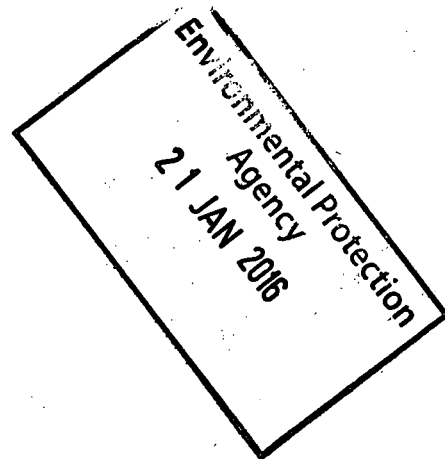


Comhairle Contae Chill Dara
Kildare County Council



Date: 18th January 2016
Ref: W0279-02



Noeleen Keavey
Programme Officer
Office of Climate, Licensing & Resource Use
Environmental Protection Agency
Headquarters PO Box 3000
Johnstown Castle Estate
Co. Wexford Y35 W821

Re: Notification in accordance with Section 42(2) of the Waste Management Act 1996 as amended, of a proposed decision on an application for a review of a waste licence, in respect of a facility at Unit 4 Osberstown Industrial Park, Caragh Road, Naas, Co. Kildare.

Dear Ms. Keavey

Following our previous correspondence to you on the above referenced matter, dated 08th January 2016, the Planning Authority has since received a copy of the substitute consent application details for the development from An Bord Pleanala. An Bord Pleanala Ref No. 09.SU.0015 refers.

Please be advised that the Remedial Environmental Impact Statement approved under Ref No. 09.SU.0015 identified the total tonnage intake at the facility as up to 97,000 tonnes. In this regard you are directed to condition no. 1 of the Board's decision for Ref No. 09.SU.0015 which states:

1. The grant of substitute consent shall be in accordance with the plans and particulars submitted with the application and the further information submitted on the 9th day of July 2013 and the 24th day of February 2014. All mitigation measures set out in the remedial Environmental Impact Statement and the further information of the 9th day of July 2013 and the 24th day of February 2014 shall be implemented in full.

Reason: *In the interest of clarity.*

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The maximum tonnes per annum detailed on page 26 (A.2 Waste Acceptance) of the Waste Licence application is 150,000 tonnes. This tonnage figure would greatly exceed and almost double the permitted tonnage of 97,000 tonnes, as granted by An Bord Pleanála under Ref No. 09.SU.0015. An almost doubling of the tonnage intake at the facility would not comply with the terms and conditions of Ref No. 09.SU.0015 as detailed above. The planning and environmental impacts of such a significant increase have not been assessed by the Planning Authority or by An Bord Pleanála. The Planning Authority would have significant concerns about the EPA permitting an increase in the tonnage intake at the facility without a full assessment of the planning implications of same.

A copy of the An Bord Pleanála decision is attached for your information.

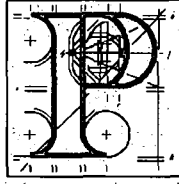
Yours faithfully

PIP Joanne Peadar
Senior Executive Officer
Planning Department

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An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Kildare County

Planning Register Reference Number: 11/508

An Bord Pleanála Reference Number: 09.SU.0015

APPLICATION FOR SUBSTITUTE CONSENT by Rehab Glassco Limited care of Tom Phillips and Associates of 23 Roger's Lane, Lower Baggot Street, Dublin in accordance with section 177E of the Planning and Development Act, 2000, as amended by the insertion on section 57 of the Planning and Development (Amendment) Act, 2010, and as further amended by the European Union (Substitute Consent) Regulations, 2011 and European Union (Environmental Impact Assessment and Habitats) Regulations, 2011.

LOCATION: Glass recycling facility at Unit 4 Osberstown Industrial Park, Caragh Road, Naas, County Kildare.

BOARD DECISION

The Board, in accordance with section 177K of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, decided to **GRANT** substitute consent in accordance with the following conditions.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

The Board had regard, inter alia, to the following:

- the provisions of the Planning and Development Acts, 2000 to 2014, and in particular Part XA,
- the provisions of the current Kildare County Development Plan,
- the remedial Environmental Impact Statement submitted with the application for substitute consent and the further information submitted on the 9th day of July 2013 and the 24th day of February 2014,
- the Board's decision in relation to the application for leave to apply for substitute consent on the 17th day of September, 2012 (09.LS.0003),
- the report and the opinion of the planning authority under section 1771,
- correspondence with the Environmental Protection Agency in relation to the licensing of the facility (Register number W0279-01),
- the report of the Board's inspector, including in relation to potential significant effects on the environment,
- the submissions on the file,
- the site's planning history,
- the pattern of development in the area, and
- the nature and scale of the development the subject of this application for substitute consent.

The Board completed an Environmental Impact Assessment in relation to the development in question and concluded that the remedial Environmental Impact Statement submitted identified and described adequately the direct and indirect effects on the environment of the development. The Board considered that the Inspector's report was satisfactory in addressing the environmental effects of the development and also agreed with its conclusions in relation to the acceptability of mitigation measures proposed and residual effects.

The Board had previously established at the time of the application for leave to apply for substitute consent that the development in question would not be likely to have a significant effect on a European Site and therefore no 'Appropriate Assessment' issues arise.

Having regard to the acceptability of the environmental impacts as set out above and subject to compliance with the conditions set out below, it is considered that the subject development is not contrary to the proper planning and sustainable development of the area.

CONDITIONS

1. The grant of substitute consent shall be in accordance with the plans and particulars submitted with the application and the further information submitted on the 9th day of July 2013 and the 24th day of February 2014. All mitigation measures set out in the remedial Environmental Impact Statement and the further information of the 9th day of July 2013 and the 24th day of February 2014 shall be implemented in full.

Reason: In the interest of clarity.

2. Activities on site shall comply with the following requirements regarding hours of activity:
 - (a) General hours of operation of the facility shall be limited to the following:
 - 24 hours Monday to Friday inclusive.
 - 0700 hours to 2300 hours on Saturday.
 - No operation on Sundays or public holidays.

(b) Hours of operation of the drying plant shall be limited to the following:

- 0700 hours to 1900 hours Monday to Saturday inclusive.
- No operation on Sundays or public holidays.

(c) Hours of material acceptance or dispatch at the facility shall be limited to the following:

- 0700 hours to 1900 hours Monday to Saturday inclusive.
- No operation on Sundays or public holidays.

Reason: In the interest of residential amenity.

3. The maximum height of materials stockpiled on site shall be three metres.

Reason: In the interest of visual amenity.

4. Within three months of the date of this order, the applicant shall submit details of the following for the written agreement of the planning authority:

- (1) a maintenance agreement for the maintenance of the surface water drainage system on site and,
- (2) a design and method statement for the construction of the proposed attenuation pond to be located immediately adjacent to the 1500 millimetres surface water culvert on site.

Reason: In the interest of public health.

5. Details of the foul and surface water drainage system on site shall be to the detailed requirements of the planning authority.

Reason: In the interest of public health.

6. In addition to the retention of the existing wayleave serving the foul sewer rising main that traverses the site, a 10 metre wayleave shall be secured over the 1500 millimetre surface water culvert on site. Details shall be submitted for the written agreement of the planning authority within three months of the date of this order.

Reason: In the interest of public health.

7. All planting and landscaping undertaken on the application site shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the date of this order, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

8. No advertising structures other than those indicated in the drawings submitted with the application shall be erected or displayed on buildings located on site or within the curtilage of the site

Reason: In the interest of visual amenity.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2014.

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