

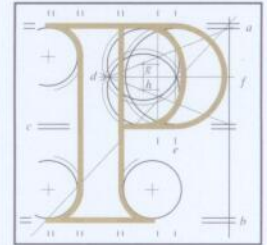
Our Ref: 09.PC0106

Your Ref:

Helen O'Keeffe,  
AOS Planning,  
2nd Floor,  
The Courtyard,  
25 Great Strand Street,  
Dublin 1.

12 MAY 2011

An Bord Pleanála



11th May 2011

**Re:** Proposed Mechanical Biological Treatment (MBT) Facility  
On The Site Of The Existing Drehid Waste Management Facility In  
County Kildare.

Dear Madam,

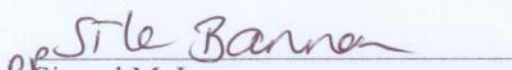
I have been asked by An Bord Pleanála to refer further to the  
above-mentioned pre-application consultation request.

Please find enclosed a copy of the written record of the second meeting of  
the 27th April 2011 which is marked 'Private and Confidential' for your  
information.

If you have any queries in relation to the matter 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,

  
Síle Banna  
Executive Officer  
Direct Line: 01-8737295

Encls.

PC07.LTR



64 Sráid Maoilbhríde,  
Baile Átha Cliath 1.

Tel: (01) 858 8100  
LoCall: 1890 275 175  
Fax: (01) 872 2684  
Web: <http://www.pleanala.ie>  
email: [bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Marlborough Street,  
Dublin 1.

**Written Record of the second pre-application consultation meeting between An Bord Pleanála and Bord na Móna (the prospective applicant) held in relation to a proposed Mechanical Biological Treatment (MBT) facility on the site of the existing Drehid Waste Management Facility, Co. Kildare.**

- **Venue:** Conference Room, An Bord Pleanála
- **Date:** 27<sup>th</sup> April 2011, 11.30 a.m.

**Present:**

**Representing An Bord Pleanála**

Philip Jones, Assistant Director of Planning  
Pauline Fitzpatrick, Senior Planning Inspector  
Marcella Doyle, Senior Executive Officer  
Sinéad McInerney, Executive Officer

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CONFIDENTIAL**

**Representing the Prospective Applicant**

John Connolly, Infrastructure Development Manager, Bord na Móna  
Pat O'Neill, Senior Projects Engineer, Bord na Móna  
Helen O'Keeffe, Planning Consultant, AOS Planning Ltd  
Ciara Kellett, Planning Consultant, AOS Planning Ltd  
Siobhán Tinnelly, Senior Scientist/Hydrogeologist, Tobin Consulting Engineers

- The meeting was chaired by Philip Jones.

**Introduction**

The teams were introduced. The Board referred to the prospective applicant's letter dated 5<sup>th</sup> April 2011 in relation to the record of the first pre-application consultation meeting held on 7<sup>th</sup> December 2011. The Board stated the record of the meeting is the Board's record which was issued to the prospective applicant for information purposes only and was not an agreed minute of the meeting. However, the prospective applicant's letter of 5<sup>th</sup> April 2011 and its comments in relation to the record of the meeting will be retained on file.

**Current Status of Proposed Development**

The prospective applicant stated that it has visited a number of MBT facilities in Europe in recent months. It has carried out an assessment of the most appropriate technology to use in the proposed facility, including mechanical treatment, composting and dry anaerobic digestion. Based on the outcome of the assessment, the prospective applicant has not yet made a definitive decision on use of technology to be employed in the proposed facility.

A critical aspect of the decision on the technology to be employed relates to economic incentives for use of biogas generated in dry anaerobic digestion. REFIT – Renewable Energy Feed In Tariff – provides reference prices for converting biomass into electricity, and in Ireland rates are significantly lower when compared to corresponding schemes in other European states e.g. Northern Ireland and Italy. At present it is not economically viable to employ such technology within the proposed development.

The prospective applicant also notes An Bord Pleanála's comments on the Draft Statement Waste Policy with specific regard to anaerobic digestion whereby such technology is considered desirable, but notes that it is not financially feasible for municipal wastes at present.

