

14/9

Grant
due
14/9/11

KILDARE COUNTY COUNCIL
PLANNING DEPARTMENT

Planning Report



Planning Ref No 11/537

Name of Applicant

Bord na Mona Plc

Address of Development

Parsonstown, Loughnacush, Kilkeaskin, Drummond, Timahoe West, Coolcarrigan, Killinagh Lower and Killinagh Upper, Carbury, Co. Kildare.

Type of Development

Permission for a development of a landfill gas utilisation plant which will be phased and will generate up to 4.99MW of electricity for input into the national grid. The proposed development will consist of i) Four separate purpose built and environmentally controlled containers (each circa 2.5 x 12.2m x 2.6m high) enclosing a landfill gas engine generating approximately 1.4MW of power each, with one combined 12.0m high stack; ii) Four separate purpose built and environmentally controlled containers (each 3.0m x 3.0m x 3.0m high) enclosing a transformer; iii) ESB substation (ca 6.0m x 9.7m x 4.5m high); iv) 2 no. bunded oil tanks (each 5sq.m capacity); and v) Ancillary concrete foundation slabs; earthworks and site grading; palisade fencing (2.4m high ca. 220m long); double gates; ducting and services; above ground piping and all associated works. The proposed development relates to an activity covered by Waste Licence No. W0201-03 issued by the Environmental Protection Agency. The proposed development will not require a review of the Waste Licence at Drehid Waste Management Facility located in the townlands of Parsonstown, Loughnacush, Kilkeaskin, Drummond, Timahoe West, Coolcarrigan, Killinagh Lower and Killinagh Upper, Carbury, Co. Kildare.

Type of Permission: Permission

Due Date 14th September 2011

Description of Proposed Development

Permission for a development of a landfill gas utilisation plant which will be phased and will generate up to 4.99MW of electricity for input into the national grid. The proposed development will consist of

- i) Four separate purpose built and environmentally controlled containers (each circa 2.5 x 12.2m x 2.6m high) enclosing a landfill gas engine generating approximately 1.4MW of power each, with one combined 12.0m high stack;
- ii) Four separate purpose built and environmentally controlled containers (each 3.0m x 3.0m x 3.0m high) enclosing a transformer;
- iii) ESB substation (ca 6.0m x 9.7m x 4.5m high);
- iv) 2 no. bunded oil tanks (each 5 cubic metres capacity);
- v) Ancillary concrete foundation slabs; earthworks and site grading; palisade fencing (2.4m high ca. 220m long); double gates; ducting and services; above ground piping and all associated works.

The proposed development relates to an activity covered by Waste Licence No. W0201-03 issued by the Environmental Protection Agency. The proposed development will not require a review of the Waste Licence.

The site has a stated area of 0.21 hectares and the stated gross floor space of the proposed works is 216sq.m.

Site Location/ Context

The site situated within the existing Drehid Landfill Facility close to the existing permitted landfill cells. Drehid Landfill Facility is located in the north-west of the county on cut away boglands within the ownership of Bord na Mona. The site comprises part of the Bord na Mona landholding at this location. The site is accessed via the recently constructed site access road off the Allenwood – Derrinturn regional road.

Internal Reports

This application was referred to the following, reports received as indicated below. Please refer to the specific report on file should further details be required.

Area Engineer:	No report received to date
✓ Water Services:	No objection subject to conditions
✓ Environment:	No objection (States proposed development covered by EPA Waste Licence, which includes environmental conditions).
✓ Transportation:	No objection.
✓ CFO:	Condition
✓ EHO	Condition
Heritage Officer:	Advised verbally no objection

Prescribed Bodies

An Taisce No report received

Department of
Arts, Heritage and
the Gaeltacht Conditions

Submissions & Observations/Representations

None on file and none scanned on SoftCo.

