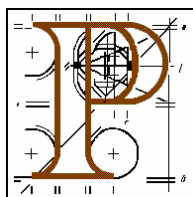


An Bord Pleanála



STRATEGIC INFRASTRUCTURE DEVELOPMENT

PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

An Bord Pleanála Reference Number: 09.PA0027

(Planning Authority: Kildare County Council)

APPLICATION for permission under section 37E of the Planning and Development Act, 2000, as amended, in accordance with plans and particulars, including an environmental impact statement, lodged with An Bord Pleanála on the 6th day of June, 2012 by Bord na Móna plc care of Tobin Consulting Engineers, Block 10-4, Blanchardstown Corporate Park, Dublin.

PROPOSED DEVELOPMENT: A mechanical biological treatment facility with a capacity of 250,000 tonnes per annum of waste (principally municipal solid waste) on a 29 hectare site in the townlands of Coolcarrigan, Drummond and Kilkeaskin, Carbury, County Kildare comprising:

- (a) Eight number dedicated and linked structures to house the mechanical biological treatment activity:
 - (i) A 8,148 square metres mechanical treatment building with a maximum height of 14.19 metres;
 - (ii) A 2,457 square metres single storey solid recovery fuel building with a maximum height of 14.18 metres;
 - (iii) Three number biofilter/ odour abatement buildings [two number 2,392 square metres single storey buildings with a maximum height of 6.91 metres; and one number 1,312 square metres single storey building with a maximum height of 6.91 metres, and associated stacks approximately 20 metres in height];

- (iv) Two number 13,860 square metres single storey biological treatment buildings with a maximum height of 14.7 metres, and
 - (v) A 3,893 square metres single storey refining building with a maximum height of 14 metres.
- (b) A 7,420 square metres open bunded concrete solid recovery fuel storage area.
 - (c) Two number 4,212 square metres attenuation ponds for the treatment of surface water adjacent to the existing access road serving the Drehid Waste Management Facility and to the northwest of the proposed buildings.
 - (d) A 985 square metres two storey administration and welfare building with a maximum height of eight metres, with a landscaped car park area accommodating 101 number car parking spaces; two number van parking spaces; and two number bus parking spaces.
 - (e) A 1,296 square metres attenuation pond for the treatment of surface water to the southeast of the administration and welfare building.
 - (f) A 405 square metres single storey maintenance building with a maximum height of nine metres, with an associated heavy goods vehicle park accommodating 18 number heavy goods vehicle parking spaces, skip storage area and truck wash.
 - (g) Service and dedicated circulation roads with two new junctions from the existing access road serving the Drehid Waste Management Facility.
 - (h) Weighbridges, weighbridge kiosk (16.25 square metres and 3.55 metres high), wheelwash and areas of hard-standing.
 - (i) Landscaped areas and screening bunds of varying heights.
 - (j) Ancillary development works include the development of underground heat transfer pipes between the proposed mechanical biological treatment facility and the existing Drehid Waste Management Facility, a 25,000 litre bunded and roofed fuel storage area (36.25 square metres and 3.75 metres high), and other works necessary to facilitate the proposed development.

The proposed mechanical biological treatment facility has been designed such that it provides for the development of an optional anaerobic digestion step, as part of a biological treatment stage. As provided for in section 41 of the Planning and Development Act 2000, as amended, planning permission is sought for a period of 10 years. The application caters for two mechanical biological treatment facility configurations and describes the physical works associated with each. In Configuration A, anaerobic digestion is not provided and the works are as described in items (a) to (j) above. In Configuration B, anaerobic digestion is provided and in addition to items (a) to (j) there will be additional plant housed with the southern-most biological treatment building (labelled number one) including the provision of combined heat and power plant, and a stand-by gas flare compound, with associated 20 metre high stacks. In Configuration B, renewable electricity will be produced. In both Configuration A and Configuration B, the gross floor area of proposed buildings is 49,757 square metres on a 29 hectare site.

At present the landfill at the existing Drehid Waste Management Facility is permitted to dispose of a total of 360,000 tonnes per annum, reverting to 120,000 tonnes per annum in December 2013. The proposed development will not involve any increase of landfilling above these maxima.

DECISION

GRANT permission under section 37G of Planning and Development Act, 2000, as amended, for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

DETERMINE under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs below.

