

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Kildare County

An Bord Pleanála Reference Number: 09.RL.2742

WHEREAS a question has arisen as to whether the deposition of stable non-reactive hazardous waste, including bound asbestos at Drehid Waste Management Facility, Carbury, County Kildare is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Kildare County Council on the 23rd day of April, 2010:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, and
- (c) The planning history of the subject site including previous decisions made by An Bord Pleanála under reference numbers PL 09.212059 and 09.PA.004

AND WHEREAS An Bord Pleanála has concluded that –

- (a) the acceptance of stable non-reactive hazardous waste, including bound asbestos at the existing non-hazardous residual landfill facility, constitutes development involving a material change of use within the meaning of section 3 of the Planning and Development Act, 2000, and
- (b) the said proposed deposition does not come within the scope of the exempted development provisions of the Planning and Development Act, 2000, as amended, or the Planning and Development Regulations, 2001, as amended.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the deposition of stable non-reactive hazardous waste, including bound asbestos, is development and is not exempted development.

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 hereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

Dated this day of 2010.