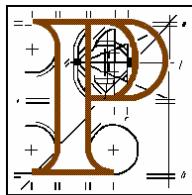


An Bord Pleanála.



Inspector's Report

Case Reference:	09.PA0027.
Description of Development:	Proposed Dechid MBT Facility which will primarily accept and process municipal solid waste (MSW) and will provide for an overall capacity of 250,000 tonnes per annum (TPA).
Address:	The townlands of Coolcarrigan, Drummond and Kilkeaskin, Carbury, County Kildare.
Applicant:	Bord na Móna Plc.
Submissions received:	1 National Roads Authority. 2 Bord na Mona. 3 Dept. Arts, Heritage and the Gaeltacht. 4 Paddy Mc Evoy MCC 5 Des and Yvonne Mulvey 6 Kildare County Council
Dates of Oral Hearing:	11 th and 12 th of December 2012.
Date of Site Inspection:	20 th June 2012, 21st August 2012 and 10 th December 2012.
Inspector:	Derek Daly

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Appendix 1

SUMMARY OF PROCEEDINGS OF ORAL HEARING

Appendix 2

Objections and the submissions to An Bord Pleanala in relation to the proposed development prior to oral hearing.

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1. INTRODUCTION

- 1.1 An application has been made by Bord na Móna Plc. for a proposed Drehid MBT Facility which will primarily accept and process municipal solid waste (MSW) and will provide for an overall capacity of 250,000 tonnes per annum (TPA). The application by Bord na Móna is being made directly to An Bord Pleanála as ‘*Strategic Infrastructure Development*’ under the provisions of Section 37 of the Planning and Development (Strategic Infrastructure) Act, 2006, the Planning and Development Act, 2000 as amended and associated Planning Regulations.
- 1.2 The application is accompanied by an Environmental Impact Statement and a Natura Impact Statement and has been the subject of a number of objections / submissions.
- 1.3 The existing Drehid Waste Management Facility is located on the same landholding as the current proposal. In 2005, Bord na Móna was granted planning permission for the development of activities comprising an engineered residual landfill accepting 120,000 tpa; and a composting facility accepting 25,000 tpa of biowaste from household, commercial and industrial sources; and associated site infrastructure and development works.
- 1.4 A waste licence was subsequently issued by the Environmental Protection Agency (EPA). The facility commenced operations in February 2008.
- 1.5 Planning permission was granted by An Bord Pleanála in 2008 to intensify waste acceptance at the landfill to 360,000 tpa for a five-year period (until December 2013) and to extend the landfill footprint of the facility. The appropriate EPA waste licence⁴ was granted in 2009. That licence was reviewed in June 2009 as a result of the introduction of limits on the acceptance of biodegradable municipal waste at landfill.
- 1.6 A revised waste licence was issued by the EPA in March 2010.
- 1.7 More recent permissions include the development of a landfill gas utilisation plant (October 2011) and an increase in the floor area of the previously permitted composting facility (November 2011).

2. SITE LOCATION AND DESCRIPTION

- 2.1 The MBT Facility site is located in the townlands of Coolcarrigan, Drummond and Kilkeaskin, Carbury, Co. Kildare approximately 13 kilometres to the northwest of Clane, 4 kilometres north of Allenwood, 9 kilometres north west of Prosperous, 9 kilometres to the south of Enfield Co. Meath and 12 kilometres to the east of Edenderry Co. Offaly.
- 2.2 The topographic landform within the site boundary and general area consists of flat lying to gently undulating topography of cut away peatland. There are a number of adjacent villages including Derrinturn to the north west, Timahoe to the northeast, Coill Dubh to the south east and Allenwood to the south within a relative close proximity of the MBT Facility. The site is also within relative proximity to the R402 and R403 regional roads with the primary access to the site off the R403. The R403

lies south, southwest and west of the site. The R403 joins the R402 at Carbury to the northwest of the site. The R402 connects to the M4 while the R403 connects to central and south County Kildare. The M4 (Dublin to Sligo/Galway) motorway is located approximately 9km to the north of the proposed MBT Facility location, while the M7 (Dublin to Limerick/Cork) motorway is located approximately 17km to the south of the proposed MBT Facility location.

- 2.3 The site and all the activities associated with the Drehid MBT Facility is confined to a landbank of approximately 29ha and are located on a segment of land within a larger Bord na Móna landholding, which is located to the east of the existing access road and approximately 1km south of the existing Drehid Waste Management Facility.
- 2.4 The immediate area around the MBT Facility site is reasonably sparsely populated. The nearest residential dwelling is located approximately 1km to the west of the proposed activity boundary. The largest concentration of houses close to the proposed facility is to the north west of the site in the village of Derrinturn.
- 2.5 There is an existing access to the existing Drehid Waste Management Facility from the R403 regional road via a dedicated site entrance and an internal access road approximately 5 kilometres in length. This existing entrance and road will also provide access from the R403 regional road to the MBT Facility.

3. PROPOSED DEVELOPMENT

- 3.1 The proposed Drehid Mechanical Biological Treatment (MBT) Facility will primarily accept and process municipal solid waste (MSW) and will provide for an overall capacity of 250,000 tonnes per annum (TPA). Mechanical Biological Treatment through a combination of mechanical processing and biological treatment (such as composting and anaerobic digestion) reduces the volume of waste which requires treatment by disposal in landfill or incineration.
- 3.2 Bord na Móna the applicant has proposed the preparation of the Planning Application and Waste Licence Application for the proposed Drehid MBT Facility such that it provides for the development of an optional Dry Anaerobic Digestion step as part of the biological treatment stage. The biological treatment stage will include a composting step in any event.
- 3.3 The Planning Application and Waste Licence Application includes for both scenarios:
 - Configuration A (MBT with Composting)
 - Configuration B (MBT with Dry Anaerobic Digestion and Composting)
- 3.4 The proposed design of the MBT Facility is such that there are no significant external differences between Configuration A (MBT with Composting) and Configuration B (MBT with Dry Anaerobic Digestion and Composting). It is proposed that the AD plant and ancillary plant will be located within the enclosure of the biological treatment buildings.
- 3.5 The main physical difference between the two Configurations will be that Configuration B will have a standby gas flare compound and a stack associated with

the CHP plant. In addition, Configuration B will require physical infrastructure (i.e. overhead power line) to facilitate the export of electricity to the electricity network.

3.6 The following is a schedule of the main infrastructure elements relating to the proposed Drehid MBT Facility:

- Access roads, parking areas and hard standing areas,
- Security Infrastructure,
- An Administration and Welfare Building,
- A Mechanical Treatment Building,
- A Solid Recovered Fuel (SRF) Building,
- Biological Treatment Building No. 1,
- Biological Treatment Building No. 2,
- A Refining Building,
- Biofilter/Odour Abatement Buildings No. 1 – 3,
- Maintenance Building,
- The provision of a Truck Wash, Truck Park and Skip Storage Area,
- A Weighbridge and Weighbridge control building,
- The provision of a Wheelwash,
- A Gas flare compound (required only for Configuration B),
- Combined Heat and Power (CHP) Plants (required only for Configuration B),
- Electrical Power Supply Infrastructure,
- Outdoor storage area for SRF,
- Surface Water Pumping Stations,
- Surface Water Attenuation Ponds,
- A Bunded Fuel Storage Area,
- A Heat Transfer System (between the existing Drehid Waste Management Facility and proposed Drehid MBT Facility),
- The provision of a Potable Water Supply,
- The provision of Landscaping Features.

3.7 In relation to the operations of the facility the mechanical treatment process at the Drehid MBT Facility will operate 6 days per week (Monday to Saturday inclusive) and for 16 hours per day (on a two shift basis). The SRF drying process and the biological treatment process will operate on a continuous basis (24 hours per day and 7 days per week) and will be fully automated. Waste will be accepted to and outputs will depart from the MBT Facility from 7.30am to 6.15pm.

3.8 Only household, commercial and non-hazardous industrial wastes will be accepted at the MBT Facility. Waste from HGVs will be deposited into the waste reception bunker within the Mechanical Treatment Building as directed by the site operative on duty at the MBT Facility. Waste will be accepted at the facility only from customers who are holders of a waste collection permit, unless exempted, under the Waste Management (Collection Permit) Regulations (S.I No. 820 of 2007) and amending Regulations, the Waste Management (Collection Permit) (Amendment) Regulations (S.I No. 87 of 2008). The MBT Facility will not accept waste delivered directly by the general public and a civic amenity facility will not be provided at the site.

3.9 It is indicated that all the proposed MBT activities will take place indoors and all plant, equipment and tipping areas will be cleaned regularly. SRF will be baled and

wrapped in plastic before being stored outdoors. It should be noted that SRF will typically not contain food waste and therefore will not attract vermin. The biological treatment process will also take place within completely enclosed buildings, including the storage of organic fines, mixing, composting/anaerobic digestion and refinement.

- 3.10 By virtue of the biological process in an MBT facility, biodegradable municipal waste can be biostabilised thereby eliminating its potential to generate methane (a harmful greenhouse gas) and leachate, thus contributing to the fulfilment of Ireland's targets under the Landfill Directive (1999/31/EC).
- 3.11 In deciding on the configuration of the biological process, and in particular the inclusion of Anaerobic Digestion (AD), consideration will relate to the fiscal incentives for the development of AD– namely the Renewable Energy Feed In Tariff (REFIT).
- 3.12 The applicant proposes the preparation of the Planning Application and Waste Licence Application for the proposed Drehid MBT Facility such that it provides for the development of an optional Dry AD step as part of the biological treatment stage. The biological treatment stage will include a composting step in any event. This approach has been subject to detailed pre-application discussions with both An Bord Pleanála and the EPA.
- 3.13 This Planning Application and Waste Licence Application includes provides for both scenarios Configuration A and Configuration B and the potential impacts and mitigation measures for both scenarios are also assessed for each environmental parameter within the EIS submitted with the application.

4. SITE HISTORY.

- 4.1 ABP Ref No. PL.09.212059 / KCC Reg. Ref No. 04/371

The Drehid Waste Management facility was granted planning permission subject to conditions in November 2005.

- 4.2 EPA Ref No. W0201-01

The Environmental Protection Agency (EPA) issued a Waste Licence for the facility in August 2005.

Under the aforementioned planning permission and in accordance with the aforementioned Waste Licence, 120,000 TPA (tonnes per annum) of waste can be disposed of to the engineered landfill site with an additional 25,000 TPA permitted for treatment at a composting facility. The operational life of this facility is 20 years. The planning permission also provided for all associated site development works including the development of an access road from the R403 regional road to the location of the landfill and composting facility. Construction of the facility commenced in August 2006 and it commenced accepting waste in February 2008.

- 4.3 ABP Ref No. PL09 .PA0004

An Bord Pleanála granted planning permission to intensify waste acceptance (for disposal to landfill) to 360,000 TPA until December 2013, with tonnage for disposal at the landfill element of the facility, thereafter, to be restricted to the 120,000 TPA maximum previously permitted. The Planning Application proposed the disposal of an additional 240,000 TPA of waste (over and above that previously permitted) for 7 years, with the development reverting back to receiving the previously permitted 120,000 TPA thereafter.

The permission also included for a landfill facility extension which involves the construction of additional landfill capacity in the form of lined and contained cells to ensure that the previously permitted overall life span and/or annual capacity of the landfill element of the facility is not reduced as a consequence of the temporary intensification (*ABP Ref No. PL.09.212059*).

4.4 EPA Ref No. W0201-02

The Environmental Protection Agency issued a revised Waste Licence for the facility in April 2009.

4.5 EPA Ref No. W0201-03

In March 2010 the EPA issued a revised Waste Licence for the facility. The grounds for the review related to the introduction of limits on the acceptance of biodegradable municipal waste at landfill following the publishing of a technical guidance document on Municipal Solid Waste Pre-treatment and Residuals Management.

4.6 Kildare County Council P.A. Reg. Ref No. 10/1172

Extension of Duration of Planning Permission was granted in February 2011. Kildare County Council granted an extension of the duration of the Planning Permission for construction of the Drehid Waste Management Facility for a period of two years from the 14th of January 2011.

4.7 KCC P.A. Reg. Ref No. 11/537

In May 2011, Bord na Móna lodged a Planning Application for the development of a landfill gas utilisation plant. The proposed development of the landfill gas utilisation plant will be phased and will generate up to 4.99 MW of electricity for input into the national grid. Planning permission was granted for this application in October 2011.

4.8 KCC P.A. Reg. Ref No. 11/902

Most recently, a planning application was lodged for an extension, with a gross floor space of approximately 383 square metres, to the previously permitted composting facility. No increase to the previously permitted waste acceptance of 25,000 tonnes per annum at the composting facility was proposed, rather, an extension to provide additional floor space. Planning permission was granted for this development by Kildare County Council in November 2011.

5 ENVIRONMENTAL IMPACT ASSESSMENT (EIS).

- 5.1 An Environmental Impact Statement was submitted by the applicant. The report addresses these impacts in accordance with the statutory requirements. The EIS is in five volumes, a non-technical summary volume 1, main report volume 2, figures volume 3, appendices volume 4 and a Natura Impact Statement volume 5. During the course of the oral hearing a document of errata relating to the EIS and NIS were also submitted.
- 5.2 Many of the issues raised in objection to the development arise in relation to the information submitted in the statement and these issues were further considered in the course of an oral hearing in submissions made by the applicant, in questions arising and in the submissions by objectors to the proposal.
- 5.3 The EIS, as prepared, contains a description of the existing environment, information on the scale and nature of the proposed development, an impact assessment of the proposed development and mitigation measures to reduce the impact on the receiving environment. This document provides a non-technical summary of the overall EIS describing the existing environment, the proposed development and potential impacts and mitigation measures.

6. ORAL HEARING.

- 6.1 An Oral hearing in relation to the development was held in the Johnstown House Hotel, Enfield, County Meath, which commenced on the 11th December 2012 and concluded on the 12th of December 2012.
- 6.2 A recording of the proceedings of the oral hearing was taken and considered in the assessment of this development. A summary of the oral hearing is attached to this report as appendix 1

7. POLICY CONTEXT.

7.1 European Union.

- 7.1.1 **Habitats Directive 92/43/EEC** on the conservation of natural habitats and of wild fauna and flora are materially relevant to this appeal and in particular Article 6(3) and Article 6(4).

Article 6(3) indicates,

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public”.

Article 6(4) indicates,
“If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

7.1.2 Appropriate Assessment Guidelines for Planning Authorities DoEHLG December 2009. The subject of this guidance document is the requirement to consider the possible nature conservation implications of any plan or project on the Natura 2000 site network before any decision is made to allow that plan or project to proceed. Not only is every new plan or project captured by this requirement but each plan or project, when being considered for approval at any stage, must take into consideration the possible effects it may have in combination with other plans and projects when going through the process known as appropriate assessment (abbreviated in this document to AA). The concept of plan and project is extremely broad and is not limited to development planning and development management, covered by the Planning and Development Acts.

7.1.3 **S.I. No. 477 of 2011 EUROPEAN COMMUNITIES (BIRDS AND NATURAL HABITATS) REGULATIONS 2011.**

7.1.4 Part 3 of the Regulations relates to conservation of Natural Habitats and Habitats of Species and sets out priorities for the designation of sites in the light of the importance of the sites for the maintenance or restoration at a favourable conservation status of a natural habitat type or types in Annex I to the Habitats Directive, a species in Annex II to the Habitats Directive, the conservation status of natural habitat types and or priority species, the coherence of Natura 2000, and the threats of degradation or destruction to which those sites are exposed.

7.1.5 There is provisions stated in relation to designation, amendment and de-designation of these sites and the procedures are set out in the Regulations.

7.1.6 There is provision for in Article 24 for management plans and agreements to establish the necessary conservation measures or contractual measures which correspond with the ecological requirements of those species and habitats in respect of which the site is included as a European Site or that are subject to the conservation objectives of the site.

7.1.7 Part 4 relates to activities, plans or projects affecting European Sites and to exercising functions relating to nature conservation so as to secure compliance with the requirements of the Habitats Directive and the Birds Directive.

7.1.8 Article 27 relates to duties of public authorities relating to nature conservation and subsection (2) indicates “*any public authority having or exercising functions, including consent functions, which may have implications for or effects on nature conservation shall exercise those functions in compliance with and, as appropriate, so as to secure compliance with, the requirements of the Habitats Directive and the Birds Directive and these Regulations*” and subsection (3) “*public authorities, in the*

exercise of their functions, including consent functions, insofar as the requirements of the Habitats Directive are relevant to those functions, shall take the appropriate steps to avoid, in European Sites, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated in so far as such disturbance could be significant in relation to the objectives of the Habitats Directive”.

7.1.9 Part 5 of the regulations relate to Appropriate Assessment and Article 42.(1) “a screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site” and (2) indicates “a public authority shall carry out a screening for Appropriate Assessment under paragraph (1) before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken”.

7.1.10 For the purpose of the regulations public authority includes An Bord Pleanála,

7.1.11 The First Schedule relating to Flora and Fauna in Part 1 refers to all species listed in Annex IV of the Habitats Directive and Part 2 to all species listed in Annex V of the Habitats Directive

7.1.12 **Landfill Directive (1999/31/EC)** sets out targets in relation to reduction to landfill over a period of time with the provision of increased material recovery and recycling and for the reduction of the residual to landfill with provision for biological treatment. Article 5 of the Landfill Directive sets out specific pre-treatment obligations for biodegradable municipal waste (BMW) which are tied to the 1995 statistical base year for waste production in Ireland. Based on negotiations by 16th July 2016, Ireland can only landfill a maximum of 35% of the BMW generated in 1995.

7.1.13 **Waste Framework Directive (2008/98/EC).**

The Directive is aimed at encouraging the greater reuse and recycling of waste, whilst it also sets out to simplify the fragmented legal framework that has regulated the waste sector to date. The Directive also requires Member States to apply the waste hierarchy as a priority order in waste prevention and management legislation and policy.

7.2 National Policy and Planning Guidance.

7.2.1 **National Spatial Strategy (NSS) 2002** proposed a 20-year spatial framework at National level with an overriding objective to provide for a more balanced regional development in Ireland including provision of infrastructure. Section 3.7 of the NSS specifically addresses the issue of the ‘Key Infrastructure’ required to realise the strategy. In relation to waste management infrastructure, the NSS states “Waste management is a particular current priority. Efficient, effective and cost competitive waste management facilities are essential if industrial and enterprise activity is to thrive and develop in a balanced way across Ireland”.

7.2.2 **The National Development Plan (NDP) 2007 - 2013** sets out a framework for the promotion of regional development with a particular focus on investment in the National Spatial Strategy (NSS) including the provision of the necessary infrastructure

7.3 National Waste Management Policies and Guidance.

There has been a significant evolution in National Waste Management Policies since the late 1990s.

