

SECTION 5: Planning and Policy

5.1 Introduction

This Section sets out the legislative context governing the planning and development of the proposed Strategic Infrastructure Development Project. This includes a strategic review of the planning policy context at a European, national, regional and local level with which the Proposed Development fully complies. Other relevant statutory and non-statutory planning documents are also considered. Planning history in the immediate area is also considered, alongside a summary of public consultation.

European, national and regional plans and policies inform the policies and objectives of local authority Development Plans, which set the local statutory planning context. This Section should be read alongside the individual discipline Sections in this EIAR, which also include appropriate reference to governing policies and objectives, where relevant.

As outlined in the preceding Section, J. B. Barry and Partners, on behalf of Uisce Éireann are seeking planning permission for the upgrade of the existing Castletroy WwTP at Dromore. This development constitutes a 'strategic infrastructure development' as defined under the Planning and Development (Strategic Infrastructure) Act 2006.

At 77,500 PE, the scale and nature of the Proposed Development constitutes development that falls within the definition of Environmental Infrastructure in the Seventh Schedule of the Planning & Development Act 2000 (as amended). The project is necessary to support planned growth in the Limerick Shannon Metropolitan Area, which in policy terms, is designated as a primary population and employment growth centre. As such, the project is considered to be of strategic importance to the region and will contribute to the fulfilment of growth objectives in the Regional Spatial and Economic Strategy for the Southern Region. It has also been demonstrated that the project will also have a significant effect on the area of more than one planning authority having regard to the fact that the project will treat wastewater in two administrative areas. In addition, the discharge points for the WwTP are to the Lower River Shannon waterbody which includes the functional area of both Limerick City and County Council and Clare County Council. The proposed upgrades are therefore considered to fall within Sections 37A (2) (a), (b) and (c) of the Act.

5.2 Strategic Infrastructure Development

The planning system in Ireland is governed primarily by the Planning and Development Act 2000, and regulations made thereunder. The 'Planning Act' has been amended several times since its introduction. The Planning and Development (Strategic Infrastructure) Act 2006 made significant amendments to the Planning Act by changing the way applications for strategic infrastructure development (SID) are managed and determined within the planning system.

Strategic Infrastructure Development (SID) is described as development which is of strategic economic or social importance to the state or a region. It also includes development that contributes significantly to the fulfilment of the objectives of the National Spatial Strategy or regional spatial and economic strategy for an area, or which would have a significant effect on the area of more than one planning authority. The developments are listed in the 7th Schedule of the Planning Act. They are generally developments of a scale and type which require environmental impact assessment (EIA). Both public and private developments may be classified as SID, e.g., development by local authorities in their own functional area which requires EIA. Private development must first be certified by the Board (under Section 37B of the Act) as meeting the above criteria before being treated as SID.

The Planning Act provides for applications for SID being made directly to An Bord Pleanála. Before the introduction of the SID provisions such applications were made to the local planning authority for a decision with a subsequent right of appeal to the Board. When lodged, an SID application (and its EIAR and NIS if applicable) is made available for inspection and purchase for a period of at least six weeks. Any person or body may make submissions to the Board within this period in relation to the implications of the Proposed Development for proper planning and sustainable development and for the likely effects on the environment of the Proposed Development. The Board may hold an oral hearing in relation to the development at its discretion. Before making its decision on the SID application the Board must consider all submissions and observations made to it.

J. B. Barry and Partners, on behalf of Irish Water, entered into pre-application discussions with An Bord Pleanála under Section 37B of the Act to determine whether the revised project for Castletroy should be classified as SID. The Board deemed that the project is an SID, its planning application will, therefore, be made directly to An Bord Pleanála.

5.3 European Context

5.3.1 EU Water Framework Directive (2000/60/EC)

In response to the increasing threat of pollution and the increasing demand from the public for cleaner rivers, lakes and beaches, the EU adopted the Water Framework Directive (WFD), 2000/60/EC. This Directive is unique in that it establishes a framework for the protection of all waters including rivers, lakes, estuaries, coastal waters and groundwater, and their dependent wildlife/habitats under one piece of environmental legislation. The WFD aims to:

- Protect/enhance all waters (surface, ground and coastal waters);
- Achieve "good status" for all waters by December 2015;
- Manage water bodies based on river basins or catchments; and
- Involve the public in this process.

