

An  
Bord  
Pleanála

**Inspector's  
Assessment for the  
purposes of  
consultation with the  
EPA pursuant to Article  
44 of the WWDA  
Regulations  
ABP-312131-21**

**Development**

Greater Dublin Drainage Project  
consisting of a new wastewater  
treatment plant, sludge hub centre,  
orbital sewer, outfall pipeline and  
regional biosolids storage facility

**Location**

Dublin City and Dublin County

**Planning Authority**

Fingal County Council & Dublin City  
Council

**Applicant(s)**

Uisce Eireann

**Type of Application**

Permission

**Inspector**

Alaine Clarke

**Date**

3<sup>rd</sup> April 2025

## **1.0 Background**

- 1.1 An Bord Pleanála previously made a decision to grant the planning application for the Greater Dublin Drainage Project by Order dated 11 November 2019 under reference number ABP-301908-18. On 24 November 2020, the substantive judgment of Mr Justice Allen in the *Kemper v An Bord Pleanála* proceedings was delivered, quashing the Board's decision on the sole basis that the Board failed to correctly identify and comply with its obligations under Article 44 of the Waste Water Discharge Authorisation Regulations, i.e to seek the observations of the Environmental Protection Agency (EPA) on the likely impact of the proposed development on waste water discharges.
- 1.2 Following the remittal Order, the Board decided that Uisce Éireann should have the opportunity to update the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) and any other information submitted and to provide their views on whether the discharge of waste water from the proposed development, in conjunction with existing discharges to the receiving waters would cause or exacerbate breaches of the combined approach. This information was received on 26<sup>th</sup> October 2023 and was considered to contain significant further information.
- 1.3 Since the application was remitted to the Board, there have been two rounds of further public consultation by the Board:
- The Board invited all parties and observers to make any further general submissions/observations that they may have on the planning application in August 2022; 16 no. submissions were received;
  - Following the receipt of significant additional information and publication of revised public notices in May 2024, 23 no. submissions were received.
- 1.4 The purpose of this report is to provide the Board with my assessment of the likely impact of the proposed development on waste water discharges and whether the discharge of waste water from the proposed development, in conjunction with existing discharges to the receiving waters would cause or exacerbate breaches of the combined approach to enable the Board to consult with the EPA pursuant to Article 44 of the Waste Water Discharge (Authorisation) Regulations, 2007 as amended and, in light of the judgment in *Kemper*, to furnish its provisional

assessment of the likely impact of the proposed development on waste water discharges to the EPA for its observations. This assessment is based on the submissions made and information received to date in respect of the application and is subject to further review on receipt of observations from the EPA and any further steps in the application process.

## **2.0 Provisional Assessment**

- 2.1 A number of third-party submissions received in 2022 and 2024 raise issues relating to the combined approach assessment and matters relating, including, the methodology of the assessment undertaken by Uisce Éireann. Other concerns relate to out-of-date data and surveys, paucity of data in identifying statutory limits in relation to the combined approach, failure to accurately model the discharge for the project, lack of data re protection of shellfish waters and razor clam, failure to cumulatively assess discharges and emissions, failure to fully comply with WFD requirements and lack of independent assessment by the EPA.
- 2.2 As referenced earlier, following the remittal of the application, the Board sought from the applicant its views on whether the discharge of waste water from the proposed development, in conjunction with existing discharge to the receiving waters would cause or exacerbate breaches of the combined approach. The EIAR and NIS have been updated, including updated modelling and new supporting documents, such as the Water Framework Directive Assessment, and have been submitted to the Board by Uisce Éireann.
- 2.3 Following the Court findings and having regard to third party concerns and new information submitted by Uisce Éireann on remittal, the Board's in-house Environmental Scientist, Emmet Smyth was commissioned to review the relevant information with particular regard to the EIAR Addendum, Chapter 8A regarding Marine Water Quality and the Water Framework Directive Assessment included as a separate report. His assessment, hereafter referred to as Specialist Report provides specific advice in relation to the adequacy of the WFD Assessment and the combined approach and is appended hereto. In preparing his report, he has had regard to submissions and observations received by the Board as they relate to the combined approach assessment and wastewater discharge.

