

Record Of Meeting

An Bord Pleanála



Case Reference/Description	27.PC0202 – Arklow Sewerage Scheme Wastewater Treatment Plant, Ferrybank, Arklow, Co Wicklow.		
Case Type:	Section 37B of the Planning and Development Act 2000, as amended		
Meeting:	2 nd Meeting		
Date:	30 th November 2015	Start Time:	11.00 a.m.
Location:	Offices of An Bord Pleanála	End Time:	12.30 p.m.
Chairperson:	Philip Green, Assistant Director of Planning		

Attendees:

Representing An Bord Pleanála

Philip Green, Assistant Director of Planning

Mairead Kenny, Senior Planning Inspector

Marcella Doyle, Senior Executive Officer

Sinéad McInerney, Executive Officer

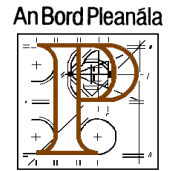
Representing Prospective Applicant

Michael Tinsley, Wastewater Capital Programme Lead, Irish Water

Olwyn James, Spatial Planning Specialist, Irish Water

Darrel Richards, Associate Director, Byrne Looby PH McCarthy, Consulting Engineers

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Introduction

The prospective applicant was welcomed and the teams were introduced.

The Board noted that this is the second pre-application consultation meeting in relation to the proposed development and at the conclusion of the first meeting the Board's representatives had recommended that the prospective applicant meet with Wicklow County Council and the Environmental Protection Agency (EPA) and that the Board may also meet with these organisations in relation to the proposed development. It was noted that the prospective applicant met with both the planning authority and the EPA and the Board's representatives confirmed that it has also met with Wicklow County Council.

The Board's representatives acknowledged receipt of the Site Assessment Report – Phase 2 (Final Draft for discussion with ABP) on 26th November 2015.

The prospective applicant said that it had no comment to make in connection with the record of the first pre-application consultation meeting which was held on 27th August 2015.

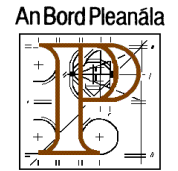
Update on Proposed Development

The prospective applicant gave a presentation, providing an update on the status of the project.

The recently published EPA report relating to the Urban Waste Water Treatment Plants (2014) identified 45 agglomerations with no treatment, seven located in large urban areas which are listed in the European Court of Justice Revised Letter of Formal Notice as not being in compliance with the Urban Waste Water Treatment Directive. Arklow is listed as one of the seven areas and while work is progressing in the other six, the development of a waste water treatment plant in Arklow is at a preliminary site identification stage.

The proposed scheme is to provide a waste water treatment plant for 36,000 population equivalent (PE); in this regard it is likely to be developed on a phased basis with the numbers to be determined during the design stage. It is proposed to develop a marine outfall with interceptor sewers in the North and South Quays. A siphon under the River Avoca will also be included and a pumping station may also be required. The necessity for a pumping station will be determined by the design detail and it noted that it is preferable not to have a pumping station if the operation

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of the plant can be achieved without one. An application for planning permissions, confirmation of a compulsory purchase order and foreshore licences and leases will be required and it is intended to make applications for all consents to the relevant State bodies at the same time.

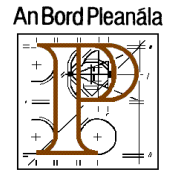
Following the first pre-application consultation meeting with the Board's representatives, the prospective applicant has had further consultations with the EPA and Wicklow County Council.

- EPA
The EPA did not give an opinion on whether a marine or river outfall was most appropriate or any specific feedback in relation to site selection. The prospective applicant noted that the EPA could not prejudice its role as the competent authority with regard to the urban waste water licence process.
- Planning Authority
Detailed discussions took place with the planning authority in relation to relevant planning policy and it was noted that while the prospective applicant had taken into consideration the relevant zonings and objectives, the core strategy required further consideration. The prospective applicant revisited that section of its Site Assessment Report and reviewed and updated Section 4.11 – Planning Policy, Section 9 – Conclusions and the Assessment Matrices. The overall conclusion was that the Ferrybank Site remained the preferred site option.

The prospective applicant said the planning authority has acknowledged that construction of a waste water treatment plant is key for development within Arklow Town and it recognises that the core strategy is unachievable without it.