### **Proposed Planning Application**

A discussion took place in relation to the nature of the proposed facility.

It is envisaged that the facility will process municipal waste which will be subject to mechanical treatment, followed by biological treatment, to include composting with potential to develop dry anaerobic digestion. This will generate MBT outputs with potential for biogas and electricity generation.

It is acknowledged that an outlet is required to treat municipal waste and while it is technically possible to develop dry anaerobic digestion, it is not economically viable at current REFIT rates. However the prospective applicant's preference is to secure planning permission for a facility where biological treatment could include both composting and dry anaerobic digestion, with dry anaerobic digestion more likely being developed at a later date, if economic conditions favoured it.

The prospective applicant proposes to include provision for dry anaerobic digestion in its application, and account for both types of treatment in its environmental impact assessment. It is proposed to set out two fully detailed design options in the application and ensure that the facility, if permitted, is fully assessed. The prospective applicant stressed that it wishes to have the option to develop dry anaerobic digestion technology at a later stage.

The Board raised a concern in relation to lack of clarity in such an approach to an application. A discussion followed on the possibility of lodging two concurrent applications – one for a facility that includes dry anaerobic digestion, and one without. The prospective applicant's preference would be to lodge one application assessing both designs. It considers that the Board have previously dealt with applications that adopted such an approach.

The Board reiterated its concerns over lack of clarity on such an application. Text and drawings would have to be clearly presented, and an environmental impact assessment is required to cover both aspects. No element of the assessment may be deferred to a later stage.

In construction terms, it was stated by the prospective applicant that the majority of the development will be the same, with some minor additions if dry anaerobic digestion is developed e.g percolation storage tanks, connection to electricity grid.

The Board stressed that the maximum size of waste to be treated is required to be clearly stated in any application and all potential environmental impacts are required to be assessed in full.

### **Closure of Pre-application Consultation**

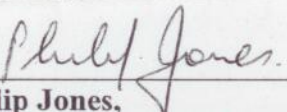
When no further meetings are required, the prospective applicant will write to the Board requesting closure of the pre-application consultation. The Board will then issue its notice on whether the proposed development is or is not strategic infrastructure development

within the meaning of the Planning and Development Act 2000, as amended. The pre-application consultation file will become available to the public three days following the Board's decision.

### **Conclusion**

The prospective applicant will revert to the Board with a summary of how it proposes to present the application for the proposed development, and referencing previous applications decided by the Board that considered two approaches to a development. Upon receipt, the strategic infrastructure division of the Board will be asked to comment and also give a preliminary view on whether the proposed development is strategic infrastructure. A further meeting will then be arranged.

The meeting concluded at 12.30 p.m.

  
\_\_\_\_\_  
**Philip Jones,**  
**Assistant Director of Planning**  
**10<sup>th</sup> May 2011.**

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Our Ref: 09.PC0106

Your Ref:

Helen O'Keeffe,  
AOS Planning,  
2nd Floor,  
The Courtyard,  
25 Great Strand Street,  
Dublin 1.

24 JAN 2011

21st January 2011

**Re:** Proposed Mechanical Biological Treatment (MBT) Facility  
On The Site Of The Existing Drehid Waste Management Facility In  
County Kildare.

Dear Madam,

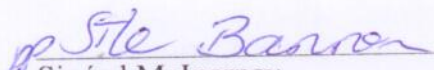
I have been asked by An Bord Pleanála to refer further to the  
above-mentioned pre-application consultation request.

Please find enclosed a copy of the written record of the first meeting of the  
7th December 2010 which is marked 'Private and Confidential' for your  
information.

If you have any queries in relation to the matter please contact the  
undersigned officer of the Board.

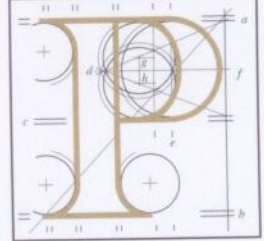
Please quote the above-mentioned An Bord Pleanála reference number in  
any correspondence or telephone contact with the Board.