The Water Framework Directive is linked to, and cross-references, a number of other EU directives. These include Directives relating to the protection of biodiversity (Birds and Habitats Directives), directives related to specific uses of waters (drinking water, bathing waters and urban Wastewater directives) and to directives concerned with the regulation of activities undertaken in the environment (Industrial Emissions and Environmental Impact Assessment directives). More recent directives on topics such as Floods and the Marine Strategy Framework have significant linkages with the WFD which is also supplemented by the Priority Substances Directive and the Groundwater Directive. The Nitrates Directive forms an integral part of the Water Framework Directive and is one of the key instruments in the protection of waters against agricultural pressures. The Sustainable Use of Pesticides and the Sewage Sludge Directives also provide for the control of materials applied to land. The European Communities Environmental Objectives (Surface Waters) Regulations 2009, (S.I. No. 272 of 2009) are of particular interest as they implement further aspects of the WFD, in particular Directive 2008/105/EC on environmental quality standards in the field of water policy and Directive 2006/11/EC on pollution caused by certain dangerous substances discharged into the aquatic environment. The Regulations apply to all surface waters and provide, inter alia, for:

- The establishment of legally binding quality objectives for all surface waters and environmental quality standards for pollutants;
- The examination and, where appropriate, review of existing discharge authorisations by Public;
- Authorities to ensure that the emission limits laid down in authorisations support compliance with the new water quality objectives/standards;

- The classification of surface water bodies by the EPA for the purposes of the Water Framework Directive;
- The establishment of inventories of priority substances by the EPA; and
- The drawing up of pollution reduction plans to reduce pollution by priority substances and to cease and/or phase out discharges, emissions or losses of priority hazardous substances.

The categorisation of waters is of significance in terms of the water quality standards which apply to them (see **Section 5.4** for further information). The outfall point for effluent discharge from Castletroy WwTP is located in the Shannon River (Lower), European Code IE_SH_25S012600. This river reach is classed 'Moderate' under River Waterbody WFD Status 2013-2018 findings. The Shannon Estuary begins approximately 3km downstream of the outfall point, which is a transitional waterbody with 'Good' Status.

5.3.2 Appropriate Assessment and Natura Impact Statement

The Birds and Habitats Directives of the European Union (EU) set out various procedures and obligations including the establishment of Special Protection Areas (SPA) and Special Area of Conservation (SAC) for the protection of specific habitats and species. Collectively, the SPAs and SACs established throughout the EU comprise a network known as Natura 2000. The Habitats Directive imposes a duty on Member States to consider the possible nature conservation implications of any project on the Natura 2000 site network before any decision is made to allow that project to proceed. These requirements have been included in the Planning and Development Act, 2000 as amended.

This assessment procedure is known as Appropriate Assessment and is similar to the EIA procedure. It is normally undertaken at planning consent stage by An Bord Pleanála. Like the EIA procedure, a document is prepared by the project proposer and submitted with its application for project consent. This document is known as a Natura Impact Statement (NIS). While there is significant overlap between the EIA and AA processes, it should be noted that the NIS and AA only consider and assess impacts on the Natura 2000 network and that AA is a separate legal consent process distinct from EIA.

5.3.3 Environmental Impact Assessment Directive (Consolidated 2011/92/EU and 2014/52/EU)

EIA requirements derive from EU Directive 2014/52/EU. Known as the EIA Directive, it amends the previous directive (2011/92/EU) on the assessment of the effects of certain public and private projects on the environment. It is defined under Article 1(2)(g) as follows:

“Environmental impact assessment means a process consisting of:

- the preparation of an environmental impact assessment report by the developer, as referred to in Article 5(1) and (2);*
- the carrying out of consultations as referred to in Article 6 and, where relevant, Article 7;*
- the examination by the competent authority of the information presented in the environmental impact assessment report and any supplementary information provided, where necessary, by the developer in accordance with Article 5(3), and any relevant information received through the consultations under Articles 6 and 7;*
- the reasoned conclusion by the competent authority on the significant effects of the project on the environment, taking into account the results of the examination referred to in point (iii) and, where appropriate, its own supplementary examination; and*
- the integration of the competent authority's reasoned conclusion into any of the decisions referred to in Article 8a.”*

