



An  
Bord  
Pleanála

## Inspector's Report ABP-310201-21

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**Development**

Proposed upgrade of an existing  
wastewater treatment plant.

**Location**

Castletroy, Co. Limerick

**Planning Authority**

Limerick City and County Council

**Prospective Applicant**

Irish Water

**Inspector**

Alaine Clarke

**Date of site inspection:**

21<sup>st</sup> November 2022

## **1.0 Introduction**

- 1.1. Irish Water requested pre-application consultations under Section 37B of the Planning and Development Act, 2000, as amended, for the proposed upgrade of an existing wastewater treatment plant at Castletroy, Co. Limerick. Pre-application consultations took place between An Bord Pleanála (the Board) and the prospective applicant in June 2021 and August 2022 (see appended signed Records).
- 1.2. The primary purpose of the meetings was to address the issue of whether or not the proposed development constitutes strategic infrastructure for the purposes of the 2000 Act, as amended by the Planning and Development (Strategic Infrastructure) Act, 2006, and to consider matters relating to the proper planning and sustainable development of the area or the environment which may have a bearing on the Board's decision, and procedures involved in making the application.
- 1.3. This Report provides an overview of the project, a summary of the meeting and the advice provided by the Board, the legislative provisions, and it recommends a list of Prescribed Bodies that should be forwarded copies of the application.

## **2.0 Site Location & Description**

- 2.1. The site measuring c.3.16ha is located in the townland of Drumroe in Castletroy, County Limerick in the administrative area of Limerick City and County Council and comprises the existing Castletroy treatment plant with a capacity of 39,000 P.E.
- 2.2. The site is bounded to the north by the River Shannon and the Lower River Shannon SAC, to the west by the University of Limerick (UL) Rowing Club, to the south by the Nexus Innovation Centre and UL carparking and to the east by the ruins of the old Plassey Mills and Dromroe Student Village. Downstream, the River Shannon forms part of the River Shannon and River Fergus Estuaries SPA.
- 2.3. The outfall pipe from the WWPT plant flows into the River Shannon. The river forms the boundary between Limerick City and County Council and Clare County Council.
- 2.4. According to documentation submitted by the prospective applicant, the existing WWTP was constructed in the early 1990s and serves the Castletroy Monaleen, Ballysimon, Annacotty, Mountshannon, Lisnagry and Castleconnell areas. EPA wastewater discharge licence, ref. D0019-01 refers.

### 3.0 Proposed Development

3.1. It is proposed to increase the capacity of the WWTP from 39,000 P.E. to 77,500 P.E. According to documentation submitted by the prospective applicant, the key features can be summarised as follows:

- New increased capacity storm and foul pumps
- Installation of additional screens to cater for increased capacity
- Upgrading inlet works and existing grit removal equipment
- New storm water tank
- Additional filter units
- Installation of a system of textile curtains
- Upgrading of pipework
- Replacement of existing chemical dosing system
- Replacement of existing sludge dewatering
- Installation of final effluent pump station.

### 4.0 Planning History

- On site: none indicated.
- Adjoining site: ABP ref. 312599 relates to ground investigation works to inform the option selection and design of the proposed Limerick City & Environs Flood Relief Scheme.

### 5.0 Legislative Provisions

*37A.— (1) An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.*

*(2) That condition is that, following consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that,*

*in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely—*

- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,*
- (b) the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,*
- (c) the development would have a significant effect on the area of more than one planning authority.*

The relevant provision in the Seventh Schedule of the Act under the heading of Environmental Infrastructure which states:

*'Development comprising or for the purposes of the following:*

*A waste water treatment plant with a capacity greater than a population equivalent of 10,000'*

## **6.0 Prospective Applicant's Case**

6.1. Irish Water is proposing to upgrade the existing Castletroy WWTP to increase capacity from 39,000 PE to 77,500. PE. The collective suite of works are:

- New increased capacity storm and foul pumps;
- Installation of additional screens to cater for increased capacity;
- Upgrading inlet works and existing grit removal equipment;
- New storm water tank;
- Additional filter units;
- Installation of a system of textile curtains;
- Upgrading of pipework;
- Replacement of existing chemical dosing system;
- Replacement of existing sludge dewatering;

- Installation of final effluent pump station.