Yours faithfully,

  
Sinéad McInerney  
Executive Officer

PC07.LTR

An Bord Pleanála



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64 Sráid Maoilbhríde,  
Baile Átha Cliath 1.

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Web: <http://www.pleanala.ie>  
email: [bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Marlborough Street,  
Dublin 1.

09.PC0106

**Written Record of the first pre-application consultation meeting between An Bord Pleanála and Bord na Móna (the prospective applicant) held in relation to a proposed Mechanical Biological Treatment (MBT) facility on the site of the existing Drehid Waste Management Facility, Co. Kildare.**

- **Venue:** Conference Room, An Bord Pleanála
- **Date:** 07<sup>th</sup> December, 2010 (2.35 p.m.)

**Present:**

**Representing An Bord Pleanála**

Philip Jones, Assistant Director of Planning  
Pauline Fitzpatrick, Senior Planning Inspector  
Diarmuid Collins, Senior Administrative Officer  
Caroline Treacy, Administrative Assistant

**Representing the Prospective Applicant**

John Connolly, Infrastructure Development Manager, Bord na Móna  
Pat O'Neill, Senior Projects Engineer, Bord na Móna  
Helen O'Keeffe, Planning Consultant, AOS Planning Ltd

- The meeting was chaired by Philip Jones.

**Introduction**

Both the Board's and the prospective applicant's teams were introduced (see appendices 1 and 2 for a list of attendees).

The Board informed the prospective applicant that this meeting is an information gathering exercise, and that it may seek to recover any costs that it has incurred during the pre-application consultation process. The Planning and Development Act, 2010 allows for such cost recovery procedures to be enacted.

**Presentation of the Prospective Applicant/Questions**

The prospective applicant made a powerpoint presentation (see hard copy at appendix 3) outlining its main business activities, its vision and the project history of the waste management facility, as well as a general overview of the Mechanical Biological Treatment (MBT) infrastructure. The prospective applicant also identified the reasons why the proposed development is considered to be strategic infrastructure.

The prospective applicant considers the proposal comes within the ambit of the Seventh Schedule under an installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes.

The prospective applicant considers that it meets the criteria of section 37A(2) under (a) i.e. the development will be of strategic economic or social importance to the state or the

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region in which it would be situated, (b) would contribute to the fulfilment of objectives in the National Spatial Strategy and (c) would involve planning authorities other than Kildare County Council.

The prospective applicant wishes to meet the requirements of the EPA's newly introduced waste licence conditions and the targets established by the EU Landfill Directive which apply since July 2010, in relation to progressively decreasing the amount of biodegradable waste sent to landfill. With regard to the 7<sup>th</sup> schedule requirements, the proposed developments' capacity of circa 250,000 tonnes far exceeds the 100,000 tonnes per annum required capacity. Due to the size of the proposed facility, the prospective applicant feels that it is of significant regional and national importance, with a significant economic investment to the region.

The prospective applicants' Resource Recovery business at Timahoe Bog is accessible by a network of national primary and motorway routes. The existing facility deals with waste from the household, commercial and industrial sectors and the proposed MBT treatment facility will complement this facility without any modifications to permitted facilities.

The MBT process generally involves a mechanical extraction and refinement of biodegradable and recyclable materials followed by biological treatment of the biodegradable materials by composting and/or anaerobic digestion, in order to reduce the volume of waste which requires landfill or incineration.

The prospective applicant stated that its main priorities are the diversion of waste from landfill: - a minimum of a 65% reduction in biodegradable waste being sent to landfill and an 80% reduction in methane emissions. The exact combination of accepted waste materials will determine the likely output to landfill and what can be recycled and exported. The applicant is currently investigating different methods of waste processing, which will consist of biodegradable material that may be of a compost-like output (for landfill cover or mine-tailing restorations) or may be a biostabilised waste material for consignment to landfill.

The Environmental Protection Agency's requirements dictate that the prospective applicant focuses on its biostabilised waste practices, e.g. removing certain plastics, metals, ferrous and non-ferrous materials, but there is also some potential to export fossil fuels and send solid fuels to cement kilns in Ireland and abroad, such as the cement factories in Westmeath, Limerick, Meath and Northern Ireland.