5.3.4 Public Participation Directive (2003/35/EC)

The public participation part of the Aarhus Convention has been implemented by Directive 2003/35/EC. Under this, the general public has a right to participate effectively in decision-making in environmental matters. Public authorities should enable the public to comment on, for example proposals for projects affecting the environment, or plans and programmes relating to the environment. The outcome of the public participation process should be taken into consideration in the decision-making process. To facilitate this, information should be made available to help members of the public participate in the decision-making process and understand the reasons for it. The requirements under the directive have been transposed into Irish planning law and legislation governing other environmental licenses and consents.

5.4 National Legislation, Planning Policy and Guidance

5.4.1 National Legislative Framework for EIA

The EIA Directive(s) have been transposed into Irish legislation by the Planning and Development Acts 2000 to 2019 (the "Planning Acts") and the Planning and Development Regulations, 2001 - 2018. Section 172 of the Planning Acts sets out the statutory basis for the requirements for Environmental Impact Assessment. It provides as follows:

"172.— (1) An Environmental Impact Assessment will be carried out by the planning authority or the Board, as the case may be, in respect of an application for consent for Proposed Development where either—

(a) the Proposed Development would be of a class specified in—

(i) Part 1 of Schedule 5 of the Planning and Development Regulations 2001, and either—such development would exceed any relevant quantity, area or other limit specified in that Part, or

no quantity, area or other limit is specified in that Part in respect of the development concerned,

or

(ii) Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and either—

such development would exceed any relevant quantity, area or other limit specified in that Part, or

no quantity, area or other limit is specified in that Part in respect of the development concerned,

or

(b)

(i) the Proposed Development would be of a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 but does not exceed the relevant quantity, area or other limit specified in that Part, and

(ii) the planning authority or the Board, as the case may be, determines that the Proposed Development would be likely to have significant effects on the environment."

The most recent 2014 EIA Directive has been transposed into Irish Legislation, through the European Union (Planning and Development) (Environmental Impact Assessment) Regulations (S.I. 296 of 2018). The partial enactment of these Regulations on the 1st September 2018 was accompanied by a circular letter issued by Department of Housing, Planning, Community and Local Government (dated 27th August 2018, PL 05/2018) to planning authorities and An Bord Pleanála.

5.4.2 Section 37A of the Planning and Development (Strategic Infrastructure Act) 2006

Under Section 37A(1) of the Act, an application for permission for any development specified in the Seventh Schedule will, subject to Section 37A(2), be made to An Bord Pleanála under section 37E and not to a planning authority.

An application for permission for any development specified in the Seventh Schedule will, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.

Section 37A(2) of the Act includes guiding criteria to determine if a project qualifies as strategic infrastructure development. It states that the Board must be of the opinion that the Proposed Development would meet one or more of the following:

That condition is that, following consultations under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the Proposed Development would, if carried out, fall within 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 planning guidelines 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.

The Seventh Schedule identifies applicable infrastructure developments for the purposes of Sections 37A and 37B.

Part Three of the Seventh Schedule includes the following under the heading of Environmental Infrastructure.

Development comprising or for the purposes of any of the following:

- A Wastewater treatment plant with a capacity greater than a population equivalent of 10,000.

5.4.3 Project Ireland 2040 – National Planning Framework

The National Planning Framework (NPF) outlines the policies and objectives for development in Ireland up to 2040 given the expected population growth of 1 million people. The Framework is underlined by a number of strategic outcomes including compact growth, sustainable mobility and the transition to a low carbon and climate resilient society. The stated purpose of the NPF is to enable all parts of the country to successfully accommodate growth and change, by facilitating a shift towards Ireland's regions and cities other than Dublin, while also recognizing Dublin's ongoing key role. Water Infrastructure is listed as a strategic investment priority in the NPF. National Policy Objective 63 seeks:

Ensure the efficient and sustainable use and development of water resources and water services infrastructure in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.



