

25/2

Grant due 23/2/11

**KILDARE COUNTY COUNCIL  
PLANNING DEPARTMENT**

Planning Report 1



Planning Ref – 10/1172

**Name of Applicant**                      Bord na Mona Plc

**Address of Development**              Drehid Waste Management Facility

**Type of Development**                    Extension of Duration for development permitted under 04/371

**Due Date**                                    27<sup>th</sup> February 2011

**Description of Proposed Development**

Extension of duration of time is sought by Bord na Mona Plc to the appropriate period associated with 04/371 – detailed below.

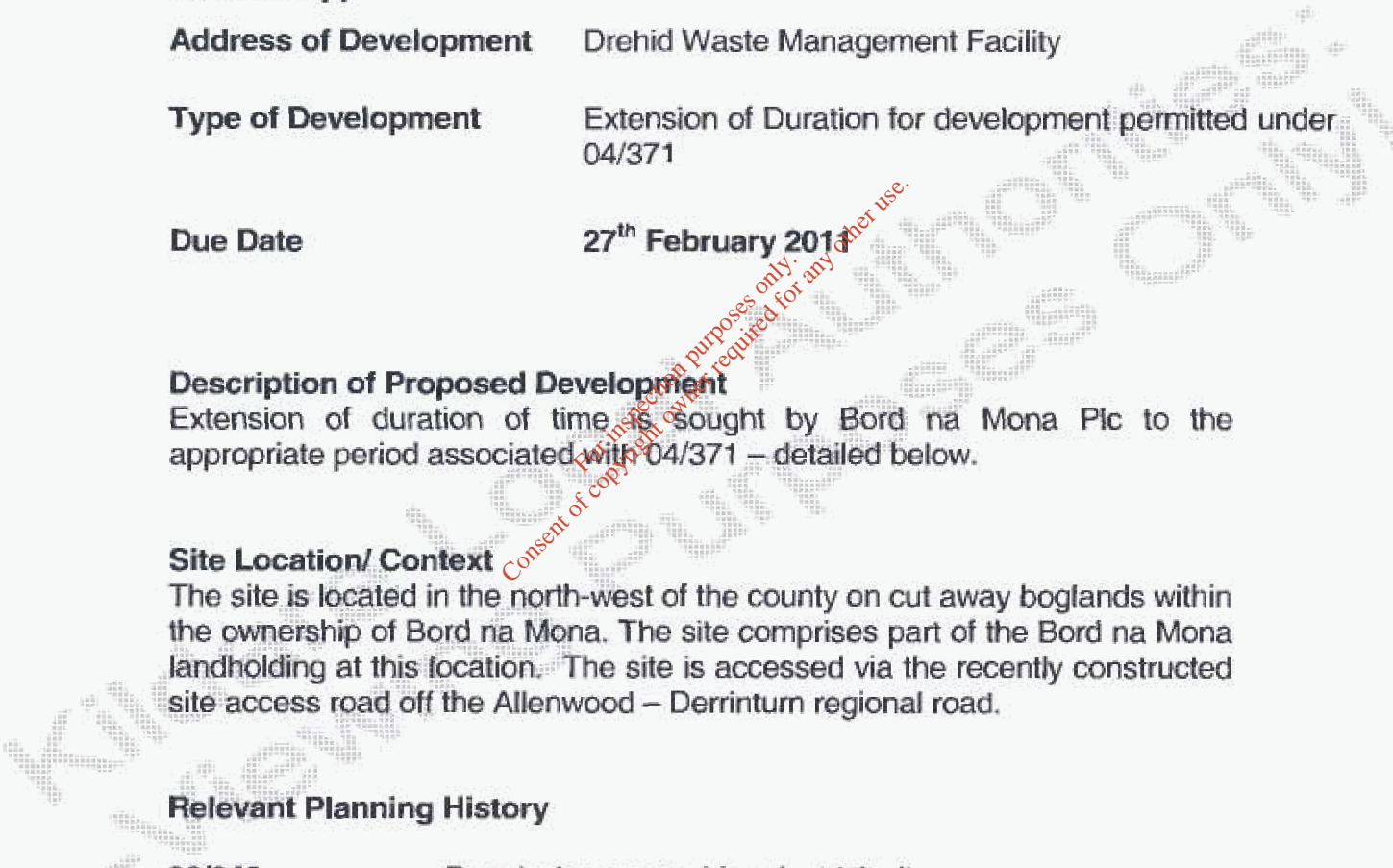
**Site Location/ Context**

The site 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.

**Relevant Planning History**

- 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.

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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 Pleanála 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 Pleanála.