The prospective applicant foresees that the application will be made to the Board by mid-2011, as some baseline work has already been carried out. Clarification was sought by the Board as to whether and when further and more detailed information will be provided by the prospective applicant on specific elements of the proposed development such as the preferred biological treatment process to be utilised.

Including the extension of allowable waste material, the total permitted tonnage currently at the Drehid Facility is 360,000 tonnes per annum, and the exact combination of materials sourced will determine the output likely to go to landfill. The prospective applicant informed the Board that it would not be seeking to increase the maximum intake capacity of the facility in the application.

The Board advised that clarity on this matter will need to be provided in the application and should be clearly conveyed in the public notices for the public's information. The public notices should also include grid connection proposals.

The prospective applicant verified that clarity would be provided on area size and type of collection (domestic or trade) in the application, and that the landscape and visual assessment in the EIS would confirm the actual building area and height of the facility. The prospective applicant agreed to provide as much certainty as possible at the next meeting. The applicant was advised by the Board that the benefits afforded by the pre-application process will depend on the prospective applicants providing this information.

Considerations such as transportation of materials in terms of pail load, and traffic impact into and out of the site also need to be taken into account in the new EIA process. The 125,000 tonnes of waste per annum that is currently being collected will increase by either merger or acquisition over the project timescale, and this also needs to be taken into consideration. The N4 and N7 routes were stress-tested at 100% in each direction, which was well above the average traffic figures in the last application process, but the prospective applicant advised that these figures will now be updated, and will include the MBT element as this issue generated a great deal of interest in the last application process.

Energy recovery issues were also discussed. The prospective applicant stated that the electricity power lines are off-site and will be reconnected. As the grid connection will be updated in the future and the landfill will be generating power before the MBT Facility comes into play, fully optimising the application process will entail considering the location of the current power lines.

The Board expressed its concern at the lack of detailed information being submitted at this stage, and advised that the rationale behind the Biological Treatment Process should be fully explained and robustly detailed in subsequent pre-application consultation meetings. The differences in relation to the Anaerobic Disgestion versus Simple Composting methods should be analysed and shortlisted as soon as possible in the process, as the chosen technology could have implications on the design of the facility, traffic and other such factors.

## Conclusion

It was conveyed by the Board that the pre-application consultation process is in place to firstly determine whether or not a proposed development constitutes strategic infrastructure development (SID) and secondly for the Board to advise the prospective applicant of the procedures involved and specific considerations to be aware of prior to the actual application. The main issue to be firmed up at this stage by the prospective applicant prior to the next meeting is that of the composting technologies that it has shortlisted.

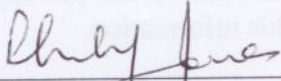
The Board stated that transport matters will be a significant consideration, and it would expect a detailed traffic analysis to be prepared as part of any application.

The Board stressed that for completeness in the process, it would prefer more detailed information with one definite composting method, as this will most likely raise further issues at application stage, but if the Environmental Impact Assessment covers all eventualities and worst case scenarios at an appropriate level of detail, the Board may be willing to proceed with the pre-application process.



The prospective applicant undertook to revert to the Board early in 2011 in relation to organising a further meeting, as it is anticipated that advanced studies and impact assessments for the various issues outlined above will be available to the Board at that stage. The Board stated that any further information could be forwarded by the prospective applicant in advance of the meeting for consideration by the Board.

The meeting concluded at 16.05 p.m.



**Philip Jones,**  
**Assistant Director of Planning**  
**18<sup>th</sup> January 2011**

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Our Ref: 09.PC0106

Your Ref:

24 AUG 2011

Ciara Kellett,  
AOS Planning,  
2nd Floor,  
The Courtyard,  
25 Great Strand Street,  
Dublin 1.

23rd August 2011

**Re:** Proposed Mechanical Biological Treatment (MBT) Facility  
On The Site Of The Existing Drehid Waste Management Facility In  
County Kildare.

