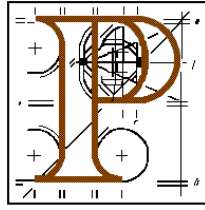


An Bord Pleanála



Inspector's Report

PC 00203

Description: Revisions to the Ringsend Wastewater Treatment Plant granted planning approval under register reference 29N YA0010, including incorporation of new treatment technology, omission of long-sea outfall, ancillary works to the treatment plant and new regional bio-solids facility at Kilshane/Newtown in Fingal.

Address: Ringsend Wastewater Treatment Works, Poolbeg Peninsula, Dublin 4 and Newtown/Kilshane County Fingal.

Issue: **SID Pre-application – whether project is or is not strategic infrastructure development.**

Planning Authority: Dublin City Council and 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: 12th April 2016

Inspector:

Paul Caprani

1.0 Introduction

Irish Water has submitted a request for a pre-application consultation for alterations to the approved development and expansion to the Ringsend Wastewater Treatment Works which was granted planning approval by the Board under reg. ref. 29N YA0010. 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 12 km north-west of the Ringsend Wastewater Treatment Plant. A total of 9 pre-application consultations took place between September 2015 and January 2018.

2.0 Existing Permission Granted by An Bord Pleanála under 29N YA0010.

The main works granted approval under reg. ref. 29N YA0010 included the following:

- Expansion of the 'firm'¹ capacity of the Ringsend Treatment Plant from 1.69m PE to 2.1m population equivalent (PE) with an overall installed capacity of 2.4m PE.
- The relocation of the existing outfall which currently discharges into the River Liffey at a point just north of the ESB station at Poolbeg to a location 9 km due east into the Irish Sea.
- The development of 0.8 ha of land within the Ringsend WWTP for existing secondary treatment capacity (sequencing batch reactor technology – SBR).
- Various ancillary and sundry works associated with the upgrade.

Works are on-going on the implementing the above scheme, particularly the ancillary aspects associated with the scheme.

3.0 Proposed Revised Project

There are 3 main elements associated with the revised proposal. These are briefly set out below:

Aerobic Granular Sludge Technology (AGS)

Under the revised proposal, to replace the conventional SBR method wastewater treatment, it is sought to employ a new technology for secondary treatment whereby microbial breakdown in the secondary treatment will

¹ Firm capacity refers to the operating capacity of the WwTW's at any given time.

employ AGS. In this new technology, the flocs produced during the microbial breakdown are heavier and settle out of the mixed liquor quicker and more efficiently. The AGS granules settle rapidly which reduces retention time in the tank and permits a greater throughput of waste. Furthermore, the AGS granules allow more biomass to be held in the tank at any given time due to the higher density and compact nature of the residual sludge. The second major advantage of the AGS technology is that it incorporates nutrient removal (both N and P) which eliminates the need for further tertiary treatment within the plant. According to the prospective applicant, this technology has been successfully employed in numerous treatment plants in Ireland and elsewhere. A prototype module has also operated on the Ringsend site for over 12 months where it is stated that successful results in terms of treatment were achieved.

The Omission of the Long Sea Outfall Tunnel

As a result of the employment of this new technology, it is no longer considered a necessary requirement to construct the Long Sea Outfall Tunnel (LSOT). The operators are confident that parameters set out in the various statutory Regulations² can be complied with by utilising the existing outfall at the ESB Station in Poolbeg. Thus the LSOT and the associated shaft will no longer be required under the revised proposals.

Ancillary and Sundry Works

- Retro-fitting of AGS technology to the SBR Tanks
- Provision of a P-Fixation/Recovery facility
- The development of a new pasteurisation tank for sludge
- Provision of a new ESB substation
- Alterations to the entrance and circulation in and around the site.

The Provision of a Regional Bio-solids Storage Facility (RBSF)

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. It is to be located in the townlands of Newtown/Kilshane, approximately 1.5 km north-west of the

² The standards set out in European Communities Environmental Objectives (Surface Water Regulations) SI 272 of 2009, The Urban Waste Water Treatment Regulations SI 271 of 2001 (as amended) and the Bathing Water Regulations SI 79 of 2008 are the most relevant standards.

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.

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

The applicant contends that the proposed expansion and upgrade of the Ringsend WWTP falls within the strategic infrastructure project categories set out in the 7th Schedule as it exceeds the threshold of 10,000 PE.