Figure 5.1: NPF National Strategic Outcomes

The NPF includes a list of ‘shared goals’ across the country framed as 10 National Strategic Outcomes which are set out in Figure 1. National Strategic Outcome 9 includes the stated aim to:

Increase compliance with the requirements of the Urban WW Directive from 39% today to 90% by the end of 2021, to 99% by 2027 and to 100% by 2040.

The NPF establishes targeted growth objectives for the Southwest Region including the addition of 340,000 – 380,000 people and 225,000 additional jobs by 2040. An uplift in the population of 50,000 – 55,000 persons in Limerick City and Suburbs is included within this.

Table 5.1: Extract from Table 2.1 of the National Planning Framework

National Policy Objective	Southern Region
Growing Our Regions	+ 340,000 - 380,000 people (2m total) +225,000 in employment (880,000 total)
Building Stronger Regions: Accessible Centres of Scale	Limerick City and Suburbs: +50,000 - 55,000 people (at least 145,000 total)
Compact, Smart, Sustainable Growth	50% new city housing on within existing Cork, Limerick and Waterford Cities and Suburbs footprints. 30% all new housing elsewhere, within existing urban footprints.

The NPF identifies the following in respect of the future role of Limerick:

It is necessary for Limerick to further strengthen its position as the principal focus within the Region and to continue to address the legacy of regional growth having occurred outside the City area.

The framework identifies some key future growth enablers to achieve this, which includes:

Ensuring that water supply and waste-water needs are met by new national projects to enhance Limerick's water supply and increase waste-water treatment capacity³.

5.4.4 Water Services Strategic Plan 2015 – 2040

The Water Services Strategic Plan (WSSP) sets out strategic objectives for the delivery of water services over the next 25 years up to 2040. 'It details current and future challenges which affect the provision of water services and identifies the priorities to be tackled in the short and medium term'. In identifying priorities it has taken into consideration national and regional strategic plans such as the National Spatial Strategy and River Basin Management Plans. The plan is subject to a 5 year review programme. Strategic objectives are:

- Meet Customer Expectations
- Ensure a Safe and Reliable Water Supply
- Provide Effective Management of Wastewater
- Protect and Enhance the Environment
- Support Social and Economic Growth
- Invest in our Future

5.4.5 Water Services Policy Statement 2018-2025

The purpose of the Policy Statement, the first to be prepared under the Water Services Act 2017 is to clarify - for Uisce Éireann and for others – the government's expectations for the delivery and development of water and wastewater services. It is also intended to inform decisions on rural water services.

The statement outlines plans for investment of €8.5 billion in public water services between 2018 and 2027. Among the policy objectives outlined in the plan include:

Bringing and maintaining public water and wastewater services to acceptable international benchmarks, verified by independent monitoring and reporting.

Achieving improved outcomes in quality in respect of drinking water and in wastewater in relation to rural and private water services.

Adopting forward planning and risk management approaches to minimise the impact of non-compliances with all relevant EU Directives and to safeguard against future compliance risks.

The document refers to the River Basin Management Plan for Ireland which aims, inter alia, to prioritise investment in urban wastewater treatment plants to support the protection of high-status waters and to achieve water quality improvements in other water bodies.

5.4.6 Uisce Éireann Capital Investment Plan –2020 - 2024 (RC3)

The Capital Investment Plan 2020-2024 is Uisce Éireann's investment plan for water and wastewater assets and infrastructure for the next 5 years. Uisce Éireann has an approved amount of €5.35 billion to invest in public water and wastewater infrastructure between 2020 and 2024. The Plan sets out where they intend to prioritise this investment to deliver the most urgently needed improvements in drinking water quality, leakage reduction, water availability, wastewater compliance, efficiencies and customer service. Uisce Éireann has had regard to national policies and plans such as the Water Services Policy Statement 2018-2025, Project

³ Page 51 of the National Planning Framework.

