

Our Ref: ABP-301908-18

PA Reg Ref:

Your Ref: Dalata Hotel Group plc



Coakley O'Neill Town Planning Ltd  
NSC Campus  
Mahon  
Cork

Date: 24th August 2018

Re: Greater Dublin Drainage Project consisting of a new wastewater treatment plant, sludge hub centre, orbital sewer, outfall pipeline and regional biosolids storage facility  
Townlands of Clonshagh, Dubber and Newtown, County Fingal and Dublin City

Dear Sir / Madam

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter. A receipt for the fee lodged is enclosed.

The Board will revert to you in due course with regard to the matter.

Please be advised that copies of all submissions / observations received in relation to the application will be made available for public inspection at the offices of Dublin City Council and Fingal County Council and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: [www.pleanala.ie](http://www.pleanala.ie).

If you have any queries in the meantime please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Kieran Somers  
Executive Officer  
Direct Line: 01-873 7107

**AN BORD PLEANÁLA**  
TIME 9-00 BY POS  
Page 1  
**17 AUG 2018**  
LTR DATE \_\_\_\_\_ FROM AG  
PL LDG-007706-L8



The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

**AN BORD PLEANÁLA**  
Received: 17/8/18  
Fee: €50 CHQ  
Receipt No: \_\_\_\_\_

OUR REF: CON18111  
YOUR REF: PL06F.301908

16<sup>th</sup> August 2018

**RE: THE PLANNING AND DEVELOPMENT ACTS 2000-2017 AND THE STATUTORY REGULATIONS MADE THEREUNDER: SUBMISSION TO STRATEGIC INFRASTRUCTURE DEVELOPMENT APPLICATION MADE BY IRISH WATER FOR THE GREATER DUBLIN DRAINAGE PROJECT CONSISTING OF A NEW WASTEWATER TREATMENT PLANT, SLUDGE HUB CENTRE, ORBITAL SEWER, OUTFALL PIPELINE AND REGIONAL BIOSOLIDS STORAGE FACILITY IN THE TOWNLANDS OF CLONSHAGH, DUBBER AND NEWTOWN, COUNTY FINGAL AND DUBLIN CITY.**

**AN BORD PLEANALA REFERENCE: PL06F.301908**

**DATE APPLICATION LODGED: 20<sup>TH</sup> JUNE 2018**

A Chara,

We Coakley O'Neill Town Planning Ltd of NSC Campus, Mahon, Cork, are instructed by our clients, Dalata Hotel Group Plc. of Burton Court, Sandyford, Dublin, D18 Y2T8, to make this submission to the Strategic Infrastructure Development application made by Irish Water for the Greater Dublin Drainage Project under application reference PL06F.301908.

Our clients acknowledge the need for the proposed project and its importance to the future provision of appropriate wastewater infrastructure for the Greater Dublin Area in a timely manner.

This submission, while addressing the overall scheme, focuses on the Regional Wastewater Treatment Plant (WwTP) and Sludge Hub Centre (SHC) proposed to be located at Clonshagh, some 400m from our clients' Clayton Dublin Airport Hotel.

The Clayton Dublin Airport Hotel opened in 2006 having been developed on foot of planning permission granted in 2004. Our clients secured planning permission in January 2017 for extensions and alterations to the hotel, including two new floors at fifth and sixth floor levels to bring the total number of bedrooms to 608. This project has been recently completed and represents a €36m investment in Dublin's tourist accommodation. To the northeast of the hotel, is a recently constructed Topaz Service Station. Beyond this, are a number of residential dwellings fronting onto the Clonshaugh Road.