Dear Sir/Madam,

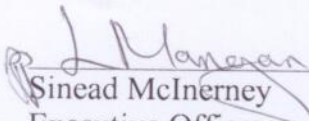
I have been asked by An Bord Pleanála to refer further to the  
above-mentioned pre-application consultation request.

Please find enclosed a copy of the written record of the third meeting of the  
9th August, 2011 which is marked 'Private and Confidential' for your  
information.

If you have any queries in relation to the matter 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.

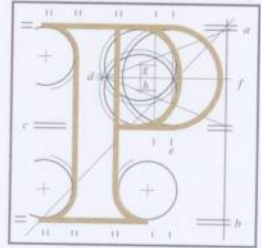
Yours faithfully,

  
Sinead McInerney  
Executive Officer  
Direct Line: 01-8737295

Encls.

PC07.LTR

An Bord Pleanála



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Baile Átha Cliath 1.

Tel: (01) 858 8100  
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Fax: (01) 872 2684  
Web: <http://www.pleanala.ie>  
email: [bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Marlborough Street,  
Dublin 1.

09.PC0106

**Written Record of the third pre-application consultation meeting between An Bord Pleanála and Bord na Móna (the prospective applicant) held in relation to a proposed Mechanical Biological Treatment (MBT) facility on the site of the existing Drehid Waste Management Facility, Co. Kildare.**

- **Venue:** Conference Room, An Bord Pleanála
- **Date:** 9<sup>th</sup> August 2011, 11.00 a.m.

**PRIVATE &  
CONFIDENTIAL**

**Present:**

**Representing An Bord Pleanála**

Philip Jones, Assistant Director of Planning  
Pauline Fitzpatrick, Senior Planning Inspector  
Marcella Doyle, Senior Executive Officer  
Kieran Somers, Executive Officer

**Representing the Prospective Applicant**

John Connolly, Infrastructure Development Manager, Bord na Móna  
Pat O'Neill, Senior Projects Engineer, Bord na Móna  
Ciara Kellett, Planning Consultant, AOS Planning Ltd  
Siobhán Tinnelly, Senior Scientist/Hydrogeologist, Tobin Consulting Engineers  
Damien Grehan, Director, Tobin Consulting Engineers

- The meeting was chaired by Philip Jones.

The Board referred to the record of the second pre-application consultation meeting (which was held on the 27<sup>th</sup> April, 2011) and asked the prospective applicant if it wished to make any comments on this. The prospective applicant responded that it had no comments to make.

The Board informed the prospective applicant that it has consulted with the SID division of the Board and advised as follows:

- The Board's preliminary view is that the proposed development would constitute strategic infrastructure development.
- The Board has no objection to the inclusion of both proposed processes in the same planning application and accompanying EIS. In this regard, the Board emphasised that the application and EIS should be comprehensive in terms of detail regarding both of the processes. In addition, both processes would have to be specified in the application and in the public notices for the application.
- Any formal planning application should be clear in terms of the amount of residue arising from both processes and its end location and use.
- Any formal planning application should be clear in terms of the sources of materials being brought on-site.

The Board also recommended that the prospective applicant commence discussions with the EPA if it has not already done so.

The Board enquired as to whether the planning application would be lodged prior to the end of 2011. The prospective applicant responded that this would be likely.

In respect of the closure of the pre-application process generally, the Board said that it viewed the current meeting as being the final one. The prospective applicant stated that it would wish to leave the consultation process open as long as possible in case further issues arose on which it might require the advice of the Board. In response to this, the Board said that following formal closure of the process it would require up to a month so that the Inspector's report could be completed and so that the Board would have sufficient time to deliberate on the case. Noting the prospective applicant's concerns regarding the disclosure of commercially sensitive material, the Board said that the case file would eventually be available publicly along with all plans and particulars submitted. The prospective applicant acknowledged this saying that its only concerns would be regarding the timing of the disclosure of such details.