Ireland 2040, River Basin Management Plan 2018-2021 in determining where investment should be prioritised (or which have a dependence on the public water and wastewater infrastructure such as housing policies, job growth policies, and climate action plans). Compliance with regulatory standards and policies was also a key consideration. Completion of commenced projects were priorities. New projects were included based on three criteria:

- Strategic priorities;
- Tactical priorities; and
- Operational priorities.

Castletroy WWTP project is included amongst six Limerick projects. The projects listed are expected to be either commenced, progressed or completed during the 2020 – 2024 period.

5.4.7 Water Sector Transformation Policy Paper – Uisce Éireann – Towards a National, Publicly-Owned, Regulated Water Services Utility 2021

The Department of Housing, Local Government and Heritage prepared this policy paper in 2021 which builds on, and is complementary to, the Water Services Policy Statement 2018-2025, agreed in 2018, which followed on from a period of national deliberation on the funding and delivery of water services, in light of the water charges controversy.

The 2021 policy paper sets out the Government's expectations on the transformation of Uisce Éireann to operate as the national, standalone, regulated, water services utility. It states that this needs to happen swiftly as a modern, effective, environmentally compliant and efficiently delivered water services system is central to our national interests. The separation between responsibility and control resulting in Uisce Éireann not having direct control over the majority of service staff or assets yet being responsible and accountable for the delivery of public water and wastewater services nation-wide needs to be addressed as a priority. This means that all operational activity will be integrated into Irish Water, replacing the service level agreements currently in place with the 31 local authorities. This amalgamation will result in economic and efficiency benefits. To ensure effective continuity of public water and wastewater services this will require the continued involvement of the local authority staff currently engaged in the provision of these services.

5.5 Regional Policy Guidance

5.5.1 Regional Spatial and Economic Strategy for the Southern Region

The Regional Spatial and Economic Strategy for the Southern Region (RSES) is a 12-year strategic regional development framework to guide development in the region. It establishes a broad framework for the way in which society, environment, economy and the use of land should evolve.

The Strategy indicates that collaboration between national, regional and local public bodies is crucial to ensuring our water and environmental resources are managed properly for the future, including incorporating a circular economic approach.

The RSES seeks the provision of infrastructure and services in a sustainable, planned and infrastructure led manner to ensure the sustainable management of water, waste and other environmental resources. The key Regional Policy Objectives (RPOs) relating to wastewater include:

RPO 211 - Uisce Éireann and Wastewater

It is an objective to support the implementation of Uisce Éireann Investment Plans (prepared in five-year cycles) and subsequent investment plans, to align the supply of wastewater treatment facilities

with the settlement strategy and objectives of the RSES and Metropolitan Area Strategic Plans for Cork, Limerick-Shannon and Waterford. Support the role of Uisce Éireann Investment Plans in taking into account seasonal pressures on critical service infrastructure, climate change implications, and leakage reduction in the design of all relevant projects.

RPO 212 - Strategic Wastewater Treatment Facilities

a. It is an objective to support investment and the sustainable development of strategic wastewater treatment facilities by Uisce Éireann in the Region arising from initiatives including Investment Plans, Strategic Drainage Area Plans subject to appropriate environmental assessment and the planning process.

b. For the management of wastewater, increasing population growth should be planned on a phased basis in collaboration with Uisce Éireann and the local authorities to ensure that the assimilative capacity of the receiving environment is not exceeded and that increased wastewater discharges from population growth does not contribute to degradation of water quality and to avoid adverse impacts on the integrity of the Natura 2000 network.

RPO 214 - Eliminating Untreated Discharges and Long-term Planning

It is an objective to support Uisce Éireann and the relevant local authorities in the Region to eliminate untreated discharges from settlements in the short-term, while planning strategically for the long-term in tandem with Project Ireland 2040 and the RSES and in increasing compliance with the requirements of the EU Urban Wastewater Treatment Directive.

The development strategy for the RSES includes a focused aspiration to strengthen the settlement structure of the Region through the delivery of compact growth:

RSES Strategy No. 1

Strengthening and growing our cities and metropolitan areas; harnessing the combined strength of our three cities, as a counterbalance to the greater Dublin area, through quality development, regeneration and compact growth; building on the strong network of towns and supporting our villages and rural areas.

