



An
Bord
Pleanála

Inspector's Report

ABP-317292-23

Development	Proposed development of an extension to the existing Drehid Waste Management Facility to provide for acceptance of up to 440,00 TPA of non-hazardous waste material
Location	In the townlands of Timahoe West, Coolcarrigan, Killinagh Upper, Killinagh Lower, Drummond, Drehid, Kilkeaskin, Loughnacush, and Parsonstown, County Kildare.
Planning Authority	Kildare County Council
Applicant(s)	Bord na Mona Plc.
Type of Application	S37E – Strategic Infrastructure.
Observer(s)	Lorraine Quinn Sheila O'Brien Cllr. Brendan Wyse Cllr. Padraig McEvoy.
Date of Site Inspection	20/12/2023.
Inspector	Auriol Considine

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1.0 Introduction

- 1.1. This is an application made by Bord na Mona Plc for strategic infrastructure under section 37E of the Planning and Development Act, 2000, as amended. The application is made pursuant to formal notice issued by the Board dated 8th May 2023, where it determined under section 37B(4)(a) of the Planning and Development Act, as amended that the proposed development falls within the scope of paragraphs 37A(2) (a),(b) and (c), requiring that the application be made directly to the Board.

2.0 Site Location and Description

- 2.1. The subject site lies within Co. Kildare and across a number of townlands including Timahoe West, Coolcarrigan, Killinagh Upper, Killinagh Lower, Drummond, Drehid, Kilkeaskin, Loughnacush, and Parsonstown. The site is currently occupied by the Drehid Waste Management Facility which includes a landfill and waste processing centre which is served by a single access, approximately 5km in length from the R403 regional road. The existing facility lies within a former commercial peat bog area known as Drehid Bog and Timahoe Bog and is located approximately 5km to the south east of Carbury, 3.4km to the east of Derrinturn and 5.5km to the north of Allenwood. The M4 lies approximately 9km to the north – Johnstown Bridge at the border of Co. Meath.
- 2.2. The existing facility includes a waste disposal facility, an indoor composting facility, landfill gas powered generator, an administrative facility, weighbridge, settlement lagoons and other ancillary infrastructure. A planning permission granted by the Board in March 2013 for the development of a mechanical biological treatment facility with a capacity of 250,000 tpa (principally municipal solid waste) was not constructed. This permission expired in March 2023 and the infrastructure has not been developed.

3.0 Proposed Development

3.1. Bord na Móna Plc. has applied for permission for development in respect of an extension to the existing Drehid Waste Management Facility (WMF). This application is submitted under Section 37E of the Planning and Development Act 2000 (as amended). The development will consist of an extension of the existing Drehid Waste Management Facility (WMF) (developed pursuant to a grant of permission from Kildare County Council (Ref. 04/371) and An Bord Pleanála (Ref. PL09.212059)) to provide for the acceptance of up to 440,000 tonnes per annum (TPA) of non-hazardous waste material, including:

- Changes to the duration and volume of waste acceptance at the landfill facility;
- Development of additional landfill capacity to provide for the landfilling of non-hazardous waste for a period of 25 years;
- Development of new processing facilities for certain waste types prior to use within the facility boundary for engineering purposes, landfilling or export from the Drehid WMF for further processing off-site;
- Increase in acceptance of waste at the existing Composting Facility and removal of the restriction on the operating life of the Composting Facility contained in Condition 2(2) of ABP Ref. No. PL.09.212059; and
- Development of associated buildings, plant, infrastructure and landscaping.

The development will take place on a total site area of 262 hectares (ha) in the townlands of Timahoe West, Coolcarrigan, Killinagh Upper, Killinagh Lower, Drummond, Drehid, Kilkeaskin, Loughnacush, and Parsonstown, County Kildare and comprises:

- A. Increase in acceptance of non-hazardous household, commercial & industrial and construction & demolition (C&D) waste at the existing landfill from the currently permitted disposal quantity of 120,000 TPA to 250,000 TPA until the permitted void space in the existing landfill is filled and no later than the currently permitted end date of 2028;
- B. Development of extended landfill footprint of approximately 35.75 ha to accommodate the landfilling of 250,000 TPA of non-hazardous household,

commercial & industrial and C&D waste for a period of 25 years to commence once the existing landfill void space is filled. The new landfill will have a maximum height of approximately 32 metres (m) above ground level (115.75 m above ordnance datum (AOD));

- C. Provision, as part of the extended landfill infrastructure, for 30,000 TPA of contingency disposal capacity for non-hazardous waste, to be activated by the Planning Authority only as an emergency measure, for a period of 25 years;
- D. Development of a new Processing Facility, with floor area of 730 m² and a maximum height of 12.4 m above ground level (95.75 m AOD), for the recovery of 70,000 TPA of inert soil & stones and C&D waste (rubble) and use of same for engineering and construction purposes within the site, including as engineering material in the landfill;
- E. Increase in acceptance of waste at the existing Composting Facility from 25,000 TPA to 35,000 TPA and removal of the restriction on the operating life of the Composting Facility contained in Condition 2(2) of ABP Ref. No. PL.09.212059;
- F. Extension to, and reconfiguration of, the existing Composting Facility to provide for a new Municipal Solid Waste (MSW) Processing and Composting Facility with an additional capacity of 55,000 TPA (giving a combined total for the MSW Processing and Composting Facility of 90,000 TPA), allowing for the combined facility to accept both MSW and other organic wastes. The new extension will have a floor area of 5,920 m² and a maximum height of 12 m above ground level (95.35 m AOD);
- G. Construction of a new odour abatement system at the existing Composting Facility including two emissions stacks to a height of 17 m above ground level (100.35 m AOD);
- H. Construction of a new odour abatement system as part of the new MSW Processing and Composting Facility including two emissions stacks to a height of 17 m above ground level (100.35 m AOD);

