



Local Government (Water Pollution) Acts 1977 to 2007

Planning Authority: Meath County Council

Register Reference Number: 18/01

Appeal by Axial Properties Limited of Bracetown Business Park, Clonee, County Meath in relation to the granting, on the 27th day of April, 2018, by Meath County Council, of a licence under section 7 of the Local Government (Water Pollution) Act, 1977 as amended by section 5 of the Local Government (Water Pollution) (Amendment) Act, 1990 for the discharge of treated sewage effluent arising at Bracetown Business Park, Bracetown, Clonee, County Meath to surface waters of the River Tolka at Bracetown, Clonee, County Meath.

Decision

DECISION: In exercise of the powers conferred on it by section 8 of the Local Government (Water Pollution) Act, 1977, as substituted by section 6 of the Local Government (Water Pollution) (Amendment) Act, 1990, An Bord Pleanála, based on the Reasons and Considerations set out below, hereby allows the appeal and directs the licensing authority to amend conditions numbers 2.1 and 2.2 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
BOD ₅	mg/l	5
COD	mg/l	50
Suspended Solids	mg/l	20
pH	PH units	6 - 9
Ammonium, as N	mg/l	0.4
Nitrates, as N	mg/l	40
Total Phosphorus, as P	mg/l	1
MRP-P	mg/l	0.75
Oils, Fats and Greases	mg/l	10

Appropriate Assessment Screening

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 view 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, either individually or in combination with other plans or projects, is not likely to have a significant effect on the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), or on any other European Site, in view 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].

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Water Pollution Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Philip Jones

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.