7.3.1 “Waste Management: Changing Our Ways” DoEHLG (1998)

The approach adopted in ‘Changing Our Ways’ addressed stated EU policy and was one of integrated waste management based on an emphasis on waste prevention, minimisation, re-use, recycling, energy recovery and the environmentally sustainable disposal of residual waste in effect highlighting the need for a new approach to the delivery of waste infrastructure and services and emphasised the need for co-operation with neighbouring local authorities and the utilisation of the potential of the private sector to contribute to the delivery of services.

7.3.2 Preventing and Recycling Waste: Delivering Change DoEHLG (2002).

Delivering Change addressed the factors and practical considerations that are relevant to the prevention and recovery of waste and established a series of objectives in terms of the implementation of the waste hierarchy based on minimisation of waste generation and improving levels of recycling of generated waste.

7.3.3 Waste Management: Taking Stock and Moving Forward DoEHLG (2004).

The overall policy approach set out in ‘Taking Stock and Moving Forward’ was an evaluation of progress on targets set out in ‘Changing Our Ways’ and looked at future strategies to meet those targets by 2013.

7.3.4 National Overview of Waste Management Plans DoEHLG (2004).

The ‘National Overview of Waste Management Plans’ was an overview of the waste management plans and the provision of necessary infrastructure.

7.3.5 Policy Guidance Notes Under Section 60 of the Waste Management Act, 1996 DoEHLG (2005).

Policy Guidance Notes pursuant to Section 60 of the Waste Management Act, 1996 were issued by the Minister in May 2005 to address the issue of actions against illegal waste activity as well as the movement of waste between waste management plan areas. With specific regard to the movement of waste, the notes addressed what it termed the “*unnecessarily restrictive*” approach to limiting waste management facilities to dealing only with wastes arising in the area to which the relevant Waste Management Plan applied.

7.3.6 National Strategy on Biodegradable Waste DoEHLG (2006).

The Strategy sets out Government policy for the diversion of biodegradable municipal waste (BMW) from landfill and addressed the limits set for the quantity of biodegradable municipal waste permitted to be sent to landfill under the EU Landfill Directive and the targets set out in the Directive with reference to increased in recycling capacity and biological treatment capacity is required” and of the urgent need to procure the necessary alternative waste treatment capacity which will facilitate diversion of biodegradable municipal waste away from landfill. There is reference to the increased use of Mechanical Biological Treatment (MBT) as part of an overall strategy to reduce the environmental impacts of landfilling and meet the targets set in the EU Landfill Directive.

7.3.7 International Review of Waste Management Policy (DoEHLG 2009).

The document emphasises the importance of waste minimisation and prevention with only the smallest volumes of waste then requiring treatment and/or disposal and that waste policies should increase recycling and composting / digestion at the expense of other forms of residual waste treatment, supported the imposition of the Residual Waste Levies.

7.3.8 Draft Statement of Waste Policy - DoEHLG (2009).

The Draft Statement of Waste Policy outlined the key principles and actions which it is envisaged will inform Irish waste policy with a stated aim to move away from traditional landfill and mass burn incineration, towards higher levels of recycling and mechanical/biological treatment to ensure the achievement of maximum environmental performance.

7.3.9 Towards a New National Waste Policy DoEHLG (2011).

This document puts forward an outline of possible policy initiatives for consultation and that the development of a new waste policy will be guided by a set of principles which, taken together with our obligations as an EU Member State, will inform how Ireland will address waste in the coming decade and beyond. There is reference to the flexible use of technology which is efficient and effective in waste management policy realm and the use of Solid Recovered Fuel (SRF) from a mechanical-biological treatment plant as a source of energy in industry”.

In relation to the overall operation of the waste management planning system, the document refers to the need for flexibility in relation to inter-regional movements of waste and that regional boundaries do not operate in a rigid manner, preventing the most efficient use of infrastructure in pursuit of overall national targets/obligations.

7.3.10 A resource opportunity waste management Policy in Ireland” (July 2012) DOECLG.

This document was published in the period since the lodgement of the application. This policy further builds on previous policies and sets out a position on how Ireland will continue to move away from an over dependence on landfill. This will be

achieved by putting in place the most appropriate technologies and approaches to reduce waste, while at the same time maximising the resources recovered from waste. The policy is predicated on the previous defined EU waste hierarchy and encompasses a range of measures across prevention and minimisation, reuse, recycling, recovery and disposal with the objective of reducing reliance on finite resources and virtually eliminates reliance on landfill and minimising the impact on the environment.

The policy provides for the rationalisation of waste management regions reducing the number of regional formations which currently is 10 to no more than 3 (Section 3.4) The policy also provides for the evaluation of all existing waste management plans and that the plans will remain applicable until new plans have been put in place by the start of 2014. The policy also sets out guidance in relation to compliance, implementation and enforcement of the policy in section 5.

The policy recognises the importance of waste as an energy resource opportunity in terms of recovery, and the need to develop efficient ways to harness that resource. There is reference to the diversion of food waste towards more productive uses, such as the production of compost and the generation of electricity through anaerobic digestion (section 9). Such actions will assist in achieving overall policy objectives and meeting targets on landfill diversion.

7.4 The Environmental Protection Agency (EPA) Guidance.

7.4.1 Critical Analysis of the Potential of Mechanical Biological Treatment for Irish Waste Management - EPA (2008).

The overall aims of this report were to provide information in relation to MBT, to inform future government policy and to identify issues that require addressing in order to establish conditions that are suitable to the development of MBT facilities in Ireland and to the growth of MBT as a technology in the face of changing legislative requirements to develop a method for treating residual municipal solid waste (MSW) material, and thereby reduce the need for traditional landfill disposal. The report indicated that MBT can play a role in the treatment of residual waste, particularly in the short term where thermal capacity may not be available and that MBT may play a role in integrated waste management.

7.4.2 Municipal Solid Waste: Pre Treatment and Residuals Management EPA (2009).

The EPA technical guidance set out the EPA standard for minimum acceptable pre-treatment for Municipal Solid Waste (MSW) accepted for landfilling or incineration at EPA licensed waste facilities. The document in this regard refers to the 'National Strategy on Biodegradable Waste' which pointed out that meeting landfill diversion targets will require that a certain proportion of residual biowaste is pre-treated prior to landfill and also refers Article 5(2) of the Waste Management (Facility Permit & Registration) Regulations, 2008 defines MBT as "the treatment of residual municipal waste through a combination of mechanical processing and biological stabilisation, in order to stabilise and reduce the volume of waste which requires disposal".

7.4.3 National Waste Report 2010 EPA (2012).

The Report presents information available on waste generation and management in Ireland and that the economic downturn is having a marked influence on waste generation, which has decreased by 16% since it peaked in 2007 and has resulted in Ireland moving towards achievement of the EU Landfill Directive targets for biodegradable waste diversion. There remains some risk that Ireland will fail to meet the July 2013 and 2016 Landfill Directive targets for diversion of biodegradable municipal waste from landfill as a further 250,000t of biodegradable municipal waste will need to be diverted from landfill in order to meet the 2013 target and 433,000t diverted to meet the 2016 target.

The report's note that Ireland remains underdeveloped with respect to the sophistication of essential waste infrastructure for the pre-treatment of municipal waste prior to disposal (e.g. anaerobic digestion, waste to energy, mechanical biological treatment etc.). The Report states that it will be a challenge to meet waste diversion and waste recovery targets if municipal waste generation increases with economic recovery and the necessary waste infrastructure is not in place.

The Report concludes that the diversion of very large quantities of biodegradable waste from landfill remains a priority that must be addressed, as does the improvement in recycling rates for municipal wastes. In addition the priority actions are necessary to ensure there is adequate infrastructure for the bio-stabilisation of waste treatment residuals destined for landfill, that the collection service will still contain a considerable fraction of biodegradable materials (up to 47% for household collections) and if Ireland is to meet the 2013 and 2016 EU Landfill Directive diversion targets, then infrastructure will have to be developed that will treat this residual fraction.

7.5 Regional Context.

7.5.1 Regional Planning Guidelines (RPGs) for the Greater Dublin Area

The Regional Planning Guidelines for the Greater Dublin Area 2010-2022 which includes Kildare aims to direct in a plan led way the future growth of the Greater Dublin Area over the medium to long term and work to implement the strategic planning framework set out in the National Spatial Strategy (NSS).

The Regional Planning Guidelines (RPGs) for this area set out a strategy for development including North Kildare and sets out key areas of priority investment under the different types of infrastructure including waste management and in this regard section 6.7 states “*waste management infrastructure provision is an important part of the physical infrastructure investment needed in the GDA for population and economic growth*”.

Key strategic policies and recommendations for waste management are set out in Section 6.7.1 and include strategic policies on the need to provide a range of options for the treatment and final disposal of waste including

- *PIP5: promoting and facilitating reuse and recycling by residential and commercial sources and that high standard options for treatment and final disposal of waste are available within the GDA.*

- *PIR36 facilitating a balanced use of resources and greater adaptability and robustness of services. Integrated waste management should be considered from the perspective of the GDA as one singular functioning economic and spatial unit and to increase economies of scale.*
- *PIR37 Encouraging the expansion of increased levels of diversion of biodegradable waste from landfill through provision of or support for biological treatment facilities and home composting.*

7.5.2 Waste Management Plan for County Kildare (2005-2010).

It is stated as part of the waste management policy of the Kildare County Development Plan to have regard, in the assessment of planning applications for waste management facilities, to the Waste Management Plan for County Kildare

The County Waste Management Plan (WMP) sets out the overall waste management objectives for a period of five years and includes details on waste production with specific objectives for infrastructure. Volume 2 sets out the Waste Management Plan for County Kildare including provision for its implementation, waste management arrangements in the County, as well as waste generation forecasts.

Section 7 of the Plan provides for an integrated scenario including biological treatment facility(s) for the treatment of organic waste (food and garden) to form compost which can be re-used beneficially; dry material recovery facility(s) for the recycling/recovery of recyclable material in a dry material recovery; mechanical-biological treatment facility(s) for the treatment of the residual bin, which is a mixture of organic waste and recyclable materials / recyclables can be recovered/recycled from sorting and picking lines, and the remaining waste is then composted; and residual landfills(s) for material that cannot be recycled, and for material which is rejected from a biological treatment facility, dry material recovery facility or mechanical-biological treatment facility.

The adoption of mechanical-biological treatment as a key element of the approach to waste management in the County is stated in Section 8 of the WMP, with reference in to Waste Recovery and Recycling in Section 8.4 of the Plan including the provision of biological treatment by the private sector is promoted for biodegradable waste and in Section 8.6 where the Council will “promote the provision of biological treatment facilities by the private sector and that it will also promote materials recovery facilities for dry recyclables by the private sector.

Section 8.7 of the WMP relating to ‘Final Disposal’ is also relevant referring to the Landfill Directive and that wastes for landfilling will be pre-treated as required by the Directive and furthermore that “in the medium to long term, Kildare County Council, where necessary, will consider alternative arrangements for the disposal of residual waste in cooperation with neighbouring regions and/or the private sector.

In relation to location of these facilities Section 8.14 of the WMP offer no specific guidance and that approval for waste management facilities necessary for the proper implementation of the Plan will be considered open for consideration in all areas.

Section 9 of the WMP describes the Roles and Responsibilities of various stakeholders in the successful implementation of the Plan and in Section 9.1.4 it is indicated that “the waste contracting industry will play an essential role in the provision of new infrastructure. It is crucial that proposals for new waste facilities are considered positively, where they are environmentally appropriate, and where land use considerations are favourable” and in section 11 the role of private sector is stated as the preferred vehicle for implementation of the plan.

7.5.3 Waste Management Plan for the Midlands Region (2006).

The Waste Management Plan for the Midlands Region was adopted in 2006 relates to the following five Local Authority areas of Offaly, Laois, Longford, Westmeath and North Tipperary. The plan in common with national policy has an overriding aim to reduce the level of biodegradable content of the residual waste stream being disposed to landfill and to progress the integrated infrastructure in the Region including developing alternative pre-treatments in the Region such as MBT. The Midlands WMP allowed for a flexible approach to the inter-regional movement of waste. Offaly County Council waste management plan also adopts a similar approach.

7.5.4 Dublin Waste Management Plan 2005-2010.

The Waste Management Plan for the Dublin Region was developed jointly by Dublin City Council, South Dublin County Council, Fingal County Council and Dun Laoghaire-Rathdown County Council.

The WMP stated in relation to landfill policy identified that a critical shortage of municipal landfill capacity was imminent owing to closures of existing landfills. The WMP refers to Energy Recovery and that a Waste to Energy (Incineration) plant be developed at the preferred location in the Poolbeg Peninsula, Dublin with a capacity of between 400,000 and 600,000 tonnes/annum. According to the Plan and by using this facility to treat non-hazardous municipal waste, the Region could ensure that the obligations of the EU Landfill Directive are met.

The WMP did provide for Regional Co-operation and Movement of Waste and under this policy, the Plan confirmed that as the Dublin Region lies within the Greater Dublin Area (GDA) for the purpose of spatial and strategic planning, that the Dublin Local Authorities would be supportive of co-operation with neighbouring counties to enable efficient development of infrastructural capacity for waste management.

7.6 County Planning and Development Policies.

7.6.1 Kildare County Development Plan 2011-2017.

7.6.1.1 The overall development strategy for the County is outlined in Chapter 2 ‘Core Strategy’ which establishes a strategic approach to the management of development in the county, which reinforces on the principles established by the National Spatial Strategy (NSS) 2002-2020) and the Regional Planning Guidelines for the Greater Dublin Area (RPGs) 2010-2022.

7.6.1.2 Section 2.6 of the Development Plan entitled ‘SEA and the Settlement Strategy’ refers to environmental sensitivities in the County which increase towards the northwest on

account of bogs and wetlands and section 2.7 of the Plan ‘Preferred Development Strategy’ indicates requirements of balancing the protecting of the environment but not to mutually excluding appropriate and otherwise acceptable uses and development”.

7.6.1.3 Chapter 5 relating to ‘Economic Development’ has a key aim to support and facilitate the economic development of the county across a range of sectors including the availability of infrastructure including waste management. In this regard section 5.10 relating to Economic Development Objectives has an objective **EO 4**: To ensure the provision of water, wastewater treatment and waste management facilities to accommodate future economic growth of the county and to reserve capacity in water services infrastructure for employment generating uses.

7.6.1.4 Chapter 7 relates to ‘Water Drainage and Environmental Services’ and sets out two policies of relevance including

- **WM 1:**”To have regard, in the assessment of planning applications for waste management facilities inter alia, to the Waste Management Plan for County Kildare then prevailing, Waste Management Act 1996, EU Landfill Directive, EPA Landfill Manuals, EU Packaging and Packaging Waste Directive and DoEHLG policy statements viz. 'Changing Our Ways' and 'Preventing and Recycling Waste- Delivering Change' and 'Taking Stock and Moving Forward and
- **WM 7:** To ensure the provision of residual landfill in County Kildare (either directly by the Council or in co-operation or partnership with other local authorities and the private sector) is subject to the specific requirements of the County Kildare Waste Management Plan.

7.6.1.5 Chapter 10 relates to ‘Rural Development’, and there are specific policies which relate to boglands including

- **BL 1:** To ensure that a balanced approach is taken to the development of the county’s peat resources and the restoration of cutaway bogs, in order to minimise the negative impact on biodiversity and the archaeological and cultural heritage of the county and **BL 6:** To support the development of the peatlands within the county for appropriate alternative uses, subject to environmental considerations and nature designations. In relation to rural development.
- **RDO 4** is also of relevance: To ensure that all new developments and practices do not undermine rural ecosystems, landscapes and conservation areas and are conducted in a manner consistent with the protection of the local environment and in line with national legislation and relevant guidelines.

7.6.1.6 Chapter 14 ‘Landscape, Recreation and Amenities and based on the Landscape Character Assessment undertaken the proposed site is located as ‘The Western Boglands’ which principally consist of peat extraction areas together with areas of pasture and large areas of woodland – both planted and naturalised and has been designated a medium sensitivity landscape and can accommodate development pressure but with limitations in the scale and magnitude” there is recognition that the lowlands are made up of a variety of working landscapes, which are critical resources for sustaining the economic and social well-being of the county. Policies include

- **LL 2:** To continue to permit development that can utilise existing structures, settlement areas and infrastructure, whilst taking account of the visual absorption opportunities provided by existing topography and vegetation.
- **LL 3:** To recognise that this lowland landscape character area includes areas of significant landscape and ecological value, which are worthy of protection.
- **LL 4:** To recognise that intact boglands are critical natural resources for ecological and environmental reasons.
- **LL 5:** To recognise that cutaway and cut-over boglands represent degraded landscapes and/or brownfield sites and thus are potentially robust to absorb a variety of appropriate developments.

7.6.1.7 I would also refer to policy RRD11 of the Kildare County Development Plan 2011-2017 in relation to rural areas which states, “apart from rural housing as provided for in Chapter 4, there are other land uses which may be considered in the rural countryside. Where an area is not within an identifiable settlement, and is not otherwise zoned as part of this Plan, or of any of the town development plans, the use of such land shall be deemed to be primarily agricultural.”

8 Assessment

8.1 Introduction.

- 8.1.1 Many of the issues arising in the assessment of this proposal were in the course of the application addressed in written submissions prior to the oral hearing in responses to further information requested by the Board prior to the oral hearing and in further clarification at the oral hearing.
- 8.1.2 In my assessment I shall have regard to the issues raised on file as well as any additional or subsequent issues raised during the course of the oral hearing.
- 8.1.3 I initially propose to consider the proposal in the context of overall policy both in relation to planning and waste management in relation to the general principle of the development and then to address matters specific to the development itself, including consideration of impacts arising from the development.
- 8.1.4 Prior to consideration of matters relating to potential impacts arising from the development it is necessary to address the policy context of the proposal.

8.2 Policy.

- 8.2.1 In section 7 of this report I have outlined the policy context in relation to the current proposal in relation to planning and waste management. Waste management policy has evolved over a number of years primarily to address meeting targets and policies outlined initially in the Landfill Directive (1999/31/EC) which set out targets in relation to reduction to landfill over a period of time with the provision of increased material recovery and recycling and for the reduction of the residual to landfill and the Waste Framework Directive (2008/98/EC), which aims at encouraging the greater reuse and recycling of waste, whilst it also sets out to simplify the fragmented legal framework that has regulated the waste sector to date. The Directive also requires

Member States to apply the waste hierarchy as a priority order in waste prevention and management legislation and policy.

