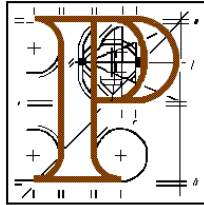


**An Bord Pleanála  
Inspector's Report**



**06F PC0152**

Description:	Greater Dublin Drainage Project comprising of a Regional Waste Water Treatment Plant and Associated Orbital Drainage Network and Marine Outfall and a new Regional Bio-solids Storage Facility.
Address:	Townland of Clonshaugh, South Fingal for the Regional Waste Water Treatment Plant and the Townlands of Newtown/ Kilshane County Fingal for the new Regional Bio Solids Facility.
<b>Issue:</b>	<b>SID Pre-application – whether project is or is not strategic infrastructure development.</b>
Planning Authority:	Fingal Co. Council.
Planning Authority Reg. Ref.:	Not applicable
Applicant:	Irish Water
Type of Application:	Application under the Provisions of S37E
Planning Authority Decision:	Not applicable
Site Inspection:	29 <sup>th</sup> February 2016
<b>Inspector:</b>	<b>Paul Caprani</b>

## **1.0 Introduction**

In January 2013 then Fingal Co. Council and subsequently Irish Water initiated pre-application consultations with An Bord Pleanála for the development of a new regional waste water treatment plant (WWTP) with a capacity of 500,000 PE together with the construction of a new orbital sewer, including a pumping station at Abbotstown, for the collection of wastewater from the north and north-western environs of the City and delivering it to the proposed WWTP. The proposed WWTP is also to treat diverted waste water from the Ringsend WWTP primarily in the North Fringe area of the City. Treated effluent from the proposed new WWTP is to be discharged via an outfall pipe, 6 km out into the Irish Sea with a discharge point north of Irelands Eye. The WWTP is also to accommodate a sludge hub treatment facility. The pre-application consultations also relate to a new Regional Bio-solids Storage Facility to be located in the north-western environs of the city, in proximity of the M50/N2 Interchange at Kilshane/Newtown, approximately 8 km west of the proposed WWTP. A total of 6 pre-application consultations took place between January 2013 and February 2018.

## **2.0 Rational Behind the Proposal**

The current application is linked to another pre-application consultation project namely the proposed revisions to the upgrade of the Ringsend WWT plant, which involves alterations (including the incorporation of new treatment technology and the omission of the long-sea outfall pipe), to the expansion of the existing plant at Ringsend which was granted by the Board under YA0010 in November 2010. Notwithstanding the proposed expansion of the Ringsend WWTP, there is still a requirement, according to Irish Water, to cater for the growing needs of the GDA, to divert additional waste water flows away from Ringsend to a new treatment plant to the North of the City. To this end it is proposed that collected waste water from the North Fringe area of Dublin City and pump/discharge it to the proposed new regional treatment plant at Clonsaugh, near the boundary with Dublin City Council and Fingal. In addition, a new orbital sewer will be constructed to divert flows from the Blanchardstown area and beyond to the west and north-western environs of the City to the proposed new waste water treatment plant. Population projections indicate that a new WWTP together with the expansion of the Ringsend WWTP will be necessary to cater for the needs of the GDA post 2025.

The objective to provide an additional WWTP was recognised and endorsed in the following plans and documents:

- The Greater Dublin Strategic Drainage Study
- The Dublin Region Water Services Strategic Plan 2009
- The National Planning Framework 2040
- The Waste Services Investment programme

- The Regional Planning Guidelines 2010-2022
- The Current Fingal Co Development Plan.

### **3.0 Proposed Development**

#### The Proposed Waste Water Treatment Plant

The proposed wastewater treatment plant is to be located on a greenfield site on the southern fringe on Co. Fingal. It comprises of agricultural lands approximately 2.5 km east of Dublin Airport and c.1 km North of Darndale and Belcamp. It covers an Area of 23.1 hectares and currently has no road frontage. The Clonshaugh Rd runs in a north-south direction to the west of the subject site and the R139 (formally N32), which runs in an east-west direction is located to the south of the site. It is proposed that the entrance to the site will be provided from a new access road which will link to the Clonshaugh Road to the west. It is also proposed at some future date that a new east-west link road will be constructed along the southern boundary of the site. When built, a new access from the site will also be provided onto this road. There are no dwellings contiguous to or immediately adjacent to the subject site. The site comprises of a number of fields used for tillage farming. The majority of the site is zoned Greenbelt in the current Fingal Co. Development Plan. Lands along the southern boundary are zoned for high-tech Industry.

