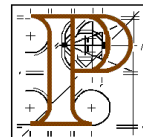


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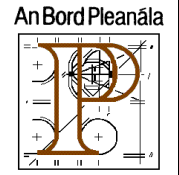
An Bord Pleanála



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|------------------------|---|---------|--|
| Case Reference/ | 27.PC0202 | | |
| Description | Arklow Sewerage Scheme Wastewater Treatment Plant at Ferrybank, Arklow, County Wicklow. | | |
| Case Type: | Pre-app consultation | | |
| Meeting: | 7 th | | |
| Date: | 6 th March, 2018 | 11 a.m. | |
| Location: | Board's offices | | |
| Chairperson: | Anne Marie O'Connor | | |

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| Attendees: |
| Representing An Bord Pleanála |
| Anne Marie O'Connor – Assistant Director of Planning |
| Mairead Kenny – Senior Planning Inspector |
| David Curran – Senior Executive Officer |
| Kieran Somers – Executive Officer |
| Representing Prospective Applicant |
| John Joyce, Irish Water, Project Manager |
| Olwyn James, Irish Water, Spatial Planning Specialist |
| Kevin Scanlon, Wicklow County Council, Local Authority Project Manager |
| Clodagh O'Donovan, Arup, Consultant EIAR Lead |
| Eamonn Sweetman, ByrneLooby, Consultant Project Manager |
| Andrew Clancy, Clancy Moore, Project Architect |

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The meeting commenced at 11 a.m.

The Board referred to the previous meeting held on the 28th September, 2017 and asked if the prospective applicant had any comments to make on the record of this. The prospective applicant replied that it had no comments to make.

The Board also referred to the meeting it had with representatives from Wicklow County Council and the Office of Public Works on the 13th December, 2017. The Board provided the prospective applicant with a copy of the record of this meeting and summarised the key matters which had been discussed at the meeting. The Board noted for the record that the local area plan for Arklow and Environs had recently been formally adopted; it also noted that the objective for the provision of a walkway was still included in the local area plan at draft stage.

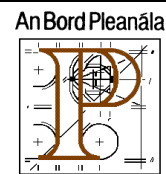
The Board advised the prospective applicant that Wicklow County Council had indicated its preference for a further meeting. The prospective applicant noted this and said it would follow up with the local authority.

Prospective Applicant's Presentation:

The prospective applicant recapped on the scope of the EIAR which will accompany the planning application and the extent of same generally. Noting that the EIAR has not changed much since the time of the previous meeting, the prospective applicant said this would include constituent elements such as the enabling works, the interceptor sewers, the proposed new wastewater treatment plant building, and the 'integrated works' with the flood relief scheme. The said building still provides for 36,000PE capacity as well as a long sea outfall some 0.9 kilometres in length.

The prospective applicant reported on general progress on the project since the time of its previous meeting with the Board. It said that access to the Ferrybank site has been obtained and that the layout of the proposed wastewater treatment plant has progressed. The design of all elements of the proposed development is on-going with a view to lodgement of the formal planning application towards the end of Quarter 2 2018. With regard to the Board's query in relation to a Ministerial Direction on the LAP, the prospective applicant said that this is unrelated to the subject site.

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The prospective applicant provided an update on the Ferrybank site which it said it has obtained access to since November 2017. It said that a detailed site investigation in terms of geo-technical and geo-environmental data is ongoing and that a robust assessment will be produced based on this.

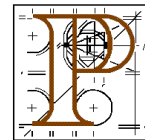
With regard to the design process, the prospective applicant said that the wastewater treatment plant process and architectural design are being finalised. A detailed design freeze is currently being proposed for the end of April 2018 and discussions with the EIAR team are in progress to ensure that impacts are avoided/minimised.

With respect to energy efficiency and sustainability, the prospective applicant said that the proposed development is being designed having full regard to these aspects. The prospective applicant added that it will seek to minimise pumping and pointed out that solar panels will be installed on the roof of the proposed building. Noting this latter point, the Board enquired as to what percentage of energy needs of the plant might be provided by the solar panels.. The prospective applicant replied that there is no exact figure on this yet, but that it will seek to maximise energy efficiency. The Board noted this for the record and recommended that the prospective applicant provide as much clarity on this as possible in the planning application, particular in regard to the revised requirements under the EIA Directive.

The prospective applicant said that the main interface with the proposed flood relief scheme will occur on the south bank of the Avoca River. Overlapping flood relief works are proposed between the two projects and there is broad agreement in principle between the prospective applicant and OPW/Wicklow County Council. The prospective applicant said that it is proposed that both planning applications will include the constituent elements of the integrated scheme. The integrated scheme will be constructed by whichever party proceeds to site first and worse case scenarios will be set out in the respective EIARs; elements of the integrated scheme include public realm works, flood defence walls and storm water drainage provision.

