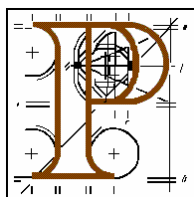


An Bord Pleanála



STRATEGIC INFRASTRUCTURE DEVELOPMENT

PLANNING AND DEVELOPMENT ACTS 2000 TO 2007

An Bord Pleanála Reference Number: PL 09.PA0004

(Planning Authority: Kildare County Council)

APPLICATION for permission under section 37E of the Planning and Development Act, 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Statement, lodged with An Bord Pleanála on the 30th of April, 2008 by Bord na Móna Plc, care of Tobin Consulting Engineers Block 10-14, Blanchardstown Corporate Park, Dublin 15.

PROPOSED DEVELOPMENT: The extension and intensification of the Drehid Waste Management Facility to accommodate an additional 240,000 tonnes per annum for disposal for 7 years of non-hazardous residual municipal waste [over and above the permitted disposal of 120,000 tonnes per annum of non-hazardous residual waste permitted for a 20 year period] entailing the extension of the landfill footprint by 17.8 hectares; restoration of the site following cessation of waste acceptance; with ancillary facilities including landscaping; additional internal site haul roads (1.3 kilometres); 2 number additional surface water settlement lagoons (total area 10,528 square metres); additional security fencing (1.4 kilometres) and all other site development works above and below ground, on a total site area of 179 hectares; located at Killinagh Upper, Carbury, in the townlands of Parsonstown, Loughnacush, Kilkeaskin, Timahoe West, Drummond, Coolcarrigan, Killinagh Lower and Killinagh Upper, County Kildare.

DECISION

GRANT permission under section 37G of Planning and Development Act, 2000 as amended, 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.

DETERMINE under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs 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 the submissions and observations received by it in accordance with statutory provisions.

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 37G of the Planning and Development Act, 2000, as amended by the Planning and Development (Strategic Infrastructure) Act, 2006,
- (c) the Regional Planning Guidelines for the Greater Dublin Area, 2004-2016,
- (d) the Waste Management Plan for County Kildare, 2005-2010.
- (e) the Waste Management Plan for the Dublin Region, 2005-2010
- (f) the Kildare County Development Plan 2005-2011,
- (g) the Environmental Impact Statement and information submitted at the Oral Hearing,
- (h) the report made to the Board, in respect of the proposed development, by the planning authority (including the recommendations and the record of the meetings of the elected members attached to the report),
- (i) the likely consequences of the proposed development for the proper planning and sustainable development of the area and the likely effects on the environment of the proposed development and
- (j) the planning history of the site and established use of the lands for waste management,

it is considered that the proposed development, subject to the conditions set out below, would address the identified waste management capacity needs of the Greater Dublin Area in the short to medium term, 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 not be prejudicial to the archaeological or natural heritage of the area, 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.

Having regard to predicted waste arisings and capacity issues in the Greater Dublin Area and to national policy objectives in relation to reduction of waste, the Board considered that a five year limit on the increased through-put of waste at the facility is more appropriate than the seven years sought by the applicant.

CONDITIONS

1. The landfill footprint extension shall be as proposed in the documentation submitted to the Board on the 30th day of April, 2008. Waste to be accepted at the facility for disposal shall be restricted to 360,000 tonnes per annum until 1st of December 2013. Thereafter waste for landfill disposal at the facility shall be restricted to a maximum of 120,000 tonnes per annum, in accordance with the conditions attached to the original permission, PL 09.212059, unless a further permission in this respect is granted.

Reason: The Board considers it appropriate that the increased rate of waste deposition hereby permitted should be reviewed after five years, in the light of waste policy and capacity pertaining at that time.

2. Any stockpiling arrangements for excavated soil and/or peat, other than for use in the screening embankment around the landfill extension shall be agreed in writing with the planning authority.

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

3. All surface water discharges arising during the construction phase of the development shall be discharged via interceptor traps to the settlement ponds prior to discharge into receiving waters.

Reason: To reduce the risk of pollution.

4. 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.

5. 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 d B(A) between 0800 and 2000 hours, Monday to Friday inclusive and 0800 and 1300 hours on Saturdays, excluding public holidays and Sundays, and 45 d B(A) at any other time.

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

6. 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 for the development of later phases of the landfill extension 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 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.

7. A 20 metre buffer zone shall be established around RMP monument numbers KD008:059 and KD008:030. The berm shall be constructed generally in accordance with Drawing Number 3369-1018 submitted to the Board at the oral hearing on the 10th of September, 2008, with its final position agreed with the planning authority in consultation with the Heritage and Planning Division of the Department of the Environment, Heritage and Local Government following completion of the archaeological assessment required under Condition Number 6 of this order.

Reason: To protect items of archaeological interest which may exist in the area.

8. 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.

Reason: In the interests of visual amenity.

9. All materials being transported to the site, either in the construction or operational phases shall be transported via the haul routes as identified in figure 4.9.1 of the Environmental Impact Statement. After one year of the acceptance of the facility of the increased capacity of 360,000 tonnes, a review of the impact of the Heavy Goods Vehicle movements generated on the local road network (defined in figure 4.9.1 of the Environmental Impact Statement) 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 additional payments necessary under condition number 13 of this order 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 interests of traffic safety, orderly development and the protection of amenity.

10. 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 under the original permission, PL 09.212059, governing the development of the site. 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.

11. 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 ensure the provision and 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, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any 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 interests of orderly development.

12. 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 reasonable that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Planning and Development Act, 2000, as amended, be applied to the permission.

13. 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 and traffic calming measures, which will benefit the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. 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.

SCHEDULE OF COSTS

In accordance with section 37H of the Planning and Development Act 2000 as amended the Board requires the following costs to be paid by the applicant-

	€
To Kildare County Council towards reasonable costs incurred in consideration of the application.	8,081
To Mr. Gerry Woods as a contribution towards the costs incurred during the course of consideration of the application.	1,500
Total:	€9,581
Reimbursement of fees by An Bord Pleanála to the applicant	€27,364

Note: A breakdown of these sums is set out in the attached Appendix.

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

Dated this day of 2008.