- 8.2.2 In relation to planning policy there is a requirement to comply with EU Directives in relation to the protection of the environment in relation to protection of habitats and the environment generally but also in relation to the management of waste. There are also specific directives in relation to the management of waste and this requires the use of technologies to process and recycle waste and the provision of the necessary infrastructure to achieve this. This in turn requires the selection of suitable locations for this infrastructure and the requirement for compliance with the Habitats and Birds Directives and the requirement for Appropriate Assessment.
- 8.2.3 In a broad sense at National level the NSS and NDP refer to the provision of the necessary infrastructure and the provision of an efficient waste management infrastructure and through the preparation of plans at regional and local level identification of future needs in relation to infrastructure. The plans at national, regional and local level however are not proscriptive in relation to actual location of infrastructure and the waste management plans at regional level provide for the meeting of defined targets but provide for flexibility in relation to movement of waste across regions on the basis of the provision of cost effective and efficient waste management infrastructure.
- 8.2.4 In this regard I would also refer to the “A resource opportunity waste management Policy in Ireland” published in July 2012 by the DOE/CLG”. This policy was published subsequent to the lodgement of the application. This policy further builds on previous policies and sets out a position on how Ireland will continue to move away from an over dependence on landfill and was referred to in the oral hearing. The policy addresses use of the most appropriate technologies and approaches to reduce waste, while at the same time maximising the resources recovered from waste including the importance of waste as an energy resource opportunity in terms of recovery, and the need to develop efficient ways to harness that resource. There is also reference to the diversion of food waste towards more productive uses, such as the production of compost and the generation of electricity through anaerobic digestion. The development as proposed would be considered as a technology to address new methods of harnessing waste and using it as an energy resource.
- 8.2.5 The proposal as submitted in general therefore complies with the general broad policy provisions in relation to planning and waste management policy.
- 8.2.6 In a local context the site is located in an area defined as a medium sensitivity Western Boglands landscape character area in the current Kildare County Development Plan but is part of what could be referred to as a working landscape and is part of a landscape where industrial/commercial cutting and extraction of peat has occurred for a long period of time. Although the site has also to be considered in the context of Appropriate Assessment the area has been modified by the commercial peat extraction and there is recognition that cutaway and cut-over boglands represent degraded landscapes and / or brownfield sites and thus are potentially robust to absorb a variety of appropriate developments.

- 8.2.7 The development plan and the waste management plan for County Kildare both refer to meeting national obligations on the treatment of waste, the reduction of waste to landfill and the application of new technologies in relation to recycling and reduction. The plans are generally supportive in this context but are not proscriptive in relation to location.
- 8.2.8 In relation to the issue of need for the proposed facility, I would also refer to appendix 1.2 of the EIS which is a Need Assessment Report in relation to the current proposal. The report in section 3 includes an overview of the existing waste disposal and recovery facilities in place in the Kildare, Wicklow, Midlands and South Eastern Waste Management Regions.
- 8.2.9 Section 3 in particular shows that a significant tonnage of MSW is still being disposed to landfill within the regions and that there is in the opinion of the applicant an unambiguous need for the Drehid MBT Facility to provide for the diversion of waste from landfill. The Need Assessment Report has focussed on the Kildare, Wicklow, Midlands and South Eastern waste management regions as these regions are proximal to the proposed MBT and currently they do not have large-scale recovery/pre-treatment infrastructure currently in place and/or because the necessary regulatory permits are not in place for such facilities.
- 8.2.10 Of equally significance in relation to the needs report additional and potentially significant waste volumes from the North Eastern Waste Management Region and, more particularly, the Dublin Waste Management Region have been omitted from this need assessment and current policy as indicated in section 7 of this report does not preclude inter-regional movements of waste.
- 8.2.11 In this regard the basis of the need assessment presented it is contended will not be jeopardised if/when currently permitted facilities outside the four subject waste management regions are developed. On this basis it is contended that the development of the 600,000 tonnes/annum Poolbeg Energy from Waste (EfW) Facility proposed to serve the Dublin Waste Management Region will not negatively impact on the need for the Drehid MBT Facility.
- 8.2.12 The report does not preclude the possibility that waste could not, or indeed will not, be accepted from outside the four subject waste management regions in the future and specifically if the Poolbeg Energy from Waste (EfW) Facility does not proceed to construction, the applicant contends that the need for the Drehid MBT facility will be even greater. The basis for the need is outlined in section 4.
- 8.2.13 Section 4 of the needs study forecasts the future waste pre-treatment capacity requirements for the regions (Kildare, Wicklow, Midlands and South Eastern) based on a number of scenarios and specifically quantifies the need for the proposed Drehid MBT Facility.
- 8.2.14 The scenarios include projections based waste projections based on the current volume of waste landfilled, waste projections based on the current volume of waste arising and waste projections based on a pro-rata estimation of regional waste arising based on overall national population and waste volumes and regional population statistics.

- 8.2.15 Using EPA data approximately 630,911 tonnes of MSW was landfilled in the 4 No. regions (not including the Dublin region) in 2010 and in the absence of new treatment facilities, it is indicated that the tonnage would increase by approximately 87,292 tonnes over the period 2012 to 2025 based on a 1% annual increase. On this basis an overall total of 719,414 tonnes/annum of MSW would be disposed of directly to landfill within the subject waste management regions by 2025. These values are based on the assumption that the current municipal waste recycling rate will remain at 38% but it is conceivable I consider that this percentage will rise. There are also requirements in relation to pre-treatment of waste prior to disposal to landfill to be considered in future estimates.
- 8.2.16 These would on a conservative estimate of future requirements and obligations and there would also appear to be a capacity requirement within the regions for infrastructural facilities to treat MSW and reduce and in effect divert BMW from landfill. The proposed development I consider would offer potential to address future needs and requirements required by the Directives and current national policies. It is equally possible that other facilities may emerge in the commercial environment to address the management of waste but the proposed MBT facility does have the capacity to address current infrastructural deficit.
- 8.2.17 The location of a permitted landfill within the same landholding although not a necessary prerequisite for the development of a MBT facility on the subject site does present symmetries in relation to waste movements notwithstanding that different timelines may arise. In this regard the landfill facility has a current time line of 2017 and this proposal is proposed for a longer period.
- 8.2.18 In a general policy sense the proposal is I consider reasonable as it is for the provision of infrastructure to meet the overriding requirement in assisting in reducing levels of waste to landfill and meeting policy requirements set out at European, National, Regional and County level of integrated waste management based on an emphasis on waste prevention, minimisation, re-use, recycling, energy recovery and the environmentally sustainable disposal of residual waste.
- 8.2.19 It is however necessary notwithstanding the acceptance of the principle of the proposal in the broad policy context to assess the development in the context of its location and to assess any likely or potential impacts arising from the development.
- 8.2.20 The manager's report and the submissions of Kildare County Council in the course of the oral hearing have raised the question of material contravention in particular in the context of policy RRD11 which states "apart from rural housing as provided for in Chapter 4, there are other land uses which may be considered in the rural countryside. Where an area is not within an identifiable settlement, and is not otherwise zoned as part of this Plan, or of any of the town development plans, the use of such land shall be deemed to be primarily agricultural."
- 8.2.21 The issue would arise as to whether the site can be considered primarily residential in the context of the long established use of the lands for what can be considered to be peat extraction on an industrial scale and also the more recent planning history on the landholding including permission for a landfill and the proximity to the landfill. There

is also the issue of whether one policy RRD11 should be considered solely as there are other policies in support of waste management in the plan already referred to and I would also refer to PIR37 of the Regional Planning Guidelines and the proposal role and assistance in fulfilling this strategic recommendation.

8.2.22 There are also the provisions of policy statement BL1 of the current plan which provides for taking a balanced approach to the re-development of cutaway bogs and policy BL4 refers to the cutaway boglands being 'degraded landscapes and/or brownfield sites which are potentially robust to absorb a wide variety of sympathetic developments'. I would also refer to BL6 in this regard Consideration of a wide variety not infer exclusivity and having regard to the established use of the area in an quasi industrial use the area can be considered to equate to a brownfield site. Primarily agriculture equally does not infer exclusivity. I would not therefore consider that the proposed development constitutes a material contravention of the Development Plan

8.3 Assessment of Impacts.

8.3.1 In Section 3 of the report I have outlined the main components of the proposed development which essentially is to provide a Mechanical Biological Treatment (MBT) Facility which will primarily accept and process municipal solid waste (MSW) and will provide for an overall capacity of 250,000 tonnes per annum (TPA). Mechanical Biological Treatment through a combination of mechanical processing and biological treatment (such as composting and anaerobic digestion) reduces the volume of waste which requires treatment by disposal in landfill or incineration.

8.3.2 The applicant has proposed the preparation of the Planning Application and Waste Licence Application for the proposed Drehid MBT Facility such that it provides for the development of an optional Dry Anaerobic Digestion step as part of the biological treatment stage. The biological treatment stage will include a composting step in any event.

8.3.3 The Planning Application and Waste Licence Application includes for both scenarios:

- Configuration A (MBT with Composting)
- Configuration B (MBT with Dry Anaerobic Digestion and Composting)

8.3.4 The design of the MBT Facility as proposed and design is such that there are no significant external differences between Configuration A (MBT with Composting) and Configuration B (MBT with Dry Anaerobic Digestion and Composting). It is proposed that the AD plant and ancillary plant will be located within the enclosure of the biological treatment buildings and the only physical difference between the two Configurations will be that Configuration B will have a standby gas flare compound and a stack associated with the CHP plant. In addition, Configuration B will require physical infrastructure (i.e. overhead power line) to facilitate the export of electricity to the electricity network.

8.3.5 Only household, commercial and non-hazardous industrial wastes will be accepted at the MBT Facility and waste will be accepted at the facility only from customers who are holders of a waste collection permit, unless exempted, under the Waste

Management (Collection Permit) Regulations (S.I No. 820 of 2007) and amending Regulations, the Waste Management (Collection Permit) (Amendment) Regulations (S.I No. 87 of 2008). The MBT Facility it is indicated will not accept waste delivered directly by the general public and a civic amenity facility will not be provided at the site.

- 8.3.6 All the proposed MBT activities will take place indoors within completely enclosed buildings, including the storage of organic fines, mixing, composting/anaerobic digestion and refinement. By virtue of the biological process in an MBT facility, it is indicated that the biodegradable municipal waste can be biostabilised thereby eliminating its potential to generate methane and leachate, thus contributing to the fulfilment of Ireland's targets under the Landfill Directive (1999/31/EC).
- 8.3.7 SRF produced for energy production and industrial processes will be baled and wrapped in plastic before being stored outdoors. It should be noted that SRF will typically not contain food waste and therefore will not attract vermin.
- 8.3.8 In deciding on the configuration of the biological process, and in particular the inclusion of Anaerobic Digestion (AD), consideration will relate to the fiscal incentives for the development of AD— namely the Renewable Energy Feed In Tariff (REFIT). The biological treatment stage will include a composting step in any event. This approach has been subject to detailed pre-application discussions with both An Bord Pleanála and the EPA.
- 8.3.9 This Planning Application and Waste Licence Application as submitted therefore provides for both scenarios Configuration A and Configuration B and the potential impacts and mitigation measures for both scenarios are also assessed for each environmental parameter within the EIS submitted with the application.
- 8.3.10 The assessment of impacts arising from the development requires consideration of the potential impact on a range of criteria which include the following;
- Appropriate Assessment. The development is not within a designated site. There are however a number of sites in the wider area identified in the EIS and NIS and the direct and indirect potential impacts arising from the proposed development requires to be both considered and assessed. Many of the potential impacts relate to development and in processes both in the construction and operational phases of the development.
 - Consideration of alternatives. The issue of alternatives is important in the context of site selection and the potential range of impacts arising on the selected site and neighbouring area. Of equal importance in this regard is the nature of processes decided upon from a range of potential processes under consideration and the processes has the potential to impact on the receiving environment and the population of the area.
 - Water. The impact on receiving waters in relation impacts on groundwater directly and indirectly on surface watercourses, sites of conservation interest and sources of potable water supply,
 - Air. The impact on air quality both in relation to odour and in relation to the Configuration B (MBT with Dry Anaerobic Digestion and Composting) where Configuration B will have a standby gas flare compound and a stack

associated with the CHP plant and potential impacts arising from emissions to air. The issue of potential indirect impacts on sites of conservation interest also arises. The issue of cumulative impacts in conjunction with the existing landfill facility is a matter to be considered in an assessment of odour and air emissions. The indirect impact of noise arising from the development arises primarily from the traffic generation arising.

- Traffic and road infrastructure. The location of the development will require traffic primary HGVs travelling on a road infrastructure which in the proximity of the site are regional roads with indirect impacts on traffic safety for the local population. Haul routes are also a matter to consider.
- Landscape and visual amenity. The site is located within an area with an established settlement pattern of villages and one off housing but is also part of a landscape with an established history of peat extraction.
- Human Beings. The development impacts on the local area and its residents on the basis of the issues already indicated and also in relation to the overall economy.

8.4 Environmental Impact Assessment.

8.4.1 As part of the process of Environmental Impact Assessment an EIS was submitted in relation to this development.

8.4.2 I consider that the EIS complies with Article 14 of the European Communities (Environmental Impact Assessment) (Amendment) Regulations 1999. The oral hearing provided an opportunity for further consideration of the document and I consider that the submitted EIS and subsequent clarifications provide a useful contribution to an overall assessment of the proposed development.

8.5 Appropriate Assessment.

8.5.1 In relation to Appropriate Assessment I refer to Chapter 4 of the EIS relating to ecology and the AA Screening Report submitted as appendix 4.1 of the EIS the submission to the Board received by the Department of the Arts, Heritage and the Gaeltacht in particular in relation to water abstraction, which refers to these abstractions and which are not considered to be assessed in the appropriate assessment screening report submitted with reference to the impact of the proposed water abstraction in combination with other water abstractions on any wetland Natura 2000 or other sites of nature conservation which may be dependent on the same aquifer for their conservation interest and the response of the applicant to the request from the Board in relation to the submission of detailed analysis, survey data and other relevant information and to establish whether any potential impact on any qualifying conservation interest arises and the nature of those impacts.

8.5.2 The obligation to undertake Appropriate Assessment (AA) derives from Article 6(3) and 6(4) of the Habitats Directive and both involve a number of steps and tests that need to be applied in sequential order. Article 6(3) is concerned with the strict protection of sites and indicates “any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation

objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public". Article 6(4) is the procedure for allowing derogation from this strict protection in certain restricted circumstances.

- 8.5.3 The AA procedure outlines four stages, an initial screening; the submission of a Statement for Appropriate Assessment, Alternative Solutions and the Imperative Reasons of Overriding Public Interest (IROPI) / Derogation. Given the site's location within and adjacent to a Natura 2000 site a Statement of Appropriate Assessment was required and submitted.
- 8.5.4 The overriding consideration is therefore assessment of its implications for the site in view of the site's conservation objectives and that it will not adversely affect the integrity of the site concerned.
- 8.5.5 The assessment therefore extends to evaluation in a wider context than the designated site in the context of assessment of any impact of protected site conservation objectives and also in relation to protected species under the Habitats and Birds Directives. The evaluation and assessment therefore extends outside of the immediate area of the site.
- 8.5.6 There are no sites designated under the EU Habitats Directive and EU Birds Directive, i.e. Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) located within the footprint of the proposed MBT Facility development site. In addition, there are no National Heritage Areas or proposed National Heritage areas (NHA/pNHA) close to the site. The nearest designated site is Hodgestown Bog (NHA) which is located 4km from the site. The Grand Canal (pNHA) 3.3 km from the site is not currently designated but is treated as a designated site.
- 8.5.7 In relation to the receiving environment the EIS initially carried out a desk study for the identification of all sites designated for nature conservation within 15 kilometres of the proposed development (please refer to Figure 4-1 of the EIS Designated Conservation Areas and field surveys were also conducted. I also refer to table 4-2 of the EIS, which outlines the following, designated conservation areas located within 15km of the site
- Ballina Bog 000390 pNHA 10.5 km
 - Ballynafagh Bog 000391 pNHA/SAC 6.4 km
 - Ballynafagh Lake 001387 pNHA/SAC 5.8 km
 - Carbury Bog 001388 NHA 6.0 km
 - Donadea Woods 001391 pNHA 8.3 km
 - Grand Canal 002104 pNHA 3.3 km
 - Hodgestown Bog 001393 NHA 4.0 km
 - Long Derries, Edenderry 000925 pNHA/SAC 7.2 km
 - Royal Canal 0002103 pNHA 10.1 km
 - Mouds Bog 000395 pNHA/SAC 11 km
 - Pollardstown Fen 000396 SAC 13.2km
 - Liffey at Osberstown 001395 pNHA 14.2 km

- 8.5.8 In addition to designated sites no protected or rare floras were noted during surveys. No protected mammals including badger and otter breeding sites were noted on the site of the proposed MBT Facility and in relation to potential impacts the applicant's study concluded and indicated that no adverse impacts are likely to designated sites, protected flora, protected mammals and bird species of conservation significance.
- 8.5.9 The primary concern raised by Department of the Arts, Heritage and the Gaeltacht in particular related to the issue of water abstraction and any resultant potential impact on Ballynafagh Lake 001387 pNHA/SAC located 5.8 km from the site. An initial examination based on an examination of hydrogeology and catchment areas appeared to rule out any direct or indirect connection consequence arising from the development but given the need for clarity on the wider issue of water abstraction levels and applying the precautionary principle further information was requested in relation to the matter.
- 8.5.10 The response dated the 4th of October 2012 in item 2 confirm the absence of a groundwater flow connection in relation to water from the proposed site to Ballynafagh Lake or any other designated site based on distance and geology formations in the area. This matter was also addressed in some detail by Mr Dillon at the oral hearing in particular in examining potential if any connectivity between the site and Ballynafagh Lake or any other designated site.
- 8.5.11 Item 3 of the further information response outlines in further detail a stage I Screening of the designated sites referred to in table 4.2 and concludes that "there are no likely effects on any of the Natura 2000 sites identified in Table 1 of the Screening Statement due to the lack of any potential or definite source-pathway-receptor links between the proposed development and the Natura 2000 sites. There are no source-pathway-receptor links, potential or definite, between the proposed development and any of the Natura 2000 sites listed in Table 1: Ballynafagh Bog cSAC, Ballynafagh Lake cSAC, The Long Derries cSAC, Mouds Bog cSAC and Pollardstown Fen cSAC".
- 8.5.12 In relation to the four sites referred to the conservation objectives for Ballynafagh Lake cSAC [Site Code 001387] designated by the NPWS is "to maintain or restore the favourable conservation condition of the Annex I habitat(s) and / or the Annex II species for which the SAC has been selected and these are [1016] *Vertigo moulinsiana*, [1065] *Euphydryas (Eurodryas, Hypodryas) aurina* and [7230] *Alkaline fens*".
- 8.5.13 *In relation to* The Long Derries cSAC the conservation objectives⁵ for The Long Derries cSAC [Site Code 000925] designated by the NPWS is "to maintain or restore the favourable conservation condition of the Annex I habitat(s) and / or the Annex II species for which the SAC has been selected and these are [6210] *Semi-natural dry grasslands and scrubbed facies on calcareous substrates (Festuco Brometalia) (important orchid sites)*"
- 8.5.14 In relation to the conservation objectives for Mouds Bog pNHA / cSAC [Site Codes 00395 /002331] designated by the NPWS these are indicated as "to maintain or restore the favourable conservation condition of the Annex I habitat(s) and / or the Annex II species for which the SAC has been selected and these are [7110] *Active*

raised bogs, [7120] Degraded raised bogs still capable of natural regeneration and [7150] Depressions on peat substrates of the Rhynchosporion

