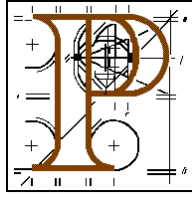


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2004

Kildare County

Planning Register Reference Number: 04/371

An Bord Pleanála Reference Number: PL 09.212059

APPEAL by Bridie and John Logan of Killinagh Upper, Robertstown, Naas, County Kildare and by others against the decision made on the 13th day of April, 2005 by Kildare County Council to grant subject to conditions a permission to Bord na Móna plc care of John Connolly of Leabeg, Tullamore, County Offaly in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: An engineered landfill site (footprint 21.2 hectares), comprising eight number phases, to accept up to 120,000 tonnes per annum of non-hazardous residual municipal waste for disposal, a composting facility with a capacity of 25,000 tonnes per annum, for an operational lifespan of 20 years. In addition to the waste acceptance period, permission is also sought for an additional two years to facilitate preliminary development works prior to waste acceptance and restoration of the site following cessation of waste acceptance. Permission is also sought for ancillary facilities including landscaping, provision of improved site entrance and access road (4,800 metres) from the R403 to the facility entrance, internal site haul roads (2,380 metres), clay borrow area (10 hectares) and sand and gravel borrow area (12.7 hectares) for the extraction of 212,300 cubic metres of clay and 248,410 cubic metres of sand and gravel respectively, to be used for the construction of the proposed facility, composting building and biofilter (4,157 square metres), administration building (434 square metres), parking (700 square metres) for 17 number cars, two delivery vans and one coach, two number weighbridges (140 square metres) and weighbridge reception kiosk (7.5 square metres), maintenance facility (180 square metres), bunded concrete hardstand for waste inspection and quarantine (585 square metres), bunded oil storage area (22.5 square metres), on-site water borehole, wheelwash (180 square metres), surface water drainage system, oil interceptor and grit trap, five number surface water settlement lagoons (total area 5,464 square metres), two number leachate holding tanks (combined capacity of 400 cubic metres) and leachate pump sump at bunded concrete hardstand leachate management facility (1,000 square metres), landfill gas collection compound and gas flare (35 square metres), security fencing and all other site development works above and below ground on a total site area of 139 hectares all in the townlands of Parsonstown, Loughnacush, Kilkeaskin, Timahoe West, Drummond, Coolcarrigan and Killinagh Lower and Killinagh Upper, County Kildare, as amended by the revised public notice received by the planning authority on the 20th day of December, 2004.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to:-

- (a) the national waste management policy framework and strategy as set out in the Government policy statements “Waste Management – Changing Our Ways” (1998), “Delivering Change” (2002), “National Overview of Waste Management Plans” (2004), and “Waste Management – Taking Stock and Moving Forward” (2004), published by the Department of the Environment, Heritage and Local Government,
- (b) the provisions of section 54(3) of the Waste Management Act, 1996, as amended by section 257 of the Planning and Development Act, 2000,
- (c) the Regional Planning Guidelines for the Greater Dublin Area, 2004-2016,
- (d) the Waste Management Plan for the Kildare Region, 2000-2005,
- (e) the Landfill Site Selection Process Report for County Kildare, 2002,
- (f) the Kildare County Development Plan 2005-2011,
- (g) the separation distances between the proposed landfill/composting facility and residential properties or other sensitive receptors, and
- (h) the Environmental Impact Statement, additional information and clarification submitted in connection with the planning application and the appeal,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would not interfere to any significant extent with existing land uses in the vicinity, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the revised plans and particulars received by the planning authority on the 12th day of August, 2004 and the 29th day of October, 2004, and in accordance with the provisions and proposals contained in the accompanying Environmental Impact Statement, as amended, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2.
 - (1) The landfill footprint shall be as proposed in the documentation submitted to the planning authority on the 24th day of February, 2004. The active deposition of waste is permitted for a period of twenty years and shall not exceed an annual tonnage of 120,000 tonnes for the deposition of waste. Capping and restoration works on the site shall be completed within two years of the expiry of the period for waste deposition.
 - (2) The amount of bio-waste to be accepted at the composting facility shall not exceed 25,000 tonnes per annum without a prior grant of planning permission. The acceptance of waste is permitted for a period up to and including the final capping of phase 8 of the landfill.
 - (3) The planning authority shall be informed in writing, at least one month before the landfill and the composting facility become available to receive waste, and indicating the commencement date(s).
 - (4) Each consignment of waste arriving for disposal at the landfill/composting facility shall be accompanied by a certificate which shall identify the weight of each consignment, the name and address of the waste collection contractor disposing of the waste and the composition and nature of the waste for disposal.
 - (5) Every three months, in a manner to be agreed with the planning authority, the developer shall submit to the planning authority records of all waste delivered to the site on a daily, weekly and monthly basis. These records shall be available for public examination.

Reason: To define the scale of the proposed development, in the interest of minimising recourse to landfill in accordance with national policy.

3. Any stockpiling arrangements for excavated soil and/or peat, other than for use in the screen embankment around three sides of the landfill, shall be agreed in writing with the planning authority.

Reason: In the interest of proper planning and to avoid unnecessary environmental hazards on site.

4. The developer shall ensure that adequate measures are in place (and agreed with the planning authority) to prevent water with high suspended solids content, caused by the construction of the proposed development, from discharging directly into streams and feeder drains.

Reason: In the interest of preservation of habitats on site and the proper planning and sustainable development of the area.

5. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, details of the external finishes and colours of all buildings on site.

Reason: In the interest of visual amenity.

6. During the construction phase of the proposed development 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.

7. During the initial construction phase of the proposed development, noise levels at the site (when measured at noise sensitive locations in the vicinity) shall not exceed 55dB(A) between 0800 and 2000 hours, Monday to Friday inclusive and 0800 and 1300 hours on Saturdays, excluding public holidays and Sundays, and 45dB(A) at any other time.

Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of development.

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

8. Prior to commencement of development, the developer shall put in place monitoring arrangements for the measurement of noise emissions, dust deposition and suspended solids of surface water run-off associated with the initial construction phase of the development. During the construction phase of the development, the developer shall submit to the planning authority, on a frequency to be determined by the planning authority, the results of the monitoring programme. Monitoring locations for the above shall be agreed in writing with the planning authority prior to commencement of development.

Dust deposition during the initial construction phase of the proposed development shall not exceed 350 milligrams per square metre per day (DIN standard) when measured at the site boundaries and averaged over 30 days.

Reason: To protect the amenities of the area.

9. The hours of operation of the proposed development shall be as set out in the Environmental Impact Statement.

Reason: In the interest of amenity and proper planning and sustainable development.

10. Prior to commencement of development, details of lighting arrangements for the entrance, access road and landfill compound shall be submitted to the planning authority for written agreement.

Reason: In the interest of public safety and residential amenity.

11. During the construction phase of the proposed development:-

- (a) bunded storage areas shall be provided for the containment of oil, fuel storage tanks, chemicals and any other materials which pose a risk to ground or surface water. The bunded area shall be equivalent to a volume of 110% of the capacity of the largest container stored. The proposed method of drainage of the bunded area shall be to the satisfaction of the planning authority, and
- (b) arrangements for the collection, storage and disposal of all foul sewage effluent arising from temporary site sanitary facilities shall be submitted to and agreed with the planning authority prior to commencement of development.

Reason: In the interest of public health and the protection of the amenities of the area.

12. All excavations associated with initial site development works and subsequent excavations and peat and soil stripping for the development of later phases of the landfill 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 as to how best to deal with the archaeology. A report on the monitoring shall be submitted to the Heritage and Planning Division of the Department of the Environment, Heritage and Local Government.

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

13. All materials being imported to the site, either in the construction or operational phases shall be transported via one of the haul routes identified on figure TR1 (Rev A), received by the planning authority on the 12th day of August, 2004. After two years of operation of the proposed facility, a review of the impact of the Heavy Goods Vehicle movements generated on the local road network (defined in figure TRI (Rev A)) 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 and any consequent additional payments necessary under condition 21 below shall be agreed between the developer and the planning authority or, in default of agreement, the matter shall be referred to the Board for determination.

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

14. Prior to the development of phase 8 of the landfill, the developer shall agree, in writing, with the planning authority, proposals for re-use, if any, of the composting building, maintenance building and administration building on site.

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

15. The internal road network accessing and serving the proposed landfill/composting facility, including turning bays, junctions, parking, hardstanding areas, footpaths, kerbs and the construction of the R403 entrance, shall be carried out in accordance with the detailed requirements of the planning authority for such works. No waste shall be accepted without the prior written agreement of the planning authority that these arrangements have been implemented to their satisfaction.

Reason: In the interest of amenity and safety.

16. A Community Liaison Committee shall be established, the composition of which shall be based upon equal representation of personnel from the planning authority, the developer, local residents and elected members of Kildare County Council. The composition of the committee and any variation thereof shall be subject to the prior agreement of the planning authority. The committee shall identify environmental works and community facilities to be funded under the following condition.

Reason: To identify appropriate environmental community projects which will mitigate the impact of the landfill facility on the local community, in accordance with Government policy as set out in “Changing Our Ways” published by the Department of the Environment and Local Government in September, 1998.

17. 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 having consulted with the community liaison committee as provided for in the previous condition. 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 event of phased payments.

Reason: It is considered reasonable that the developer should contribute towards the cost of environmental, recreational or community amenities which will help mitigate the impact of the landfill facility on the local community in accordance with Government Policy as set out in “Changing Our Ways”.

18. The site landscaping shall generally be in accordance with the submitted Environmental Impact Statement, as amended. Prior to commencement of development, 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.

Reason: In the interest of visual amenity.

19. Prior to acceptance of any waste at this facility, the developer shall plant an eight to ten metres wide belt of mixed deciduous and evergreen trees and shrubs along the entire boundary of the site with the grounds of Allenwood Celtic AFC.

Reason: In the interest of visual amenity.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, bond of an insurance company, or other security to secure the provision and satisfactory final landscaping restoration measures that may be necessary to ensure compliance with the proposals for site restoration as set out in the Environmental Impact Statement (as amended by the additional information received by the planning authority on the 12th day of August, 2004), coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the restoration. This bond, cash or other security shall have an expiry date of not sooner than five years after the completion of landfilling.

Reason: To ensure satisfactory completion of the landscape restoration plan in the interest of orderly development.

21. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of road improvements, traffic calming and public lighting which will benefit the proposed development. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. Payment is subject to the provisions of section 48 (12) of the Planning and Development Act 2000.

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

22. The developer shall pay to the planning authority a financial contribution of €238,283 (two hundred and thirty-eight thousand two hundred and eighty three euro) 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any specified indexation provisions of the Scheme which shall be applied from the date of the making of the said Scheme.

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

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

Dated this day of 2005.