Relevant Planning History

There is a considerable planning history associated with the Drehid Landfill Facility, including the following:

- 96/246** Permission granted for electricity line.
- 03/1294** Application sought for a pilot-scale environmental technologies research station, declared invalid.
- 03/1379** Permission granted for a pilot-scale environmental technologies research station.
- 04/222** Application for a landfill and composting facility, declared invalid.
- 04/371** Planning permission granted by Kildare County Council for the development of a landfill site and composting facility with a lifespan of 20 years. This permission was upheld by An Bord Pleanala subject to modified conditions under reference no. PL 09.212059. The maximum permitted quantities under the foregoing permission comprise 120,000 tonnes of waste per annum for a twenty year period, and 25,000 tonnes of bio-waste per annum at the composting facility. This application was accompanied by an EIS and the application was the subject of an oral hearing by An Bord Pleanala.
- 10/1172;** Permission granted for Extension of Duration for works permitted under 04/371.

Strategic Infrastructure Development

On 30th April 2008 under the Strategic Infrastructure Development provisions of the Planning and Development Act 2000 as amended Bord Na Mona made the following application to An Bord Pleanala: The development consists of the extension and intensification of the Drehid Waste Management Facility [developed pursuant to a grant of permission under Kildare County Council

Reg. Ref. 04/371 and An Bord Pleanala Ref PL 09.212059], to accommodate an additional 240,000 tonnes per annum of non-hazardous residual municipal waste for disposal for 7 years [over and above the permitted disposal of 120,000 tonnes per annum of non-hazardous municipal waste permitted for a 20-year period] entailing the extension of the landfill footprint by 17.8 hectares (ha); restoration of the site following cessation of waste acceptance; with ancillary facilities including landscaping; additional internal site haul roads (1.3 kilometres (km)); 2 No. additional surface water settlement lagoons (total area 10,528 square metres (sq m)); additional security fencing (1.4km) and all other site development works above and below ground, on a total site area of 179 ha; located at Killinagh Upper, Carbury, Co. Kildare in the townlands of Parsonstown, Loughnascush, Kilkeaskin, Timahoe West, Drummond, Coolcarrigan, Killinagh Lower and Killinagh Upper. The application was accompanied by an EIS and supporting documentation and was the subject of an oral hearing.

On 31st October 2008 An Bord Pleanala granted permission subject to 13 conditions. Under condition one the additional 240,000 tonnes per annum (total 360,000 tonnes) is permitted until 1st December 2013 and thereafter the amount of waste shall be restricted to that permitted under 04/371 i.e. 120,000 tonnes per annum.

ED 328 Born Na Mona sought a declaration whether or not the deposition of stable non-reactive hazardous waste including bound asbestos at this facility is development or exempted development. The Planning Authority referred the case to An Bord Pleanala and on 30th August 2010 An Bord Pleanala issued its declaration that it is development and is not exempted development, 09.RL.2742 refers.

Enforcement Information

UD4499 In September 2006 a complaint was received regarding alleged non-compliance with condition no. 6 & 7 of permission reference 04/371 (ABP 9.212059). Following investigation no unauthorised development was deemed to be taking place and the file was closed.

Previous Report

This application has been the subject of a previous report dated 19th July 2011 and which was prepared by Martin Ryan, Executive Planner. That report is on file and should be read in conjunction with this report. Based on the recommendation in that report, the Planning Authority sought the following **FI**:

1. The subject application envisages that the landfill gas utilisation plant would generate up to an estimated 4.99MW of electricity, for input into the National Grid for a period of up to 25 years. Under condition no. 1 of the parent planning permission pl. ref 04/371 (ABP09.212059) a 20 year time period for the active disposition of waste and a further 2 years for capping and restoration works was permitted for the Drehid Waste Management Facility. Please clarify this chronological discrepancy.

Applicants Response: the applicant in his response makes his case for the proposed time period and acknowledges it is in excess of the permitted time period for the landfill. The applicant advises that the active disposition of waste is for 20 years from 2008 – 2028 and that the waste placed up to 2028 will generate landfill gas beyond this point in time.

I note a further 2 years for capping and restoration works was permitted thus the end date is 2030. In the current application a time period of 25 years is sought which would have an end date of 2036. Having regard to the complexity of different end dates, potential changing policy and potential changing technology it is considered reasonable and in the interests of the proper planning and sustainable development of the area that if the proposed development is permitted an end date the same as that of the parent planning permission (2030) be conditioned. The applicant could assess the matter closer to that date and make a further application if required.

