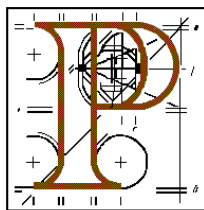


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Kildare County

An Bord Pleanála Reference Number: 09.PM0008

(Associated Reference Numbers 09.PA0004 and 09.PM0003)

REQUEST received by An Bord Pleanála on the 26th day of April, 2016 from Bord na Móna Plc, care of AOS Planning, 2nd Floor, The Courtyard, 25 Great Strand Street, Dublin under section 146B of the Planning and Development Act, 2000, as amended, in respect of a strategic infrastructure development described under 09.PA0004 as 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] located at Killinagh Upper, Carbury, in the townlands of Parsonstown, Loughnacush, Kilkeaskin, Timahoe West, Drummond, Coolcarrigan, Killinagh Lower and Killinagh Upper, County Kildare.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 31st day of October, 2008, and the development was the subject of a previous alteration of Condition Number 1 under 09.PM0003

AND WHEREAS the Board has received a further request on the 26th day of April, 2016, to alter the terms of the development, the subject of the permission,

AND WHEREAS the Board considered that the alteration of Condition Number 1 would result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS having regard to the nature of the issues involved, the Board invoked the provisions of section 146B(8)(a) of the Planning and Development Act, 2000, as amended, to invite submissions or observations in relation to the matter from members of the public,

AND WHEREAS having considered all of the submissions/observations and documents on file and the Inspector's reports, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(b) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that Condition Number 1 of its order shall be as set out below and the Board also hereby alters the above-mentioned decision so that Condition Number 9 of its order shall be as set out below and the permitted development shall be otherwise altered in accordance with the plans and particulars received by An Bord Pleanála on the 26th day of April, 2016:

ALTERATION TO CONDITIONS

Alter Condition Number 1 as follows:

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 the 1st day of December, 2017. 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 in the light of waste policy and capacity pertaining at this time, that the increased rate of waste deposition shall only be authorised until the 1st day of December 2017.

Alter Condition Number 9 as follows:

9. All materials being transported to the site shall be transported via the haul routes as identified in Figure 4.9.1 of the Environmental Impact Statement. A review of the impact of the Heavy Goods Vehicle movements generated on the 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 within three months of the date of this order. Any revisions to the routes allowed to and from the site shall be agreed and implemented within three 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 An Bord Pleanála for determination.

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

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

In coming to its decision, the Board had regard to the following:

- (a) the provisions of Directive 2008/98/EC of the European Parliament and of the Council, including the principle of self-sufficiency,
- (b) the provisions of “A Resource Opportunity – Waste Management Policy in Ireland”, issued by the Minister for the Environment, Community and Local Government (2012),
- (c) the provisions of the Eastern-Midlands Region Waste Management Plan 2015-2021, and the identified over-reliance on export of waste,
- (d) the policies and objectives of the Kildare County Development Plan 2011-2017, as varied,
- (e) the serious national shortfall in waste management capacity for residual municipal and associated wastes, and the issuing of collective notices by all local authorities under Section 56 of the Waste Management Act, 1996, as amended,
- (f) the anticipated availability in 2017 of certain waste facilities envisaged in the regional waste management plan,
- (g) the planning history of the site, including An Bord Pleanála appeal reference number PL 09.212059 (planning authority register reference number 04/371), as extended and intensified by An Bord Pleanála reference number 09.PA0004 and the alteration made under 09.PM0003,
- (h) the environmental impact assessment already undertaken by the Board in respect of the seven-year operation of the development under 09.PA0004, whereby the Board concluded that the development would be acceptable,
- (i) the road network in the vicinity of the site and the approved haul routes as set out in Figure 4.9.1 of the Environmental Impact Statement that supported 09.PA0004,
- (j) Condition Number 13 of PL 09.212059, and Condition Number 9 of 09.PA0004,
- (k) the operation of the site under industrial emissions licence W0201-03, as amended by Technical Amendment B, issued by the Environment Protection Agency,

- (l) the nature and limited duration of the alteration sought,
- (m) the documentation and submissions on file including those from prescribed bodies and the planning authority, and
- (n) the reports of the Inspector, including the examination, analysis and evaluation undertaken in relation to the potential for significant effects on the environment and on European Sites as set out in both reports.

The Board was satisfied that the information before it was adequate to undertake a screening for appropriate assessment and a screening for environmental impact assessment in respect of the proposed alteration.

Appropriate Assessment Screening

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and context of the proposed alteration, the documentation on file generally, the planning history of the site, the absence of physical modification associated with the proposed alteration, the licence issued by the Environmental Protection Agency, the submissions on file, the substantial separation distances to European Sites, and the assessments of the Inspector in relation to the potential for effects on those Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector. The Board concluded that, by itself and in combination with other development in the vicinity, the alteration would not be likely to have significant effects on European Sites in light of their conservation objectives.

Environmental Impact Assessment Screening

The Board considered the potential for environmental impacts to arise due to the proposed alteration, including those in relation to transport, both by itself and in cumulation with other development in the vicinity. Having regard to the characteristics of the receiving environment, the characteristics and limited duration of the proposed alteration, the absence of physical modification associated with the proposed alteration, the planning history of the site including the environmental impact assessments previously undertaken, the licence issued by the Environmental Protection Agency, and the submissions on file, the Board is satisfied that the proposed alteration (including a revision of Condition Number 9) would not be likely to have significant effects on the environment. The Board concurred with the analysis and conclusions of the Inspector in this matter. In doing

so, the Board noted the identification by the planning authority of a relatively low proportion of heavy goods vehicles in light of the overall traffic in the vicinity. Furthermore, the Board considered that the alteration of Condition Number 9 would fulfil the effect of Condition Number 13 of PL 09.212059 and Condition Number 9 of 09.PA0004 as previously permitted. The Board concluded that the preparation of an environmental impact statement is not required.

Conclusions on Proper Planning and Sustainable Development

The Board concluded that the proposed alteration (including a revision of Condition Number 9), would be compatible with EU, national, regional and local waste management policies, would appropriately address a serious shortfall in national waste capacity to 2017, would not seriously injure the amenities of the area or of property in the vicinity, would not be detrimental to the environment, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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

Dated this day of 2016.