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 the submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:-

- (a) EU Directives including:
 - (i) the Habitats Directive (92/43/EEC),
 - (ii) the Landfill Directive (1999/31/EC) and
 - (iii) the Waste Framework Directive (2008/98/EC);
- (b) National planning policy including:
 - (i) National Spatial Strategy 2002-2020 and
 - (ii) National Development Plan 2007-2013;
- (c) National waste management policy framework and guidance including:
 - (i) Waste Management: Changing Our Ways, Department of the Environment and Local Government (1998),
 - (ii) Preventing and Recycling Waste: Delivering Change, Department of the Environment and Local Government (2002),
 - (iii) Waste Management: Taking Stock and Moving Forward, Department of the Environment Heritage and Local Government (2004),
 - (iv) National Overview of Waste Management Plans, Department of the Environment Heritage and Local Government (2004),
 - (v) Policy guidance notes pursuant to section 60 of the Waste Management Act, 1996, as amended (Circular WIR: 04/05) Department of the Environment Heritage and Local Government (2005),
 - (vi) National Strategy on Biodegradable Waste, Department of the Environment Heritage and Local Government (2006),
 - (vii) International Review of Waste Management Policy, Department of the Environment Heritage and Local Government (2009),

- (viii) Draft Statement of Waste Policy, Department of the Environment Heritage and Local Government (2009),
 - (ix) Towards a New National Waste Policy, Department of the Environment Community and Local Government (2011) and
 - (x) A Resource Opportunity, Waste Management Policy in Ireland, Department of the Environment Community and Local Government (2012);
- (d) The Environmental Protection Agency guidance including:
- (i) Critical Analysis of the Potential of Mechanical Biological Treatment for Irish Waste Management, Environmental Protection Agency (2008),
 - (ii) Municipal Solid Waste – Pre Treatment & Residuals Management, Environmental Protection Agency (2009),
 - (iii) National Waste Report 2010, Environmental Protection Agency (2012) and
 - (iv) other Environmental Protection Agency guidance relating to environmental impact statements;
- (e) Regional Waste Management Plans for Kildare and adjoining regions;
- (f) The Regional Planning Guidelines for the Greater Dublin Area, 2010-2022;
- (g) The Kildare County Development Plan 2011-2017;
- (h) The pattern of development in the area, including the proximity to a landfill site and distance from dwellings;
- (i) The planning history of the immediate area and the past use of the site in industrial peat extraction;
- (j) The fact that the proposed development is subject of an application for a waste licence to the Environmental Protection Agency under the Waste Management Acts 1996, as amended, and consultation has taken place with the Environmental Protection Agency in regard to the environmental impact statement;

- (k) The environmental impact statement and information submitted to the oral hearing and the consideration of likely impacts on the environment, and
- (l) The report of the Inspector who held the oral hearing.

The Board adopted the report of the Inspector, which described, analysed and evaluated the environmental impact statement. The Board completed an environmental impact assessment and concluded that the proposed development would not be likely to have significant adverse effects on the environment.

The Board completed a screening exercise and, having regard to the screening assessment submitted by the applicant, the Inspector's report and the submissions on file, the Board concluded that, based on the information available, the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, having regard to the conservation objectives of those sites.

It is considered that the proposed development, which would address the identified waste management targets and needs in the short to medium term for the region, subject to the conditions set out below, would be acceptable in terms of the impacts on the amenities of the area and of property in the vicinity, would not be prejudicial to public health, would not constitute a threat of pollution and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out in accordance with the plans and particulars lodged with the application on the 6th day of June, 2012 and the further information submitted to An Bord Pleanála on the 4th day of October, 2012, as amended by the information and drawings submitted to the oral hearing on the 11th day of December, 2012, and in accordance with the provisions of the submitted environmental impact statement, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures outlined in the environmental impact statement and in subsequent documentation shall be carried out and shall be implemented as part of the proposed development, except as may be otherwise required in order to comply with the conditions set out below.

Reason: In the interest of orderly development and to ensure a proper standard of development.

3. This permission is for a period of 10 years from the date of this order.

Reason: In the interest of clarity.

4. Details relating to the external finishes and colours of the proposed structures shall be agreed with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development and visual amenity.

5. The site landscaping shall generally be in accordance with the submitted environmental impact statement. Detailed submissions, including a timescale for all landscape measures (which shall also include replanting in the event of failures) shall be agreed with the planning authority. The details shall include proposals in relation to boundary treatment of the proposed facility

Reason: In the interest of visual amenity.

6. Any stockpiling arrangements for excavated soil and/or peat for use in the landscaping or other purpose shall be agreed in writing with the planning authority.

Reason: In the interest of proper planning and visual amenity.

7. Surface water discharges arising during the construction and operational phases of the proposed development shall be discharged via interceptor traps to the settlement ponds prior to discharge into receiving waters. The settlement ponds shall be sized as indicated in the further information submitted to An Bord Pleanála on the 4th day of October, 2012.