The layout of the WWTP will be the subject of a 'design build and operate' contract, and as such the detailed layout will be determined by the operator. The schematic layout in the documentation submitted indicates that the treatment plants will incorporate an inlet works where preliminary treatment and subsequently primary treatment will take place. Some form of secondary treatment is also proposed (possibly conventional activated sludge, SBR's or submerged attached growth systems). It is not proposed to incorporate tertiary treatment at the plant.

The treatment plant will also accommodate a sludge treatment facility capable of treating 17,000 tonnes of sludge per year. The sludge treatment facility will, in addition to treating sludge for the proposed WWTP, also treat imported sludge from other WWTP's in the Fingal area. Treated sludge will be transferred to the Regional Bio-Solids Storage Facility at Newtown Kilshane. The likely method of sludge is likely to be thermal hydrolysis followed by advanced anaerobic digestion.

#### The Proposed Orbital Sewer

It is proposed to construct a 26-km orbital sewer around the outside of the M50 motorway between Blanchardstown and Clonshaugh. This new pipe will collect flows from north-west Dublin (Catchment Route 9C), west and south-

west Dublin (Catchment Route 9B) and the North Fringe Area and will direct this flow to the new proposed Regional WWTP. As part of the proposed orbital sewer it is proposed to incorporate a new pumping station at Abbotstown. This pumping station will feed a rising main along part of the orbital sewer route. The pumping station is to be located in a greenfield area adjacent to the National Sports Campus in Abbotstown to the North of the N3/ M50 Interchange. The pumping station will be housed in a relatively small building on the Sports Campus (schematic details of the building layout are contained on file).

#### Proposed Long-Sea Out Fall

The proposed Marine Outfall will extend eastwards, through agricultural land from the WWTP towards the coastline of the Irish Sea between Portmarnock and Baldoyle. The pipeline will be tunnelled beneath Portmarnock Golf Club and then will be placed in a trench along the sea bed which will be back-filled. It will extend 6km out to sea and will discharge via a duck-flap diffuser above the sea floor at a location approximately 1 km north of Ireland's Eye. The pipe will be 2 metres in diameter.

#### The Proposed Regional Bio-Solids Storage Facility

A new regional bio-solids facility is proposed to store treated sludge from both Ringsend and the wider Greater Dublin Area. Notwithstanding the fact that it is to serve the wider Dublin area, the proposed facility will form part of the application for the alterations to the Ringsend facility and will also be submitted as part of this prospective application. It is to be located in the townlands of Newtown/Kilshane, approximately 1.5 km north-west of the N2/M50 interchange. Access will be provided off the R135, which runs along the roadside boundary of the site.

The proposed facility will be capable of handling bio-solid waste of 3 million PE based on a 20 - year design horizon. Two no. warehouse buildings are proposed (50m x105m x15m in height). There will be no treatment of waste proposed at the facility. It will be used for storage purposes only (3-5 months). The building will operate under negative air pressure to minimise any potential odour emissions.

## **4.0 Environmental Designations**

The proposed WWTP is not located within any environmentally sensitive designations. There are some areas within the site that could be of potential archaeological importance, (see figure 4.2 of Constraints Map in Document entitled 'Step 2 Pre-Application Report' January 2014 on file), however the footprint of the site of the treatment plant does not coincide with any Natura

2000 Sites or other ecologically designated sites. The discharge point of the outfall is to be located within the Rockabill to Dalkey Island SAC (Site Code 003000). There are two Features of Interest (Qualifying Interests) associated with this Natura 2000 site, namely Reef [1170] and Harbour Porpoise [1351]. There are also a number of other environmental designations in the wider area, Dublin Bay was designated as a UNESCO bio-sphere site in June 2015. Other Natura 2000 Site in the wider area include; Irelands Eye SPA (Site Code 004117), Baldoyle Bay SAC (Site Code: 000199), Baldoyle Bay SPA (Site Code 004016), Howth Head Coast SPA (Site Code 004113), Broadmeadow/Swords Estuary SPA (Site Code 004025) and Malahide Estuary SAC (Site Code 000205).

## **5.0 Case Put Forward by the Applicant that the Proposed Amendments Qualify as Strategic Infrastructure Under the Act.**

The applicant contends that the proposed development should be regarded as Strategic Infrastructure as it falls within a class of development set out in the 7<sup>th</sup> Schedule described as:

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

In addition, the applicant contends that the Greater Dublin Drainage Project complies with each of the criteria set out under S37A(2) of the Act in that: (a) it is of strategic economic importance to the state and it plays such an important role in treating wastewater and providing requisite infrastructure to enable the continued development in the Greater Dublin Area. (b) It contributes substantially to national and regional planning objectives and reference is made to Regional Planning Guidelines for the Greater Dublin Area in relation to the provision of waste water treatment infrastructure. It is noted that it is listed as a 'Critical Strategic Project' in Table 11 of the Guidelines, and (c) it would have a significant effect on the area of more than one planning authority.