6.2. Irish Water is of the opinion that the proposed upgrade of the wastewater treatment plant is strategic within the context of section 37A(2) because the project falls within the three criteria set out in paragraphs 37A(2) (a), (b) and (c).

## 7.0 Pre-Application Consultations

7.1. Two consultation meetings were held in the Board offices on 28<sup>th</sup> June 2021 and 30<sup>th</sup> August 2022.

7.2. During the meetings the prospective applicant set out the background and need for the proposed upgrade works, described the site and surroundings, outlined the existing infrastructure, described the proposed development and set out engagement and consultations undertaken to date. The prospective applicant set out the environmental considerations, stating that an EIAR is in progress; that an appropriate assessment screening/Stage 2 NIS is to be undertaken, and that a flood risk assessment will also be prepared. The prospective applicant indicated that a pumping station is required. A review of the Wastewater Discharge Licence will be required. Sludge will continue to be produced and transferred to Bunlicky Sludge Hub, or other off-site licenced facilities, depending on capacity.

7.3. The prospective applicant stated that the key drivers for the project included:

- To provide stormwater storage to achieve compliance with the Urban Wastewater Treatment Regulations and EPA Wastewater Discharge Licence;
- To maintain compliance with Irish and EU legislation;
- To cater for population growth demands, including headroom, industrial growth and to facilitate current EPA IPC licence holders.

7.4. In discussions, the prospective applicant indicated that all wastewater to the site is piped. The Board's representatives enquired about the capacity of Bunlicky and whether it has the capacity for sludge produced at 77,500 P.E. It was clarified that Bunlicky is currently working at maximum capacity, though upgrade works are proposed and that treated sludge goes to lime-stabilisation after Bunlicky in any case.

7.5. The prospective applicant, in an e-mail received by the Board on 1<sup>st</sup> November 2022, wishes to formally request the closure of the pre-application process.

7.6. The Board's advice to the prospective applicant during the pre-application consultation meetings is summarised below:

- (a) a preliminary view that the proposed development is a strategic infrastructure development;
- (b) the statement of need for proposed upgrade works should be included in the planning statement;
- (c) all relevant European sites should be screened in for appropriate assessment. All qualifying interests should be brought forward to stage 2, where sites are screened in;
- (d) it is acceptable to provide options regarding sludge treatment and disposal, provided they are assessed in the EIAR;
- (e) the site-specific flood risk assessment should include a justification test;
- (f) growth projection figures should demonstrate compliance with policy and provide a statement on 'headroom';
- (g) drawings should distinguish between existing and new infrastructure/upgrades.

## **8.0 Assessment**

### **8.1. Seventh Schedule Development**

8.1.1. As set out in Section 37A of the Planning and Development Act, 2000 (as amended) the first test is whether the form of development proposed meets the classes of development set out in the Seventh Schedule of the Planning and Development Act, 2000 (as amended). In the case of the proposed development the subject of this pre-application request, the relevant provision in the Seventh Schedule of the Act is Part 3 under the heading of Environmental Infrastructure which states:

*'Development comprising or for the purposes of the following:*

*A waste water treatment plant with a capacity greater than a population equivalent of 10,000'*

- 8.1.2. The current interpretation of the Board on the issue in the context of this type of development is that the 10,000 population equivalent threshold should be related to the scale of the proposed development, whether initial development or addition or uplift in capacity of an existing plant. In the circumstances of this pre application request the capacity of the existing plant is stated to be 39,000 population equivalent with the additional capacity proposed to be 77,500 population equivalent with the result that the development would breach the threshold.
- 8.1.3. On the basis of the above, I am satisfied that the nature of the proposed development is such that it meets the requirement of the Seventh Schedule and falls to be assessed under the criteria set out in s.37A(2) of the Act.