Limerick is identified as largest urban centre in Ireland's Mid-West and Ireland's third biggest city. The defined Limerick Shannon Metropolitan Area is one of three key pillars in the overall growth strategy for the region and is supported by a focused Metropolitan Area Strategic Plan (MASP).

Limerick Shannon MASP Policy Objective 1

a. It is an objective to strengthen the role of the Limerick Shannon Metropolitan Area as an international location of scale, a complement to Dublin and a primary driver of economic and population growth in the Southern Region.

The RSES includes a number of guiding principles to realise the vision for the MASP, which includes enabling infrastructure, including identifying infrastructure capacity issues and ensuring water services needs are met. This is underpinned by Limerick Shannon MASP Policy Objective 4:

Investment to Deliver Vision:

a. it is an objective to seek the identification of investment packages across State Departments and infrastructure delivery agencies as they apply to the Limerick Shannon MASP and seek further

investments into the Limerick Shannon MASP to deliver on the seven Metropolitan Area Goals (See Volume 3).

Section 4 of the RSES provides a list of National Enablers to support growth in the Limerick Shannon MASP, which includes, inter alia:

Ensuring that water supply and wastewater needs are met by new national projects to enhance Limerick's water supply and increase wastewater capacity.

Section 7.2 of the RSES promotes the consolidation and densification of housing and regeneration in Limerick City and Suburbs, with the delivery of key supporting infrastructure commensurate with development formalised under Limerick Shannon MASP Policy Objective 10.

c. It is an objective to ensure investment and delivery of holistic physical, social and environmental infrastructure packages to meet growth targets that prioritises the delivery of compact growth and sustainable mobility in accordance with NPF and RSES objectives.

5.6 Local Policy Guidance

5.6.1 Development and Local Area Plans

The study area for the Proposed Development occupies parts of the separate administrative areas of Limerick City and County Council, and to a lesser extent Clare County Council.

The Limerick Development Plan 2022 -2028 (LDP)

The Limerick Development Plan 2022 -2028 (LDP) came into effect on the 29th of July 2022 and is the principal planning strategy document for the development of Limerick City and County. The subject site is zoned for 'Utilities'. The relevant policies and objectives are therefore summarised below.

The strategic vision of the LDP is as follows:

'Limerick – A Green City Region on the Waterfront - By 2030, Limerick will become a green City region on the Shannon Estuary connected through people and places. This will be achieved through engagement, innovation and resilient urban development and self-sustaining rural communities'.

This is underpinned by 10 interlinked strategic objectives. Strategic Objective 1 sets out to:

"Grow Limerick's economy and create opportunity through maximising the potential for development through the promotion and enhancement of the competitive advantages of Limerick, including its strategic location, connectivity and accessibility to international markets, a skilled workforce and a high quality of life..."

Alongside this Strategic Objective 7 aim to:

"Protect, enhance and ensure the sustainable use of Limerick's key infrastructure, through the provision of support to utility providers including water supplies and wastewater treatment facilities, energy supply including renewables, broadband and transportation. This plan will also foster the linkages to transition from linear model to a circular model which keeps resources in use for as long as possible".

Objective IN 06 Water services states that it is an objective of the Council to:

a) Support Uisce Éireann in the provision of water and wastewater infrastructure and services in accordance with the Service Level Agreement, until such time as the Agreement is terminated.

b) Collaborate with Uisce Éireann in the protection of water supply sources to avoid water quality deterioration and reduce the level of treatment required in the production of drinking water, in accordance with Article 7(2) of the WFD. Protection and restoration of drinking water at the source can have co-benefits for biodiversity and climate change.

c) Liaise with Uisce Éireann during the lifetime of the Plan to secure investment in the provision, extension and upgrading of the piped water distribution network and wastewater pipe network across Limerick City and County, to serve existing population and future population growth and sustain economic growth, in accordance with the requirements of the Core and Settlement Strategies.

e) Ensure that development proposals connecting to the public water and/or wastewater networks, now or in the future comply with Uisce Éireann Standard Details and Codes of Practice. Where relevant ensure developments comply with the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021.

