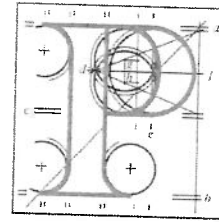


Our ref: ABP-312131-21
Applicant's Name: Uisce Eireann
EIS/NIS: Yes



**An
Bord
Pleanála**

Environmental Protection Agency
EIA Planning
Water, Energy & Business Support Programme
PO Box 3000
Johnstown Castle Estate
Co. Wexford
Y35 W821

Date: 04 April 2025

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 Clonshaugh, Dubber and Newtown, County Fingal and Dublin City

Dear Sir/Madam

I refer to the above mentioned proposed development which is the subject of a current application for planning permission (ABP ref. 312131-21). This application has been made directly to An Bord Pleanála under the provisions of the Planning and Development Act 2000, as amended, in respect of proposed development classified as strategic infrastructure development.

The application was remitted to the Board further to the quashing of the Board Order dated 11 November 2019 (ABP ref. 301908-18) by the High Court because the Board failed to correctly identify and comply with its obligations under Article 44(1) of the Waste Water Discharge (Authorisation) Regulations 2007, as amended by the Waste Water Discharge (Authorisation) (Environmental Impact Assessment) Regulations, 2016 (the "WWDA Regulations") to seek the observations of the EPA on the likely impact of the proposed development on waste water discharges (*Kemper v An Bord Pleanála and Ors* [2020] IEHC 601).

Subsequent to the *Kemper* judgment, Article 44(1) of the WWDA Regulations was further amended by the Waste Water Discharge (Authorisation) (Amendment) Regulations 2024 and now provides:

44. (1) Where Regulation 41, 42 or 43 applies, before making a decision in respect of a proposed development, a planning authority or An Bord Pleanála, as the case may be, shall, where the authority or the Board consider that the proposed development may have a significant impact on waste water discharges, request the Agency in writing, within such period (being not later than 6 weeks from the date of the request) as may be specified in the written request, to make observations in relation to the likely impact of the proposed development on waste water discharges and, where so requested, the Agency shall comply with the request to make such observations.

Tel	Tel	(01) 858 8100
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Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

The Board considers that the proposed development may have a significant impact on waste water discharges. In accordance with Article 44(1) of the WWDA Regulations as amended, and having regard to the *Kemper* judgment, you are accordingly requested to make observations in relation to:

- (i) the likely impact of the proposed development on wastewater discharges, and;
- (ii) the Board's provisional assessment of the likely impact of the proposed development on wastewater discharges, appended to this letter.

Notwithstanding the 2024 amendment to the WWDA Regulations, the Board considered it appropriate to provide its provisional assessment to the EPA for its observations in the circumstances of this application and in light of the *Kemper* judgment.

Your observations in relation to the above must be received by the Board not later than **6 weeks** from the date of this request i.e. **not later than 5.30pm on the 15th May, 2025.**


In addition, pursuant to Article 6(7)(b) of the WWDA Regulations as inserted by the European Union (Waste Water Discharge) Regulations 2020, the Board hereby requests the EPA to forward to the Board any other submissions it may have on the application for permission, including the EIAR and EIAR addendum submitted subsequent to remittal of the application. Any such submissions should also be furnished **not later than 5.30pm on the 15th May, 2025.**

A copy of the application and the EIAR and EIAR Addendum can be viewed on the Boards website at <https://www.pleanala.ie/en-ie/case/312131>.

If you have any queries in relation to the matter, or require any further documents or information relating to the remitted application, 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,


Aisling Reilly
Executive Officer
Direct Line: 01-8737131

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