**8.2. Test Under s.37A(2) of the Planning and Development Act, 2000 (as amended)**

***(a) Whether the development would be of strategic economic or social importance to the State or the region in which it would be situate.***

- 8.2.1. The National Planning Framework states that Limerick has the potential to generate and be the focus of significant employment and housing growth. The NPF Strategy supports the ambitious growth targets to enable Limerick to grow by at least 50% to 2040 and establishes targeted growth objectives for Limerick City and Suburbs of 50,000-55,000 with 50% of new city housing to be built within existing city and suburb footprints. The NPF identifies some key future growth enablers to achieve this, including:

*"ensuring that water supply and waste-water needs are met by new national projects to enhance Limerick's water supply and increase waste-water treatment capacity."*

- 8.2.2. The Regional Spatial and Economic Strategy (RSES) for the Southern Region designates Limerick Shannon Metropolitan Area as the primary driver of growth in the mid-west region, where it is recognised that the achievement of growth is contingent on enabling infrastructure. The Limerick Shannon Metropolitan Area Strategic Plan (MASP) which forms part of the RSES includes a number of guiding

principles which includes enabling infrastructure and will be elaborated upon in the following section.

8.2.3. I consider that the applicant has made a favorable case that the facility will be of strategic economic importance to the State and the Region. Providing supporting infrastructure is critical in facilitating the continued economic expansion of the Limerick Shannon Metropolitan Area. The need to upgrade wastewater treatment infrastructure is highlighted in the NPF. The need to service lands for housing and employment land uses is a key requirement for continued economic expansion of the Limerick Shannon Metropolitan Area. The proposed development will assist in increasing the capacity of the sewerage infrastructure of the Limerick City and Suburbs area and as such, it is of strategic economic importance to the State and Region.

**8.3. Test Under s.37A(2) of the Planning and Development Act, 2000 (as amended)**

***(b) Whether the development would contribute substantially to the fulfilment of any of the objectives in the National Planning Framework or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,***

8.3.1. The following objectives and statements contained in the NPF are relevant:

- National Policy Objective 63 seeks to:  
*“ensure the efficient and sustainable use and development of water resources and water services infrastructure in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.”*
- National Strategic Outcome 9, Sustainable Management of Water and other Environmental Resources, states that investment in water services infrastructure is critical to the implementation of the National Development Plan and notes that increased compliance with the requirements of the Urban WW Directive is required.

8.3.2. I note the targeted growth objectives set out in the NPF, set out above at section 8.2 of this report, and the requirement that 50% of new city housing would be within



Limerick City and Suburbs. The NPF also identifies the need for a wastewater project to increase Limerick's wastewater treatment capacity.

- 8.3.3. The RSES for the Southern Region focuses on compact growth in strengthening settlement structure. Reflecting the NPF Implementation Roadmap (July 2018), the population projections for the Limerick Shannon Metropolitan Area is projected to increase from 132,420 in 2016 to 177,552 in 2031, with additional jobs to 2031 extrapolated to be in the order of at least 28,200.
- 8.3.4. The RSES includes a number of general policy objectives related to compliance and investment in water/wastewater facilities, including Regional Policy Objectives, RPO 211, RPO 212 and RPO 214. The following Limerick Shannon Metropolitan Area Strategic Plan (MASP) policy objectives and guiding principles are relevant:
- Policy Objective 1

(a) *It is an objective to strengthen the role of the Limerick-Shannon Metropolitan Area as an international location of scale, a complement to Dublin and a primary driver of economic and population growth in the Southern Region.*
  - Policy Objective 4

(a) *It is an objective to seek the identification of investment packages across State Departments and infrastructure delivery agencies as they apply to the Limerick-Shannon MASP and seek further investments into the Limerick-Shannon MASP to deliver on the seven Metropolitan Area Goals (see Volume 3)*
  - One of the guiding principles for sustainable development identified in the MASP is:

*"Enabling infrastructure - Identify infrastructure capacity issues and ensure water services needs are met. Improve sustainability in terms of energy, waste management and water conservation."*
  - Relating to Housing and Regeneration, Policy Objective 10:

*"c.It is an objective to ensure investment and delivery of holistic physical, social and environmental infrastructure packages to meet*

*growth targets that prioritises the delivery of compact growth and sustainable mobility in accordance with NPF and RSES objectives."*

- One of the national enablers to support growth in the Limerick Shannon Metropolitan Area includes:

*"Ensuring that water supply and wastewater needs are met by new national projects to enhance water supply and increase wastewater treatment capacity;"*

8.3.5. In my view, the proposed development contributes substantially to the fulfilment of several objectives contained in both the NPF and the RSES relating to growth projections, compact growth and improved wastewater infrastructure in Limerick City and Suburbs.

