

An
Bord
Pleanála

Memorandum

ABP-312131-21

Response to submissions

To: Sarah Lynch, Assistant Director of Planning

From: Alaine Clarke, SPI

Re: Response to submissions & other matters

Date: 12th November 2024

Response to Submissions

The applicant was invited to submit a response to the submissions received in 2022 and 2024. A detailed response was received on 17th October 2024. You will be aware that the applicant was advised that the response should not contain any additional or supplementary reports and the applicant appears to have adhered to this request.

I have reviewed the Response to Submissions, and I am satisfied that the Response does not contain significant information or such new information as to require revised public notices.

The Response to Submissions will be circulated to interested parties in due course, pending a decision as to whether further information and/or an oral hearing (which has been sought by third parties) is required.

You may wish to note that the Response states that the applicant has prepared Outline Conservation Management Plans in respect of Badgers and Amphibians in response to the Development Applications Unit submission, which can be submitted to ABP if requested. Similarly, in relation to potential per- and poly-fluoroalkylated substances (PFAS) contamination, the Applicant is planning to carry out further site investigations to gain greater clarity on the nature of the potential contamination,

such that the draft CEMP as well as the relevant environmental assessments can be updated at the request of the Board if and as necessary.

Additionally, the Applicant states that it will be in a position to furnish ABP with updated cumulative impact and in-combination assessments, and any other updated assessments that may be requested by ABP.

Regional Biosolids Storage Facility

Please note that the regional biosolids storage facility no longer comprises part of the proposed development – it formed part of the Ringsend WWTP upgrade SID application (ABP 301798-18) which has been granted permission and is presently under construction. The only relevance of the RBSF to this application therefore, is to assess the RBSF cumulatively and in combination with the GDD project. The 2023 EIAR Addendum noted that permission was granted for the RBSF, the cover letter accompanying the EIAR Addendum (dated 26th October 2023) states that “while the RBSF should be included as part of the Board’s EIA and AA on the proposed project, any planning permission granted by the Board should be for the proposed project excluding the RBSF element”. The Response to Submissions states that construction has started on the RBSF.

Previous application 301908, EIA Portal & related matters

The original application (ABP 301908) was submitted in June 2018 and was therefore not subject to S.I. 296/2018 and so details were not uploaded to the EIA portal. The EIA Portal contains details of the amended proposed development (i.e. 312131).

The Board’s case website, 301908, does not contain application details such as EIAR, NIS etc. These are however uploaded on the 312131 ABP case website. A number of submissions raised the issue of difficulty and confusion surrounding the published information. The applicant advises that all times documents were available and remain available to the public on the dedicated project website.

Referrals (CIE)

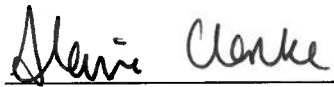
Art. 213 of the Planning & Development Regulations, 2001, as amended, requires circulation of an application to CIE and the Railway Procurement Agency where the development may have an impact on bus or rail-based transport. The remitted application was referred, inter-alia, to the Minister for Transport, TII, NTA, Iarnrod Eireann and the Commission for Railway Regulation (CRR) in May 2024. A submission was received from the CRR in April 2024 but was returned as invalid; no subsequent submission was received from the CRR. Submissions were received from NTA and TII in 2024. Submissions were previously received from the CRR, NTA and TII in respect of the original application.

I note the Inspector's Report (301908 refers) states that the development will not interfere with the provision of planned roads or public transport and that the construction of the pipeline by trenchless techniques at crossings of road and rail infrastructure minimises impacts on existing infrastructure. The Inspector further considered that the operational phase of the development in the vicinity of Clonsaugh and at the N2 junction serving the RBSF would add to traffic congestion, but the associated traffic impacts would not be significant.

Finally, I note that the Material Assets Chapter of the EIAR, as updated in 2023, states with respect to Major Utilities that:

"There are no changes to the existing major utilities (including rail infrastructure, motorways, national primary roads and other roads, ..) ..that will be crossed by the Proposed Project that were presented in this Section of the EIAR in the 2018 planning application.

I note that CIE was not a prescribed body during the course of the original 2018 application. I am satisfied having regard to the foregoing that CIE is not required to be consulted on the remitted application, and that consultation with respect to transport matters is satisfactory.



Alaine Clarke

Inspectorate

cc. Dr. Maeve Flynn, Ecologist

Emmet Smyth, Environmental Scientist