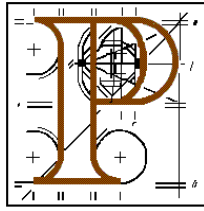


# An Bord Pleanála



## PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

### Kildare County

#### An Bord Pleanála Reference Number: 09.PF0002

(Associated Appeal Reference Number PL 09.212059, Application Reference Number 09.PA0004 and Alteration Request Reference Number 09.PM0008)

#### WHEREAS

- (i) By order dated the 21<sup>st</sup> day of November, 2005, An Bord Pleanála, under Appeal Reference Number PL 09.212059 (Planning Authority Register Reference Number 04/371), granted permission, subject to conditions, to Bord na Móna plc care of John Connolly of Leabeg, Tullamore, County Offaly for a development described as a waste management landfill - lifespan 20 years at Parsonstown, Loughnacush, Kilkeaskin, Timahoe West, Drummond, County Kildare;
  
- (ii) By order dated 31<sup>st</sup> day of October, 2008, An Bord Pleanála, under Application Reference Number 09.PA0004, granted permission, subject to conditions, to Bord na Móna Plc care of Tobin Consulting Engineers of Block 10-14, Blanchardstown Corporate Park, Dublin for a development described as the extension and intensification of the Drehid Waste Management Facility at Drehid, County Kildare;

- (iii) By order dated 12<sup>th</sup> day of September, 2016, An Bord Pleanála, under Alteration Request Reference Number 09.PM0008, at the request of Bord na Móna Plc care of AOS Planning of 2<sup>nd</sup> Floor, The Courtyard, 25 Great Strand Street, Dublin, altered the terms of the development which was permitted under Application Reference Number 09.PA0004.

**AND WHEREAS** the planning authority and the developer failed to agree on the said detailed proposals in compliance with the terms of the said conditions, as described in the attached **Appendix 1**, and on 18<sup>th</sup> day of November, 2016, the matter was referred to An Bord Pleanála by Kildare County Council of Áras Chill Dara, Devoy Park, Naas, County Kildare for determination,

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) and section 37G(10) of the Planning and Development Act, 2000, as amended, hereby determines the matter, as set out in the Reasons and Considerations set out below.

### **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

### Procedural Aspects:

It is considered that:

- The developer's obligation to provide a special contribution under Condition Number 21 of the permission granted under Appeal Reference Number PL 09.212059 has been fulfilled.
- Condition Number 13 of Appeal Reference Number PL 09.212059 has been superseded by Condition Number 9 of the permission granted under Application Reference Number 09.PA0004, which itself has been altered by An Bord Pleanála under Alteration Request Reference Number 09.PM0008.
- Therefore, the terms of Condition Number 9 of Alteration Request Reference Number 09.PM0008 govern the matters now raised by the planning authority.
- It is open to the developer to decide whom it wishes to appoint to carry out surveys or other work in relation to the condition in question.

### Scope of review:

- The environmental impact assessment carried out by An Bord Pleanála under Application Reference Number 09.PA0004 considered that an increased annual tonnage was acceptable at the facility subject to certain requirements in relation to the access routes. The requirements

of the permission (of Application Reference Number 09.PA0004), in relation to road surveys and improvements, as identified in Condition Number 9 and the associated 'special development contribution' (Condition Number 13) remain to be fulfilled.

- The review required under Condition Number 9 of Alteration Request Reference Number 09.PM0008 should encompass the haul routes serving the site (as identified on Figure 4.9.1 of the Environmental Impact Statement, updated for any alterations to these routes that has taken place) and should examine the condition and suitability of these routes in relation to Heavy Goods Vehicle (HGV) traffic.
- The condition of the road network serving the permitted development on the 12th day of September, 2016 (that is, the date of the decision under Alteration Request Reference Number 09.PM0008) would be the appropriate baseline upon which the required review of the condition of the haul routes should be based.

**Nature of works involved:**

- Having regard to the provisions of section 48(2)(c) of the Planning and Development Act 2000, as amended, the additional payments that may arise to address the suitability of the haul routes for Heavy Goods Vehicle (HGV) traffic must relate to "road improvements and traffic calming measures" and these should follow logically from the review (that is, they must relate to the identified haul routes, as updated). Any such works must be clearly identifiable and defined, and the cost of the works clearly explained. The special contributions should not be used to defer the costs associated with on-going maintenance, nor should they be calculated by reference to general estimates of the cost of a type of works or a fraction thereof.

**Requirement for agreement:**

- Following completion of the review, the developer should formulate a proposal to fulfil the requirements of Condition Number 9 and Condition Number 13, and submit this to the planning authority for agreement.
- Normal procedures for agreement in relation to planning compliance conditions should apply thereafter.

---

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

**Dated this                    day of                    2017.**