Reason: To reduce the risk of pollution.

8. Prior to the commencement of development, centre line archaeological testing and archaeological probing shall be carried out on the site under the supervision of a licensed archaeologist. All excavations associated with initial site development works and subsequent excavations and peat and soil stripping shall be monitored by a qualified and licensed wetland archaeologist. In the event that any archaeological material is found during the course of monitoring, the archaeologist shall be empowered to stop work on the site, pending a decision on how best to deal with the archaeology. A report on the monitoring shall be submitted to Department of the Arts, Heritage and the Gaeltacht.

Reason: To ensure the protection of any items of archaeological interest which may be impacted upon by the development.

9. During the construction phase of the proposed extension, heavy goods vehicle movements to or from the site shall be confined to between 0800 and 2000 hours on Monday to Friday inclusive, and 0800 and 1300 hours on Saturdays. No heavy goods vehicle movements to or from the site shall take place on Sundays or public holidays.

Reason: To protect the residential amenity of the area during the construction phase of the development.

10. During the construction phase of the proposed extension, noise levels at the site (when measured at noise sensitive locations in the vicinity) shall not exceed 55 dB(A) between 0800 and 2000 hours, Monday to Friday inclusive, and 0800 and 1300 hours on Saturdays, and shall not exceed 45 dB(A) at any other time. The hours of construction shall be confined to the period indicated above except in the event of emergencies.

Reason: To protect the amenities of property in the vicinity.

11. The hours of operation of the proposed facility shall be as stated in the environmental impact statement and restated at the oral hearing. The mechanical treatment process at the proposed facility shall operate only between 0800 to 0200 hours on Monday to Saturday inclusive. The solid recovery fuel drying process and the biological treatment process shall operate on a continuous basis (24 hours per day and seven days per week) and shall be fully automated.

Reason: In the interest of orderly development.

12. Waste shall be accepted into the proposed facility and outputs shall depart from the proposed facility only between 0730 to 1815 hours on Monday to Saturday inclusive.

Reason: To protect the amenities of property in the vicinity.

13. Artificial light sources relating to the proposed development shall be designed to avoid light nuisance at sensitive sources. Lighting shall be positioned and fixed to be directed downwards and inwards to the site.

Reason: To protect the amenities of property in the vicinity and to minimise light pollution.

14. Details relating to tonnage, origin, destination, composition and nature of material arriving and departing from the proposed facility shall be recorded and made available to the planning authority on an annual basis.

Reason: To provide for monitoring of material utilising the facility and to assist in assessing impact on the road network.

15. All materials being transported to the site, either in the construction or operational phases, shall be transported via the haul routes as identified in Figure 11.1 of the environmental impact statement. After a period of three years of the operational phase of the facility and at regular three year intervals, a review of the impact of the heavy goods vehicle movements generated on the local road network shall be carried out by the developer in conjunction with the planning authority. Any revisions to the routes allowed to and from the site shall be agreed and implemented within six months of the review.

Reason: In the interest of traffic safety, orderly development and the protection of amenity.

16. The developer shall pay a sum of money to the planning authority, either annually or in such manner as may be agreed, towards the cost of the provision of environmental improvement and recreational or community amenities in the locality. The identification of such projects shall be decided by the planning authority in consultation with the local community. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement shall be referred to the An Bord Pleanála for determination. The amount shall be index linked in the case of phased payments.

Reason: It is considered reasonable that the developer should contribute towards the cost of a facility or provision of a service which would constitute a substantial gain to the community.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of the development or in such phased payments as the planning authority may facilitate and shall be the subject of any specified Indexation provisions of the Scheme which shall be applied from the date of making of the Scheme. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is considered that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended, be applied to the permission.

18. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of road improvements at Killinagh (R403), Grangeclare (R415) and Kilcullen Road Naas (R448) between the ring road and Pipers Hill; traffic calming at Johnstown Bridge (R402), Kilmeage (R415), Prosperous (R403), Sallins (R407) and Kilcullen (R448); and bridge assessments and remedial works on Littleton, Bond, Ford and Herberton Bridges (all on the R415) and Caragh Bridge (R409) which will benefit the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

SCHEDULE OF COSTS

In accordance with section 37H of the Planning and Development Act 2000, as amended, the Board requires the following costs to be paid by the applicant towards costs incurred the planning authority in its consideration of the application:-

To Kildare County Council €1,671

Reimbursement of fees by An Bord Pleanála to the applicant €58,837

A breakdown of the Boards costs is set out in the attached Appendix 1.

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

Dated this day of 2013.