest of clarity and to protect the environment.

3. With the exception of the development hereby permitted, the proposed development at the Ringsend Wastewater Treatment Plant shall otherwise comply with the terms and conditions of permission granted under ABP Ref: 29N.YA0010, as amended by planning permission granted for alterations under ABP Ref. 29N.YM0002 and 29N.YM0004 and any further applications or alterations where permitted.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

4. The period during which the development hereby permitted may be carried out shall be ten years from the date of this order.

Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

5. A contract specific Construction and Environmental Management Plan (CEMP) and Waste Management Plan (WMP) shall be submitted to and agreed in writing with both Planning Authorities in respect of the development at the Ringsend WwTP site and the RBSF site. The CEMPs and WMPs shall detail and ensure Best Construction Practice and compliance with statutory obligations.

As part of the CEMP, the submitted invasive species management plan shall be updated as necessary for the control or disturbance to soils containing Japanese Knotweed in accordance with 'Irish Water Information and Guidance Document on Japanese Knotweed'. The plan shall include a method statement for the removal of invasive species identified as being present on site.

The implementation of the invasive species management plan shall be overseen by a suitably qualified ecologist/botanist familiar with Japanese Knotweed.

Reason: To protect the environment during construction.

6.
 - a) Prior to commencement of the development, a Traffic Management Plan for the construction and operational phases shall be submitted to, and agreed in writing with, the Planning Authorities in respect of the development at the Ringsend WwTP site and the RBSF site.
 - b) The developer shall comply with the requirements of the Planning Authorities in respect of minimising traffic disruption on the local communities, cleaning and repair of any damage to the public road networks during the construction and operation phases.

Reason: To protect the public road network and in the interest of traffic safety.

7. The development shall adhere to the Noise and Vibration Management Plans (NWMP) and comply with appropriate noise and vibration limits set out in the EIAR in respect of the overall development at Ringsend wastewater treatment plant and the development of the RBSF.

During the construction and demolition phases, the proposal development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.

Construction Noise at the nearest sensitive receptor shall comply with the following limits:

- 70 L_{Aeq} (1 hour) dB – Daytime (07:00 – 19:00) and Saturdays (07:00 – 13:00)
- 65 L_{Aeq} (1 hour) dB – Evening (19:00 – 23:00)
- 55 L_{Aeq} (1 hour) dB – Night time (23:00 – 07:00)

Mitigation for the operation phase would include a number of items such as selection of 'low noise' equipment and plant, vibration isolation mounts and appropriate siting of fixed plant.

The developer(s) shall require the appointed contractor to employ and implement best practice construction noise and vibration management techniques throughout the construction phase in order to further reduce the noise and vibration impact to nearby noise sensitive receptors.

During the operation phase, noise shall be minimised by the selection of 'low noise' plant and equipment and incorporation of appropriate attenuation.

Noise monitoring during construction and commissioning and/or operation shall be carried out in accordance with the requirements of the Planning Authorities.

Reason: In the interest of the amenities of the surrounding area.

8.

a) Ringsend WwTP

During operation, odour from the wastewater treatment plant (excluding storm tanks) shall not exceed 10 ouE/m^3 as the 99.4th percentile of hourly averages at the boundary of the Ringsend WwTP site.

The adopted odour annoyance criterion of 3 ouE/m^3 as the 98th percentile of hourly averages shall not be exceeded at any sensitive receptor location. The Odour Management Plan shall be updated as necessary and implemented to ensure the above standard is achieved during construction and operation.

b) RBSF

The adopted odour annoyance criterion of 3 ouE/m^3 as the 98th percentile of hourly averages shall not be exceeded at any sensitive receptor location.

Reason: In the interest of the amenities of the surrounding area.

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that that may exist within and proximate to the Ringsend WwTP and the RBSF site.

In this regard the developer shall –

a) Notify the Department of the Culture, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.

b) Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works and,

- c) Provide arrangements for the recording and for the removal of any archaeological material which the Department of Culture, Heritage and the Gaeltacht considers appropriate to remove.

In default of an agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

10.

- a) Prior to the commencement of the development, the developer shall submit a detailed landscaping plan for each of the development components at Ringsend WwTP and the RBSF sites. Details, including strengthening of boundary treatment, screening of compounds and general landscape details including timescales shall be submitted to and agreed in writing with the planning authorities and the landscaping shall be carried out in accordance with the agreed details thereafter.
- b) Prior to the commencement of the development, a detailed decommissioning and site restoration plan in respect of the construction compounds, together with a timescale for its implementation, shall be submitted to and agreed in writing with the planning authorities.

Reason: In the interest of the amenities of the surrounding area.

11.

- a) The development shall comply with the requirements of the Planning Authorities with respect to surface water management.

- b) The existing surface water pipeline traversing the RBSF site shall be realigned and a wayleave provided in accordance with the requirements of the Planning Authority (Fingal County Council).

Reason: In the interest of providing best practice for surface water management and to provide for future maintenance of the realigned pipe at the RBSF site.

- 12. Prior to commencement of the development, the design details for the RBSF shall be submitted to and agreed in writing with the planning authority for the prevention of environmental pollution in the event of a fire occurrence. Such detail shall also include an assessment of the risk of environmental pollution due to fire water and any mitigation measures which may be necessary.

Reason: In the interest of protection of the environment and amenities of the area.

- 13. All works to be undertaken within and adjacent to designated European sites within Dublin Bay shall be undertaken in accordance with the requirements of a suitably qualified ecologist appointed following consultation with the National Parks and Wildlife Service.

Reason: In the interest of protection of designated European sites and qualifying interests, having regard to the sites conservation objectives.

- 14. The developer shall pay to the planning authority (Fingal County Council) a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of the upgrade and signalisation of the R135 and the N2 North Bound Slip priority junction. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in

such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which would benefit the proposed development.

Board Member

Date: 12/04/2019

Stephen Bohan