In addition, the applicant contends that the upgrading of the Ringsend WWTP will (a) be of strategic economic importance to the state and it plays such an important role in treating wastewater in the Capital City, (b) It contributes substantially to National and Regional objectives in providing for the development of waste water treatment infrastructure and (c) it would have a significant effect on the area of more than one planning authority.

5.0 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 Spatial Strategy 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.

6.0 Major Issues discussed during the Pre-Application Consultations

- There have been two 146B applications during the course of the pre-application consultations. Firstly, a 146B application was sought to the alteration to the traffic circulation and access arrangements to and from the Ringsend WWTP. The Board determined that these alterations were not material and altered the terms of the development. A second application was lodged in respect of alterations to the location construction compounds to be used during the course of the works. The Board determined that these alterations were material and also altered the terms of the development as requested.
- In the early meetings much discussion revolved around the nature of the new AGS technology to be employed, and its ability to treat effluent to an efficient standard in order to comply with standards set out in legislation under the WFD and under the UWWT Directive. The prospective applicant was advised of the need to satisfy the Board that the relevant standards could be achieved using sound scientific evidence and comparators for other WWTP using AGS technology.
- The wording of the public notices was also discussed. The Board emphasised the need to provide as much detail as possible as to what is being proposed, including details of the AGS technology and the reasons behind the omission of the LSO. The Board also emphasised the need to make clear the relationship between the extant permission (YA0010) and the proposed application. It was emphasised that it was ultimately up to the applicant to set out the development description in a clear unambiguous coherent way that ensures that the public are fully informed as the nature of the works proposed.
- The prospective applicant stated that it also intends to submit a separate S146B application requesting a change in the working of Condition No. 1 of YA0010 at the same time as making an application to the Board for the development the subject of this consultation process.
- The provisions of the amended 2014 EIA Directive will apply to the proposed application within the existing legislative framework.
- It was agreed that the EIAR and NIS submitted as part of the application would address the entire upgrade project, and not just the new works proposed. 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 and not the Greater Dublin Drainage Scheme (GDDS), a separate application for a large WWTP, to be lodged by Irish Water in south Fingal in the second quarter of 2018. However, both applications would assess all cumulative impacts arising

from the provision of the RBSF. The indirect effects of the RBSF, including land spreading, should also be addressed in the EIAR.

7.0 Evaluation

7.1 Compliance with Criteria and Thresholds set out in the 7th Schedule of the Act

The works to be carried out under the prospective application involve substantial alterations to the largest wastewater treatment plant in Ireland, serving a substantial portion of the Greater Dublin Area. The works relate to a wastewater treatment plant with an existing capacity of c.1.69m PE which will ultimately increase to a capacity of 2.1m PE. This greatly exceeds the threshold of 10,000 PE for wastewater treatment plants set out in the 7th schedule of the Act. It therefore qualifies as a Strategic Infrastructure Development for the purposes of S.37A and S37B of the Act.

7.2 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 in 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 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 Greater Dublin Area is identified as a driver of national development and providing key wastewater infrastructure critical supporting and continuing this role. The current application will assist in increasing the capacity of the Ringsend Treatment Plant by c. 400,000 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 Spatial Strategy and the Regional Planning Guidelines. Water and wastewater are identified as key infrastructure requirements in the National Spatial Strategy. The need to support the GDA as a driver of economic development and the need to consolidate development in the metropolitan area is also highlighted in the

NSS (Section 3.7). The provision of additional wastewater infrastructure is a basic requirement to achieve these aims.

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. First on this list is the '*Expansion of the Ringsend Waste Water Treatment Plant to ultimate capacity*'. This project is described as 'supporting services for the Metropolitan Area'.

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 the GDA for the continued growth for the Region and, in the pre-application discussions, the applicant highlighted that the fact that the Ringsend WWTP treats wastewater from five separate planning authorities (Dublin City Council, South Dublin, Fingal, Dun Laoghaire-Rathdown 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.

8.0 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).

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development it is considered that the proposed upgrade of the Ringsend 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) (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 will have a significant effect on waste stream management in more than one authority. An application for permission for the proposed development must therefore be made directly to An Bord Pleanála under S.37E of the Act.

Paul Caprani
Senior Planning Inspector

5th March 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