- 8.5.15 In relation to the conservation objective⁷ for Pollardstown Fen cSAC [Site Code 000396] designated by the NPWS these are indicated as “To maintain or restore the favourable conservation condition of the Annex I habitat(s) and / or the Annex II species for which the SAC has been selected and the species are indicated as [1013] *Vertigo geyer*, [1014] *Vertigo angustior*, [1016] *Vertigo moulinsiana*, [7210] *Calcareous fens with Cladium mariscus and species of the Caricion davallianae*, [7220] *Petrifying springs with tufa formation (Cratoneurion)* and [7230] *Alkaline fens*
- 8.5.16 In relation to qualifying species of the four listed sites it is noted that the conservation qualifying interests of the Natura 2000 sites detailed are groundwater dependent.
- 8.5.17 The response further concludes that “no hydrogeological pathway or source-pathway-receptor link exists between the cSACs listed and the potential activities at the proposed Drehid MBT Facility site based on site investigation data, pump testing, aquifer classification, aquifer characteristics and the distance between the Natura 2000 sites and the proposed MBT Facility” by way of further clarification it was indicated that the aquifer underlying the cSACs listed and the proposed development is classified by the Geological Survey of Ireland (GSI) as a locally important aquifer / poorly productive aquifer as defined by the GSI and a locally important aquifer is characterised by groundwater path lengths typically less than 1km and all Natura 2000 sites are at least or in excess of 5.8km removed from the proposed development. Mr Dillon also provided further evidence to this effect at the oral hearing.
- 8.5.18 In relation to any potential groundwater abstractions at the proposed development, alone and in combination with other existing groundwater abstractions in the existing environment, the effect of the abstractions the report concludes will be restricted to a local influence, due to the characteristics of the aquifer being poorly productive and having short flow paths.
- 8.5.19 In overall terms based on the information submitted I am satisfied that there is no information to establish a hydrological pathway or surface water link exists between the cSACs and the potential activities at the proposed Drehid MBT Facility site and based on the information submitted all Natura 2000 sites within 15kms of the Drehid MBT Facility site (listed in Table 1) are situated in a separate sub-catchment within the surface water catchment in the area. Given that the conservation qualifying interests of the Natura 2000 sites detailed are groundwater dependent, that there is no linkage between the proposed development and these conservation qualifying interests.
- 8.5.20 Aside from hydrogeology there are no other effects to conversation identified or apparent to the qualifying interests of the Natura 2000 sites arising from possible noise, dust, odour, flight risk to birds due to the significant distance (at least 5.8km) from the proposed Drehid MBT Facility.
- 8.5.21 To conclude from an assessment of all the documentation submitted I am satisfied that the identified conservation objectives associated with habitats and species has

been surveyed and evaluated. I am satisfied that potential impacts arising from the development in relation to the construction and operation phase of the development. In relation to qualifying sites and habitats I am satisfied that there is no direct impact to qualifying conservation interests.

8.5.22 I am satisfied that with the mitigation measures proposed as part of the scheme that there will be no reduction in the area of key habitats, that the measures as outlined will not prevent or inhibit achieving the conservation objectives or inhibit the maintenance of the favourable conditions required to maintain the conservation objectives

8.5.23 No direct impacts are identified and any consequent impact arising from the development as a potential source to the conservation interest as the receptor through a defined pathway is not I considered identified. The development will not and is not likely to have a significant effect on the qualifying objectives of the site individually or in combination.

8.5.24 In relation to the issue of Appropriate Assessment therefore I consider it reasonable to conclude on the basis of information available that the proposed development individually and in combination with other plans or projects would not adversely affect the integrity of a European Site in view of the site's conservation objectives.

8.5.26 I am satisfied that there is no effect likely to have a significant effect on the conservation objectives of the sites or qualifying interests arising from this development.

8.6 Ecology General.

8.6.1 In relation to ecological matters generally the actual site works it is indicated that the site clearance works will involve the permanent removal of approximately 24.4ha of woodland/ scrub/ grassland and heath habitats within the 29ha MBT Facility site. However approximately 14.5ha or c.a. 50% will have retained habitat or new habitats created based on ecological design. The removal of scrub, bog woodland and cutover bog will reduce potential areas of nesting and foraging habitat for common breeding birds locally.

8.6.2 Mitigation measures are recommended to limit the direct and indirect impacts of the proposed site clearance/ construction phases on the local ecological environment including provision that all construction works on site will be guided by best ecological practice guidance such as those listed in Section 4.1.1 of the main EIS. Where possible tree vegetation (birch and willow growth) within the site boundary will be retained for landscaping so as to reduce ecological impact, also refer to the Landscape Plan (Chapter 10 of the main EIS). Extensive site works such as site excavation will not take place during extended periods of heavy rain in order to minimise soil and silt water run off to silt traps and soil storage will be in a manner which avoids impacts to surface waters and instability issues. It is also proposed that two new ponds will be created within the site and designed based on ecological principles and having regard for species such as frog as these ponds will provide suitable breeding habitat.

8.6.3 In conclusion in relation to ecology I am that no impacts will arise in relation to sites designated for conservation purposes and protected fauna and flora. Impacts arising will be localised to within the MBT Facility site boundary and the mitigation measures outlined will reduce the overall impact as a significant proportion of the site (approximately 14.5ha or c.a. 50%) will have retained habitats or new habitats created based on ecological design.

8.7 Consideration of Alternatives.

8.7.1 In relation to alternative sites a large number of alternative sites were indicated as part of the evaluation using a range of criteria. A number of the sites outlined were not realistic alternatives as they essentially were not available for a range of reasons but essentially the subject site was considered as a suitable site for an MBT Facility due to the large available land bank in the ownership of the applicant; the remoteness from dwellings; access to national/regional roads; natural screening; distance from ecologically protected areas; distance from archaeologically/architecturally protected sites/structures; the natural protection offered by the surficial deposits to the underlying bedrock aquifer. Their nature and thickness gives a low vulnerability rating, and the most favourable groundwater protection scheme response, i.e. R1; and the existence of an already permitted and operational Waste Management Facility within the landholding.

8.7.2 There was also further information on the matter of site selection/site selection submitted at the oral hearing based on the establishment of the site in terms of a centroid based largely on looking at waste management regions excluding Dublin. It was noted that increased waste acceptance from the Dublin region may in effect skew the location of a centroid towards Dublin but the existing landfill facility is permitted to take waste from Dublin and policies provide for inter-regional movement of waste. I would have no objection to the assessment as presented other than noting that alternative sites meeting these criteria would have been equally acceptable but ownership of the site and proximity to the landfill would be important determining factors in choice of site.

8.7.3 In addition to consideration of sites there was also an examination of alternative processes including alternative mechanical treatment processes, and alternative biological treatment processes including alternatives in the optional AD step as part of the biological treatment stage. Alternative composting processes are also outlined.

8.7.4 In deciding on the composting technologies to be proposed for the biological treatment stage, cognisance was had of the EPA's stabilisation requirement for biodegradable municipal waste, where stabilisation in effect means the reduction of decomposition properties of the waste to such an extent that offensive odours are minimised and that the respiration activity after four days is less than 10mgO₂/gDM until 1st January 2016 and less than 7mgO₂/gDM thereafter. It was decided to propose a tunnel composting system for the first stage of the composting process at the Drehid MBT Facility. An indoor windrow system was selected for the final stage of the composting process.

8.7.5 The overall alternative assessment is I consider robust in particular in relation to examination of processes to be located on the selected site.

8.8 Water and related hydrogeological matters.

- 8.8.1 No groundwater abstractions occur at the site of the proposed MBT Facility at present, however a groundwater abstraction point is proposed to supply potable water to the proposed facility which will require treatment to achieve required potable water supply/drinking water standards. Water requirements in relation to the proposed development will be met from a well on the site and not from public supply. See also table 2-4 and 2-5 of EIS, which outlines annual rates.
- 8.8.2 The borehole well will be screened within the bedrock aquifer and grout sealed to prevent contamination of the groundwater and yield tests submitted indicate there is sufficient capacity available. Pump test data indicates a potential yield of >40 m³/day and it is proposed to abstract less than 5 m³/day of water to supply the MBT Facility.
- 8.8.3 There is no indication that the level of abstraction proposed will have significant adverse direct or indirect impacts on the groundwater environment as a result of the installation of the water well and water supply connections during the construction and operational phase of the development. Equally as indicated in section 8.5 of the report I do consider that the abstraction levels will impact on the ecological environment.
- 8.8.4 In relation to treatment of foul sewerage I would refer to Drawing No. 6301-2612. It is proposed to collect and store foul sewerage in a sealed waste water holding tank for removal and further treatment/disposal offsite.
- 8.8.5 It is noted however that Kildare County Council do consider that waste water should be treated initially on the site before being tinkered off the site for disposal and this position was further stated at the oral hearing primarily to reduce septicity of the waste water. The applicants contended that test results do not indicate the site as suitable to treat effluent and the waste water effluent will in any event have to be taken off the site.
- 8.8.6 On the basis of the information received and that all wastewater will be fully contained and stored at the MBT Facility I would have no objections to the stated method of treatment proposed for which and there will I consider be no potential impacts from wastewater on the Cushaling River.
- 8.8.7 In relation to impacts arising during the construction and operational phases of the development in general terms the process is an enclosed facility. There is provision for settlement lagoons adequately sized, the provision of bunding and the use of interceptors to address accidental discharge prior to discharge to watercourses. Consideration of the objectives of the Water Framework Directive (2000/60/EC) arise which requires governments to take a new approach to managing all their waters: rivers, canals, lakes, reservoirs, groundwaters, protected areas (including wetlands and other water-dependent ecosystems), estuaries (transitional) and coastal waters. Member states must ensure that their waters achieve at least good status, generally by 2027 at the latest, and that status doesn't deteriorate in any waters and S.I. No. 272 of 2009 are regulations apply to all surface waters and are made to give effect to the measures needed to achieve the environmental objectives established for bodies of

surface water by Directive 2000/60/EC and that a public authority shall not, in the performance of its functions, undertake those functions in a manner that knowingly causes or allows deterioration in the chemical status or ecological status of a body of surface water.

- 8.8.8 The primary impact arising in relation to this development arising during the construction phase when peat land is dug out releasing ammonia which has the potential to enter watercourses and impacting on quality. The impact should it arise is likely to be of a short duration but it is important in the context that the adjacent watercourses are within a basin catchment which for part of the river Barrow and potential extraction points for potable water.
- 8.8.9 In this context the matter was the subject of submissions at the oral hearing and further information by the applicant. It is noted that this area has been utilised for the industrial harvesting of peat over an approximate 50 year period and the artificial drainage of the bog has resulted in an alteration of the natural hydrology. All surface water draining from the proposed MBT Facility site drains to the west to the Cushaling River, which is a tributary of the River Figile. The River Figile is a sub-catchment of the River Barrow.
- 8.8.10 The reducing environment of the bog is resulting in elevated ammonia, manganese and iron concentrations for example. In essence the applicant clarified mitigation measures to address the potential filtration of ammonia. In particular it was indicated that the settlement ponds would form part of the initial phase of the construction and other parts of the development would be constructed on a phased basis allowing for a controlled release and monitoring of ammonia levels. In the context of the proposal submitted I am satisfied that measures to prevent any deterioration of water quality can be addressed.
- 8.8.11 In relation to flooding there is no evidence of historic flooding and the records do not indicate that flooding occurred at the proposed MBT Facility site or on the Cushaling River immediately downstream. This formed the basis of a preliminary flood risk assessment by the applicant in accordance with department guidance.
- 8.8.12 In overall terms I am satisfied that the regional hydrological setting will not be significantly impacted by the proposed development. The construction of the MBT Facility has the potential to have a negative impact on the surface water and groundwater environment if not managed properly. It is noted that all construction activities will be confined to a 29ha landbank, which is referred to as the MBT Facility site activity boundary and the existing artificial drainage infrastructure will only be impacted in areas of the site where construction occurs. It is proposed to re-route drainage channels at the periphery of the construction zones to minimise the volume of water that could potentially be impacted and mitigation measures are proposed to minimise risk of status to watercourses. I also consider that any abstraction levels will not impact on over hydrology.

8.9 Landscape and Visual.

- 8.9.1 In relation to the proposed site it consists of cutover bog with a mosaic of bare peat and revegetated areas with scrub, woodland, heath and grassland communities present

arising from the historic cultivation of peat fields. The site forms part of a landscape that has been worked for any years in the extraction of peat on an industrial scale significantly removing and altering its original landform and is a relatively flat terrain. As a consequence trees and hedgerows along the roadside boundaries and around properties are a significant feature in the landscape contrasting with the extensive open areas of bog.

- 8.9.2 It is located within a mixed rural/urban setting in northwest Kildare where the settlement pattern is largely dispersed with a large number of small villages connected by a pattern of public roads which are mainly regional roads. There are also one off houses and farms located along the road frontages. The site itself is located within an extensive Bord na Móna landownership boundary which includes the existing Drehid Waste Management Facility and is approximately 2 km from the road network.
- 8.9.3 In relation to potential visual impacts, the development of the proposed MBT Facility will by its presence represent a visual alteration to the current land use of the Bord na Móna landholding by locating buildings and an industrial type facility on an open area of cut-over bog and scrubland landscape.
- 8.9.4 The landscape assessment as presented in the Environmental Impact Statement outlines the predicted landscape and visual effects on the character of the landscape and on views from settlements, public roads and designated landscapes which are described generally as minor and minimal in relation to impact.
- 8.9.5 In relation to perceived impact it is relatively remote from the road network. The overall landholding is evolving with the cutover bog being populated with areas of regenerating scrub and vegetation. There are also established hedgerows along the road network with clusters of mature trees. As a consequence given the relative flat nature of the terrain views into the applicant's landholding and of the proposed site from the public road network are relatively restricted and confined to long range views and views of the proposed site are distant horizontal views. The presence of plantations in varying levels of maturity further reduces the impact. The overall impact from a visual perspective arising from the proposal is I consider and will therefore be sporadic rather than continuous along the road network from my observations and with increased planting and landscaping is likely I consider to diminish.
- 8.9.6 The overall visual impacts are most significant in the proximity of the site and approaching on the private access road serving Drehid Waste Management Facility. This impact is likely to be more dramatic given the nature and scale of the development in such an open setting. It is likely that landscaping proposals drawing 6301-2421 will ameliorate and soften the impact but the development will be apparent but it also has to be considered in the context that the landscape has already been altered by the existing Drehid Waste Management Facility.
- 8.9.7 Impacts therefore I consider are likely to be long views and relatively minimal in the overall context of the area in a landscape that is evolving from a cutover bog to a landscape regenerating with vegetation and clusters of afforestation. A residual impact could arise from white plumes will be released by the stacks on an intermittent basis. Their visibility will depend on ambient air conditions, temperatures and

seasonal aspect and it is more likely that the plumes will be more visible in winter, when ambient temperatures are lower. Such features are present through the midlands from other facilities and although they are visible they do not I consider detract from the overall landscape setting. Subject to the mitigation measures and landscaping proposals being implemented I would have no objections on landscape and visual matters.

8.10 Air Quality and odour.

8.10.1 in relation to air quality the impact on air quality both in relation to odour and in relation to the Configuration B (MBT with Dry Anaerobic Digestion and Composting) where Configuration B will have a standby gas flare compound and a stack associated with the CHP plant and potential impacts arising from emissions to air.

8.10.2 The matter of air quality was addressed in the EIS and in submissions of Dr Porter at the oral hearing and responses to the submissions. The primary concern relates to odours or the issue of malodours and the impact on sensitive receptors. It also has to be considered in the context that concerns arise largely in the context of the existing landfill and therefore although the MBT requires consideration on its own merits cumulative impacts also need to be considered.

8.10.3 The MBT facility is essentially an enclosed facility with set out procedures in relation to acceptance of material and processing of material. The buildings also operate under negative pressure and there are mitigation measures through the use of biofilters to address odours arising.

8.10.4 In this context the MBT in terms of odour is different to the existing landfill facility and based on the information submitted, the air modelling submitted, the relative distance of the site from sensitive receptors the development will not I consider give rise to an odour nuisance in terms of stated standards. It is acknowledged that odour may be detected but not at a significant level.

8.10.5 It is also noted that given the separation distance between the landfill facility and the MBT plant and the nature of the two independent processes that cumulative impact arises.

8.10.6 The primary concern would relate to the haulage and importation of material to the site and this is a matter which arises in relation to material currently imported to the landfill and there are procedures required in relation to covering of vehicles.

8.10.7 On the basis of the information submitted, the mitigation measures proposed I consider the proposal acceptable in relation to odours.

8.10.8 In relation to noise I am satisfied based on the information submitted and the distance to sensitive receptors that issues relating to noise do not arise.

8.10.8 in relation to general air quality the nature of the configuration to be used requires different requirements with the provision of a stack in configuration B. on the basis of the information submitted and the relative isolation from sensitive receptors and the

mitigation measures proposed I do not consider any significant impact arises in relation to air quality and there will be no perceived or identified potential indirect impacts on sites of conservation interest.

8.11 **Traffic and Infrastructure.**

8.11.1 In relation to traffic and road infrastructure and the assessment of impacts the primary issues arising relate to an assessment of likely/anticipated additional traffic generated by the development, the nature of the increase in relation to HGVs and other vehicles and the impact on the receiving road network.

8.11.2 The location of the development in the absence of proximity to rail and public transportation will require that the site is serviced by the road network. The site is primarily serviced by a network of regional roads which link to the M4 corridor to the north and the M7/M9 corridor to the south as occurs for the landfill site. Issues arose in relation to the impact of the proposed development at the oral hearing arising from matters initially raised in the EIS

8.11.3 Access to the site will be provided by an existing entrance on the R403 serving the landfill and there is a private road from the R403 access to the proposed site. The R403 lies south, southwest and west of the site and joins the R402 at Carbury to the northwest of the site.

8.11.4 The R402 connects to the M4 while the R403 connects to central and south County Kildare. The M4 (Dublin to Sligo/Galway) motorway is located approximately 9km to the north of the proposed MBT Facility location, while the M7 (Dublin to Limerick/Cork) motorway is located approximately 17km to the south of the proposed MBT Facility location. In terms of accessing the motorway network although there are a multiplicity of options in both directions the R402 offers the single best and optimum linkage to the north. In contrast the links to the M7/M9 are more dispersed with three/four alternative routes connecting from junctions from Naas to Monasterevin and these options which are identified as haul routes are on the regional network and comprise approximately 91 kilometres of carriageway.

8.11.5 In terms of pavement width and alignment they vary and there are a number of bridges also on the network.

8.11.6 In terms of traffic generation a number of scenarios were considered namely the construction phase, the operational phase to 2028 and post 2028 when the landfill facility closes or is scheduled to close. Assumptions were based on anticipated annual tonnage in relation to the facility.