The Board enquired as to whether there would be any changes to the REFIT regime or to waste policy generally prior to the lodging of an application. The prospective applicant replied that there might be a possible change to waste policy, as this was the subject of public consultation at present, but that it did not envisage any alterations to the REFIT issue. The Board reminded the prospective applicant that legally it would have to have regard to whatever waste policy is in force, at the time of an application, in its eventual decision. The prospective applicant noted this.

#### **Prescribed bodies:**

Having regard to Article 213 of the Planning and Development Regulations, 2006, the Board advised the prospective applicant that the following bodies should be consulted with and notified of a planning application.

- The Minister for the Environment, Community and Local Government
- The Minister for Communications, Energy and Natural Resources
- Kildare County Council
- National Roads Authority
- Environmental Protection Agency
- Department of Arts, Heritage and the Gaeltacht
- An Chomhairle Ealaion
- Failte Ireland
- An Taisce
- The Heritage Council

- Inland Fisheries Ireland

### Procedures:

In respect of procedures for making a formal planning application, the Board advised the prospective applicant as follows:

- An application can only be lodged after formal notice has been received by the prospective applicant under section 37(4) (a) of the Planning and Development Act, 2000.
- The application must be made by way of full completion of an application form to An Bord Pleanála.
- The sequencing of the application process and the content of the public notice is as set out at section 37E of the Planning and Development Act, 2000.
- The Board requires as a minimum that the public notice of the application would be in two newspapers circulating in the area to which the proposed development relates. A site notice in accordance with the protocols set out in the Planning and Development Regulations, 2001-2006 must also be erected. The date of the erection of the site notice is to be inserted; otherwise it should contain the same information as the newspaper notices and should remain in place for the duration of the period during which the public can make submissions to the Board.
- The documentation relating to the application is to be available for public inspection at the offices of the relevant planning authority and the offices of An Bord Pleanála. In this regard the requirements in terms of the number of copies of the documentation to be lodged with the relevant planning authority and the Board is as follows:
  - Planning Authority – 5 hard copies and 2 electronic copies.
  - An Bord Pleanála – 3 hard copies and 7 electronic copies.

The Board also requires the prospective applicant to provide a stand-alone website containing all of the application documentation. The address of this website is to be included in the public notice.

- The public notice of the application is to indicate that the application documentation will be available for public inspection after the elapsment of at least 5 working days from the date of the publication of the notice so as to ensure that the documentation is in place for such inspection.
- The time period for the making of submissions by the public is to be at least seven weeks from the date the documents become available for inspection (not from the date of publication of the public notices). The Board requires that the public notice must indicate the deadline time and date for the making of submissions to the Board. It was agreed that the prospective applicant would advise the Board's administrative personnel in advance of the details of its proposed public notice and that any further definitive advice on same including confirmation of dates/times and

procedural matters could be communicated at that stage. The Board stated that the onus is on the prospective applicant to ensure that the content of public notices is accurate and that a full description of the proposed development should be provided. It re-iterated that both of the processes proposed as part of the development should also be referred to in the public notice.

- The service of notice of the application on any prescribed bodies must include a clear statement that the person served can make submissions to the Board by the same deadline as specified in the public notice.
- The service letter on the planning authority with the necessary copies of the documents should be addressed to the County Manager and should also alert the authority to the Board's requirement that the application documentation be made available for public inspection/purchase by the planning authority in accordance with the terms of the public notice (copies of any newspaper/site notices should be provided to the planning authority). It is the Board's intention that all of the application documentation will remain available for public inspection during the currency of the application.
- The depositing of the application documentation and the making of the application to the Board should take place immediately after the publication of the notice and the completion of the service requirements. It should not await the elapsment of the period for the public to make submissions. The application should include a list of the persons served with the application, the date of such service, a sample copy of the notice of service and copies of the actual newspaper notices as published and the site notice.
- The fee for lodging an application is €100,000. The fee for making a submission in respect of an application is €500 (except for certain prescribed bodies which are exempt from this fee). There is an existing provision enabling the Board to recover its costs for processing any application from the applicant. In addition it was pointed out that the legislation also enables the Board to direct the payment of costs or a contribution towards same to the planning authority and third parties. The Board also pointed out that it may now recover its costs in respect of a pre-application consultation request as well under provisions introduced in the 2010 Act.