Section 8.5.3 of the Local Development Plan (LDP) notes that:

Uisce Éireann's current wastewater treatment capacity register for County Limerick dated March 2022, states that there is capacity available in 41 no. of the 53 no. Wastewater treatment plants (WWTPs). These include Bunlicky and Castletroy WwTPs, which serve the Limerick City Metropolitan Municipal District. These WWTPs require some upgrading and it is envisaged by Uisce Éireann that with the completion of these upgrades, there will be sufficient spare capacity to accommodate the projected growth in Limerick City and Suburbs (in Limerick), Mungret and Annacotty as set out in the RSES and the Core Strategy, over the lifetime of the Plan, subject to planning and other approvals.

Objective IN O9 Public Wastewater states that it is an objective of the Council to:

a) Ensure adequate and appropriate wastewater infrastructure is available to cater for existing and Proposed Development, in collaboration with Irish Water, to avoid any deterioration in the quality of receiving waters and to ensure that discharge meets the requirements of the Water Framework Directive.

Section 12 of the LDP sets out the land use zoning strategy. The objective in relation to the 'Utilities' zoning that pertains to the subject site is to:

'To provide for the infrastructural needs of transport and other utility providers'.

The stated purpose of this zoning '*...provides for and preserves land for the provision of services such as electricity and gas networks, telecommunications, the treatment of water and wastewater etc'.*

At a local level, until 29th of July 2022, the future planning of the Castletroy area was governed by the provisions of the Castletroy Local Area Plan 2019-2025. However, with the adoption of the LDP, the Local Area Plan (LAP) has now been revoked. The LAP, however, does note generally that the provision of adequate water supply and wastewater treatment utilities is crucial to the continued expansion of Castletroy.

The Clare County Development Plan 2017-2023

The Clare County Development Plan (CDP) 2017-2023, as varied and extended, sets out an overall strategy for the proper planning and sustainable development of the functional area of Clare County Council over its

life. The vision for the area is shaped by key defined goals which includes Goal VII – to support “strong economic growth and a high quality of life for all residents through the provision of efficient and robust physical infrastructure whilst having regard to environmental responsibilities and complying with European and National legislation”.

Development Plan Objective CDP8.24 - Water Services sets out that it is an objective of the Development Plan:

- a *‘To work closely with Uisce Éireann to identify and facilitate the timely delivery of the water services required to realise the development objectives of this Plan;*
- b *To facilitate the provision of integrated and sustainable water services through effective consultation with Uisce Éireann on the layout and design of water services in relation to the selection and planning of development areas and the preparation of master plans;*
- c *To ensure that adequate water services will be available to service development prior to the granting of planning permission and to require developers to consult Uisce Éireann regarding available capacity prior to applying for planning permission;*
- d *To ensure that development proposals comply with the standards and requirements of Uisce Éireann in relation to water and Wastewater infrastructure to facilitate the Proposed Development.’*

The Draft Clare County Development Plan 2023 - 2029

The Development Plan Review process commenced in September 2020 and the Stage 2 Draft Clare County Development Plan 2017-2023 is the emerging plan for the county. Public consultation on the Draft Plan was undertaken between December 2021 and March 2022. The Draft Plan included objective CDP 11.29 in relation to water services, which reiterates the objective set out in CDP 8.24 - Water Services of the current plan (Ref. Development Plan 2023).

Uisce Éireann (Uisce Éireann) welcomed this in their submission to the Public Consultation to the Draft Plan (Ref. No: S2/013). Which is noted in the Chief Executive’s Response to Submissions, published in July 2022.

5.7 Planning History

The Castletroy Wastewater Treatment plant and drainage infrastructure were constructed in the 1992, with various improvements made subsequently. Uisce Éireann’s 2017-2021 Investment Plan included 52 Wastewater ‘Above Ground’ (i.e., treatment) projects (bundled into nine separate Call Offs) which were identified nationally as requiring Consultancy appointments to assist in progression of projects through the various Gates. In November 2017, J B Barry and Partners Limited (JBB) and T J O’Connor Limited (TJOC) in association with RHDHV were appointed by Uisce Éireann (Uisce Éireann) as Consultants on Call Off 8 – Limerick as outlined below.