8.11.7 During the construction phase the additional traffic movements based on trucks working on the site which will arrive and subsequently depart so giving an estimated total of 74 HGV movements generated by the construction of the proposed MBT Facility and there will also be an estimated 175 construction site staff and 350 traffic movements generated.

8.11.8 In the operation phase to 2028 allowing for the existing traffic generated by the existing Drehid Waste Management Facility it is predicted that there will be a net

increase of 20 additional HGV trips per day and the daily increase in light vehicles due to the operation of the MBT Facility will be 148 over the existing HGV traffic serving the landfill estimated as 148.

8.11.9 In the post 2028 scenario with the closure of the landfill the calculation for traffic includes for the MBT Facility accepting 250,000 tonnes of waste per annum and the compost facility accepting 25,000 tonnes of waste per annum. Post 2028 also however has to provide for all outputs from the MBT Facility (i.e. recyclables, SRF, waste water, biostabilised waste and rejects) exported from the site onto the external surrounding road network and the estimated annual daily HGV movements are estimated as 152 and as the MBT Facility is expected to employ a total of 74 operational staff. It is expected that this will result in 148 light vehicle movements per day. Based on the traffic which historically served the landfill this will result in an increase of 24 additional HGV trips per day and the daily increase in light vehicles due to the operation of the MBT facility will be 103.

8.11.10 In relation to concerns relating to the road and bridges infrastructure Mr Regan indicated at the oral hearing that the roads and bridge infrastructure in the area are for public use and subject to standard axle load restrictions. An increase in traffic will have an impact on road and bridge infrastructure in the area but may have a minimal impact on the pavement condition of the haul routes. In this regard a series of stress tests were applied to the haul routes using differing distribution patterns in an attempt to illustrate both the highly unlikely scenario where all traffic travels to and from the development in the same direction, and the more likely scenarios where generated traffic is split in some proportion.

8.11.11 The stress tests based on anticipated traffic generated by the MBT facility indicated that in the extreme tests some sections of the haul routes during the operational scenarios would experience a net percentage increase in HGV traffic of approximately 16% compared to predicted background HGV traffic volumes but as there is likely to be a more balanced distribution this would result in a maximum net percentage increase in HGVs during the operational scenarios of approximately 10.5% compared to predicted background HGV traffic volumes. Based on the stress tests and modelling on the road network in relation to junction and road capacity the road network was capable of assimilating the projected level of increase anticipated.

8.11.12 The primary concern of the Local Authority related to the impact on the road network and the need to maintain and upgrade the network and in this regard Mr Coppinger and Mr Dornan considered that a special contribution based on a levy per tonne was the appropriate means to address the matter. The capacity of the network was not I consider perceived as the issue except in relation possible to bridges. I will address the issue of contributions later in the report.

8.11.13 Having considered the matters raised there are a number of matters to consider. The road network is a public network and there is traffic relating to Drehid on these roads. The proximity of the MBT facility to the landfill does serve to concentrate movements as there will be symmetry of processes. It could be argued that the presence of the MBT will act as an attraction to use the landfill.

- 8.11.14 The road network although narrow in places can I consider assimilate the anticipated increase in traffic. It is difficult to state categorically the level of increase as this could change depending on future policy on waste management but the stress tests and modelling are I consider robust to allow for changes to the estimated traffic volumes.
- 8.11.15 The issue arises as to the best scenario in relation to haul routes in particular to the M7/M9 motorway corridor. There are suggestions that a single haul route could be examined rather than dispersal on a number of haul routes. Selection of a single route is not straight forward as traffic if more dispersed and no single route favours or offers advantages over another in terms of road condition and alignment. It would be a very difficult requirement to enforce and police and dispersal I consider ameliorates the impact. A condition restricting vehicles to use the defined haul routes is I consider reasonable. I do not consider that the suggestion by Councillor Langan to restricting movement of vehicles during the periods when schools open and close enforceable or reasonable. If further signage is necessary to address concerns this can be carried out from the development contributions applied in the event of permission being granted.
- 8.11.16 In relation to the entrance serving site off the public road the current provision with a ghost traffic island is I consider acceptable.
- 8.11.17 The mitigation measures outlined are I consider prudent and reasonable.

9 Consideration of Conditions

- 9.1 This matter arises in relation to submissions received and in particular conditions outlined in the report of the County Manager of Kildare County Council in particular relating to the matter of contributions and monitoring and the duration of permission.
- 9.2 The primary concern in relation to contributions concerns special conditions and the applicant indicated objection to aspects of these in particular condition 26, which relates to a levy based on tonnage to upkeep the road network arising from the development.
- 9.3 The Kildare County Council Development Contribution Scheme 2011-2018 sets out a schedule of contributions for the county in accordance with Section 48 of the Planning and Development Acts 2000-2010. Section 9 outlines the classes of public infrastructure and facilities including road infrastructure subsection 4 and subsection 4c makes specific reference to the refurbishment and upgrading of roads. On page 11 of the scheme there is reference to non-residential development including industrial development with a contribution of 85 euro per sq. metre for developments with a gross floor area of in excess of 3,000 sq. metres. The calculation is broken down under different headings with roads accounting for 43.35 euro per sq. metre with other figures for a range of services including water, waste water, surface water, recreation and amenity and community.
- 9.4 There is reference in the scheme to the application of special contribution in accordance with section 48(2)(c) in section 15 with reference to exceptional costs and particular works specified and only developments that will benefit from the public infrastructure or facility in question will be liable to pay the special development contribution. There is reference to avoiding double charging in section 16 of the scheme.

- 9.5 In relation to the General Development Scheme and the general contribution the application of the scheme is not in dispute.
- 9.6 The issue in dispute is the application of a special development contribution in particular the proposed condition 26 recommended in the County Managers Report. This condition refers to a levy of 0.50 euro per tonne to provide for the ongoing maintenance and improvement of the haul routes which are referred to in other proposed conditions.
- 9.7 In the oral hearing the applicant and Kildare County Council stated their positions in relation to this condition/levy. The basis of the levy relates to the county council's contention that the development by virtue of the additional HGV traffic requires specific additional capital spending on the haul routes. The applicant contends that the contribution under the general scheme provides for such expenditure and based on the scale of the development in excess of 2 million euro will be available for these works.
- 9.8 Section 48 (2)(c) provides for "a planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development". Section 48 (12) refers to "where payment of a special contribution is required in accordance with subsection (2)(c), the following provisions shall apply (a) the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates.
- 9.9 The special contribution does refer to the haul routes but particular works are not specified in documentation submitted and specific exceptional costs are not outlined. The provisions of the general contribution scheme provide for in section 9 subsection 4c to the refurbishment and upgrading of roads. In the context of the stated provisions of section 48 and an assessment of the issues as presented I do not consider that the proposed condition 26 is warranted or reasonable.
- 9.10 In relation to monitoring the EIS refers to monitoring and it will be a matter also to be addressed in the EPA Licence. The submission of monitoring data required to achieve professional competence can be reviewed and evaluated by the authorities who enforce on these matters if concerns arise. I do not consider the matter is advanced by a further layer of monitoring data. Issues relating to monitoring would be more appropriately addressed in the context of the waste licence.
- 9.11 In relation to the time span of permission the planning authority has indicated that the duration of the MBT facility should be related to the life span of the landfill facility which has a permission which expires in 2027. The applicant considers that the MBT facility although there is symmetry to the landfill facility is a standalone facility pre and post 2027 and given the level of capital expenditure required may not be viable with a limitation of duration of permission.
- 9.12 It is noted that the document submitted assesses the development in the context of post 2027. The development is an industrial facility. It is not a finite development such as the landfill or a quarry. I do not consider that the development falls within a form of development that I consider which would be considered in the context of temporary

permission. The issue relates to whether it is acceptable or not acceptable in relation to the proposed site. As already indicated in considering alternative sites the site as it not fixed to the site could be located elsewhere but the site has criteria which deem it suitable to be located on the proposed site. The proximity of the landfill does present advantages as it is proximate to the landfill but the site can also be considered as a standalone facility. In this context I do not consider that the duration can and should be limited in duration.

10 Conclusion.

- 10.1 Having considered the application presented I consider that the development will address policies in relation waste policy at national level, assist in meeting required targets in relation to the Landfill Directive and assist in addressing long term waste infrastructural needs and targets for the Kildare region and wider regions. The site is part of an area which has a long history of industrial peat extraction and a degraded landscape associated with the peat extraction. The site based on the information presented will not adversely impact on the environment or surrounding area. The proposal is acceptable in relation to both configurations proposed.

11 Recommendation.

- 11.1 In the light of the above assessment, recommend that permission be granted for the development.

Reasons and Considerations.

Having regard to :-

- (a) EU Directives including the Habitats Directive 92/43/EEC, Landfill Directive (1999/31/EC) Waste Framework Directive (2008/98/EC).
- (b) National planning guidance including Appropriate Assessment Guidelines for Planning Authorities, DoEHLG December 2009, National Spatial Strategy (NSS) 2002 and The National Development Plan (NDP) 2007 – 2013,
- (c) National waste management policy framework and guidance including “Waste Management: Changing Our Ways” DoEHLG (1998), Preventing and Recycling Waste: Delivering Change DoEHLG (2002), Waste Management: Taking Stock and Moving Forward DoEHLG (2004), National Overview of Waste Management Plans DoEHLG (2004), Policy Guidance Notes Under Section 60 of the Waste Management Act, 1996 DoEHLG (2005)., National Strategy on Biodegradable Waste DoEHLG (2006), International Review of Waste Management Policy (DoEHLG 2009)., Draft Statement of Waste Policy - DoEHLG (2009) and Towards a New National Waste Policy DoEHLG (2011) and “A resource opportunity waste management Policy in Ireland” published in July 2012 by the DOECLG),
- (d) The Environmental Protection Agency (EPA) Guidance, Critical Analysis of the Potential of Mechanical Biological Treatment for Irish Waste Management - EPA (2008), Municipal Solid Waste: Pre Treatment and Residuals Management EPA (2009) and National Waste Report 2010 EPA (2012) and other EPA Guidance relating to EIS
- (e) Regional Waste Management Plans for Kildare and adjoining regions of Dublin and the Midlands

- (f) Regional Planning Guidelines (RPGs) for the Greater Dublin Area
- (g) Kildare County Development Plan 2011-2017
- (h) the Environmental Impact Statement and information submitted at the Oral Hearing and the consideration of likely impacts on the environment,
- (i) the planning history of the immediate area and the past use of the site in industrial peat extraction,
- (j) the development it the subject of an application for a Waste Licence to the Environmental Protection Agency under the Waste Management Acts 1996 to 2003

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 be acceptable in terms of traffic safety and convenience and would not be contrary to the proper planning and sustainable development of the area.

Conditions.

1. The proposed development shall be as proposed in the documentation submitted to the Board on the 6th day of June 2012, the further information submitted to the Board on the 4th of October 2012 and as amended by drawing submitted during the oral hearing on the 11th of December 2012, except as may be otherwise required in order to comply with the conditions set out below.

Reason: In the interest of clarity.

2. The mitigation measures outlined in the EIS 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. Details relating to the external finishes and colours of the proposed structures shall be agreed with planning authority prior to the commencement of development.

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

4. 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 interests of visual amenity.

5. 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 interests of proper planning and visual amenity.

- 6 Surface water discharges arising during the construction and operational phases of the 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 the Board on the 4th of October 2012.

Reason: To reduce the risk of pollution.

- 7 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

- 8 During the construction phase of the proposed extension Heavy Goods Vehicle (HGV) movements to or from the site shall be confined to between 0800 and 2000 hours, Monday to Friday inclusive and 0800 and 1300 hours on Saturdays (excluding public holidays and Sundays)

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

- 9 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, excluding public holidays and Sundays, and 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.

- 10 The hours of operation of the proposed MBT facility shall be as stated in the EIS and restated at the oral hearing. The mechanical treatment process at the Dredged MBT Facility will operate 6 days per week Monday to Saturday inclusive from 08.00 to 02.00. The SRF drying process and the biological treatment process will operate on a continuous basis (24 hours per day and 7 days per week) and will be fully automated.

Reason: In the interests of orderly development.

- 11 Waste in relation to the development will be accepted into the proposed MBT Facility and outputs will depart from the proposed MBT Facility during the hours of 7.30 to 18.15 Monday to Saturday inclusive.

Reason: To protect the amenities of property in the vicinity

- 12 Artificial light sources relating to the development shall be designed to avoid light nuisance at sensitive sources. Lighting should 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.

- 13 Details relating to tonnage, origin, destination, composition and nature of material arriving and departing from the facility shall be recorded and made available to local 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.

- 14 All materials being transported to the site, either in the construction or operational phases shall be transported via the haul routes as identified in Fig 11.1 of the EIS. 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 interests of traffic safety, orderly development and the protection of amenity.

- 15 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 Board 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.

- 16 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. 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 Board 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, as amended, be applied to the permission.

Derek Daly,

Senior Planning Inspector.

18th February 2013.

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Appendix 1 SUMMARY OF ORAL HEARING

Attendance

Bord na Móna

Rory Mulcahy B.L.
Mr John Connolly Bord na Móna
Mr Pat O'Neill Bord na Móna
Mr Damien Grehan TOBIN Consulting Engineers.
Ms Ciara Kellett AOS Planning
Mr David Conneran TOBIN Consulting Engineers
Mr Ger Regan TOBIN Consulting Engineers
Dr Edward Porter AWN Consulting
Mr Barry Sheridan
Mr John Dillon TOBIN Consulting Engineers

Kildare County Council

Michael Kenny Senior Planner
Mr John Coppinger Roads
Mr Gerard Dornan Roads
Mr Michael Hooligan Environment Dept
Ms Eileen Loughman of the HSE

Other parties

Dublin County Council
Evelyn Wright attending as an observer
Mr Seamus Langan MCC representing local residents
Councillor Mc Evoy Kildare County Council
Mr Richard Perle Drehid Monitoring Group.

Submissions of the Applicant.

Mr Mulcahy made an opening submission (submission 11) referring to the proposed development and to the process proposed. He referred to the EIA/EIA process and the cases in relation to this. He referred to the pre planning discussions with the Board. He referred to Landfill Directive, the lack of meeting the targets and how the project will assist in meeting the directive. He outlined the submissions which will be made in the course of the hearing. He also indicated that the proposal is future proofed with provision for two configurations to allow for REFIT.

He submitted five drawings (submission 2) which relate to errata and requirements of the Kildare County Council Fire Officer which Mr Connor will outline at a later stage in the hearing.

Mr John Connolly of Bord na Móna gave an overview of the proposed project (submission 3). He initially referred to the various activities and business areas of the applicant which

include resource recovery, feedstock, retail, environmental anua, power generation and land & Property. Bord na Móna operate an integrated waste management business including a licensed composting facility at Kilberry, near Athy in County Kildare and which is licensed to process 96,000 tonnes per annum (tpa) of green waste as well as by-products from the brewing industry, cocoa shell and other biowaste. The final product is used to enhance the company's range of growing media products. The applicant also operates the Drehid Waste Management Facility which is located immediately adjacent to the proposed MBT facility which is the subject of this application. He indicated that in 2005, Bord na Móna was granted planning permission by An Bord Pleanála for the development of activities comprising an engineered residual landfill accepting 120,000 tpa, a composting facility accepting 25,000 tpa, and associated site infrastructure and development works. The engineered landfill commenced operations in February 2008. Planning permission was also granted by the Board in 2008 to intensify waste acceptance at the engineered landfill to 360,000 tpa for a five-year period (until December 2013) and to extend its footprint. Following its construction earlier this year, the composting facility has commenced the acceptance of biowaste.

Mr Connolly indicated that Advanced Environmental Solutions (Ireland) Ltd. (AES) was acquired by Bord na Móna in 2007, creating an opportunity to establish a strong presence in the waste management sector in Ireland and that AES's waste collection business is supported by a number of waste management facilities in the midlands, east and south east. Currently AES provides service to approximately 100,000 domestic and over 5,000 commercial customers and is continually developing the key competencies needed to successfully meet customer needs and become the industry leader in customer satisfaction.

Mr Connolly then indicated that in order to increasingly divert waste from landfill, it will be necessary to treat it in a facility such as that which is the subject of this application.

He then alluded to the MSW waste streams and the collection of waste referring to dry recyclables, kitchen and garden waste, and all remaining waste black bin waste (residual waste) and regardless of the number of bins available, the black bin always contains biodegradable waste that needs to be diverted from landfill and it is against this backdrop that the MBT facility is proposed

Mr Connolly then referred to **biological treatment** and that in Ireland, biodegradable municipal waste (or biowaste) in the brown bin is primarily accepted and processed at in-vessel composting plants such as the composting plant recently developed at Drehid by Bord na Móna. This biowaste goes through a composting process where it is typically converted into a soil improver or organic fertiliser. He then indicated that currently in Ireland, residual municipal solid waste is predominantly landfilled but that EU legislation and national policy is designed to encourage the development of infrastructure that will divert waste from landfill. In particular, the focus is on diverting biodegradable waste (such as food waste, garden waste and paper/cardboard).

Referring specifically to the Proposed Development he indicated it is a Mechanical Biological Treatment (MBT) facility which will primarily accept and process municipal solid waste and will provide for an overall capacity of 250,000 tonnes per annum (TPA) and is on a 29 Ha site located within a larger Bord na Móna landholding which comprises 2,544 Ha and the existing Drehid Waste Management Facility is located within this landholding. The proposed development as applied for is for a ten year permission to develop Anaerobic Digestion (AD).

He then outlined the need for the policy based on current policy referring to the EPA's latest National Waste Report for 2010 and other reports. Mr Connolly referred to the location of the site and its location in a wider context. The plant has a socio economic context and that development of the proposed MBT facility would represent a significant investment by Bord na Móna anticipated to be in the region of €50 and has the potential to generate 175 jobs in the construction stage. Once operational, the MBT facility would generate 74 full time jobs and

There is strong potential for new, spin-off employment in the surrounding area providing a commercial opportunity for local suppliers of goods and services thus stimulating the local economy. There would also be community gain with funding for environmental improvement and recreational or community facilities in the locality.

Commenting on the Kildare County Council Manager's Report to An Bord Pleanála, Kildare County Council recommends a number of planning conditions which provide for financial contributions to the local authority and Mr Connolly indicated that the applicant is amenable to recommended planning condition No. 23 in respect of a financial contribution towards public infrastructure and facilities benefiting development in the area of the planning authority in accordance with the terms of the Development Contribution Scheme and also recommended planning condition No. 27 in respect of a financial contribution towards road improvements (as a special contribution under section 48(2)(c) of the Planning and Development Act, 2000).

The applicant however believed that recommended planning condition No. 26 in respect of a financial contribution towards ongoing maintenance and improvement of the haul routes (also as a special contribution under section 48(2)(c) of the Planning and Development Act, 2000) is wholly unnecessary particularly in the context of recommended Planning Condition Nos. 27 and 25 which, inter alia, provides for the regular review of the impact of Heavy Goods Vehicle movements generated on the local road network and any additional payments necessary under recommended Planning Condition No. 27) achieves the purported objective of recommended Condition No. 26 without the requirement for arbitrary payments. Mr Connolly indicated that at first reading the recommendation to impose a contribution of €0.50 per tonne of waste received by and transferred out from the facility may seem innocuous, its impact would be an additional levy varying from €190,000 to €220,000 each and every year and the applicant submit that this would constitute an unjustified additional obligation on the proposed development.

