



An  
Bord  
Pleanála

## Record of Meeting 06F.PC0152 6<sup>th</sup> meeting

<b>Case Reference / Description</b>	06F.PC0152  Greater Dublin Drainage Project comprising a regional waste water treatment plant and associated orbital drainage network and marine outfall, North County Dublin.		
<b>Case Type</b>	Pre-application consultation		
<b>1<sup>st</sup> / 2<sup>nd</sup> / 3<sup>rd</sup> Meeting</b>	6 <sup>th</sup>		
<b>Date</b>	14/02/18	<b>Start Time</b>	11 a.m.
<b>Location</b>	Parnell Room	<b>End Time</b>	12.45 p.m.
<b>Chairperson</b>	Philip Green	<b>Executive Officer</b>	Kieran Somers

<b>Present</b>		
<b>Representing An Bord Pleanála</b>		
<b>Staff Member</b>	<b>Email Address</b>	<b>Phone</b>
Philip Green, Assistant Director of Planning		
Paul Caprani, Senior Planning Inspector		
Diarmuid Collins, Senior Administrative Officer		
Kieran Somers, Executive Officer	k.somers@pleanala.ie	01-8737107

<b><u>Prospective Applicant</u></b>		
Ciaran O’Keeffe – Jacobs Tobin		
Olwyn James – Irish Water, Asset Delivery - Engineering		
Noeleen McHenry – Irish Water, Legal		
Jane Chambers – Irish Water, Major Projects		
Frieda Ryan – Irish Water, Major Projects		
Lara Gough – AOS Planning		

The meeting commenced at 11 a.m.

The Board referred to its previous meeting with the prospective applicant held on the 20<sup>th</sup> November, 2017 and the record of same. The Board asked the prospective applicant if it had any comments to make on the written record. The prospective applicant replied that it had no comments to make.

The Board’s representatives mentioned that they had met with the SID division of the Board since the time of the previous meeting. The Board’s representatives said that they would raise issues highlighted by the Board during the meeting.

**Presentation by the prospective applicant:**

The need for the proposed development was recapped by the prospective applicant. It referred to matters such as the Greater Dublin Strategic Drainage Study Final Report (2005), the Strategic Environmental Assessment of the GDSDS (2008) and the Irish Water National Wastewater Sludge Management Plan. The prospective applicant also set out the need for the project generally with reference to projected treatment capacity requirements, the expansion of existing plants and the significant constraints to upgrading existing networks, particularly the Ringsend network. In a general context, the prospective applicant stated that new treatment capacity is required by 2025.

The constituent project elements were restated by the prospective applicant; these include a wastewater treatment plant with a 500,000PE design capacity, a co-located sludge hub centre, a pumping station, an orbital sewer, an outfall pipeline and a regional biosolids storage facility. With respect to the proposed outfall pipeline, the Board’s representatives said that the SID division of the Board had queried why the route of this was proposed to traverse north of Clonshaugh. The prospective

applicant responded by saying that this was owing to significant archaeological and existing development constraints at the Malahide Road.

With regard to the proposed pipeline, the Board also queried why activated granular sludge (AGS) technology (being proposed as part of the current Ringsend project) was not being proposed in this case (potentially replacing the proposed six-kilometre pipeline). It was suggested to the prospective applicant that it would need to be demonstrated that the proposed pipeline element of the proposal is necessary with the availability of such technology. The Board suggested that this might be relevant to consideration of the effects on the environment and on a Special Area of Conservation. Noting this point, the prospective applicant stated its opinion that the proposed pipeline would be required due to certain current conditions at the Baldoyle coastline which does not aid and facilitate efficient dispersion of effluent, but nevertheless undertook to consider and examine this issue further.

It also noted that compulsory acquisition will be required for the entire length of the pipeline and that no agreements with landowners (statutory bodies included) have yet been reached.

Responding to the Board's query on the matter, the prospective applicant said that the existing Sutton Cross pumping station would continue to be used to transfer some wastewater to Ringsend in the future.

An indicative layout of the proposed wastewater treatment plant was provided by the prospective applicant. It said that three layouts for this facility will be shown in the planning application and, in response to the Board's question, confirmed that worse case scenarios, including for noise and odour, will be presented in each case.

With regard to the proposed pumping station at Abbotstown, the prospective applicant said that the design which will be set out in the planning application will represent the final design. It also stated that the site in question is zoned open green space.

