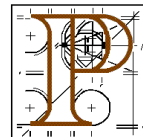


Record Of Meeting

An Bord Pleanála

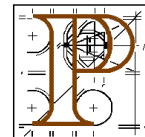


Case Reference/	29S.PC0203		
Description	Expansion and upgrading of the existing Ringsend Waste Water Treatment Plant, Dublin.		
Case Type:	Pre-app consultation		
Meeting:	2 nd		
Date:	9 th December, 2015	11a.m.	
Location:	Board's offices		
Chairperson:	Anne Marie O'Connor		

Attendees:
Representing An Bord Pleanála
Anne Marie O'Connor – Assistant Director of Planning
Paul Caprani – Senior Planning Inspector
Marcella Doyle – Senior Executive Officer
Kieran Somers – Executive Officer
Representing Prospective Applicant
Donal O'Connor, Irish Water
Dominic Moloney, Irish Water
Niall Riordan, Irish Water
John Collins, Irish Water
Ken McIntyre, J.B. Barry and Partners
Gordon Barry, J.B. Barry and Partners
Eamon Kelly, J.B. Barry and Partners

Record Of Meeting

An Bord Pleanála



Stephen Little, Stephen Little and Associates

The meeting commenced at 11a.m.

Introduction

The Board referred to the previous meeting held on the 22nd September, 2015 and asked the prospective applicant if it wished to make any comments on this. The prospective applicant replied that it had no comments to make.

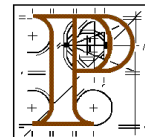
Application Procedure

The Board said that the instant meeting was being convened mainly in order to discuss the appropriate application procedure which might be followed in respect of the proposed development. It said that it has had regard to the previous meeting with the prospective applicant in this regard, and also to the prospective applicant's letter received by it on the 12th October, 2015. The Board noted that whilst there is no additional treatment capacity proposed, there are some significant changes proposed in respect of process and technology. It noted in particular the proposed change to the location of the outfall which would now discharge into designated transitional waters. The outfall would also be closer to potential environmental receptors. Based on these considerations, the Board expressed its preliminary opinion that section 146B would not be the appropriate application mechanism for the prospective applicant to pursue. The Board noted that 146B has largely been used for minor alterations to approved developments.

Noting this, the prospective applicant pointed out that there is provision for the Board to request a revised EIS from an applicant under 146C of the Planning and Development Act 2000, as amended. It added that 146B generally does also allow for alterations of a significant nature to be submitted to the Board. The Board said that in this particular case the changes being proposed in respect of process/technology, and particularly regarding proposed outfall, were of a character and extent which would not be appropriately dealt with under section 146B. The Board stated that a section 37E application would be the appropriate procedural route for any intended application.

The prospective applicant pointed out that the extant permission has commenced in respect of permitted works being carried out. It requested a formal direction from the Board as to which elements of the instant proposal would require a section 37E planning application.

Record Of Meeting



The prospective applicant enquired as to whether any previous section 146B applications have involved the Board requesting a revised EIS pursuant to section 146C of the Act. The Board replied that section 146C of the Act has not been invoked to date, but added that a number of alterations sought have been deemed material in nature by the Board.

The Board said that, notwithstanding the extant planning permission which applies to the subject site, any application made to it under section 37E would have to be a de novo/standalone application. The Board pointed out that any new technology being proposed should be robustly examined as part of any planning application. It agreed with the prospective applicant that an EIS for the application could be structured in such a way as to clearly state the changes being proposed to the extant permission. It emphasised again that any EIS produced should be as robust as possible in its approach, and should address both direct and indirect effects.

Temporary Access

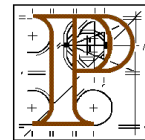
The prospective applicant signalled that there are certain aspects of the 2012 permission (case reference number YA0010) such as the upgrading of existing facilities, which it wishes to progress. In order to do this a temporary access to the site will be required which would not fall within the scope of the permission, and would not be otherwise exempt. In this regard it indicated to the Board that it may make seek to amend YA0010 under section 146B to provide a temporary access, while still progressing pre-application consultation in relation to a section 37E application.

The prospective applicant asked the Board if there is any format regarding the plans and particulars it would lodge as part of such an application. The Board advised the prospective applicant that it should have regard to the Planning and Development Regulations in this regard.

Pre-application Consultation

In relation to a section 37E application, the Board said that a further meeting between itself and the prospective applicant could be accommodated. In the meantime it said that the SID division of the Board can be asked to give a formal direction on whether or not the proposed amendments to the permitted scheme could be dealt with under the provisions set out in section 146B. This could then be communicated to the prospective applicant at the next meeting. Noting this, the prospective applicant said that it would provide the Board with a further presentation at the time of this meeting regarding the proposed development.

Record Of Meeting



In relation to the extant planning permission for the subject site (case reference number YA0010), the Board said that due regard would be given to this in any planning application, but that it would be a matter for the Board and reporting inspector as to what weight it would be given. It reminded the prospective applicant again that any section 37E application would have to be assessed and considered as a de novo application. The Board commented that data in relation to treatment plants where the proposed AGS technology is currently in use would be beneficial. It noted that there is likely to be third party interest and that new technologies and processes should be clearly explained.

The prospective applicant noted that, with regard to a section 37E planning application, it might be subject to community gain provisions. The Board suggested to the prospective applicant that it might wish to examine previous history cases with regard to this.

Public and Other Consultation

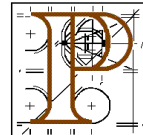
With respect to public consultations, which should form part of the process, the Board advised the prospective applicant that it should engage in consultation during the pre-application process and prior to the lodgement of a formal planning application. The prospective applicant may wish to advise the Board on the progress of such consultations.

The Board advised the prospective applicant that it is seeking to hold a meeting with representatives of Dublin City Council early in 2016. The prospective applicant has met with representatives of the local authority and it was agreed that it would forward the Board the names of these individuals to facilitate such a meeting. The record of the Board's meeting with Dublin City Council will be made available to the prospective applicant for information purposes during the pre-application consultation process.

Likewise, the Board may seek to have a meeting with the EPA. The prospective applicant stated that it has had consultations with the Agency and offered again to forward names of representatives from the EPA to the Board.

The Board confirmed to the prospective applicant that the public file for this case and records of same are not made available publicly until the consultations are formally closed.

Record Of Meeting



Conclusion:

The Board undertook to arrange a further meeting with the prospective applicant once it has a direction from the SID division of the Board in respect of the section 37E application. It was agreed that this may take place in the latter half of January 2016. The prospective applicant stated its intention to make any such planning application circa Quarter 3 of 2016.

The meeting concluded at 11.55 a.m.

Anne Marie O'Connor

Assistant Director of Planning