2.4 The Specialist Report sets out the scope of the report, the legislative requirements including relevant provisions of the Water Framework Directive (WFD) and the Wastewater Discharge Authorisation Regulations. Relevant protected areas, as they relate to the proposed discharge, are considered. An explanation of the combined approach is set out, and having regard to the further information submitted by Uisce Éireann considers that the applicant has demonstrated that the discharge from the proposed development would not, in conjunction with existing discharges to the receiving waters, cause or exacerbate breaches of the combined approach. A discharge impact assessment, which considers the average daily flow and the flow to full treatment scenarios follows and examines:

- model inputs;
- the baseline environment, including WFD status, bathing waters status and trophic status;
- construction phase and modelling;
- operational phase and modelling including Dissolved Inorganic Nitrogen (DIN), Molybdate Reactive Phosphorus (MRP), Biochemical Oxygen Demand (BOD), Escherichia coli (EC), Intestinal Enterococci (IE);

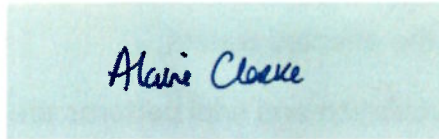
2.5 The following, at section 7.0 of Specialist Report, is relevant:

*'The updated modelling has categorically demonstrated that that under The European Union Environmental Objectives (Surface Waters) Amendment Regulations 2019 (S.I. 77 of 2019) the receiving waters will be able to attain 'good status' and meet the environmental quality objectives for nutrients in transitional and coastal waters. Based on the modelling carried out the applicant states that the proposed project will have an imperceptible residual impact on coastal water quality. Regarding the WFD, the modelling has predicted an imperceptible residual impact on coastal water quality and will not impede our ability to achieve our objectives under the WFD, namely achieving good status in all waterbodies. Having regard to the Bathing Water Regulations the updated modelling has shown imperceptible residual impact on the water quality of the coastal waters and further attested that the updated modelling has shown that the discharge from the proposed project will not influence any designated bathing water beaches nor Blue Flag beaches. Regarding shellfish waters, updated modelling has shown imperceptible residual*

*impact on the water quality of the coastal waters and further attested that the updated modelling has shown that the discharge from the proposed project will not influence any of the designated shellfish waters.'*

- 2.6 The updated modelling considers the cumulative impact (pollutant loadings) of other waste water treatment plants and rivers discharging to the effected waters.
- 2.7 Consideration of third-party concerns with respect to circulation and tidal patterns are also addressed in section 7.0 of the Specialist Report and no concerns remain in that regard.
- 2.8 The applicant, in their conclusion of the WFD Assessment, states that the proposed project will have an imperceptible to slight impact on coastal water quality will not have an impact on the achievement of WFD objectives. The Specialist Report agrees that the risk to the marine waters is imperceptible to slight and states that the discharge from the proposed development whilst serving a 0.5 million p.e., will not cause a deterioration of the status, will not compromise the achievement of 'good' ecological status, or compromise the maintenance of 'good' chemical status. The proposed development, with nutrient removal and UV disinfection, is compatible with the achievement of bathing water quality standards and the revised modelling submitted supports this and notes that the discharge to the marine waters will be controlled in accordance with a discharge licence to be issued by the EPA.
- 2.9 I conclude, having regard to the EIAR Addendum, which includes the updated marine discharge modelling, the WFD Assessment, and in particular having regard to the appended Specialist Report which accompanies this assessment that there will be an increase of waste water discharges on foot of the proposed development and that the impact, cumulatively with already existing discharges will have an imperceptible to slight impact on the environment and water quality. Having regard to the above, I am satisfied that the applicant has demonstrated that the marine discharge will not have an adverse effect on the quality of the receiving waters. Regarding the combined approach and having assessed the information submitted the discharge of wastewater from the proposed development, I am satisfied that the proposed development, in conjunction with existing discharges to the receiving waters, would not cause or exacerbate breaches of the combined approach. I

confirm that I agree with the assessment contained in the appended Specialist Report.



**3<sup>rd</sup> April 2025**

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**Alaine Clarke**

**Senior Planning Inspector**

**Attached: Specialist Report prepared by Emmet Smyth, Environmental Scientist, dated 3<sup>rd</sup> April 2025**

## **Appendix A**

**Specialist Report prepared by Emmet Smyth, Environmental Scientist, dated  
3<sup>rd</sup> April 2025**