The constituent elements of the proposed marine outfall were explained by the prospective applicant. Responding to the Board's query on the matter, it said that the proposed 2,000 cm diameter for this can be justified in terms of the flow capacity. An overall length of six kilometres will be entailed from the Coast Road to the discharge point with two kilometres constructed in tunnel. In respect of the marine outfall, the prospective applicant referred to the environmental designated areas within the vicinity; these include the Rockabill to Dalkey Island SAC and the Malahide shellfish waters. Noting these, the Board referred to the Marine Strategy Framework Directive and advised the prospective applicant to be cognisant of this. The prospective applicant added that the depth of discharge for the marine outfall would be 23 metres below sea level; it also said that modelling had taken account of rising sea levels associated with climatic change. They would also be compliant with limits set out in the Surface Water Regulations (SI 272 of 2009) for designated coastal waters. The Board also suggested that the modelling undertaken takes into account a scenario where permission for the currently proposed developments at Ringsend wastewater treatment plant be refused and 9 km outfall as per the original application is constructed.

In relation to sludge treatment, the prospective applicant said that wastewater sludge produced by the regional wastewater treatment plant would be treated on site; the method of treatment will be advanced anaerobic digestion. With regard to the proposed regional biosolids storage facility, the Board's representatives said that the SID division of the Board had not raised any major issues in relation to this. Noting the proposed methodology for assessing availability of suitable lands for the spreading of biosolids, the Board said that this might be considered as an indirect effect of the proposed development for which some assessment will be required.

In terms of construction phasing, the prospective applicant said that this would now consist of a single stage (catering for 500,000 PE). Other consents required for the carrying out of the project include compulsory acquisition of lands, a wastewater discharge authorisation and a foreshore licence. Responding to the Board's question on this matter, the prospective applicant said its intention is to lodge the applications for these at the same time as the planning application.

The prospective applicant stated its current intention to lodge the formal planning application in the second quarter of 2018.

The Board's representatives noted some other issues which the SID Division of the Board wished to bring to the prospective applicant's attention. These included ensuring the EIAR adequately deals with the matter of energy efficiency in the plant as well as any potential heat generation and how that energy/heat might be used. Responding to this latter point, the prospective applicant said that there would be no excess amounts of energy arising from the proposed development that might be exported to the national grid or used in a district heating scheme and any energy/heat/gas generated would be used within the WWTP.

The Board's representatives advised that a separate schedule of all mitigation measures should be set out as part of the EIAR; it also advised the prospective applicant to have regard to any matters arising from the National Framework Plan.

The prospective applicant reported that all public information consultations have broadly been completed. With regard to the compulsory acquisition element of the project, it stated that on-going discussions are continuing in relation to the technical aspects and potential impacts on lands; it repeated that it is endeavouring to acquire lands and wayleaves on a voluntary basis.

The prospective applicant reiterated its opinion that the proposed development would constitute strategic infrastructure development. It added that the proposed development would have a significant effect on the functional areas of a number of planning authorities.

The format of the EIAR, which will accompany the formal planning application, was set out by the prospective applicant. It said it will comprise of four main volumes with a fifth volume for figures/appendices. The Natura Impact Statement will be a stand-alone document. Noting this, the Board also suggested that the various consents required for the project should be clarified and explained in a stand-alone document in a logical and structured way for the purpose of clarity.

With regard to development contributions, the prospective applicant said that it considered these should not be applied, on the basis that the project would inherently be in the greater public interest and of direct benefit to Fingal County; it added its opinion that the proposed development was not of a type which would attract development contributions in any event. Responding to the Board's question on the matter, the prospective applicant said that the local authority had not raised the subject of development contributions in any discussions held to date. The Board said this was a matter for the prospective applicant and the planning authority and encouraged the prospective applicant to discuss this issue with Fingal County Council prior to lodging any application. The prospective applicant also said that it would consider the matter of community gain prior to making the planning application and make submissions accordingly in its application submission.

The prospective applicant queried the likely timing of an oral hearing if the Board decided one were to be held. The Board replied that the timing of the lodgement of the planning application would have a bearing on this. The time period for receipt of submissions/observations has first to expire before the Board decides to convene an oral hearing and the Board also seeks to give as much advance notice as possible to the parties concerned subject to ensuring the efficient and expeditious handling of the case. If the planning application were to be lodged in June 2018, then the potential earliest commencement date for an oral hearing might be September having regard to difficulties that may be encountered in conducting an oral hearing in July or August. The Board also reminded the prospective applicant of the possibility of a further information request which could further delay the commencement of an oral hearing. Prior to the holding of an oral hearing, the Board said that it would seek to give notice to parties; it added that an agenda would be prepared and circulated prior to the opening of an oral hearing. With respect to the compulsory acquisition element of the project, the Board said a separate module would probably be allocated to this at the oral hearing. With regard to the Ringsend project (which is currently the subject of a pre-application consultation case under reference number 29S.PC0203), the Board stated its opinion that it was unlikely both oral hearings would be held at the same time owing to potential administrative and logistical reasons. It noted also the constraints on the prospective applicant with regard to its advisers and also to third parties who may wish to make submissions at both.