Continuing the overview of the project **Mr Pat O'Neill** of Bord na Móna indicated he was project manager for the MBT development project (submission 4). He outlined the MBT process which involves mechanical treatment to extract organic and putrescible fraction for biological treatment; extract marketable recyclables and refine high calorific materials for use as a fuel (SRF). The mechanical treatment involves a number of stages to achieve this from the initial importation of material

The biological process involves the biological treatment of organic and putrescible fraction by composting, dry anaerobic digestion and the biological treatment produces outputs, including biostabilised waste. The primary components produced are biogas, carbon dioxide and a solid output Biogas in the case of anaerobic digestion is converted to green electricity and heat. The solid output from the AD process is stabilised by a subsequent composting process

the proposal provides for two configurations including the development of an optional Dry AD step as part of the biological treatment stage which will produce electricity and heat and is dependent on Renewable Energy Feed In Tariff (REFIT) but both options provide for the biological treatment stage including a composting step in any event and he then outlined the various stages of the process. Mr O'Neill then referred to the layout and the component buildings within the proposed development. He then outlined the ancillary infrastructure associated with the development.

Mr O'Neill then referred to the hours of operation and that the mechanical treatment process at the Drehid MBT Facility will operate 6 days per week (Monday to Saturday inclusive) and for 16 hours per day on a two shift basis. The SRF drying process and the biological treatment process will operate on a continuous basis (24 hours per day and 7 days per week) and will be fully automated. In relation to the acceptance of waste the times were indicated as from 7.30am to 6.15pm and procedures in relation to waste acceptance were outlined including that only household, commercial and non-hazardous industrial wastes will be accepted at the MBT Facility from customers who are holders of a waste collection permit, unless exempted by the relevant regulations. The MBT Facility will not accept waste delivered directly by the general public and a civic amenity facility will not be provided at the site.

The main outputs produced by the mechanical treatment process and the biological treatment process are then outlined with reference to tables 2.6 and 2.7 of the EIS as Table 2.6 and Table 2.7. Recyclables, including metals and plastics, will be transported out of the facility in baled form. Solid Recovered Fuel (SRF) will be produced to a defined standard and sold on. Biostabilised waste will be accepted for landfilling at the Drehid Waste Management Facility during its remaining operational life (until 2028). Thereafter, biostabilised waste will be transported to alternative destinations. Rejects/residues produced by the MBT Facility will be landfilled at the Drehid Waste Management Facility during its remaining operational life (until 2028) and thereafter, rejects/residues will be transported to alternative destinations. In the case of Configuration B (MBT with Dry Anaerobic Digestion and Composting); the biogas produced will be converted to renewable electricity and heat by the CHP plants. The renewable electricity produced will be exported to the electricity network. The heat produced will be used within the MBT process. It is impossible at this time Mr O'Neill indicated to determine destinations of material post 2028 the closure of the Drehid Waste Management Facility.

In relation to the Environment controls for the MBT facility Mr O'Neill referred to the use of fully enclosed buildings, the use of a building ventilation and odour abatement system. The proposed MBT Facility will include a building ventilation system and an odour abatement system and to maintain a negative air pressure environment within each building and that the odour abatement system will treat the air extracted by the building ventilation system and the process air exhausted by the biological treatment process with the core components of the odour abatement system including acid scrubbers, humidifiers and biofilters. There will also be a surface water infrastructure in place in which intercepted run-off from hard stand and parking areas within the site will be diverted and the outfall from the grit trap and oil interceptor will be discharged to surface water attenuation lagoons for further treatment which are sized to provide adequate capacity for a 100 year storm event, meet facility fire-fighting water requirements and provide water to meet MBT process demands when necessary.

There is also provision for foul water infrastructure, which will be tankered off site to a suitably licensed waste water treatment plant. The MBT Process effluent system will collect leachate and runoff from the process buildings and discharge to the process water storage tanks, for reuse where possible. There is provision for litter control, vermin control and fire control.

In relation to monitoring all environmental monitoring will be carried out under the conditions of an EPA waste licence for the facility. Emission Limit Values (ELV) will be set by the EPA for many of the parameters to be monitored. Slides of the various stages of the process were then outlined.

Mr Damien Grehan made a submission relating to site suitability (submissions 5, 5a and 5b) and refers to the EIS and that EIS established the site in the townlands of Coolcarrigan, Drummond and Kilkeaskin within the Bord na Móna landholding at Carbury, Co. Kildare, as a suitable and appropriate site for the development of an MBT Facility. As outlined in Section 1.5.2 of the EIS the proposed location emerged as a suitable site for an MBT Facility due to, the large available land bank; the remoteness from dwellings; access to national/regional roads; natural screening; distance from ecologically protected areas; distance from archaeologically/architecturally protected sites/structures; the natural protection offered by the surficial deposits to the underlying bedrock aquifer. Their nature and thickness gives a low vulnerability rating, and the most favourable groundwater protection scheme response, i.e. R1; and the existence of an already permitted and operational Waste Management Facility within the landholding.

In relation to socio economic aspects, as addressed in Section 3.4 of the EIS, there are no potential negative impacts on tourism and amenities in the area and furthermore Mr Grehan indicated will also generate significant employment during the construction and operational phase. Climate, is addressed in Section 7.5 of the EIS, the proposed MBT Facility will result in a number of environmental benefits including the lowering of greenhouse gas emissions by the diversion of waste from landfill and by the stabilisation of biodegradable municipal waste prior to landfilling. Without exception, the individual chapters of the EIS conclude, where relevant, that the potential impacts of the proposed Drehid MBT Facility development can be successfully mitigated, such that there will be no significant adverse effects on the environment.

In relation to comparison of alternative sites TOBIN Consulting Engineers and AOS on behalf of Bord na Móna prepared a report entitled Comparison of Alternative Sites (April 2011), the purpose of which was to identify alternative sites to enable the objective comparison of these alternative sites to the proposed MBT Facility site, based on considerations of a planning and environmental nature. In particular, the purpose of the assessment was to robustly validate the suitability of the proposed MBT Facility site prior to proceeding with the preparation of a Planning Application.

This assessment included the identification of a “Centroid”, defined as the geographical location that would minimise the distance that both waste inputs and MBT outputs would travel. The determination of the Centroid is based on the calculation of the kilometres travelled by each tonne of the inputs to, and outputs from, such a facility as that proposed and goal of this exercise is to minimise the distance both inputs and outputs travel by locating the facility close to the ‘Centroid’.

Bord na Móna sites and industrial zoned areas within a 30km radius of this Centroid were subsequently assessed based on a number of screening criteria and compared and ranked in an alternative sites matrix.

Following the application of primary screening criteria, a shortlist of emerging sites was identified, which were further assessed using secondary criteria in order to compare the Drehid site with alternative sites for the development of the proposed MBT Facility. The primary criteria applied included that the site could potentially accommodate the development, is zoned 'Industrial' and could potentially be acquired by Bord na Móna for the purposes of this development, that the site should not be located within a designated habitat and should not be located in a highly sensitive landscape

The secondary criteria applied in the assessment included distance from centre point of site to nearest site boundary/ potential receptors, proximity to Centroid, access to a National/Regional Road, openness of site/Available screening, distance to nearest ecologically protected area (pNHA, NHA, SAC, SPA), nearest archaeologically and architecturally protected sites and structures. Existing ground conditions, the availability of services and infrastructure on site or an existing waste facility/other industrial activity on or near the site and availability of land for development (Bord na Móna land versus 3rd Party)

The assessment confirmed the Bord na Móna landholding at Drehid as a suitable location for development of the proposed MBT Facility.

Site Suitability of the actual site was also addressed within the Bord na Móna landholding in the Timahoe Bog, Carbury, Co. Kildare based on a range of criteria proximity to sensitive receptors, visual impact, ecology, archaeology, hydrogeology, ground conditions (Geology); availability of 100m Buffer Distance and potential future expansion of existing infrastructure at the Drehid Waste Management Facility.

Mr Grehan indicated that in particular, sensitive areas such as natural watercourses and potential archaeological sites were avoided. The facility is also sited at a significant distance from the local road network and residential properties, with the nearest residence being approximately 1km from the proposed MBT Facility footprint.

The Site Suitability Report quantified the suitability of each option/location considered with respect to the assessment criteria and the report concluded with a recommendation that Option 8 is an appropriate and suitable location for the development of an MBT Facility within the Bord na Móna landholding in the Timahoe Bog in County Kildare and the planning application and accompanying EIS was made for the proposed MBT Facility located on this subject site, namely Option 8.

Mr Grehan then outlined in further detail the process in relation to the site selection process carried out from the identification of 29 sites, screening these sites to reduce to 12 and the examination of the sites applying a range of criteria. When the Timahoe Bog area was deemed suitable the criteria within the applicant's landholding were outlined to indicate that the subject site was based on these criteria the most suitable.

Ms Ciara Kellett made a submission (submission 6) in relation to planning indicating that the proposed Mechanical Biological Treatment (MBT) Facility fully complies with the detailed requirements of all relevant statutory planning and development plans and policies

and has full policy support both at National, Regional and Local level. Notwithstanding policy support and a number of development consents, there is a capacity deficit for this type of waste treatment system which has serious implications for waste authorities in the waste management regions assessed. This proposal Ms Kellett indicated will assist the State in meeting its obligations with respect to the diversion of waste from landfill.

Ms Kellett then addressed a number of responses to submissions received and initial referred to the Kildare County submission. In this regard it is noted that the overall conclusion reached by Kildare County Council in their Manager's Report is there is no objection in principle to the proposed development subject Notwithstanding this, the Kildare County Council Manager's Report suggests that the proposed development materially contravenes policy RRD11 of the Kildare County Development Plan 2011-2017 (CDP) Policy RRD11.

The applicant however believes that the proposed development is not a material contravention of the CDP as it delivers on so many of the County Development Plan and Waste Management Plan policies.

Ms Kellett in this regard indicated the proposed development is adjacent to an existing development the Drehid Waste Management Facility – landfill and composting facility that would not be considered 'agricultural' and has been the subject of a number of planning applications all of which have been granted planning permission in the past. It is also contended that considering that the Council has granted permission in the past for waste management related uses on this landholding, it would not seem a reasonable approach to exclude other waste management related uses. Reference was also policy WM1 of the CDP and section 8.14 of the Kildare Waste Management Plan and policy RRD11 cannot be considered in isolation from Section 8.14 of the WMP, which notes that approval for waste management facilities necessary for the proper implementation of the WMP will be considered open for consideration in all areas and the applicant disagrees with Kildare County Council's view that the proposal is a material contravention of the CDP, in circumstances where it delivers on objectives of the WMP which takes precedence over the provisions of the CDP where it is purported to restrict this type of development, and where it delivers on so many policies of the CDP. Should the Board agree with the Council on the material contravention issue, Ms Kellett indicated the Board has the powers under Section 37(G) (6) to contravene the Plan.

In response to the suggestion by Kildare County Council and Councillor Mc Evoy that the life of the proposed MBT Facility is linked to that of the Drehid Waste Management Facility and that the Council recommends that a condition of permission is attached, should the Board consider granting permission, to limit the life of the proposed MBT Facility to that of the permitted life of the landfill .Ms Kellett referred to section 2.2.5 of the EIS, that there is no site life defined for the proposed MBT Facility and it is the applicant's intention to operate the proposed MBT Facility beyond the current permitted life of the landfill at the Drehid Waste Management Facility and would strongly argue that this condition is not applied.

In this regard reference was made to policy support and need for the MBT facility at National, Regional and Local level and the EIS that accompanied the Planning Application clearly identified different phases of development including post 2028 following the expected closure of the Drehid Waste Management Facility. The EIS concluded that there would not be a significant impact on the environment post closure of the landfill. And there is no reason to limit the life of the MBT Facility to that of the permitted landfill and the impacts of the

proposed MBT Facility on the proper planning and sustainable development of the area in the longer term, post 2028, have been fully addressed in the EIS. Reference is also made to the matter of financial investment and the commercial viability of the project and there is no justification for limiting the life of the proposed MBT Facility which would be expected to operate indefinitely as is typical for higher order waste management infrastructure.

In relation to the submissions by Carlow County Council and Meath County Council suggesting that a needs assessment should be prepared in the context of the review of the Waste Management Regions and Plans. In response Ms Kellett indicated that the Government's waste management policy statement "A Resource Opportunity – Waste Management Policy in Ireland" notes that there will be rationalisation of Waste Management Regions and that the number of regions currently at ten will reduce to no more than three regions. The new policy document also sets out a roadmap on how Ireland will move away from an over dependence on landfill, by putting in place the most appropriate technologies and approaches to reduce waste, while at the same time maximising the resources that we can recover from waste without drawing waste down the waste hierarchy. The proposed MBT Facility fully complies with the roadmap providing for a state of the art waste recycling and recovery facility which significantly reduces the volume of waste disposed of to landfill.

There is no indication Ms Kellett indicated that any data used as part of the quantitative assessment as outlined in the Needs Assessment Report will cease to be valid. The current proposal will support ensuring that there is a sufficiency of waste management infrastructure within the State to manage municipal waste.

In concluding Ms Kellett considered that the subject proposal fully accords with the principle of proper planning and sustainable development, the various statutory development plans and waste management plans currently in force support the development of waste management infrastructure such as that proposed, that there is no justification for limiting the life of the MBT Facility and disagree with Kildare County Council's view that the proposal is a material contravention of the CDP and that the proposal assists the State in meeting its obligations with respect to the diversion of waste from landfill.

Mr David Conneran TOBIN Consulting Engineers made a submission in relation to engineering assessment and design (submission 7). He referred to submission received in relation to the proposal initially addressing the capacity of the storage lagoons that the design of the lagoons submitted in support of the Planning Application therefore has adequate capacity to cater for the increased climate change factor of 20%. No change is required to the layout/design of the lagoons to facilitate a climate change factor of 20% and there is no requirement to "submit revised settlement lagoons."

In relation to HSE submission and the Kildare County Managers Report requested that grease/fat/oil interceptors are provided on all kitchen areas Mr Conneran confirmed that a grease/fat/oil interceptor will be provided on the foul sewer from the Administration and Welfare Building as this is the only building that will include kitchen areas.

In relation to submissions from Kildare County Manager and the Chief Fire Officer in Kildare County Fire Service raised questions regarding fire safety and by Councillor Mc Evoy who raised a question regarding fire measures for the bog within the Bord na Móna landholding. In response Mr Conneran as recommended by the Chief Fire Officer in Kildare County Fire Service, an application for a Fire Safety Certificate will be submitted for each

building. Mr Conneran then outlined the changes to elevations arising primarily relating to provision of additional external doors

In relation to fire management and the surrounding peatland area, Mr Conneran noted that all of the MBT facility process buildings are isolated from the surrounding peat land and scrub by way of a 6m wide perimeter site road. This road serves as a potential firebreak while providing ready access to all areas of the MBT Facility and the existing peatland will be protected by utilising the operating procedures which have been developed by Bord na Móna for operating in peatlands.

Mr Ger Regan made a submission in relation to traffic (submission 8) and indicated he acted as supervisor in the preparation of the Traffic Chapter of the EIS (Chapter 11) for the current project. He referred to the existing environment and to the surveys carried out by the applicant and other surveys from Kildare County Council and from the National Roads Authority.

He indicated that the site is accessible via a network of regional routes which in turn link with the National Primary Road / Motorway network. Access to the site will be provided by an existing entrance on the R403. The R403 lies south, southwest and west of the site and joins the R402 at Carbury to the northwest of the site and that it is proposed that traffic will be dispersed over these routes. The significant majority of the roads making up the haul routes Mr Regan indicated are sufficiently wide to accommodate two-way HGV movement along them. Where there are narrow sections along a haul route, these sections are short in nature with ample opportunities for vehicles to pass.

He then referred to potential impacts and mitigation measures arising and that all construction contractors, and all contractors delivering waste to the proposed MBT Facility, will be issued with a map of permitted haul routes. The exact distribution pattern of traffic generated by the MBT Facility is not fixed so a series of stress tests were applied to the haul routes using differing distribution patterns in an attempt to illustrate both in the highly unlikely scenario, where all traffic travels to and from the development in the same direction, and the more likely scenarios where generated traffic is split to some proportion.

In some of the more extreme stress tests considered, some sections of the haul routes during the operational scenarios would experience a net percentage increase in HGV traffic of approximately 16% but in actuality it is more likely that one of the more balanced distributions will prevail and would result in a maximum net percentage increase in HGVs during the operational scenarios of approximately 10.5% compared to predicted background HGV traffic volumes.

Mr Regan referred to the existing entrance junction at the R403 and that a ghost island junction has been provided at the existing entrance with a right turning lane the existing entrance junction is adequate for the proposed traffic increases.

Mitigation measures were outlined including a photographic survey of haul roads prior to commencement of construction; maps of haul routes, the provision of wheel wash facilities at the MBT Facility during both the construction and operational phase, warning signage on the approach to the entrance and monitoring of haul routes for problems such as congestion and refining the routes where required.

Mr Regan concluded that the volumes of traffic that will be generated by the proposed Drehid MBT Facility will have no significant impact on traffic flows on the haul routes with reference to the terms outlined in the NRA "Traffic and Transport Assessment Guidelines" (i.e. less than 10% increase in traffic above existing flows in uncongested areas). Stress tests carried out at junctions on the R403 and adjoining road network indicate that the proposed MBT Facility will generate a maximum additional 4.5% traffic on the proposed Haul Routes during the operational scenarios, even in the most unlikely event that all the traffic comes from either the south or north. The development will have no significant impact on traffic on the haulage road network both in terms of link and junction in either the construction or operational phases and all assessed roads and junctions will operate below capacity in the design year of 2035.

In relation to submissions received relating to the Proposed Leinster Orbital Route (LOR) raised by the NRA a consultation meeting between representatives of Kildare County Council (Roads and Transportation Department), TOBIN Consulting Engineers and Bord na Móna took place and future road schemes that may be impacted by the proposed MBT Facility were discussed. Kildare County Council raised only one project that needed to be considered in the assessment - the ongoing road improvement works on the R402. The Leinster Orbital Route (LOR) has been progressed to the end of the Feasibility Stage and a Feasibility Report was published in 2007. Since then, the project has been suspended and no further road alignments/designs have been published in relation to the scheme. Wide route corridors (approximately 2,000m) are provided along with several potential route variations and the nearest potential corridor is located some 3km to the east of the proposed MBT Facility site, with all other variants being even further removed from the site. Given the lack of detail with respect to the exact alignment of the proposed LOR it is not possible to consider further the potential impact of the MBT Facility on the route in relation to noise, air quality and visual impacts.