### **Strategic Infrastructure Development**

On 30<sup>th</sup> 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 Pleanála: The development consists of the extension and intensification of the Dredge Waste Management Facility [developed pursuant to a grant of permission under Kildare County Council Reg. Ref. 04/371 and An Bord Pleanála 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, Loughnashugh, 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 31<sup>st</sup> October 2008 An Bord Pleanála granted permission subject to 13 conditions. Under condition one the additional 240,000 tonnes per annum (total 360,000 tonnes) is permitted until 1<sup>st</sup> December 2013 and thereafter the amount of waste shall be restricted to that permitted under 04/371 i.e. 120,000 tonnes per annum. For convenience a copy of An Bord Pleanála's decision is on file.

**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 Pleanála and on 30<sup>th</sup> August 2010 An Bord Pleanála issued its declaration that it is development and is not exempted



development, 09.RL.2742 refers, a copy of the declaration is on file.

### **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.

### **Legislation**

The provisions of Section 28 of the Planning & Development Act 2010 is the relevant legislation relating to extending the appropriate period of planning permissions. Note Section 28 of the Planning & Development Act 2010 amends Section 42 of the Planning & Development Act 2000, which relates to extending the appropriate period of planning permissions.

### **Previous Report**

This application has been the subject of a previous report dated 11<sup>th</sup> January 2011, which 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. Having examined the application it would appear to the Planning Authority that the extension of duration of time relates to the construction of the composting facility permitted under 04/371. To avoid any confusion please clarify exactly what part(s) of the development permitted under 04/371 the applicant is requesting to extend the appropriate period.

**Applicants Response:** the applicant has submitted his response to this item. He advises that to date substantial development works have been undertaken and completed on site. The response also includes a table (Table 1.1) which details progress to date. From the table the composting facility has yet to be constructed and/or developed.

2. To avoid any misunderstanding please clarify that the extension of the appropriate period sought by the applicant is not intended to extend the lifespan of the landfill or composting facility as per conditions one and two of 04/371, (An Bord Pleanala ref PL 09.212059).

**Applicants Response:** the applicant in his response advises that the extension of the appropriate period sought under this application is

solely to enable the development to which the permission relates to be completed as provided for under the legislation.

3. It is noted from the planning history that the original site (04/371) was extended by the development permitted by An Bord Pleanála under the Strategic Infrastructure provisions of the legislation, (An Bord Pleanála Ref 09.PA0004). In this instance it would be helpful and of assistance to the Planning Authority if the applicant would submit an overall site plan and indicate thereon the structure(s) relating to the current application.

**Applicants Response:** the applicant has submitted the drawings as requested.

### 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:    | report received advising no impact on roads.   |
| ✓ Environment:      | report received, no objection.   |
| ✓ Water Services:   | report received advising no objection subject to compliance with previous planning conditions. |
| ✓ Roads Design:     | report received, no objection to the proposed development.                                     |
| ✓ Heritage Officer: | report received, no comment.   |
| ✓ Compliance:       | report received, no comment.   |
| ✓ EHO:              | report received advising the proposal is acceptable.   |
| Building Control:   | no report to date.   |

### Assessment

In the subject application the applicant details in Table 1.1 the progress to date in relation to the development permitted under 04/371. It is the applicant's contention (end of page 5) that *"there is absolutely no doubt that these works can be described as substantial"*

Having initially examined the application it appeared that the extension of duration of time related to the composting facility permitted under 04/371 which had not been constructed/developed. The applicant has clarified in the FI submission that this is the situation.

It should be noted that the planning permission granted under 04/371 permits the active deposition of waste for a period of 20 years and a further 2 years for capping and restoration works, condition 1 refers. This extension of duration has no impact on this time period and if the extension of duration is permitted in the interest of clarity same should be stated.



Under condition number 2 of the planning permission the composting facility can accept up to 25,000 tonnes per year for a period up to and including the final capping of phase 8 of the landfill. Some details relating to the composting facility from the EIS of 04/371 are on file. The applicant is requesting the extension of the appropriate period until 13<sup>th</sup> January 2013 to facilitate the construction/development of the permitted development.

### Conclusion

Having examined the subject application and having regard to the scale of the permitted development I am satisfied that the applicants have carried out substantial works as required under the legislation. Accordingly the extension of duration sought should be permitted in this instance.

### Recommendation

I recommend that the extension of duration sought by the applicants be permitted in this instance. Accordingly the extension of the appropriate period until 13<sup>th</sup> January 2013 to facilitate the construction/development of the permitted development should be permitted.

The applicant should be advised that in the interest of clarity this extension of duration does not extend the 20 year time period for the active deposition of waste or the 2 years for capping and restoration works as permitted under condition number one of 04/371 (An Bord Pleanála Ref PL 09.212059).

*Martin Dowling*  
Martin Dowling  
Executive Planner  
24<sup>th</sup> February 2011

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*Grant  
planned.*

*A. Svargen  
SEP  
24/2/11*