Table 5.2: Call Off 8 – Limerick Projects

Project Oracle No	Project Title	Indicative Project Description
10015054	Limerick (Bunlicky) WWTP	Upgrade: Inlet, primary, secondary, sludge
10016965	Castletroy WWTP*	Upgrade: Primary, secondary, sludge

The current capacity of Castletroy WWTP, in compliance with the EPA WWDL, is 30,000PE/40,000PE. A requirement for upgrade works has been identified to cater for future population growth and industrial

development in the area. Following on from three Workshops in 2018 and 2019, Uisce Éireann investigated 6 options for maximising the use of the existing infrastructure. These included upgrading Castletroy WWTP to accommodate different growth horizons, with alternative options also examined which involved the partial or complete pumping away to Bunlicky WWTP, the latter case would result in the decommissioning of the Castletroy WWTP. The preferred option of upgrading Castletroy to cater for +10 years growth (with provision to cater for an option of +25 years growth) was identified, cost estimates were prepared, and a Feasibility Study Report was submitted in 2018 recommending implementation of the proposed project.

The Planning and Development (Strategic Infrastructure) Act 2006 categorises development which is of strategic economic or social importance (i.e. 'Strategic Infrastructure Development') under its Seventh Schedule, which includes Wastewater treatment plants with a capacity greater than 10,000 PE under the heading 'Environmental Infrastructure'. The Proposed Development is of a scale that it is considered a 'Strategic Infrastructure Development'. Uisce Éireann has therefore entered into pre-application discussions with the Board on this basis (ABP-310201-21 refer).

Section 19 of this EIAR – Cumulative and Interactive Effects includes a detailed assessment of planning permissions granted in the last 5 years in the vicinity of the subject site. It notes that the majority of these are residential developments, but also include permission for a water retention tank and water recycling plant in the Johnson and Johnson landholdings. In addition, it notes the following nearby planned or under construction projects:

- Castleconnell Flood Relief Scheme
- Corbally Baths Project
- Bunlicky WwTP upgrade

It concludes that the Proposed Development is unlikely to have any significant interaction with permitted or Proposed Developments in the vicinity.

5.8 Conclusions

EU and national policy are unequivocal on the need to protect and enhance all water bodies and improve their quality to achieve 'good status' by 2027 at the latest. Based on a review of the governing legislative and planning policy context, it is evident that the Proposed Development will deliver on a number of key objectives relating to the sustainable management of water, waste, and environmental resources. The policies of both the current Limerick Development Plan 2022 – 2028 (LDP) and the Clare Development Plan 2017 – 2023 (CDP) are united in their support of utility providers to ensure the protection, enhancement and sustainable use of key infrastructure including water supplies and wastewater treatment facilities (LDP - IN 06, CDP 8.24). Both recognise the need to support growth while having regard to environmental responsibilities.

The Proposed Development is specifically referenced in Section 8.5.3 the current LDP and supported by Objective IN 09 Public Wastewater which sets out to:

'Ensure adequate and appropriate wastewater infrastructure is available to cater for existing and Proposed Development, in collaboration with Irish Water, to avoid any deterioration in the quality of receiving waters and to ensure that discharge meets the requirements of the Water Framework Directive'.

The key benefits in policy terms will be environmental, ecological, economic and social. These positive benefits will extend to existing and future developments and communities in the area.

5.9 References

EU Water Framework Directive (2000/60/EC)

Birds and Habitats Directives of the European Union (EU)

EU EIA Directive (Consolidated 2011/92/EU and 2014/52/EU)

Public Participation Directive (2003/35/EC)

Project Ireland 2040 – National Planning Framework

Planning and Development - Strategic Infrastructure Act 2006

Water Services Policy Statement 2018-2025

Uisce Éireann Business Plan – Transforming Water Services in Ireland to 2021

Uisce Éireann's Water Service's Strategic Plan 2014-2021 – A Plan for the Future of Water Services

Regional Spatial and Economic Strategy for the Southern Region

Limerick Development Plan 2022 – 2028

Castletroy Local Area Plan 2019-2025

Clare County Development Plan 2017-2023