## **6.0 Legislative Provisions**

Under Section 37A(1) of the Act, an application for permission for any development specified in the Seventh Schedule shall, subject to Section 37A(2), be made to the Board under section 37E and not to a planning authority. The seventh schedule sets out Infrastructure developments for the purposes of sections 37A and 37B. Part three of the Seventh Schedule, Environmental Infrastructure, refers to wastewater treatment plant with a capacity greater than 10,000 PE.

Section 37A(2) further requires that the proposed development would, if carried out, satisfy 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.

## **7.0 Major Issues discussed during the Pre-Application Consultations**

- In the early meetings much discussion revolved around the need for the applicant to set out the strategic overview of the drainage requirements of the Greater Dublin Region and how the proposed development fits in with these drainage requirements in the documentation submitted with the application. Reference should be made to the anticipated related application at Ringsend and, the need to alleviate the loading demand at the Ringsend WWTP and by implication, the role that the current application plays in fulfilling this requirement.
- The importance of compliance with the various standards set out in legislation under the WFD and under the UWWT Directive was highlighted. Significant emphasis must be placed in the complying with standards set out in the European Communities Environmental Objectives Regulations (Surface Water) Regulations for the various types of receiving waters (coastal waters, transitional waters as designated under the WFD) into which the outfall of the WWTP is likely to discharge. Cumulative impacts in terms of potential pollution plumes from any other discharges would also need to be included in the modelling, including those associated with the Ringsend WWTP. Such modelling should incorporate scenarios for Ringsend which include the Long-sea outfall granted under YA0010, and the revised project currently under consideration which anticipates the use of AGS technology and the omission of the long sea outfall.
- With regard to the Design Build and Operate Contract (DBO), the Board emphasised that the EIAR submitted with the application will need to consider the worst-case scenario in terms of potential environmental impact. To this end any potential configuration and layout of the WWTP should examine the most adverse impact which could possibly occur in terms of noise, odour visual impact etc. Any drawings submitted should be as detailed as possible.
- It was agreed that the EIAR and NIS submitted as part of the application would be for the entire project, (WWTP including sludge treatment, Orbital Pipe Route, Outfall and Regional Biosolid Storage Facility) and any cumulative impacts which may arise from this these works /facilities). Discussions were held in respect of the content to be included in both documents.

- It was agreed that RBSF would be part of the Ringsend application, which is to be lodged initially but would also be included in the Greater Dublin Drainage Scheme (GDDS). Both applications would assess all cumulative impacts arising from the provision of the RBSF.
- Some discussions arose in the early meetings as to if it was proposed to compulsorily acquire lands particularly for the proposed orbital pipe route, and whether or not Irish water had the legislative power to do so.
- Initially it was proposed to develop the WWTP in two phases for 400,000 PE pre-2035 and for 350,000 PE post-2035. However, in later meetings it was confirmed that the WWTP would be delivered in a single phase, catering for a total PE of 500,000.
- The need to comply with land-spreading Regulations (including SI 31 of 2014) and other European Legislation was articulated by the Board and the need to refer to same in the EIAR, but balance needs to be struck to make sure land-spreading issues to not become the main focus of any assessment in the EIAR.
- The Board highlighted the need to liaise and consult with the NPWS regarding any potential impacts on Natura 2000 sites, and particularly the Rockabill to Dalkey Island SAC, in which it is proposed to locate the discharge point for the WWTP. The Board emphasised the need to tease out all the issues as much as possible in respect of its consultations with the NPWS.
- The applicant was requested to consult with the local community as widely as possible prior to lodging the application.
- The Board also requested that the applicant explain and justify, in any application submitted why it is proposed to use the new AGS technology in the proposed Ringsend application and it is not proposed to use it in the case of the Greater Dublin Drainage Project but to provide a long sea outfall pipe instead.

## **4.0 Evaluation**

### **4.1 Compliance with Criteria and Thresholds set out in the 7<sup>th</sup> Schedule of the Act**

The works to be carried out under the prospective application involve the provision of a new wastewater treatment plant with a capacity of 500,000 PE. This greatly exceeds the threshold of 10,000 PE for wastewater treatment plants set out in the 7<sup>th</sup> schedule of the Act. It therefore qualifies as an Strategic Infrastructure Development for the purposes of S.37A and S37B of the Act.