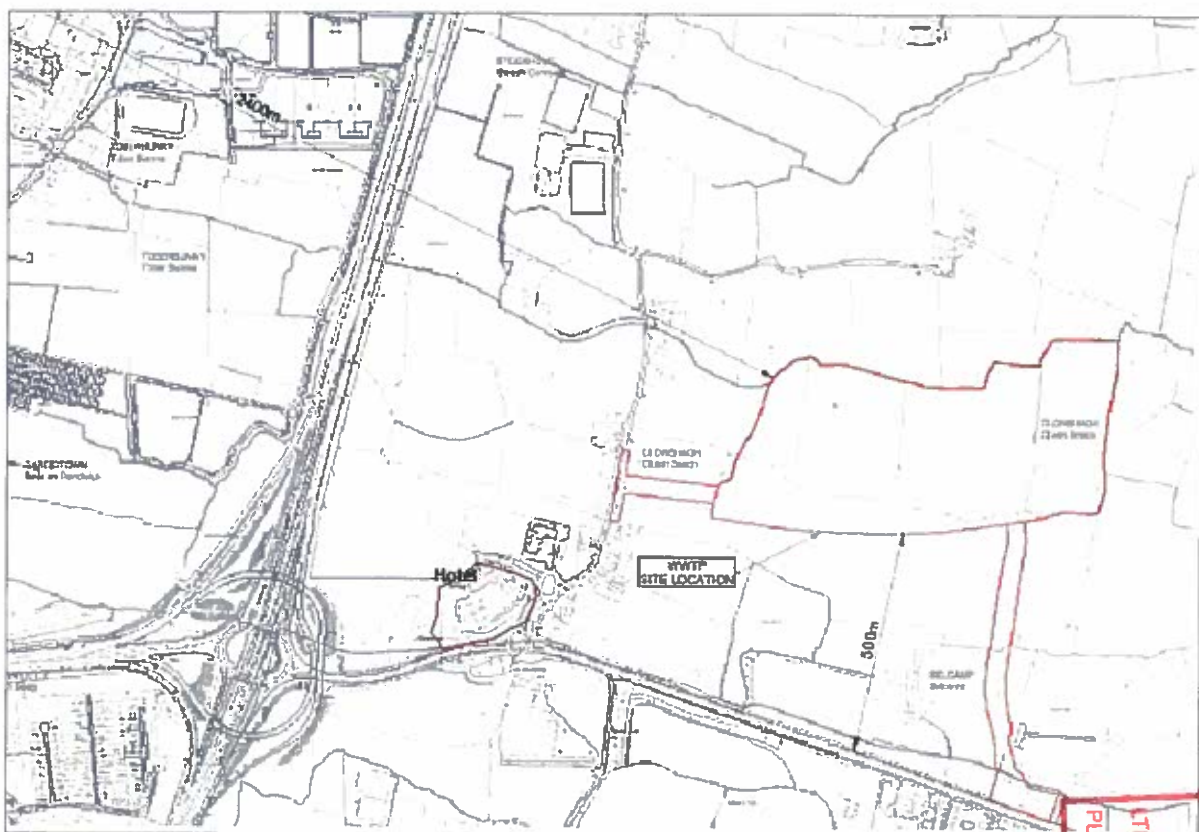
In addition, there is an extant planning permission for a new a 10 storey 325-bedroom hotel on a site adjoining under ABP PL06F.232704 (F08A/1305) and there is also an expired permission for a new hotel to the west for a 239-bedroom hotel.

We respectfully submit that the proposed development of a Regional Wastewater Treatment Plant and Sludge Hub Centre takes no cognisance of this pattern of development, or the established and permitted character of the immediate area, is not compatible with same and will therefore, consequently, result in undue detrimental impacts on the operation and amenity of the established hotel.

It is our view that the proposed Regional WwTP at Clonsbaugh represents a dramatically significant extent of industrial infrastructure, some 400m from the Hotel.

The site is to extend over 29.8 hectares. The Regional WwTP is to have a capacity of 500,000PE. The SHC is to have a sludge handling and treatment capacity of 18,500 tonnes. Associated infrastructure includes orbital and connecting sewers and an outfall pipeline. In addition, two new access roadways are proposed and a building height of 18m is included for.