2-4. As per Department of Arts, Heritage and the Gaeltacht report dated 23rd June 2011. (Archaeology matters)

Applicants Response: the applicant advises that they currently have a contract with an archaeological consultant for the Drehid facility and it is assured that prior to any subsurface works in the proposed development area the services of the qualified archaeologists will be engaged to carry out an archaeological impact assessment.... A written report will be submitted to the Planning Department after the works have been completed.

I note the applicant's response if planning permission is granted the conditions of the Department of Environment, Heritage and Local Government should be included.

5. The applicant has not outlined how the electricity generated on the subject site will be transferred to locations off the subject site. It is considered that this should be identified on a revised layout plan. The applicant should note that due to the development's potential impact on Ballynafagh Lake SAC and Ballynafagh Bog SAC any associated infrastructural development may be de-exempted under the Planning and Development Regulations 2001-2011, and the application could therefore be premature pending confirmation on the above. Please comment.

Applicants Response: the applicant advises the proposed development is to connect at 10kV a dedicated feeder from the generator at Drehid Waste to Blake 38kV station which is located south of the facility. The applicant advises that the feeder will be approximately 5km in length and will not impact on Ballynafagh Lake SAC and Ballynafagh Bog SAC which are located east of the ESB grid connection location.

I note the applicant's response I also note the provisions of Section 34(13) of the Planning & Development Act 2000 as amended whereby "A person shall not be entitled solely by reason of a permission under this section to carry out any development" If planning permission is granted an appropriate condition should be attached that the grid connection and associated infrastructure (which is outside the site boundary) is not part of this planning permission and that should the applicant require any additional permission/permits same is to be obtained by the applicant.

6. The proposed development lies adjacent to Ballynafagh Lake Special Area of Conservation (01387) and Ballynafagh Bog Special Area of Conservation (00396). As this is the case, and in accordance with article 6 of the Habitats Directive which is implemented in Ireland through the European Communities (Natural Habitats) Regulations of 1997), the applicants are advised to provide information to the Planning Authority to enable us to identify if the development is likely to have direct, indirect or 'in combination' impacts on the habitats and/or species for which the SAC's are designated. This information should be provided in the form of a **Natura Impact Statement** which shall contain sufficient information to allow the Planning Authority to fully assess the potential impacts of the proposal on the designated sites. Of particular concern in relation to this application is the potential significant impact of the proposed 12m stack and associated off-site infrastructural development (e.g. power lines, etc) on birds and associated ecology present at Ballynafagh Lake SAC and Ballynafagh Bog SAC.

The applicants are advised to consult with the National Parks and Wildlife Service during the preparation of the **Natura Impact Statement**, which should be prepared by suitably qualified ecologist(s) and other experts. The statement should follow the DoEHLG guidance 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, 2009' and be in accordance with the templates provided in the EU Guidance document 'Assessment of plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC' and should include the following:

- details relating to the size, scale and location of the proposed development to include information relating to proposed construction methods and timescales and the treatment of any wastes arising;
- full list of plans or projects considered in relation to 'in combination' impacts;
- information relating to the ecology of the Natura 2000 site(s) within the identified impact zone to include reference to the habitats and species

for which the site(s) is/are designated; the relevant conservation objectives; detailed description of the area of the Natura 2000 site likely to be impacted to include information on the presence of key habitats or species; and description of the key structural and functional relationships that maintain the sites integrity;

- assessment of the likely effects of the proposed project on Natura 2000 sites within the impact zone, including an assessment of any likely **direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects)** on the Natura 2000 site, and an evaluation of the significance of these using the indicators set out in the EU Guidance document referenced above;
- full list of organisations consulted and a copy or summary of the consultation responses;

Where mitigation measures are proposed, it should be shown that these are fully integrated into the design and layout and landscaping of the proposed development and the impact of these should also be assessed. The following should be provided:

- evidence of how these will be secured and implemented and by whom;
- evidence of the degree of confidence in their likely success;
- timescale, relative to the plan or project, for their implementation or completion;
- evidence as to how the measures will be monitored and, should mitigation failure be identified, how that failure will be rectified.