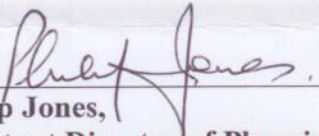
**The sequencing of the making of the application was summarised as follows:**

1. Publish newspaper notices.
2. Serve copy of relevant documents on bodies/persons required to be notified of the application. Deposit required number of copies with relevant planning authority.
3. Deposit required number of copies of application documentation with An Bord Pleanála and make an application to it.

**Conclusion:**

In relation to the possible holding of an oral hearing on the proposed development, the Board advised the prospective applicant that ultimately this is at the discretion of the Board. It noted that the normal practice was to hold oral hearings in respect of such cases although there had been exceptions also.

The meeting concluded at 11.20 a.m.

  
Philip Jones,  
Assistant Director of Planning  
15.8.2011

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Our Ref: 09.PC0106

Your Ref:

Ciara Kellett,  
AOS Planning,  
2nd Floor,  
The Courtyard,  
25 Great Strand Street,  
Dublin 1.

26 MAR 2012

23rd March 2012

**Re:** Proposed Mechanical Biological Treatment (MBT) Facility  
On The Site Of The Existing Drehid Waste Management Facility In  
County Kildare.

Dear Madam,

Please be advised that following consultations under section 37B of the Planning and Development Act, 2000 as amended, the Board hereby serves notice under section 37B(4)(a) that it is of the opinion that the proposed development falls within the scope of paragraphs 37A(2)(a), (b) and (c) of the Act. Accordingly, the Board has decided that the proposed development would be strategic infrastructure within the meaning of section 37A of the Planning and Development Act, 2000, as amended. Any application for permission for the proposed development must therefore be made directly to An Bord Pleanála under section 37E of the Act.

Please also be informed that the Board considers that the pre-application consultation process in respect of this proposed development is now closed.

Attached is a list of prescribed bodies to be notified of the application for the proposed development.

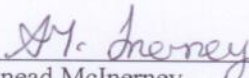
In accordance with section 146(5) of the Planning and Development Act, 2000 as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

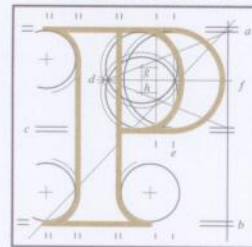
If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

  
Sinead McInerney  
Executive Officer  
Direct Line: 01-8737295

An Bord Pleanála



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64 Sráid Maoilbhríde,  
Baile Átha Cliath 1.

Tel: (01) 858 8100  
LoCall: 1890 275 175  
Fax: (01) 872 2684  
Web: <http://www.pleanala.ie>  
email: [bord@pleanala.ie](mailto:bord@pleanala.ie)

64 Marlborough Street,  
Dublin 1.



## Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act, 2000, as amended

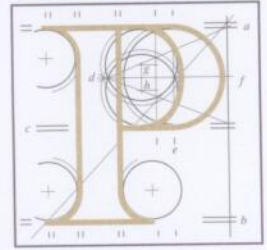
A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006 and as amended/substituted by sections 32 and 33 of the Planning and Development (amendment) Act 2010) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed. Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

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Baile Átha Cliath 1.

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## 09.PC0106

**Prospective Applicant:** Bord na Móna

**Proposed Development:** Proposed Mechanical Biological Treatment (MBT) Facility On  
The Site Of The Existing Drehid Waste Management Facility  
In Co. Kildare

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The prospective applicant is advised to have regard to article 213 of the Planning and Development Regulations 2006 when lodging the application for the proposed development under section 37E of the Planning and Development (Strategic Infrastructure) Act 2006.

- The Minister for the Environment, Community and Local Government
- The Minister for Communications, Energy and Natural Resources
- Kildare County Council
- National Roads Authority
- Environmental Protection Agency
- Department of Arts, Heritage and the Gaeltacht
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- The Heritage Council
- Inland Fisheries Ireland