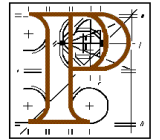


# Record Of Meeting



<b>Case Reference/Description</b>	27.PC0202 – Arklow Sewerage Scheme Wastewater Treatment Plant, Ferrybank, Arklow, Co Wicklow.		
<b>Case Type:</b>	Section 37B of the Planning and Development Act 2000, as amended		
<b>Meeting:</b>	1 <sup>st</sup> Meeting		
<b>Date:</b>	27 <sup>th</sup> August 2015	<b>Start Time:</b>	11.00 a.m.
<b>Location:</b>	Conference Room, An Bord Pleanála	<b>End Time:</b>	11.50 a.m.
<b>Chairperson:</b>	Anne Marie O'Connor, Assistant Director of Planning		

## Attendees:

### Representing An Bord Pleanála

Anne Marie O'Connor, Assistant Director of Planning

Mairead Kenny, Senior Planning Inspector

Marcella Doyle, Senior Executive Officer

Sinéad McInerney, Executive Officer

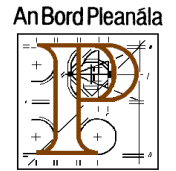
### Representing Prospective Applicant

Michael Tinsley, Wastewater Capital Programme Lead

John Joyce, Wastewater Treatment Programme Regional

Olwyn James, Spatial Planning Specialist

# Record Of Meeting



## Introduction

The prospective applicant was welcomed and the teams were introduced.

The Board's representatives acknowledged receipt of the prospective applicant's request by letter dated 24<sup>th</sup> July 2015 to enter into pre-application consultations in relation to the proposed Arklow Waste Water Treatment Plant.

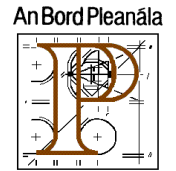
As set out in the Board's letter of 7<sup>th</sup> August 2015, this meeting is considered by the Board to be a preliminary meeting, the purpose of which is to obtain information in relation to the proposal in order to determine if it constitutes strategic infrastructure development (SID). It is also open to the prospective applicant to raise any matter that it may wish to seek advice on relating to the proposed development. Further information in relation to the proposed development may be required and a further meeting or meetings may be held to give advice on procedural matters involved in making an application and to advise on matters relating to proper planning and sustainable development or the environment, which may have a bearing on the Board's decision.

The Board's representatives stated that it will keep a record of this meeting, a copy of which will be forwarded to the prospective applicant. If the prospective applicant has any comments it wishes to make on same, such comments can be made in writing and an opportunity will also be afforded at any subsequent meeting to comment on the record. While the record will not be amended, any such comments will be retained on file. The records and the pre-application consultation file will only become available to the public following formal closure of the pre-application consultation process. The Board may consult with other persons or bodies in respect of the proposed development and the Board may also require the prospective applicant to give notice to the public or to carry out consultations with other persons or bodies prior to lodgement of any application.

When the pre-application consultation has concluded the Board will issue notice to the prospective applicant on whether the proposed development constitutes SID, having regard to the provisions of section 37A of the Planning and Development Act, 2000, as amended. The prospective applicant was advised that the holding of consultations does not prejudice the Board in any way and cannot be relied upon in the formal planning process or in legal proceedings.

The Board's representatives noted that it is the view of the prospective applicant that the proposed development is SID.

# Record Of Meeting



The prospective applicant gave a presentation in relation to the proposed development (Appendix 1) and a discussion took place.

## Proposed Development

The prospective applicant set out the background to the development. Irish Water was established in 2013 and is responsible for providing water and waste water services throughout Ireland.

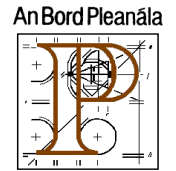
An EPA report in 2013 relating to Urban Waste Water Treatment identified 44 agglomerations with no treatment, 7 of which are located in larger urban areas. While certain other schemes are being developed, the Arklow Waste Water Treatment Plant has been identified as high priority. In this regard it noted that Arklow is listed in the European Court of Justice Judgement 13/2056 as not being compliant with the Urban Waste Water Treatment Directive.

