



**An
Bord
Pleanála**

PC 00202 - SID Pre-application

Question– whether project is or is not strategic infrastructure development.

Project description: Arklow Sewerage Scheme Wastewater Treatment Plant

Planning Authority: Wicklow County Council

Prospective Applicant: Irish Water

Type of Application: Application under the Provisions of S37E

Inspector: Mairead Kenny

1.0 Introduction

This report refers to an application for a determination in relation to whether the Arklow Sewerage Scheme Wastewater Treatment Plant is or is not Strategic Infrastructure Development.

Arklow has been identified as one of 7 no. towns in Ireland which have no treatment or preliminary treatment only. The provision of a new Wastewater Treatment Plant at Arklow is stated to be one of Irish Water's key priorities. Non-compliance with the Urban Wastewater Treatment Directive has led to Arklow being listed in an ECJ Formal Notice to Ireland.

The planning history for a project of this nature goes back to 1994 when permission was granted for a municipal sewage treatment plant at a site north of the town.

The selected site for the purpose of this case is a centrally located former industrial premises at Ferrybank. This site is at the northern side of the river and close to marine-related, amenity and residential development.

The application will be accompanied by an EIAR. There is a requirement for CPO and Foreshore Licence to facilitate the proposed development. There is a requirement for a Discharge Licence to be obtained from the EPA. There is also an interface between the Scheme and Arklow Flood Relief Scheme, which is at design stage. The Board decided under ref. 300304-17 that an EIAR will be required as part of the application for the Flood Relief Scheme.

2.0 Proposal

2.1. The main elements of the Scheme are:

- Demolition of existing buildings and site clearance and remediation if necessary
- A wastewater treatment plant based on conventional SBR technology - of initial capacity of 24,000 PE – designed for future expansion to 36,000 PE
- A 900m outfall pipe to the sea
- Combined sewer overflow and stormwater storage tank

- Interceptor sewers along the north and south quays of which 300m will be constructed within the channel of Avoca
- A siphon under the Avoca
- Upgrading of 500m of existing coastal rock armour revetment adjacent the site to increase its height by 2m
- Rooftop solar panels, ancillary works and amenity provision.

2.2. The interface between the Scheme and the Flood Scheme mainly includes works at the quay walls at the southern side. These 'integrated works' are being jointly considered by IW and OPW in relation to design, consents and construction and for the purpose of EIAR.

3.0 Pre-application consultation meetings

- 3.1. The Board's representatives met with Irish Water on seven occasions.
- 3.2. The Board's representatives met with Wicklow County Council on 25th November 2015 and again in conjunction with Office of Public Works on 13th December 2017.
- 3.3. The Board received an update on the pre-application consultations and issued a Direction on 8th January 2016 identifying key issues. The issues identified are planning policy framework, suitability of Design and Build approach, reference sites, separation distances and contaminated land matters.

4.0 Legislation

4.1.1. Planning and Development Act

Section 37A(1) of the Act states:

An application for permission for any development specified in the Seventh Schedule shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.

Section 37A(2) of the Act:

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 Spatial Strategy or in any regional planning guidelines 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.

Part Three of Seventh Schedule includes the following under the heading of Environmental Infrastructure.

Development comprising or for the purposes of any of the following:

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

5.0 Policy

National Planning Framework

National Strategic Outcome 9 provides for sustainable management of water and environmental resources. This will include Increase compliance with the requirements of the Urban Wastewater Directive. Refers to an update of the Water Services Strategic Plan of Irish Water in light of the NPF.

National Development Plan 2018-2027

Water Infrastructure (Irish Water) Investment Programme will be an investment of €8.5 billion for the period of the NDP. No specific projects are identified. Policy

objectives and priorities will be identified in a 'Water Services Policy Statement' to be published in 2018.

Department of Public Investment and Reform – Capital Plan 2015-2021

This references the proposed investment by Irish Water of €4 billion over the period 2016-2021. Arklow is mentioned only in the context of flood relief.

Irish Water - Water Services Strategic Plan

This sets out high level objectives which include:

- Development and implementation of Capital Investment Plans on a prioritised basis to progressively achieve compliance with the UWWTD
- Manage existing wastewater assets and plan for new assets.

Irish Water Capital Investment Plan 2014-2016

Arklow Sewerage Scheme (network and wastewater treatment plant) are listed in the Appendix to the Capital Investment Plan as projects to be progressed.

Irish Water – Business Plan 2015-2021

This identifies Arklow as one of a number of large urban areas with inadequate wastewater treatment facilities.

Greater Dublin Area Regional Planning Guidelines 2010-2022

Arklow is designated as a Large Growth Town II and part of the Wicklow-Arklow Core Area.

Physical Infrastructure objectives include:

Strategic Policy PIP3

‘... That 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...’