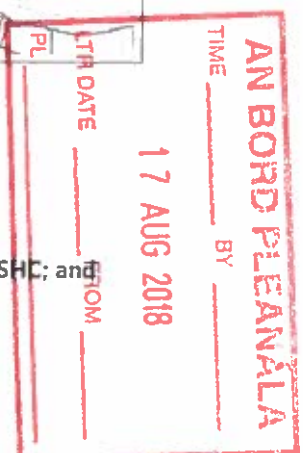
The location of the 29.8ha WwTP and SHC at Clonsbaugh, relative to the Clayton Hotel Dublin Airport, is illustrated below.



Give the above, we submit that the application now before the Board:

1. Represents a material contravention of the County Development Plan's zoning policy;
2. Presents an inadequate consideration of alternative sites for the Regional WwTP and SHC; and
3. Will result in material detrimental impacts on the operation of the established Hotel.

Each of these is addressed in detail below.



# 1. The Proposal represents a material contravention of the Development Plan's zoning policy

The proposed development can be considered to comprise the following landuses as per the Appendix 4 of the Fingal Development Plan 2017 – 2023, Technical Guidance Notes for Use Classes

The Regional Wastewater Treatment Plant can be considered as:

## **Utility Installations**

*A structure composed of one or more pieces of equipment connected to or part of a structure and/ or a facility designed to provide a public utility service such as the provision of heat, electricity, telecommunications, water or sewage disposal and/or treatment.*

The Sludge Hub Centre can be considered as:

## **Waste Disposal/Recovery Facilities (High Impact)**

*The use of land or buildings for facilities with high potential for odour, noise, dust and other nuisances including putrescible waste. Examples of high impact facilities are transfer stations and treatment plants for organic waste and residual waste which have a potential for odour, crushing and processing of construction and demolition waste, and facilities where waste is stored outside of buildings and which is visually intrusive or otherwise likely to be a nuisance, including scrapyards. Excludes landfills.*

The proposed Regional WwTP and SHC site at Clonshaugh has three landuse zoning objectives in the Fingal County Development Plan, 2017, as follows:

- **Green Belt (GB):** Protect and provide for greenbelt
- **High Technology (HT):** Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment
- **Open Space (OS):** Preserve and provide for open space and recreational amenities.

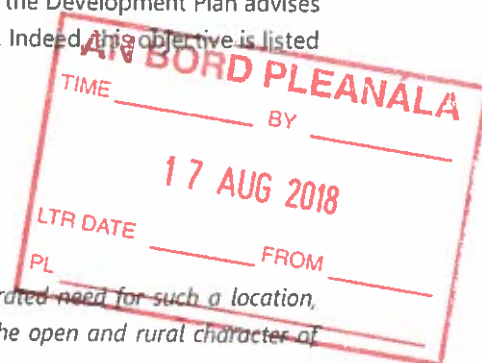
The overwhelming majority of the site is located within the Greenbelt zoning which the Development Plan advises has the stated intention of safeguarding the innate value of the Fingal countryside. Indeed, this objective is listed as one of the main aims (No.14) of the Development Plan:

*14. Strengthen and consolidate **greenbelts** around key settlements.*

Three specific objectives set out the adopted policy for Greenbelt zones.

- **SS09** - Promote development within the Greenbelts which has a demonstrated need for such a location, and which protects and promotes the permanency of the Greenbelt, and the open and rural character of the area.
- **SS10** - Promote public parks, outdoor sports facilities and other recreational uses within the Greenbelts in accordance with the Green Infrastructure Strategy and open space policy.
- **SS11** - Promote opportunities for the enhancement and protection of biodiversity and natural heritage within the Greenbelt.

In no way, and contrary to the applicant's assertions, can it be concluded that the proposed facility complies with these objectives.