The population of Arklow is approx. 16,500 and all wastewater is currently untreated and discharges to the Avoca River via approx. 20 outfalls. It noted that the area of the Avoca River concerned is tidal, however it stressed that public health issues and lack of environmental compliance mean that the lack of waste water treatment needs to be addressed as a matter of urgency.

The history of the scheme was explained. A waste water treatment plant was first approved by An Bord Pleanála in 1994, and a subsequent application for a waste water treatment plant for 18,000 population equivalent (PE) was approved in 2005 on the 'Seabank' site. Legal challenges resulted in a delay in the process until 2011 when detailed design and procurement began. Legal challenges in relation to the compulsory purchase order followed and the planning permission expired in early 2015.

In 2014, Irish Water decided that it would not be possible to build the waste water treatment plant before the permission expired in 2015 and therefore commenced a new site selection process. The methodology used is broadly based on the Greater Dublin Drainage Project Site Selection Process, with the four phase process condensed into a two phase process. Phase One involves preliminary screening of the area to identify suitable locations for the waste water treatment plant, outfall locations and pipeline corridors, which is followed by public consultation. Phase Two involves assessment of the short listed potential land parcels, outfall locations and

# Record Of Meeting



pipeline corridors against environmental and technical criteria, to be followed by a further public consultation.

During Phase One, ten potential sites were identified and public consultation took place. The prospective applicant noted the responses received contained a lot of useful information and resulted in changing certain assumptions. For example, the design had focused on a marine discharge and following consideration of the issues raised by the public, it was decided to also consider a river discharge. Phase two involved identifying a shortlist of the three most suitable sites and carrying out further analysis to identify the emerging preferred site option. The emerging preferred site is located in Ferrybank and is known as the Old Wallboard Site. It is intended to carry out further public consultation in the near future.

The proposal is to develop a wastewater treatment plant for 36,000 PE (likely to be constructed on a phased basis), marine outfall, interceptor sewers in North and South Quays, a siphon under the Avoca River, and a main pumping station if required (in this regard it is not yet confirmed if a main pumping station will be required but it is being included in the proposal at this time). It is considered that the consents required will include a strategic infrastructure application, an application to confirm a compulsory purchase order (the site is currently in liquidation and the ownership is unclear) and a number of foreshore licences and leases.

The prospective applicant addressed the provisions of the Planning and Development Act 2000, as amended, with regard to whether the proposed development constitutes strategic infrastructure development.

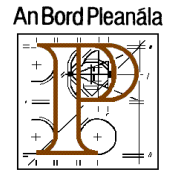
The relevant class of development is set out under Environmental Infrastructure in the Seventh Schedule of the Act, as follows:

*“A waste water treatment plant with a capacity greater than a population equivalent of 10,000 and, for the purpose of this provision, population equivalent shall be determined in accordance with Article 2, point 6, of Council Directive 91/271/EEC3.”*

As the proposal is to develop a waste water treatment plant for 36,000 PE, the proposed development is of a class of development listed in the Seventh Schedule.

The prospective applicant considers that the proposed development meets the criteria set out under section 37A(2) of the Act. In this regard, development in Arklow is restricted due to the lack of waste water treatment services, Arklow is

# Record Of Meeting



located within the consolidation zone of the National Spatial Strategy, and it is located within the hinterland zone of the Greater Dublin Area secondary economic growth town of the Regional Planning Guidelines. Arklow is also listed in the European Court of Justice Letter of Formal Notices to Ireland regarding non-compliance with the Urban Waste Water Treatment Directive and, partly due to the threat of daily fines, the requirement for compliance is a matter of urgency. The prospective applicant advised of a project programme of four years.

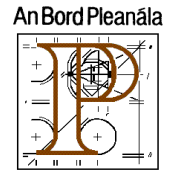
## Discussion

The Board's representatives requested the prospective applicant to explain the site selection process in more detail. The prospective applicant stated that it commenced the process by layering the various constraints on a map of the area. Having regard to the local area plan (LAP) it considered the zonings, protected views, environmental designations etc and consulted with Wicklow County Council on whether a waste water treatment plant would be permitted within the various zoning designations. A site of 2 Ha was considered reasonable and so it focused on identifying potential plots of appropriate size. In considering potential plots it had regard to residential and industrial areas and applied sufficient buffer distances to houses, businesses and other sensitive receptors. In applying buffer distances the prospective applicant considered other county development plans and relevant EPA manuals. Ten plots of land that could potentially accommodate a waste water treatment plant were identified. These were then assessed and ranked under various headings to identify the most suitable sites.