It is considered that to develop the proposed waste water treatment plant on the Ferrybank Site within the waterfront zoning designation would not diminish the ability of the planning authority to meet the objectives of the core strategy. With regard to the waterfront zoning designation, it is an objective to develop 800 residential units in this area. 18Ha of land is available for redevelopment, of which the proposed waste water treatment plant would require 2Ha. Of the 16Ha remaining it is assumed that 50% would remain in existing use, not come on the market or will be developed for non-residential uses and 8Ha would therefore be available to accommodate 800 residential units. The prospective applicant stated that it has carried out a site selection process and it has not at this point considered the detailed design of the waste water treatment plant.

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The planning authority also considered that to develop the waste water treatment plant on the Kilbride Site or the Shelton Abbey/IFI Site would not impact on the ability of the planning authority to meet the objectives of the core strategy

The prospective applicant addressed the legislative provisions and noted that the proposed development is of a class of development listed in the Seventh Schedule of the Act as it is to provide a waste water treatment plant for greater than 10,000 PE. The prospective applicant is of the opinion that the proposed development meets the criteria set out under section 37A(2) of the Act and is strategic infrastructure development (SID).

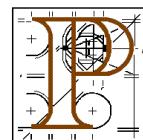
The project programme was presented and it is intended to commence construction in 2017 and commission the waste water treatment plant in 2019. The prospective applicant stated that all waste water in Arklow currently discharges untreated to the Avoca River. The scheme history was set out and the site selection methodology referred to. In this regard, a two stage site selection process was carried out with public consultation in each phase. The preferred site identified is the Ferrybank Site and it is intended to publish a report notifying the public in December.

Discussion

The Board's representatives referred to the pre-application consultation process under section 37B of the Act and noted that in addition to deciding if a proposed development is SID, the Board is also required 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 may also meet with any other person or organisation which may have information in relation to the proposed development and it may require the prospective applicant to carry out consultations with the public or other persons or organisations.

The Board's representatives met with Wicklow County Council to seek its views in relation to the proposed development. It also noted that the prospective applicant has consulted further with the planning authority and the EPA as suggested by the Board's representatives at the first pre-application consultation meeting. The Board's representatives noted that public consultation has taken place during the site selection process and it stressed the importance of carrying out a robust public consultation during the pre-application consultation, in particular having regard to the history of the development and the proposal to now develop the waste water

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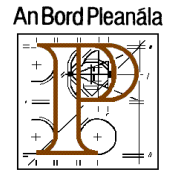
treatment plant on the Ferrybank Site, which is a different site to the Seabank Site which was previously been proposed by the local authority.

The prospective applicant said that rather than proposing to develop the Seabank Site, it decided to treat the proposal like a new project and commenced a new site selection process in 2014. The need for the project had already been identified and as referred to earlier, the site selection methodology involved a two stage process, each of which was followed by public consultation. The prospective applicant acknowledged the importance of public consultation and said that the Seabank Site had been considered in its site selection process. Phase one identified 10 potential sites to develop the waste water treatment plant based on a marine discharge. The three preferred site options identified were the Ferrybank, Seabank and Tinahask Upper. It was noted that certain assumptions had been questioned in the Phase One Consultation which led to consideration of a river discharge. A revised Phase One Site Assessment Report, which considered both a river and a marine discharge, identified the three most suitable sites as Ferrybank, Kilbride and Shelton Abbey/IFI sites and Seabank Site was now ranked at number four. The prospective applicant noted that the criteria examined in the Phase One report was at a high level and the Phase Two report looked at the three most suitable site options in more detail. The prospective applicant noted that an assessment of alternatives will be carried out and included in the environmental impact statement.

The Board's representatives noted that, further to the discussions at the first pre-application consultation meeting, a revised site assessment was carried out in relation to the three preferred site options – the Ferrybank, Kilbride and Shelton Abbey/IFI sites. It stated that it had expected that the prospective applicant would have carried out further planning assessment and reconsidered all ten sites, in particular the Seabank Site. The Board's representatives said that it still had some concerns in relation to the site selection process however it acknowledged that the conclusions may be reasonable. It was confirmed that the meeting with the planning authority was primarily based on the core strategy and ensuring that the overall objectives could be met. The planning authority highlighted the need for the proposed waste water treatment plant for Arklow Town and it was noted that it had not expressed any significant reservations in relation to the Ferrybank Site or any of the other sites, however it had remarked that no design detail had been provided.