The applicant's attempt to demonstrate that there is a functional need for the proposed facility at this location in compliance with objective SS09, while deficient in itself, patently also ignores the remaining part of the objective that such development must also protect and promote the permanency of the Greenbelt, and the open and rural character of the area, which the proposed development does not.

The site selection undertaken does not establish a functional need for the proposed development to be located at the subject site, rather only that it would be less expensive to do so.

Furthermore, the proposed SHC is a land use specifically not permitted by the Greenbelt, High Technology and Open Space zoning objectives. It is not ancillary to any other use in that it clearly does not rely on a parent use for its existence and rationale.

Finally, the applicant's assertion that wastewater treatment plants are 'open for consideration' on lands zoned for open space and amenities contradicts all commentary and policies related to such zones within the Development Plan.

It is therefore submitted that the proposed Regional WwTP and SHC materially contravenes the Development Plan's zoning policies to a compellingly material degree, not alone by the extent of the site, the nature of the use and the scale of the facility but also through the paucity of the mitigation measures proposed to try properly integrating the facility into the Greenbelt landscape.

## 2. The proposal presents an inadequate consideration of alternative sites for the Regional WwTP and SHC.

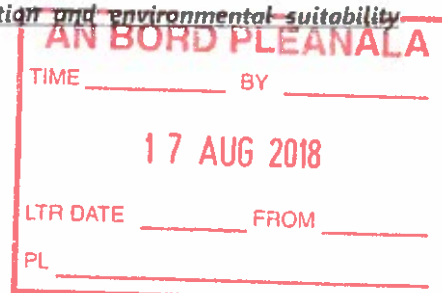
Related to the issue of the Greenbelt location, is the process by which the subject WwTP site was first arrived at through an Alternative Site Assessment (ASA).

The original Greater Dublin Strategy Drainage Strategy in 2005 put forward the scenario of the construction of a single 850,000 PE WwTP at Portrane on the North Fingal coast in addition to the construction of a major sewer with several pumping interfaces. This, it was concluded, was the most robust solution and recommended as the preferred outcome of the strategy study on the basis that:

- *It offers the least environmental risk in the context of receiving water standards and community impacts, and*
- *It offers the most robust and secure operational regime, relying largely on proven technologies and with lower community impact where the bulk of the works can be constructed outside of existing developed areas.*

The Strategic Environmental Assessment of the GDSDS in 2008 then concluded that this scenario was not to be favoured on the following basis:

*Strategic drainage Scenario 2C is reliant on the development of a regional WwTP at Portrane which was not favoured in the absence of a comprehensive site selection and environmental suitability assessment.*



A new Scenario 4 was introduced and ultimately recommended in the SEA, as follows:

*This scenario is similar to Scenario 2C in that it proposed a single 850,000 PE WwTP to be developed in stages, and a major sewer (predominantly in tunnel) with a number of pumping interfaces. However, unlike Scenario 2C (which specifies Portrane as the location), Scenario 4 proposes that a suitable site be found (post the SEA process) in the northern part of the GDSDS study area following a rigorous ASA process.*

So, the originally recommended Scenario 2C, a regional wastewater treatment plant at Portrane, was excluded on the basis of the absence of a comprehensive site selection process, yet a new Scenario 4 was recommended subject to a comprehensive site selection process.

The second point to make here is that the site selection is based on a process that began, after the SEA, in 2011 and concluded in 2013. The applicant advises that:

*A review of the ASA reports carried out by the project team in 2017 found that the assumptions and data supporting the ASA findings and recommendations have not changed significantly in the intervening years and concluded that the proposed site at Clonshagh remained the 'most favourable' site for the proposed WwTP.*

Therefore, no new site selection assessment was undertaken for the proposed development. The approach consists of a re-evaluation of the initial site selection process carried out between 2011 and 2013.