With regard to the prospective applicant's query on the positioning of site notices, the Board said should advice could be imparted when issuing the notice at the end of the process; it said that typically these might be placed on roadways, intersections and junctions and at other key locations.

## **Procedures:**

Procedures in relation to the making of a formal planning application were given by the Board as follows:

- An application can only be lodged after formal notice has been received by the prospective applicant from the Board.
- The application must be made by way of full completion of an application form to the Board.
- The Board requires as a minimum that the public notice of the application would be in two newspapers circulating in the area to which the proposed development relates, one of which should be a national newspaper. A site notice in accordance with the protocols set out in the Planning and Development Regulations must also be erected. The date of the erection of the site notice is to be inserted; otherwise it should contain the same information as the newspaper notices and should remain in place for the duration of the period during which the public can make submissions to the Board.
- The documentation relating to the application is to be available for public inspection at the offices of the relevant planning authority and the offices of An Bord Pleanála. In this regard, the requirements in terms of the number of copies of the documentation to be lodged with the relevant planning authority and the Board is as follows:
  - Planning Authority – 5 hard copies and 2 electronic copies.
  - An Bord Pleanála – 3 hard copies and 7 electronic copies.
- The Board also requires the prospective applicant to provide a stand-alone website containing all of the application documentation. The address of this website is to be included in the public notice.
- The public notice of the application is to indicate that the application documentation will be available for public inspection after 5 working days from the date of the publication of the notice so as to ensure that the documentation is in place for such inspection.

- The time period for the making of submissions by the public is to be at least seven weeks from the date the documents become available for inspection (not from the date of publication of the public notices). The Board requires that the public notice must indicate the deadline time and date for the making of submissions to the Board. It was agreed that the prospective applicant would advise the Board's administrative personnel in advance of the details of its proposed public notice and that any further definitive advice on same including confirmation of dates/times could be communicated at that stage.
- The service of notice of the application on any prescribed bodies must include a clear statement that the person served can make submissions to the Board by the same deadline as specified in the public notice.
- The service letter on the planning authority with the necessary copies of the documents should be addressed to the Chief Executive and should also alert the authority to the Board's requirement that the application documentation be made available for public inspection/purchase by the planning authority in accordance with the terms of the public notice (copies of any newspaper/site notices should be provided to the planning authority). It is the Board's intention that all of the application documentation will remain available for public inspection during the currency of the application.
- The depositing of the application documentation and the making of the application to the Board should take place immediately after the publication of the notice and the completion of the service requirements. The application documentation should include a copy of all letters serving notice of the application on prescribed bodies and the local authority, copies of the actual newspaper notices as published and the site notice.
- The fee for lodging an application is €100,000. The fee for making a submission in respect of an application is €50 (except for certain prescribed bodies which are exempt from this fee). There is an existing provision enabling the Board to recover its costs for processing any application from the applicant. In addition, it was pointed out that the legislation also enables the Board direct payment of costs or a contribution towards same to the planning authority and third parties.
- The Board also drew the prospective applicant's attention to the fact that the forthcoming Regulations to transpose the 2014 EIA Directive may require applicants to register EIA development on a central portal on the Department's website prior to lodging an application for planning permission. An acknowledgement from the Department in this latter regard will be required to accompany the planning application to the Board if the application is made after the commencement of these Regulations.

**The sequencing of the making of the application was summarised as follows:**

1. Publish newspaper notices.
2. Serve copy of relevant documents on bodies/persons required to be notified of the application. Deposit required number of copies with relevant planning authority.
3. Deposit required number of copies of application documentation with An Bord Pleanála and make an application to it.

**Conclusion:**

The prospective applicant was reminded that it may not wish to request closure of the pre-application consultation process until a copy of the written record of the instant meeting had been received. Thereafter, it may formally request closure. Upon receipt of this request, the reporting inspector will seek to finalise his report and recommendation to the Board as soon as practicable. Along with its formal SID determination letter, the Board will forward a list of the relevant prescribed bodies which should be notified of the planning application by the prospective applicant.

The meeting concluded at 12.45 p.m.

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**Philip Green**

**Assistant Director of Planning**