### **4.2 Meeting the Criteria set out in under the provisions of S37A(2)**

#### **37A(2)(a)**

With regard to the provisions of S37A(2), I consider that the applicant has made a favourable 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 Greater Dublin Region (GDA). The need to upgrade wastewater treatment infrastructure is highlighted in the recently adopted National Planning Framework. The need to provide additional housing in the short and medium term to address the current housing crisis and the need to adequately service such lands for housing and employment land uses is a key requirement for continued economic expansion of the Dublin Metropolitan Area. The proposal is necessary to facilitate the expansion of the north and west environs of Dublin City and is also necessary to divert the potential overloading of the Ringsend WWTP. The Greater Dublin Area is identified a driver of national development and providing key wastewater infrastructure is critical in supporting and continuing this role. The current application will assist in increasing the capacity of the sewerage infrastructure of the Greater Dublin Area by 500,000 PE and as such, it is of strategic economic importance to the State and Region.

37A(2)(b)

Relating to the arguments set out above, the proposed development in my view contributes substantially to the fulfilment of a number of objectives and statements contained in the National Planning Framework (NPF) and the Regional Planning Guidelines. Water and wastewater are identified as key infrastructure requirements in the NPF. The Plan recognises that key future growth enablers for Dublin include, - *“Ensuring that water supply and wastewater needs are met by new national projects to enhance the city’s and the wider Greater Dublin Area’s water supply and increase waste water treatment capacity”*;

The Regional Planning Guidelines for the Greater Dublin Area note that *‘In many locations the scale of investment in new facilities has only just kept pace with the levels of growth experienced, necessitating the need for the development of further facilities to meet the RPG Strategy’*.

Specific Strategic Policies include:

PIP3 to *‘Protect and work to improve water quality in, and impacted by, the GDA and seek investment in waste and surface water treatment and management projects is prioritised to support the delivery of the economic and settlement strategy for the GDA through the coordinated and integrated delivery of all essential services supporting national investment’*.

Table 11 (p129), sets out the critical strategic projects for wastewater and surface water. The second item on this list is the *‘Identification of a suitable site for the new Greater Dublin Regional Drainage Project – Regional Waste Water Treatment Plant, Marine Outfall and Orbital Drainage System and the development of plant and network connections’*. This project is described as



*'supporting services for the Metropolitan Area and large areas of Kildare, Fingal and Meath as the network expands'.*

37A(2)(c)

Finally, as to whether or not the development would have a significant effect on the area of more than one planning authority, the RPG's for the GDA, highlight the importance of upgrading infrastructure in the GDA for the continued growth for the Region and, in the pre-application discussions, the applicant highlighted that the fact that the proposed WWTP will treat wastewater from a number of separate planning authorities (Dublin City Council, South Dublin, Fingal, Kildare and Meath Co Council). Thus, it can be reasonably concluded that the development will have a significant effect on the area of more than one planning authority.

## **7.0 CONCLUSION AND RECOMMENDATION**

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*. 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).

## **REASONS AND CONSIDERATIONS**

Having regard to the nature and scale of the proposed development it is considered that the proposed development of the new Greater Dublin Regional Drainage Project including a regional waste water treatment plant, sludge treatment centre, marine outfall and orbital drainage route and regional bio-solids facility constitutes development that falls within the definition of Environmental Infrastructure in the Seventh Schedule of the Planning & Development Act 2000 (as amended) and is considered to fall within Sections 37A (2) (a) (b) and (c) of the said Act being of strategic economic importance to the region, and contributes to the fulfilment of objectives relating to waste management as set out in the Regional Planning Guidelines for the Greater Dublin Region and National Planning Framework 2040 and will have a significant effect on waste stream management in more than one local authority. An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under S.37E of the Act.

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**Paul Caprani**  
**Senior Planning Inspector**  
**18<sup>th</sup> April 2018**

## **Recommended Proscribed Bodies to be notified.**

Prescribed bodies under Article 213 (1), for the purposes of section 37E(3)(c), as follows:

- The Minister for Housing, Planning, Community and Local Government.
- The Minister for Communications, Climate Action and the Environment.
- The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Development Applications Unit).
- Department of Transport Tourism and Sport
- Environmental Protection Agency
- Fingal Co Council.
- Dublin City Co Council.
- South Dublin Co Council
- Dun Laoghaire Rathdown Co Council
- Kildare Co Council.
- Meath Co Council
- Wicklow Co Council
- National Transport Agency.
- The Eastern and Midland Regional Assembly.
- An Chomhairle Ealaíon.
- Failte Ireland
- The Heritage Council
- Waterways Ireland
- The Health and Safety Authority
- The Health Service Executive
- An Taisce - the National Trust for Ireland.
- Inland Fisheries Ireland.
- Environmental Protection Agency.
- Transport Infrastructure Ireland