Back in 2012, in addition to noting the Greenbelt zoning of the site, the ASA concluded:

*The Clonshagh site is one of the weaker of the nine sites in terms of the determination of local character - the site is located in a zone of transition, i.e. a convergence of the urban and rural function, leading to a more fractured 'sense of place'. Although the site location is still moderately rural, the cumulative effect of industry, infrastructure and increasing residential density damage the rural character and identity of the area. (Section 6.5.10)*

Since then, a new Development Plan has been adopted and several planning permissions have been granted in the immediate area for new commercial and residential uses. Our view is that the nature and character of the area has changed to such a degree that it is reasonable to require that a more detailed evaluation of the changes should have formed part of the applicant's study of alternative sites.

On this basis, we submit that there is significant information deficit in relation to site selection and consideration of alternative sites and an absence of a more up to date robust evaluation in this regard.

Finally, three alternative layouts for the WwTP site are submitted with the SID application in order to provide the developer with what is termed 'a degree of flexibility' with regard to final implementation. With respect, this does not provide the detail necessary to properly assess the impacts on the immediate environment.



**3. The proposal will result in material detrimental impacts on the operation of the established hotel.**

Malodour arising from the proposed development, particularly in periods of warm weather, is of significant concern to our clients, as are the potential impacts of noise, traffic and visual amenity.

The ASA report in 2012 noted the following in proximity to the Clonshaugh site:

- 83 residential and commercial buildings within 300m – 500m of the site boundary
- 1,443 residential and commercial buildings within 0.5 – 1.0 km of the site boundary
- 4 significant amenities; football grounds 700m to the north-west, Darndale and Belcamp Parks 800m to the south west and south east respectively and Innisfail GAA club 500m to the south.
- Town of Balgriffin located approximately 0.8km to the south, population density of 1.61 per ha

Since this assessment, the Clayton Dublin Airport Hotel secured planning permission for a significant redevelopment that included 141 additional bedrooms, the creation of two function rooms and a new restaurant. The project has recently been completed and involved a total investment of €36m bringing the total number of hotel bedrooms to 608.

Given this local context and the additional matters relating to the subject site's Greenbelt zoning and overall site selection process, we submit that the scale and nature of the proposed development at this location is such that it will give rise to undue negative impacts on the immediate area, contrary to the proper planning and development of same.

Without prejudice to this, should the Board be minded to grant planning permission in this instance, there is an indisputable requirement to ensure that the proposed facility operates in a manner that does not result in a such negative impacts.

With respect to this, Article 41(1) of the Waste Discharge Authorisation Regulations states that 'An Bord Pleanála, where it decides to grant permission under Section 34 on appeal or otherwise in respect of a proposed development that involves a wastewater discharge from a wastewater works, shall not subject the permission to conditions which are for the purposes of controlling the wastewater discharge'

In this regard, it is open to the Board to attach conditions in relation to noise and odour as these do not specifically relate to the wastewater discharge from the proposed treatment plant.

We further request the consideration of planning conditions relating to the implementation of an ongoing odour management plan, in compliance with the European Community (Wastewater Treatment) (Prevention of Odours and Noise) Regulations 2005 and the establishment of a local liaison committee with regard to the construction and operation of the facility.



In conclusion, while the need for the proposed Greater Dublin Drainage Project is acknowledged, we submit that the proposed Regional Wastewater Treatment Plant and Sludge Hub Centre at Clonshaugh are not in accordance with the proper planning and sustainable development of the immediate area for reason that they:

1. **Represent a material contravention of the County Development Plan's zoning policies;**
2. **Present an inadequate consideration of alternative sites for the Regional WwTP and SHC; and**
3. **Will result in material detrimental impacts on the operation of the established Hotel.**

It is therefore respectfully submitted that permission be refused for the proposed development

It is also requested that the above matters are taken into consideration by An Bord Pleanála in the assessment of the subject application and we trust that they will prove of assistance to the Board in this assessment.

Please direct all further correspondence in this matter to this office.

Is mise le meas,



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Dave Coakley  
Director  
Coakley O'Neill Town Planning Ltd.