The GDARPGs specifically identify a requirement for the development of a high quality treatment plant in Arklow. This is under Table 11 which lists 10 no. *Critical Strategic Projects – Waste Water and Surface Water*.

Wicklow County Development Plan 2016-2022

Objective W16 is to support and facilitate development of a WWTP in Arklow.

Arklow and Environs Local Area Plan 2018-2024

Objective IT1 to support and facilitate the development of a WWTP in Arklow at an optimal location and following detailed technical and environmental assessment and public consultation.

WZ Waterfront Zoning Objective includes provision to facilitate a new WWTP with an appropriate high quality architectural design / appearance.

There is an objective to provide a coastal walkway including along the frontage of the site.

6.0 Applicant's submission

- 6.1. The case presented by the prospective applicant is that the proposed development, the main element of which comprises a waste water treatment plant of PE of 24,000PE / 36,000 PE is of a type and scale that it falls under the 7th Schedule.
- 6.2. The Scheme would address non-compliance with the Urban Wastewater Treatment Regulations 2001 (S.I. 254 of 2001) and thus respond to the ECJ notice.
- 6.3. The Scheme would address a deficiency in waste water services in Arklow. This deficiency prevents the town from fulfilling its function as identified in national and regional policy framework. This includes its designation as a Large Growth Town under the Regional Planning Guidelines for the Greater Dublin Area. The requirement for a high quality treatment plant for Arklow Town is listed in the RPGs.

6.4. The prospective applicant therefore considers that the Scheme meets the requirements under S37A (2) (a) and (b) and is Strategic Infrastructure Development.

7.0 **Assessment**

7.1. There are two considerations, namely whether the development falls under the Seventh Schedule and, if so, whether it would, if carried out, fall within one or more of paragraphs (a), (b) or (c) of Section 37A(2).

7.2. *Thresholds set out in the Seventh Schedule*

The works involve construction of a wastewater treatment plant to serve the town of Arklow and associated sewers and ancillary works. The Scheme primarily comprises a wastewater treatment plant with a capacity of 36,000PE. An initial phase of 24,000PE is planned.

The scale of the Scheme significantly exceeds the threshold of 10,000 PE for wastewater treatment plants set out in the Seventh Schedule of the Act.

7.3. *Criteria set out in under the provisions of S37A(2)*

37A(2)(a)

Future growth of Arklow is dependent on the provision of wastewater infrastructure. Existing facilities are grossly deficient in that respect. It is reasonable to conclude therefore that the proposed development comprises necessary infrastructure to harness the identified strategic role of the town as a Growth Town.

I conclude that the development would be of strategic importance to the region in which it is situated and would fall under 37A (2) (a).

37A (2)(b)

Relating to the arguments set out above, the proposed development contributes to the fulfilment of a number of broad objectives and statements contained in the National Planning Framework and the Regional Planning Guidelines. Water and wastewater are identified as key infrastructure requirements in the National Planning

Framework. The Scheme would respond to the NPF policy to increase compliance with the requirements of the UWWD. The development would provide necessary infrastructure to facilitate planned growth in the Wicklow-Arklow Core identified in the RPGs.

Further, the proposal complies with specific objectives including:

- policy PIP3 of Regional Planning Guidelines for the Greater Dublin Area
- W16 of the Wicklow County Development Plan.

I conclude that the development would contribute substantially to objectives in the Regional Planning Guidelines and the development plan in force in respect of the area in which it would be situate. It would therefore fall under 37A (2) (b).

8.0 Pre-application consultation issues

The following are the main issues which emerged in the pre-application consultation meetings.

- Waterfront zoning objective and specific objective to provide a coastal walkway. Resulting requirement for high quality design approach and amenity provision.
- Site selection including in relation to energy demand and environmental goals.
- Policy considerations, including specific objectives for the provision of the Scheme.
- Interface with the Flood Scheme and consideration of cumulative and worst case scenarios. IW and OPW / WCC indicate ongoing communication in the progression of both schemes at planning stages and state that this will follow through in the construction phase.
- Possible ground contamination.
- Proximity to existing and future residential developments and potential impact on residential amenity.

- Public consultation and community gain.

9.0 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) and (b) of section 37A(2) of the Planning & Development Act 2000 (as amended).

I recommend that the Board advise the applicant 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* and is considered to fall within Sections 37A (2) (a) and (b) of the said Act.

10.0 REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development it is considered that the proposed Arklow Sewerage Scheme Wastewater Treatment Plant 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) and (b) of the said Act being of strategic economic importance to the region and as it contributes to the fulfilment of objectives of the Regional Planning Guidelines for the Greater Dublin Region. An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under S.37E of the Act.

Mairead Kenny
Senior Planning Inspector
8th May 2018