With regard to the site selection process the prospective applicant said that the Shelton Abbey/IFI Site was probably the site deemed most acceptable to the public, however there are a range of issues relating to this site, in particular, that the site is located within a flood zone. The prospective applicant said that, to date, it has

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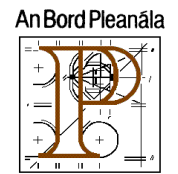
based its assessment on a qualitative analysis. The Board's representatives stressed the importance of ensuring that the site selection process is robust and the reasons for the preferred site option are presented in a clear and transparent manner.

The prospective applicant referred to the design of the proposed waste water treatment plant and stated that it had intentionally not considered the design detail at this point of the process; that the first objective was to identify a suitable site for development and the design of the proposed waste water treatment plant would come at a later stage. In this regard it noted that many of the submissions received during public consultation referred to matters of design, including visual impact and odour, and these will be addressed in the EIS process.

The Board's representatives queried if different design parameters are required depending on the site identified for development. Having regard to the Ferrybank Site it noted the higher capital cost and possible higher design specifications may be required due to the location. The prospective applicant noted that regardless of which site is chosen, the design of the proposed waste water treatment plant will have to complement its environment. It acknowledged that different considerations will relate to the design treatment on each site e.g. whether close to industrial or residential areas, higher energy requirements, visual impact and odour control issues. The Board's representatives considered that at this stage the Board would wish to highlight the importance of ensuring that appropriate design parameters can be met and which would comply with the zoning objective and meet environmental and amenity standards.

The prospective applicant stated that it will publish its Site Assessment Report – Phase Two in mid-December. The report will highlight the design issues raised during public consultation and will identify issues that are required to be addressed in the EIS. The Board's representatives noted this approach and considered in response to a question from the prospective applicant that full details relating to design matters, proximity to sensitive receptors, emissions, construction impacts etc might not be required during the pre-application consultation process, however it would be essential to submit this as part of the application itself and supporting EIS. The prospective applicant may however be able to provide further more worked up proposals as they progress on developing the project proposals.

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Next Steps

The prospective applicant intends to complete the site selection process and publish its report in mid-December, a copy of which will be forwarded to the Board for information. Preparation of the EIS and application documentation will commence at that time.

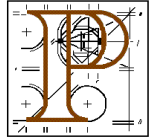
The Board's representatives advised the prospective applicant as follows:

1. The design of the proposed waste water treatment plant will be a key issue and is required to be addressed in the application. Details relating to processes, inputs, outputs should be explained and demonstrated.
2. Further engagement with the planning authority, in particular the planning section and the environment section should take place as the project progresses.
3. The county development plan is currently under review and the prospective applicant should engage with the planning authority in relation to same.
4. The prospective applicant should engage with the planning authority in relation to the issue of community gain.
5. While noting the statutory requirement to make the application available for public inspection and for the making of submissions/ observations to the Board, the Board's representatives suggested that, before submitting the application to the Board, it may be useful for the prospective applicant to have further public consultations when the project is at a more advanced stage.

Pre-application Consultation Process

With regard to the pre-application consultations, the process can stay open until the prospective applicant considers that no further meetings are required. Generally at the last meeting, the Board's representatives will inform the prospective applicant of the procedures involved in the making of an application under section 37E of the Act. When the prospective applicant considers that no further meetings are required, it should submit a letter to the Board requesting closure of the process. A report will then be prepared by the reporting inspector and submitted to the Board for formal decision on whether the proposed development is or not SID. An application can only be submitted by the prospective applicant following receipt of notice from the

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Board stating the proposed development is SID. A list of prescribed bodies to be notified of the application will also be provided.

Scoping

The Board's representatives advised the prospective applicant that it is open to it to seek the opinion of the Board on the information to be contained in the EIS, however this request can only be submitted when the pre-application consultation process has formally closed.

Conclusion

The record of this meeting will issue to the prospective applicant, following which the Board's representatives will seek the preliminary view of the Strategic Infrastructure Division of the Board on whether the proposed development is SID. The prospective applicant will revert to the Board when the project is progressed and when it wishes to request a further pre-application consultation meeting.

Philip Green
Assistant Director of Planning
9th December 2015