In relation to a request from Kildare County Council for clarification of Haul Route figure 11.1 of the EIS which accompanied the planning application shows the proposed haul routes and in relation submissions were received from Kildare County Council requesting a breakdown of HGV traffic on the different haul routes between 6 and 12 months of commencement of the operational phase of the development it was indicated that a breakdown of the routes requested can be.

In relation to the use of tracking devices referred to in the County Manager's report and Councillor Mc Evoy Mr Regan indicated GPS (Global Positioning System) systems are available for the tracking of vehicles however it is envisaged that a significant proportion of the waste accepted at the MBT Facility will be delivered by external waste contractors and will therefore be outside the direct control of Bord na Móna and it would not be feasible to monitor the usage of different haul routes by individual HGVs through tracking devices / recording devices or similar. Mr Regan did however indicate that it should also be noted that use of the designated haul routes will be a condition of contract for all drivers transporting waste to and from the MBT Facility.

In relation to a request for clarification of traffic numbers included in submissions from the Kildare County Manager and Councillor Mc Evoy. Reference was made to Section 11.3.2 of the EIS. The volumes of HGV traffic generated by the existing facility are based on the landfill accepting 360,000 tonnes of waste per annum and the compost facility accepting 25,000 tonnes per annum. It will give rise to daily estimated HGV movements of 168 and

based on the traffic count undertaken at the site access junction; there are 45 light vehicular daily movements. There will also be staff employed on the site generating additional traffic. During the construction phase the traffic is based on trucks working on the site which will arrive and subsequently depart so giving an estimated total of 74 HGV movements generated by the construction of the proposed MBT Facility. There will also be an estimated 175 construction site staff and 350 traffic movements generated.

In the operational phase post 2028 with the closure of the landfill the calculation for traffic includes for the MBT Facility accepting 250,000 tonnes of waste per annum and the compost facility accepting 25,000 tonnes of waste per annum. Post 2028 all outputs from the MBT Facility (i.e. recyclables, SRF, waste water, biostabilised waste and rejects) will be exported from the site (onto the external surrounding road network). The estimated annual daily HGV movements are estimated as 152 and as the MBT Facility are expected to employ a total of 74 operational staff. It is expected that this will result in 148 light vehicle movements per day.

Mr Regan then applying these movements to existing movements and patterns indicated that in the period to 2028 in the construction phase the daily increase in HGV traffic will be 74 HGV movements and the daily increase in light vehicles will be 350 LGV movements. In the operation phase to 2028 allowing for the existing traffic generated by the existing Drehid Waste Management Facility (128) and applying the total projected traffic generated during Scenario 1 (148) resulting in an increase of 20 additional HGV trips per day. The daily increase in light vehicles due to the operation of the MBT Facility will be 148.

In relation to post 2028 subtracting the existing traffic generated by the existing Drehid Waste Management Facility (128) from the total projected traffic generated during Scenario 2 (152) will result in an increase of 24 additional HGV trips per day and the daily increase in light vehicles due to the operation of the MBT facility will be 103.

In relation to concerns relating to the road and bridges infrastructure Mr Regan indicated that the roads and bridge infrastructure in the area are for public use and subject to standard axle load restrictions. An increase in traffic will have an impact on road and bridge infrastructure in the area but may have a minimal impact on the pavement condition of the haul routes but in this regard, and following the completion of the photographic survey of the haul routes prior to commencement of construction, Bord na Móna the applicant is prepared to contribute equitably towards road improvements which would benefit the proposed development.

Dr Edward Porter AWN Consulting read from a submission relating to Air Quality, Odour and Dust circulated to all parties (submission 9) and prepared the Air Chapter of the EIS (Chapter 8). He referred to an assessment of the existing ambient air quality and that the air quality including odour and bioaerosol impact of the proposed facility was assessed. The baseline monitoring study focused on NO₂ and SO₂ and the survey found that NO₂ concentrations measured over the period were below the annual air quality limit value with worst-case levels reaching 32% of the limit value whilst SO₂ concentrations measured over the period were below the annual air quality critical level with worst-case levels reaching 34% of the limit value.

Potential impacts and mitigation measures are addressed in section 8.1.3 of the EIS and Dr Porter indicated that the potential impacts from the Drehid MBT Facility include odour nuisance from the treatment of municipal waste, bacteria emissions from the composting of the organic fines, and emissions of NO₂ and PM₁₀/PM_{2.5} from the CHP associated with Configuration B (MBT with Dry Anaerobic Digestion and Composting). Stack height was also assessed. The stack height selection process established that a stack height of 20m for each new biofilter

stack and the CHP stack (consisting of two CHP emission points) was appropriate in ensuring that no adverse impact would occur in the surrounding environment in terms of air quality, bioaerosols and odour.

An odour mitigation / management plan includes a range of practical odour abatement measures. Dr Porter indicated that all processes will be internal within buildings under negative pressure so air will not escape the buildings and air from the Mechanical Treatment Building and the Refining Building will pass through a dust filter prior to passing through the odour abatement system. Good housekeeping practices (internally and externally) and a closed-door management strategy will also be maintained at all times. In relation to trucks transporting waste, only covered / enclosed vehicles will be allowed to access the facility to ensure that the odour from vehicles transporting waste will not be significant.

In response to submissions Dr Porter addressed matters relating to odours from Councillor Mc Evoy, Mr Langan, the Mulveys and Councillor Doyle. Referring to enclosed nature of the buildings and the use of biofilters and based on modelling parameters there will be no odour nuisance associated with the operation of the MBT facility. Reference was made to the odour management plan which also includes the measures to be activated in response to an odour complaint.

In relation to possible nuisance malodour arising during the transportation of waste to the MBT Facility and during low level temperature inversions, Dr Porter referred to as only covered/enclosed vehicles will access the facility and under these circumstances the odour from vehicles transporting waste will not be significant and this approach is in line with best practice as outlined in the EPA Guidance document “BAT Guidance Notes for the Waste Sector: Waste Transfer and Materials Recovery (Dec 2011)”. Reference was also made to the acceptance procedures to be applied.

In relation to the submissions on the requirement for independent odour monitoring Dr Porter indicated that Bord na Móna personnel will be available to record daily odour observations who will not be working within the main MBT facility process buildings for the majority of the time. In addition, as part of the waste licence for the proposed MBT facility, it will be a condition that odour emissions from the biofilters will be sampled on a regular basis at a frequency to be agreed with the EPA and odour monitoring will be undertaken by a specialist odour consultancy that will also be available to assess any off-site odours on the day of the scheduled monitoring.

In relation to submissions on an Odour Management Plan Bord na Móna has provided full details of the Odour Management Plan to An Bórd Pleanála in response to a recent Further Information Request. He also indicated that the finalised detailed operational odour management plan will be developed prior to commencement of operations at the facility and will be made available to the EPA for review.

In relation to submissions on setting of Air/Odour Emission Limit Values for bioaerosols included in submissions from the HSE and the County Manager Dr Porter indicated that the levels recommended by the HSE as being appropriate are in agreement with the recommendations set out in Section 8.1.1 of the EIS which are taken from the UK Environment Agency (2010) “Position Statement 031 Composting and Potential Health Effects from Bioaerosols”.

Inspector raised the issue of the odour management plan and Dr Porter indicated that 95% of the plan can be completed but the operational phase may require some

Mr Barry Sheridan in relation to noise read from a submission circulated to all parties (submission 10). He referred to ambient levels surveys carried out predicted levels during the construction and operational phase and mitigation measures proposed. The development will operate within permitted values and levels.

In response to submissions and comments on the use of BS 5228 Noise Guidance Standard Mr Sheridan indicated BS 5228 principles will be implemented as recommended throughout the construction phase of the Project, and mitigation measures based on these principles will be implemented during this phase of the scheme as outlined in Section 9.4.1 of the EIS. The noise from the construction stage is not predicted to cause any significant impact, due to the separation distance to receptors inherent in the design. This is the primary control measure for the spread of noise recommended in BS 5228. As such no further noise mitigation measures for the construction stage as contained in BS 5228 have been recommended.

In response to comments on Noise and Vibration Monitoring in response Mr Sheridan indicated that section 2.2.7.4 of the EIS provides information on the proposed Noise Monitoring Programme for the Drehid MBT Facility, including monitoring both during the construction and operational phases of the development. Due to the distance separation of approximately one kilometre from the proposed MBT Facility location to the nearest sensitive receptor, it is not anticipated that vibration monitoring will be required.

Noise monitoring will be undertaken by suitably qualified persons employed by Bord na Móna or by consultants retained by Bord na Móna. Noise emission limits for the operational phase of the proposed MBT Facility will be set at 55 db L_{Aeq} for daytime and 45 dB L_{Aeq} for the night period at the noise monitoring points.

Mr Sheridan noted that the proposed noise emission limits are similar to those specified for activities at the nearby Drehid Waste Management Facility in its waste licence (W0201-03) and that the noise limits are enforceable at noise sensitive locations and not at the boundary of the Bord na Móna landholding as proposed in the HSE and County Manager submissions (including recommended Planning Condition No. 13). Therefore, it was Mr Sheridan's contention that the noise limits set out in recommended Planning Condition No. 13 should be enforced at noise sensitive locations and not at the boundary of the Bord na Móna landholding.

Mr Sheridan also indicated that of critical significance is the fact that during the operational phase of the proposed MBT Facility, the design and layout of the MBT facility buildings will in itself serve as a mitigation measure by virtue of the fact that all MBT processing equipment will be located within fully enclosed buildings. Potential noise emitting plant will be acoustically treated to prevent a noise nuisance at the nearest noise sensitive properties. He also indicated that Bord na Móna will fully comply with any conditions relating to noise and vibration monitoring as may be included in a planning permission or waste licence relating to this proposed facility. Bord na Móna will consult with Kildare County Council and/or the EPA, as appropriate, on the timing, nature and extent of noise and vibration monitoring.

22.16

Mr John Dillon read from a submission relating to Soils, Geology and Hydrogeology and Water circulated to all parties (submission 11) and indicated he was involved in the preparation of Chapters 5 and 6, which included a quantification of potential impacts as a result of the proposed development, together with mitigation measures to ameliorate such impacts. He initially referred to the existing environment in relation to soils, geology and hydrogeology and that the principal soil type at the proposed MBT Facility site comprises basin peat deposits and the contact between the peat deposits and the underlying glacial subsoil is very pronounced. The subsoils, which underlie the site, are predominantly low permeability tills. The groundwater vulnerability rating is classified as low vulnerability, which is the rating that affords greatest natural protection of groundwater against contamination.

In relation to water Mr Dillon indicated that the artificial drainage network heavily influences the current appearance of the bog and the entire site has been divided into a number of compartments, referred to as 'peat fields' due to the excavation of east-west trending artificial surface drains. All surface water draining from the proposed MBT Facility site drains to the west to the Cushaling River, which is a tributary of the River Figile, which is a sub catchment of the River Barrow.

In relation to potential impacts and mitigation measures in relation to soils, geology and hydrogeology machinery will be present and operational on the MBT Facility site during the construction and operational phase, which may lead to occasional accidental emissions. It was indicated that any accidental emissions would be contained and treated in accordance with the mitigation measures outlined in the EIS in accordance with best practice methodologies.

With regard to water Mr Dillon referred to the potential to have a negative impact on the surface water and groundwater environments if not managed properly. In order to minimise any potential impact on the environment, including the soil, geological and hydrogeological environment, 'Avoidance of Impact' was incorporated into the design of the development and in order to mitigate potential impacts during the construction phase, all works associated with the construction of the proposed development will be undertaken in accordance with the mitigation measures outlined in the EIS.

Mr Dillon concluded that mitigation measures are proposed in Section 6.4 and 5.5 of the EIS. With regard to the operational phase of the development, the impact of development is predicted to be low/negligible albeit permanent.

In response to submissions received in relation water abstraction matters and the potential impact on Ballynafagh Lake SAC Mr Dillon indicated that the item was addressed in Item 2 of the Response to Further Information (RFI) from An Bord Pleanála and were not considered likely based on consideration of the available relevant information including distance from proposed borehole abstraction, limited abstraction, pump testing, aquifer classification, and understanding of the aquifer properties.

By way of explanation, the following facts informed this initial assessment that potential impacts of the proposed borehole supply on Ballynafagh Lake (alone and in-combination) were not considered to be likely the key consideration is that groundwater flow, to Ballynafagh Lake or to any other Natura 2000 sites, is not connected to groundwater abstraction from the proposed borehole. There are no Natura 2000 sites or other sites of nature conservation interest with any groundwater flow connection to the proposed

groundwater abstraction. The Drehid MBT facility borehole will be fed by groundwater in the immediate vicinity of the proposed MBT Facility.

Ballynafagh Lake is influenced by the local geology and hydrogeology in the immediate vicinity of the lake and is fed from surface water and a number of small springs which rise to the northeast of the lake. Moreover, given the distance of 5.8 km between the proposed water abstraction borehole and Ballynafagh Lake, the change in geology between the location of Ballynafagh Lake and the location of the proposed water abstraction borehole, and the change in the aquifer characteristics, it is not possible for the proposed water abstraction borehole to impact on Ballynafagh Lake SAC.

Mr Dillon also indicated that precautionary mitigation procedures to minimise impacts to ground and surface waters (detailed in the EIS) are comprehensive and prevent significant localised impacts and indeed impacts to distant SAC sites. The key conclusion of the Water Chapter of the EIS (Section 6.5, page 234 in EIS (Volume II)) is that the measures employed will ensure that there is no adverse impact on the surface water or groundwater environment.

Potential effects on Ballynafagh Lake were not considered likely based on consideration of the available information including distance from proposed borehole abstraction, the presence of a groundwater divide, limited abstraction volumes, pump testing, aquifer classification, and understanding of the aquifer properties.

It is confirmed that no potential impacts on any qualifying conservation interests are likely to arise as a result of the proposed development.

In relation to the consideration of a flood risk assessment raised in the Kildare County Council report reference was made Mr Dillon to the Planning Guidelines, "The Planning System and Flood Risk Management (2009)" which uses a tiered approach in relation to Flood Risk Assessment. A Flood Risk Identification was undertaken which indicated that the potential for flood risk is negligible and based on this assessment, the potential for flood risk is negligible.

In relation to a submission which was received from the IFI relating to treatment and discharge of any waters that may be contaminated with organic residues. Mr Dillon indicated that waters that are contaminated with organic residues will not be discharged from the MBT Facility to the local surface water network and the handling of organic material will be fully contained and controlled within the proposed MBT Facility and mitigation measures are outlined in Section 6.3.1 of the EIS.

In relation to the submission received from the IFI relating to the capacity and assimilative capacity of named facilities which will receive process wastewater from the MBT Facility Mr Dillon indicated that two independent facilities have been proposed, and each has the capacity and capability to accept and treat all excess MBT process wastewater, are licenced by the EPA and have been assessed and approved by the relevant regulatory authorities.

In relation to the storage of chemicals and other materials on the site Mr Dillon indicated that he fully agreed with the recommendations proposed in the submissions relating to storage of chemicals and other materials on site.

In relation to prevention of silt laden waters entering the surface water network and the potential impact of silt on plant, invertebrate and fish populations Mr Dillon indicated the potential for the discharge of silt-laden waters to the surface water network is noted in Section 5.4.1 of the EIS. Mitigation measures are outlined in section 5.5.1 of the EIS and additionally, control measures to protect surface water quality are in place already at the Bord na Móna peatland including a large settlement lagoon which provides settlement for the entire Bord na Móna landholding.

Runoff concerns are also addressed in a sustainable manner with the application of SuDs. Mitigation measures are also proposed in relation to reducing the potential discharge of suspended solids to nearby watercourses during the construction stage, and to this end, it is proposed to construct the proposed settlement lagoons early in the construction phase to optimise the treatment of surface water for the remainder of the construction stage.

Submissions were received in relation to water quality at the Bord na Móna landholding, and queries were raised regarding the disturbance of the bog and the potential elevation of ammonia levels in water runoff from the MBT Facility and the potential impact on the Cushaling River. In response Mr Dillon indicated that Bord na Móna have constructed and implemented a monitoring system at the outflow from the Bord na Móna landholding. There is also detailed controls proposed in relation to the control of surface water and the fixed rate outfall from the MBT facility surface water retention lagoons will ensure that during extreme rainfall events peak flows will be retained within the MBT Facility site. There is no evidence of increasing ammoniacal nitrogen at the discharge point to the Cushaling River over the last 9 years of monitoring data and the proposed development will not cause deterioration in the chemical status or ecological status of the River Cushaling and its tributaries.

In response to a submission from Councillor Langan which suggested that the development site location is not suitable as the proposed development is to be built on a sand foundation with a high watertable Mr Dillon indicated that the boreholes logs submitted in Appendix 5.1 of the EIS do not indicate a sand foundation and he also noted that no flooding issues have occurred at the existing Drehid Waste Management Facility which has similar finished floor levels.

Submissions from Councillors Mc Evoy and Langan and Des and Yvonne Mulvey raised queries in relation to the potential impact of the development on the water quality of the Cushaling River and the River Barrow which are approximately 460m and 22.5km respectively downstream of the MBT Facility site boundary. A query was also raised in relation to the potential impact on the River Barrow drinking water abstraction supply. A query was also raised in relation to the potential for groundwater contamination of a well down gradient of the proposed development.

In response Mr Dillon indicated the potential for groundwater contamination at the proposed facility is addressed in Section 5.5.1 of the EIS and if any leakage occurs to the shallow subsoil/groundwater, the potentially polluting material will be contained by the presence of low permeability subsoil material and cannot enter the underlying aquifer. Any contaminated material can be collected and treated in an appropriate manner according to best practice and the waste management act 1996-2011. Given the above mitigation measures proposed it was

considered that the impact on the geological and hydrogeological environment will be low/negligible albeit permanent.”

In relation to matters raised Mr Dillon indicated the proposed development is not located within a Drainage District and as a consequence, the proposed drainage works (including modifications to existing drainage works) do not fall under the Arterial Drainage Act 1945. The onsite borehole will be constructed in accordance with best practice as outlined in the Institute of Geologists of Ireland Guidelines on Water Well Construction and the water supply will be monitored for parameters outlined in EC Drinking Water No.2 Regulations 2007 (SI 278 of 2007) and in accordance with the conditions laid down by the relevant authorities.

In relation to sanitary wastewater Mr Dillon indicated that based on the EPA wastewater treatment manual the site is not suitable for direct discharge of treated wastewater to ground via an onsite sanitary wastewater treatment system and therefore the collected wastewater requires disposal off-site.

Mr Dillon then addressed a number of water-related items were raised in the Oral Hearing Agenda provided by An Bord Pleanála specifically Items 2 (d), 2 (e) 2 (f) and 2 (g). These items are addressed below.