With regard to zoning designations, the Board's representatives noted that the zoning matrix in the Arklow Town and Environs Development Plan 2011 does not include waste water treatment plants as a development type. The prospective applicant referred to the emerging preferred site option (Ferrybank) on land which is zoned for Waterfront Development. It remarked that this is a very broad zoning and while it does not specifically provide for a waste water treatment plant, it does provide for public utilities.

The Board's representatives noted that the Ferrybank site has high level of accessibility to the town centre and public transport and is 'Designated for Significant Development Phase 1' in the Arklow Town and Environs Development Plan 2011. The 2 Ha site is located within an area of 8 Ha zoned for Waterfront Development which is considered suitable for 800 residential units. The Board's representatives stressed the need to give full consideration to these factors in the site selection

# Record Of Meeting



process, rather than simply looking at the zoning matrix in relation to this and other potential sites. Furthermore, consideration should be given to the potential impact of the use of this site for non-residential purposes on the requirements for housing units set out in the Core Strategy for the town.

In relation to the provisions of the Arklow Town and Environs Development Plan 2011, the prospective applicant noted that when the plan was adopted planning consent for a waste water treatment plant on the Seabank Site had already been approved. It commented that following Phase One of the site selection process this site was not ranked as highly as other sites.

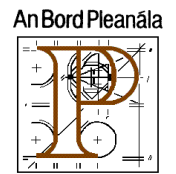
Given the importance of energy requirements to the site selection process, the Board's representatives queried if the use of renewable energy or other alternatives had been considered on any of the sites and if such mitigation would make any of the sites more suitable. The prospective applicant confirmed that it had not considered this as an option.

The Board's representatives stressed the point that the site selection process should be robust, and all potential sites should be the subject of a rigorous review. It suggested that further discussions with Wicklow County Council may be beneficial.

With regard to the Shelton Abbey/IFI Site, the Board's representatives enquired if the prospective applicant had had any consultations with the EPA, noting the development would be on contaminated lands and have a river outfall. With regard to developing on contaminated lands the prospective applicant confirmed that this had been factored into the site selection process. It considered that a greenfield site or a non-contaminated brownfield site would not have the same complications. In relation to the river outfall, the prospective applicant stated that it had previously based its decision not to have a river outfall on earlier reports from the 1990s. However having regard to the response to the Phase One public consultation it had decided to re-examine this option and carried out some modelling for consideration. It confirmed that it had some informal discussions with the EPA with regard to background and river flows, and noted that the level of treatment required would be of a higher standard than that required for a marine outfall. Based on the criteria used, this site had a lower ranking compared to other sites considered.

With regard to land contamination on the Ferrybank site, the prospective applicant confirmed that this had also been factored into the site selection process.

# Record Of Meeting



The prospective applicant stated that the current application to the EPA for a waste water discharge licence is based on the present situation i.e. a licence for an untreated agglomeration. In the event that a licence is granted, it is expected it would be conditional on the provision of a waste water treatment plant within a certain period of time.

The Board's representatives suggested that it might be useful for the prospective applicant to have formal consultations with the EPA with regard to land contamination on the potential sites and also in relation to river discharge.

## Conclusion

It was the intention of the prospective applicant to carry out Phase Two public consultation in the coming weeks, however, having regard to the discussions that have taken place at this meeting it is likely that it will consider the matters raised and possibly reconsider the approach to the site selection assessment. It may therefore defer further public announcements to a later date.

The Board's representatives recommended that the prospective applicant meet with Wicklow County Council and the EPA with regard to site selection. It also stated that the Board may meet with both the planning authority and the EPA when the prospective applicant has engaged with them further.

The prospective applicant will revert to the Board when it is ready to move the pre-application consultation forward.

---

**Anne Marie O'Connor**  
**Assistant Director of Planning**  
**September 2015**