#### **8.4. Test Under s.37A(2) of the Planning and Development Act, 2000 (as amended)**

***(c) Whether the development would have a significant effect on the area of more than one planning authority.***

8.4.1. Finally, as to whether or not the development would have a significant effect on the area of more than one planning authority, the site of the proposed development adjoins the River Shannon which forms the administrative boundary of Clare County Council to the north and Limerick City and County Council to the south. The prospective applicant states that the three outfall pipelines are centrally located in the river for flow purposes and maximisation of dilution. I note too that Limerick City and Suburbs settlement boundary extends across the Shannon into County Clare, areas of which are serviced by a pump station which lifts across the River Shannon to the Castletroy agglomeration. Thus, I conclude that the development will have a significant effect on the area of more than one planning authority.

## **9.0 Environmental Considerations**

9.1. The proposed development of a proposed upgrade to existing wastewater treatment plant with 39,000 P.E. to 77,500 P.E. would come within the projects outlined within Annex II to Directive 2011/92/EU as amended by 2014/52/EU and class 13(a) as set out in Part 2 of Schedule 5 (Planning and Development Regulations 2001, as

amended) and therefore an Environmental Impact Assessment Report (EIAR) is required.

- 9.2. The site adjoins the River Shannon, a Special Area of Conservation, and downstream a Special Protection Area. The outfall for the existing WWTP is located centrally in the River Shannon. The prospective applicant has indicated that an Appropriate Assessment Screening Report and a Natura Impact Statement will be prepared. The prospective applicant is advised to undertake a robust screening to determine whether the proposal is likely to have a significant effect individually or in combination with other plans or projects on relevant European sites in view of the sites conservation objectives.
- 9.3. In terms of matters which might influence the decision of the Board I note that there is potential for indirect effects, interactions and cumulative impacts which would be relevant to consideration in an EIAR and under AA Screening and/or NIS reports.
- 9.4. In conclusion, I am satisfied that the proposed development does come within the provisions of Part 3 of the Seventh Schedule of the Planning & Development Act 2000 (as amended), *Environmental Infrastructure*, necessitating an application direct to the Board. I also consider that the proposed development would satisfy the requirements of paragraph (a) (b) and (c) of section 37A(2) of the Planning & Development Act 2000 (as amended).

## 10.0 Recommendation

- 10.1. I recommend that Irish Water be informed that the proposed development consisting of an upgrade of existing wastewater treatment plant from 39,000 P.E. to 75,500 P.E. at Castletroy, Limerick as set out in the plans, particulars and correspondence received by An Bord Pleanála on 11<sup>th</sup> May 2021, falls within the provisions of Part 3 of the Seventh Schedule of the Planning & Development Act 2000 (as amended), *Environmental Infrastructure*. I also consider that the proposed development would satisfy the requirements of paragraph (a), (b) and (c) of section 37A(2) of the Planning & Development Act 2000 (as amended) and that a planning application should be made directly to the Board.

## 11.0 Prescribed Bodies

The following is a schedule of prescribed bodies considered relevant for the purposes of Section 37E (3) (c) of the Principal Act.

- i. Minister for Housing, Local Government and Heritage
- ii. Minister for Environment, Climate and Communications
- iii. Limerick City and County Council
- iv. Clare County Council
- v. South-western Regional Assembly
- vi. Commission for Regulation of Utilities, Water and Energy
- vii. HSE
- viii. EPA
- ix. Inland Fisheries Ireland
- x. Transport Infrastructure Ireland
- xi. The Heritage Council
- xii. An Taisce
- xiii. An Chomhairle Ealaíon
- xiv. Fáilte Ireland
- xv. Health & Safety Authority
- xvi. GSI

Further notifications should also be made where deemed appropriate.



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Alaine Clarke

Planning Inspector

23<sup>rd</sup> November 2022