The relevant qualifications and experience of the persons involved in the preparation of the Natura Impact Statement should be cited therein. Field surveys of habitats and species may be required to complete this statement. These should be carried out in accordance with recognised standard best practise methodologies and at the appropriate time of year. Where the proposed development lies outside the designated site, the applicants are advised to provide a detailed habitat map of the area of the designated site which has been identified as likely to be impacted by the development.

Applicants Response: the applicant had submitted an Appropriate Assessment with the application which concludes that no significant impacts on Ballynafagh Lake SAC and Ballynafagh Bog SAC arising from elements of the proposed development. The applicant has attached a copy of the Appropriate Assessment with the FI submission.

I have spoken with the Heritage Officer and she has no issue/objection to the proposed development.

Summary of Key Planning Issues and Assessment

As detailed above the application has been the subject of a previous report dated 19th July 2011, which was prepared by Martin Ryan, Executive Planner. In that report Mr Ryan assessed the proposed development under the

relevant policy and while expressing no objection to the proposed development sought FI on a number of items. The applicant has submitted his FI response and I am satisfied that he has addressed the issues raised. As detailed above resulting from the FI a number of conditions should be attached if planning permission is granted, including time frame, ESB grid and archaeology.

I note there is no objection to the proposed development in the reports received. Accordingly on planning grounds I express no objection to the proposed development. I therefore recommend that planning permission be granted for the proposed development, subject to appropriate conditions.

Recommendation:

I recommend that **Permission be granted** subject to the following conditions:

Schedule 1: Main Reasons and Considerations:

Having regard to the nature, scale and extent of the development and having regard to the parent planning permission it is considered that subject to compliance with the conditions attached, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not materially alter the character of the area and would be in accordance with the proper planning and sustainable development of the area.

Schedule 2: Conditions.

- 1 The development shall be carried out in its entirety, in accordance with the drawings and details submitted to the planning authority on the 25/05/2011, and as amended on the 18/08/2011, except where altered or amended by conditions in this permission.

Reason: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

- 2 This permission authorises the proposed development and does not include the connection to the ESB grid or any associated grid connection infrastructure. ~~Any permissions/permits etc the applicant requires in this regard shall be obtained by the applicant.~~

Reason: To avoid any misunderstanding as to the proper construction of this permission.

- 3 The development hereby permitted shall cease on the same date ~~of the parent planning permission, namely 04/3/71~~, unless before that date a further permission is obtained to permit the proposed development

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beyond that date. Within 12 months of the development ceasing the structures hereby permitted shall be removed and the site reinstated.

Reason: To avoid the complexity of different end dates, in order to allow the matter to be reassessed at the end of a reasonable period of time in the light of the circumstances, including technological advances, ~~policy~~ existing at that time, and in the interest of the proper planning and sustainable development of the area.

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- 4 Apart from the development authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of previous overall permission relating to this site, in particular permission Ref. No. 04/371, and any agreements entered into thereunder, insofar as these are applicable.

Reason: In the interest of the proper planning and development of the area.

- 5 Conditions as per Water Services report.
- 6 Conditions as per EHO report 28.6.11
- 7 Conditions as per CFO report 1.7.11.
- 8 Conditions as per Department of Environment, Heritage and Local Government report

Reason in the interests of heritage protection + the proper pl. + sustainable dev. of the area

Planning Administration - please attach levies as/if appropriate. Stated site area is 0.21ha and stated floor area of the proposed development is 216sqm.

<i>Levies</i>		<i>Grant</i>
4 x 30.5m ²	= 122m ²	- plaque /
4 x 9m ²	= 36m ²	- wall /
6 x 9m ²	= 54m ²	- EHO
	<u>216.2m²</u>	- CFO
		- DOEHLG
		- Levies = €12,972.00

Martin Dowling
 Martin Dowling
 Executive Planner
 13th September 2011

13/9/11

A. Srayan
 SEP
 13/9/11

Kunal Kumar
 Planning Officer

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Kildare Local Authorities
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