The rock armour revetment design was outlined by the prospective applicant which proposed a replacement revetment two metres higher than the existing. The prospective applicant said that the walkway will be excluded on safety grounds, but also undertook to take into account the comments made by Wicklow County Council at its meeting with the Board on the 13th December, 2017. Noting this, the Board reminded the prospective applicant that it should address this matter in the planning

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application, especially with regard to the fact that the draft local area plan included provision for the said walkway.

With regard to EIAR and statutory consents, the prospective applicant reported on progress since the time of the previous meeting; it added that it is seeking further meetings with the NPWS and IFI prior to the lodgement of the formal planning application.

In relation to non-statutory consultation and stakeholder engagement, the prospective applicant reported that it had a four-week period of non-statutory consultation between October and November 2017. The prospective applicant reported that the feedback in relation to this was quite positive with approximately forty submissions received.

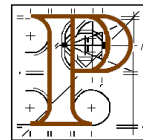
The prospective applicant reiterated its intention to lodge the planning application and accompanying CPO circa June 2018. Responding to the Board's query on the matter, the prospective applicant said that the CPO would be in respect of the entire site and the interceptor sewers. With regard to the CPO process generally, the Board advised the prospective applicant to engage with stakeholders as much as possible and try to resolve issues prior to the application and/or the holding of an oral hearing.

The community gain aspect of the proposed development was set out by the prospective applicant. The prospective applicant contended that the project would represent a community gain in itself for the town of Arklow and general environmental improvements. The Board stated that consideration should be given to the opportunity to improve the environmental quality in the vicinity of the site, particularly given the proximity of the site to coastal amenity.

Notwithstanding the EPA licensing requirements, the Board reminded the prospective applicant that the application should demonstrate clearly that discharges from the proposed development will comply with all relevant water quality standards. The Board also recommended that both a Schedule of compliance with other codes (foreshore, EPA licensing etc), and a Schedule of mitigation measures and monitoring requirements be submitted as part of the planning application.

The prospective applicant gave a presentation in relation to the architectural design of the proposed wastewater treatment plant building. The prospective applicant said that the design has progressed since the time of its previous meeting with the Board and addresses the Board's concerns with regard to massing and scale. The prospective applicant presented some photomontages in this regard and said that the tone and configuration of the proposed building has been altered. The invert building roof level has been reduced by two metres and the building volume further

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reduced by approximately 9,800 cubic metres. The rooftop solar panels have been repositioned to the roof of the reactor building and the wall detailing further articulated. The proposal for lighting retains the lantern type effect at night and the colour of the building fibreboard cladding is under consideration. The prospective applicant said that there is more emphasis now on the building as a civic structure and that best international practices will be employed in the design of the building. Noting this, the Board advised the prospective applicant to clearly present the rationale for the design of the proposed building in the planning application.

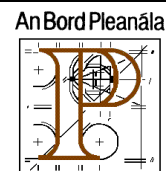
The Board's representatives asked if any consideration had been given to the employment of aerobic granular sludge (AGS) technology in the new building as per the forthcoming Ringsend planning application. The prospective applicant replied that a certain level of flexibility has been allowed for in this regard and that it will form part of the assessment of options which will accompany the planning application. The prospective applicant noted that there would be no technical barrier to retrofitting of AGS to the plant, which is to be based on a conventional sequencing batch reactor process.

Procedures:

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

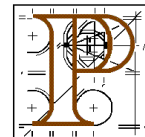
- An application can only be lodged after formal notice has been received by the prospective applicant from the Board.
- The application must be made by way of full completion of an application form to the Board.
- The Board requires as a minimum that the public notice of the application would be in 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.

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- 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.

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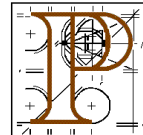


- The depositing of the application documentation and the making of the application to the Board should take place immediately after the publication of the notice and the completion of the service requirements. The application documentation should include a copy of all letters serving notice of the application 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 may 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.

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Conclusion:

Regarding the formal closure of the pre-application consultation process, the Board advised the prospective applicant to wait at least until it receives the record of the instant meeting. It also advised generally that the formal SID determination might take approximately four to five weeks to issue following a request for closure. In relation to the possible holding of an oral hearing on the planning application and accompanying CPO, the Board told the prospective applicant that there is a presumption towards this, but that it should not rely on this and that all relevant information and plans and particulars should be lodged with the planning application.

The meeting concluded at 12.15 p.m.

Anne Marie O'Connor

Assistant Director of Planning