2(d), related to potential impact on groundwater and groundwater quality including potential impacts on drinking water supplies and Mr Dillon referred to the subsoils, which underlie the site, are predominantly low permeability tills that affords greatest natural protection against contamination of groundwater to the provision of bunds enclosed buildings, that process water will be fully contained and either reused in the MBT process or transported to licensed waste water treatment plants and the potential impact on the Cushaling River, River Barrow and drinking water supplies is negligible.

2(e) related to the potential for long term variation in groundwater levels and in response it was indicated that based on the information available and site investigation works the potential for long-term variation in groundwater levels is negligible.

2(f) related to impact on receiving waters which are part of future potable water projects and in response Mr Dillon indicated water supplies including the River Barrow are located approximately 22.5km down gradient of the MBT Facility site, process water will be fully contained and either reused in the MBT process or transported to licensed waste water treatment plants and rainwater falling on impermeable areas (including hard standing areas and roofed areas) will be collected, stored and discharged to the receiving waters in a controlled manner. The settlement lagoons have been designed to provide an adequate retention time to allow suspended solids to fall out of suspension prior to discharge of surface water to the receiving environment. Monitoring of surface water will be undertaken in accordance with the terms of an EPA waste licence.

2(g). Relates to surface water levels, flows and risk of flooding emanating from adjacent surface water bodies and in response the matter of flood risk was assessed and based on this assessment, the potential for flood risk is negligible. On the basis of previous flow monitoring undertaken on the Cushaling River as it exits the Bord na Móna landholding and at Dillon’s Bridge, it is estimated that the flow channel could accommodate an approximate three to four fold increase in flow without exceeding the capacity of the stream channel.

Other party Submissions from parties unavailable on any other day.

Councillor Mc Evoy MCC accepted the need for MBT raised concerns in relation the site as selected notwithstanding synergies. Reference was made to traffic in particular pose landfill closure. He referred to issues of litter and odour which have caused problems in the area and local people have concerns. Site selection in his view raises concerns in relation to carbon cost.

John Coppinger Senior Engineer Roads responded in relation applicants questions in relation to condition no.26 the special levy and submitted a written statement (submission 14). Condition 26 is met by proposed conditions 25 and 27 relating to haul routes. He noted that the MBT will retain traffic volumes as levels would have been anticipated to have fallen in the context of waste policy with a fall from 360ktpa to 120ktpa in 2014. The members of KCC proposed this condition. Condition 27 relates to minor road improvements. Condition 26 relates to capital costs of pavement improvement needs on a continual basis with a life of 15 years. 91 km of regional routes as haul routes and levy will yield 200k per annum. The works are specific in relating to the haul routes proposed. The effects are specific and exceptional. Waste will drop post 2027 and traffic levels will fall but still raise HGV levels.

Inspector raised questions to Mr Coppinger in relation to the haul routes in particular on the multiplicity of haul routes towards the M7. It was difficult to ascertain which of these routes drivers to the site will. Issue of dispersal was discussed but it is difficult to control routes to the site. Special contribution relates to specific works but Mr Coppinger considered flexibility is proposed in condition 26 given the nature of the haul routes but it is specific in relation to the haul routes.

Mr Mulcahy considered that no specific works are outlined in relation to condition 26 and Mr Coppinger has not defined specific routes. An arbitrary figure cannot be applied. Conditions 25 and 27 are acceptable but 26 is not.

End of Day 1

Day 2

Kildare County Council submissions.

Mr Michael Kenny Senior Planner made a submission (submission 15). He referred to the other reports including the County Managers report to the Board. No objections were raised in principle but concerns were raised and conditions were also attached similar to other developments. Reference made to condition 29 and the life span of permission related to the landfill. Reference was made to condition 9. Conditions 10 and 11 should refer to MBT not landfill. Condition 11 should stand alone as a condition. Conditions 14, 15 and 16 should be read as a sub section of 13.

Two additional conditions should be included relating to wastewater condition and treatment of water on site. In relation to conditions 22 and 26 the elected members considered the levy should be higher than stated on the manager's report.

The provisions submitted in relation to water attenuation are adequate and acceptable. Issues of residual waste post landfill remain. Material contravention is still considered view of KCC but it is a matter for the Board. Fire safety was considered an issue and the CFO considered concerns are addressed. Mr Kenny considered the conditions as stated in the manager's report be retained

Michael Hooligan Senior Engineer Environment submission.

Mr Hooligan in a submission (submission 16) indicated that the Waste Management plan for Kildare is a standalone region. The primary objective is best management of waste. Reference to the plan and to the future approach as per section 7 of the plan. Kildare does not have the waste quantity for thermal treatment. Reference was then made to section 8 and to the policies. He then made reference to the treatment of biological waste in the context of the Landfill Directive and the proposal complies with the policies outlined.

Reference was then made by Mr Hooligan to national policy and that the proposal complies with policies outlines referring to proximity and reduction to landfill. He referred to concerns in relation to protect of watercourses and the need for adequate sizing of settlement pond and the need for monitoring

Eileen Loughman HSE

Ms Loughman in a submission (submission 17) referred to air quality and the cumulative impact from MBT and landfill was a concern. An odour management plan needs to be in place and monitoring by outside persons is required. Covering of trucks accepted. Dust conditions were considered necessary as recommended.

Ms Loughman raised the issues of loose SRF and was it considered to be dust, the need for protection of wells and testing twice a year, the need for vermin and insect protection plans and noise monitoring was necessary during construction operational periods and also to address vibration.

Reference was made to protection of water, to bunded areas and that waste water should be treated on site and not taken off site. Artificial lighting should avoid light nuisance.

Other parties.

Mr Perle then made a submission and initially referred to flooding in the area. Site is not suitable. Reference to waste levels which are reducing but this MBT facility will raise levels again. The development will generate additional traffic and more than as stated by the applicant. Local group were not able to get use of a hydrologist or an expert to study proposal. Traffic will increase up to 75% in his view as there will be double movements of material. There are problems of odour and a stench from the site. Levies are not a reason to grant permission.

AD was rejected in Allenwood and this development is not suited to the site and area. It is the wrong site and will compound existing problems. There is a lack of trust of the applicant from the local community and KCC should reject this development in its entirety.

Councillor Seamus Langan raised issue of impact of loss of values, to the problems of odour from the existing facility. Issues of management of this facility raised and poor response to local community from the applicant. No mention of affects on local community. Reference to sand foundation and ground conditions. Promise of payment for expert for the local community did not occur. There are issues in relation to monitoring and there is a need for independent monitoring paid for by applicant.

There are also problems in relation to the local road network, drivers are not following haul routes and there is a need to track vehicular movements. Problems exist in relation to the bridges in the area and their condition. There are dangers in relation to pedestrians on the local roads and movements should be restricted at school opening and closing times. Issues in relation to pollution of lagoons by the applicant and there are concerns in relation pollution of water courses which are being considered for future water supplies (River Barrow). Potential environment disaster possible if groundwaters are polluted from the proposed development.

Mr Perle added issues related to asbestos and that the applicant breach their hours of opening. They are not playing to rules presently. They have opened on public holidays.

Inspector asked applicant to respond to matters raised.

Clr Langan also raised that 1.27 levy and that it should assist the local community not the wider area.

Mr Kenny indicated manager's report recommended 0.50 per tonne levy but that the elected members recommended 1.27.

Mr Mulcahy indicated that community charge is provided for in condition 22 and should not be linked to 26.

Inspector raised the matter of timespan of permission and the issue of limiting permission to lifespan of landfill.

Mr Mulcahy indicated that many of the issues raised by Mr Perle relate to the landfill and no issues of flooding on the site, that the traffic analysis is robust and there is capacity on the road network. In relation odour the MBT is an enclosed facility. The proposal for the lifespan has also been addressed and is separate to the landfill and it is not a viable facility with a lifespan to 2027. The suitability of the site has been established, the development can be accommodated without impact on the environment. Even if the landfill is disregarded the site stands on its own merits.

Site in use since 1940s for peat extraction, it is a brownfield site and is suitable and there is no reason to limit its lifespan and no compelling reasons advanced. The site is not removed from sources of waste and reference was made to history of planning permission on the site. No evidence of negative impact arising from the cessation of the landfill.

The site is not an ecologically sensitive site, it is a brownfield and degraded site with a history of industrial peat extraction.

Mr Mulcahy referred to the issue of the employment of a hydrologist and the applicant could have sought costs from the Board. Waste was accepted from the Kerrdifftown site at the EPA

request. Vehicles are allowed on the access road to stay off the public road prior to the opening of the landfill.

Clr Langan raised similar matters to Mr Perle but there is no veil of secrecy Mr Mulcahy stated.

Issue of independent monitoring raised by Inspector and Mr Mulcahy indicated that there is already monitoring carried out by KCC and EPA and further monitoring would be an extra cost. The EIS addressed impact on human beings. There is a community gain condition proposed as per condition 22 and there are no objections by the applicant to 22. The issue of a sand foundation was addressed. Hauliers are required to use authorised haul routes.

In relation to matters raised by Ms Loughman Mr Mulcahy addressed the matter of SRF bales and indicated that they are packaged, potable water can be addressed and there is no objection to an insect management plan. No objection to hours of operation during construction but exceptional circumstances can arise. In relation to waste water if it to be tankered off site there is no need to treat on site.

Mr Kenny responded and indicated **Mr Gerard Dornan** from the roads Department could respond further in relation to condition 26.

Dr Porter addressed matters raised by Ms Loughman and the cumulative impact from landfill and MBT was examined. The sites are 900 metres apart with little overlap but odour from the landfill is very distinct whereas the odour from the MBT is different and processed through a biofilter which is different. In relation to other plants there are no similar facilities in Ireland but it is a proven technology in other countries. Are they odour free the issue is site specific and relates to a range of matters but MBT has lower odours as it is enclosed and abatable?

The issue is whether there will be an odour nuisance at a sensitive site or residential receptor. In relation to odour control and monitoring an odour survey will occur daily by personnel not working within the buildings. EPA monitoring is required on a regular basis. SRF is typically a flaky substance and is not dust in terms of particle size.

Mr Dornan Roads Department Kildare County Council made a submission (submission 19) and referred to issue of HGVs and the monitoring of haul routes. In relation to the haul routes all have villages, narrow bridges and narrow sections of road. In an ideal world one route should be used approaching from the M7 corridor but the applicant indicates more than route. The road used will deteriorate and given that the applicant has an issue over a tonnage levy then a single route maybe should be considered. Referred to Carragh Bridge and the needs to address problems on the bridge arising from additional HGV traffic. 1.7m per annum is needed to upgrade roads in the area. Proportion of costs attributed to the development is 10% of this cost. It is noted that the haul routes proposed will use a quarter of the regional roads in the county and it falls higher in Clane area. Costs of maintaining roads in the Clane area are currently 2.4 million and 240k equates to 10% of overall, it is indicated that the cost of repairs required equates to 168k in this area and the 0.50 levy would rise up to 200k.

Inspector sought clarity from Mr Dornan and the response examined roads based on HGV flows and the road network. Very hard to assess levels on the routes which will disperse a one goes away from Drehid but indicates than HGV accounts for 10% of traffic.

Mr Hooligan sought clarification on surface water treatment in the construction phase, the pumping of water to settlement ponds and will aeration arise and the issue of removal of ammonia which occurs in the peat. The centroid of waste and what level of waste is from Dublin and if this increases would centroid move

Mr Dillon indicated there are methods to address ammonia discharge which will only occur in the construction phase and it is possible to avoid increased levels in ammonia entering watercourses. The settlement ponds will be part of the initial phase of the development and removal of peat would be phased.

Mr Grehan indicated the centroid calculation was not based on Dublin region but increased Dublin waste would alter the centroid. There was no calculation of likely levels of Dublin waste using the landfill or current levels of Dublin waste using the landfill.

Ms Loughman considered that odour impact relates to matters other than residential sites and Dr Porter indicated the model looked at occurrences based on 98 percentile and whether a detection of an odour can be seen as a nuisance. There will not be a nuisance outside of the boundary beyond the applicants landholding and therefore will not affect any receptor. Nuisance is based on standards and the model indicates levels at 24% of permitted standards. The MBT facility is different to a landfill.

Inspector raised the issue of SRF and Mr Connolly indicated that markets have been examined and there are export markets in addition to the domestic market. The SRF will be produced to CEN standards, will be dried, has a higher standard and has a value.

Mr Dornan raised the issue of tonnage of material used on the site is higher than the figures for waste acceptance at in excess of 400ktpa. Mr Connolly referred to the tonnages including compost and construction waste and the levels of traffic transporting waste to the landfill will fall. Mr Connolly referred to a fall from 360ktpa to 120ktpa in relation to landfill waste but there will be changes with the MBT facility and other traffic movements will occur. Compost occurs and will continue.

Mr Dornan indicated it is difficult to examine the figures and there will be increased 2 way trips. In response Mr Regan indicated that various scenarios were raised and examined. Issue of capacity of the road network and the road network has the capacity based on modelling carried out. Inspector raised the issue of capacity in the context adequacy of the roads and Mr Regan indicated the roads have the capacity.

Mr Perle clarified that flooding occurs in the general area due to the high water table in the area. The drivers do not have to arrive before the facility opens and park up in the area. He asked how many garbage disposal facilities are located in living bogs with a high water table. Mr O'Neill indicated that many MBT facilities are located close to existing landfills and was not aware of similar facilities on bogs.

Mr Mulcahy indicated there is no restriction on where waste comes from including the Dublin area and this will apply in the future.

Councillor Langan asked in relation to monitoring during construction and who would carry out the monitoring.

Mr Mulcahy raised the matter of the contributions and referred to page 3 of the Kildare County Council development scheme (submission 18) and the purpose of the scheme is outlined. Mr Mulcahy referred to page 9 where in 4c there is provision for the road infrastructure and its refurbishment. 51% of cost is apportioned to roads and the figures are stated on page 11 of the scheme and the applicant will be levied on the scale of the development. The gross floor area is high but it is not of an excessive density and over 2 million can be attributed to road improvement.

In relation to condition 23 refers to the general development scheme there will be no water or wastewater attributable to the development and should not be levied. There is no requirement for a special condition.

15.04

No issue with condition 25 of manager's report. In relation to condition 26 there is no specification of works as required for the special contribution and part 15 of the contribution scheme is relevant. The figures quoted are arbitrary and do not apply to special contribution. There are no specified works.

In relation to condition 22 which relates to community gain, no objection and conditions 23 25 and 27 no objection and the objection is to 26 stands. In relation to dispersal of haul routes dispersal is considered a good idea and was suggested by Kildare County Council as the preferred method. In relation to monitoring haulers would not wish to have tracking of vehicles. Warnings are issued to those who do not use haul routes and is not a significant issue.

Mr Regan then demonstrated in a submission (submission 20) that an estimate of 45k per annum is a more reasonable figure for road maintenance based on a rough calculation using NRA specifications and the tonnages expected to use the facility and circulated the calculation. He noted that there will be a general contribution of 2 million in respect of road upkeep.

Closing Submissions.

Mr Kenny referred to the managers report, have regard to the elected members views, the site selection criteria, the centroid concept and movement of waste from Dublin. Reference was made to condition no 29. Circumstances will change and evolve in the future, settlement patterns will change and the matter of waste disposal will change and there is no bar to a time constraint on this development. The applicant is not being double or triple charged in relation to contributions. The matter of material contravention should be considered by the Board.

Mr Mulcahy responded to an inspector's earlier indicated the landfill is currently under capacity. In relation to a condition restricted the life span of the facility there is no case for such a restriction and is not demonstrated. The proposal is a considerable investment and a restriction would not be acceptable and should not be included. The site selection process was robust.

The inspector formally closed the hearing.

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APPENDIX 2

Submissions received prior to oral hearing.

1

National Roads Authority.

- The NRA has noted the traffic analysis submitted and is satisfied with the scope of the analysis and no objections to the findings presented.
- It is however noted that the EIS and other documentation submitted has not addressed the site's proximity to the proposed Leinster Orbital Route and this matter was raised by the NRA in an EIS scoping submission to the applicant.

2

Bord na Mona.

Bord na Mona in a submission dated the 27th of June 2012 has advised the Board that they have applied to the EPA for a waste licence for the development of a MBT 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 and Drummond, Carbery, Co. Kildare.

The proposed MBT Facility has been designed such that it provides for the development of an optional dry Anaerobic Digestion (AD) step as part of the biological treatment stage. The application documentation provides for two MBT facility configurations and describes the physical works associated with each. In configuration A, AD is not provided and in configuration B, AD is provided with additional plant housed in Biological Treatment Building including the provision of Combined Heat and Power (CHP).

The classes of activity are outlined in an EIS submitted.

3

Dept. Arts, Heritage and the Gaeltacht.

- Water abstraction raised in Chapters 2 and 6 are not assessed in the appropriate assessment screening report submitted.
- The impact of the proposed water abstraction in combination with water abstractions on any wetland Natura 2000 or other sites of nature conservation which may be dependent on the same aquifer for their conservation interest should be considered by the Board.

4

Paddy Mc Evoy MCC in a submission refers to

- The lack of adequate details pertaining to traffic movements.
- The site is in a remote area and the high levels of trips disproportionately impact on the area and its infrastructure.
- Reference is made to the community fund and tourist attractions in the area.
- There is a requirement to address outflows from the site and its impact on receiving waters which are part of future potable water projects.
- The approach to appropriate assessment is raised in the context of Ballingafagh SAC.

5

Des and Yvonne Mulvey in a submission refer to,

- The issue of visual impact on their home is raised.
- There is concern in relation to potential for offensive odours based on an inability to manage odours at the existing facility.
- There are concerns in relation to groundwaters.
- The hours of operation are excessive.

6

Kildare County Council in a submission dated the 14th of August refer to,

- The planning history and provisions of the county development plan and other strategic policy documents,
- The reports department report indicates no objections.
- The water services report recommends an adjustment of SUDS volumes in accordance with OPW requirements.
- The environment department report indicates no objections.
- The report of the heritage officer considers the Appropriate Assessment Screening Document in relation to the description of the project and the details of mitigation are inadequate and the screening report should be considered to be a standalone document and all aspects relating to impacts should be contained within the report and not depend on reference to the EIS. The impact on Ballynafagh Lake is not adequately considered in the context of an overall assessment of water abstraction and the effects of abstraction on the lake.
- The environmental health report refers to malodours during transportation and the impacts are not addressed. There is reference to putting in place a detailed Odour Management Plan prior to the commencement of construction.
- The report indicates the planning authority is broadly supportive of the development.
- It is indicated that there is lack of clarity in relation to HGV movements with reference to table 11-4 of the EIS.
- Any permission for the MBT is limited to that of the period permitted for the landfill to allow the planning authority / Board to re-assess the proposed development in the light of circumstances then pertaining. (*My note permission was granted for a landfill for a 20 year period under ABP Ref.No. PL.09.212059*).
- The current County Development Plan Kildare County Development Plan 2011-2017 is largely supportive of development such as that proposed and the planning authority supported the existing Drehid facility.
- There is no objection in principle to the development subject to the issues raised being clarified and conditions recommended.
- Appendix A outlines possible further information issues.
- Appendix B outlines recommended conditions.