- I. Development of a new Maintenance Building, with a floor area of 873 m² and a maximum height of 9 m above ground level (92.35 m AOD) with staff welfare facility, office, storage and a laboratory;
- J. Installation of a new bunded fuel storage area, with an approximate area of 51 m², to the rear of the new Processing Facility for the recovery of soil & stones and C&D waste (rubble);
- K. Construction of two new permanent surface water lagoons and one new construction stage surface water lagoon, each with an area of 6,160 m² ;
- L. Construction of a new integrated constructed wetland (ICW) area comprising five ponds;
- M. Car-parking provision for operational staff;
- N. Landscaping and screening berms; and
- O. All associated infrastructure and utility works necessary to facilitate the proposed development and the restoration of the facility following the cessation of waste acceptance.

As provided for in Section 41 of the Planning and Development Act 2000, as amended, planning permission is sought for a period of 10-years.

An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of the proposed development and accompany the planning application.

This application relates to a development which will require a review of the existing Industrial Emissions (IE) Licence from the Environmental Protection Agency (EPA).

- 3.2. The total waste intake of 440,000 TPA includes 30,000 TPA contingency capacity which was provided for following consultations with the Regional Waste Officers at the Regional Waste Management Planning Office (RWMPO). It is noted that this contingency capacity will not be utilised under normal operations and will only be activated in strict circumstances by Kildare County Council (KCC) in consultation with the RWMPOs and the EPA.

3.3. Table 2-1 of the EIAR includes a summary of the total waste volumes proposed for acceptance at the Drehid WMF and I include same here for ease of reference for the Board.

Table 2-1 - Proposed waste quantities for acceptance at the Drehid WMF

Facility Infrastructure	Waste Type/Source	Maximum Incoming (TPA)	Of Which		Life of Facility
			Disposal to Landfill (TPA)	Recycling, Recovery or Process Losses (TPA)	
Extension to existing Landfill with intake increased from 120,000 TPA to 250,000 TPA	Non-hazardous household, commercial & industrial and C&D wastes	320,000	250,000	-	25 Years
New Processing & Recovery Facility (70,000 TPA)	Inert soil & stones and C&D Waste (Rubble)		-	70,000 Recovery – remains onsite for use as Engineering & Construction Material	25 Years
Existing Composting Facility increased from 25,000 to 35,000 TPA	Non-hazardous MSW and Other Organic Waste	90,000	40,000 Rejects and Biostabilised Compost Like Output	30,000 Process Losses	Unrestricted
New MSW Processing & Composting Facility (55,000 TPA) as an extension to existing Composting Facility				20,000 Recyclables and RDF/SRF ¹ - Outgoing	
Contingency Capacity (30,000 TPA) – Landfill Disposal as requested by RWMPO	Non-hazardous household, commercial & industrial and C&D wastes	30,000	30,000		25 Years
Total		440,000	320,000	120,000	

¹ RDF = Refuse Derived Fuel; SRF = Solid Recovered Fuel

4.0 Planning History

4.1. There is an extensive planning history associated with this site. Appendix 4-2 of the submitted EIAR sets out a detailed list of planning applications made in the last 10 years in the area surrounding the subject site and the Drehid WMF. The most recent applications are noted as follows:

ABP ref: ABP-312446-22: SID pre-application consultation for the current proposed development.

ABP ref: ABP-300506-17: Permission was refused for a Strategic Infrastructure Development at the Drehid Waste Management Facility comprising a new landfill to accept 250,000 tonnes per annum of non-hazardous waste, on site recovery of approx. 15,000 TPA of metals and a metals recovery facility, inert material storage area, new landfill area for 85,000 TPA of hazardous wastes, pre-treatment facility, hazardous waste handling building, hazardous waste storage and quarantine, increase by 20,000 TPA for composting facility and removal of restriction on operating life, extension to existing composting facility, leachate treatment facility and additional surface water, parking and ancillary infrastructure.

There were 4 reasons for refusal relating to the following:

- The Board was not satisfied that the development would not adversely affect the integrity of European Site River Barrow and River Nore SAC (Site Code: 002162), in view of the site's conservation objectives, precluding the Board from granting permission.
- Limited investigation and potentially inadequate mitigation measures proposed with regard to ongoing excess ammonia concentrations in ground water and local watercourses, including SAC.
- Due to the high groundwater levels and uncertainty regarding the nature of the subsurface, the Board was not satisfied that the site was suitable for the safe disposal of hazardous waste material.
- Roads and traffic issues relating to significant additional volume of traffic and the restricted width and capacity of the R402, R403, R407 and R409.

4.2. The chronological development of the site is summarised as follows, starting at the beginning and original permission for development at the site:

ABP ref: PL09.212059 (PA ref: 04/371): Permission granted to Bord na Mona on appeal for the development of an engineered landfill site to provide for the acceptance of up to 120,000 tonnes per annum (TPA) of non-hazardous waste material and a composting facility to accept 25,000 TPA of bio-waste, for a period of 20 years and subject to 22 conditions including condition 2(2) which stated that:

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.

ABP ref: PL09.PA0004 – Permission granted by An Bord Pleanála on the 31st October 2008 for an extension and intensification of the Drehid Waste Management Facility to accommodate an additional 240,000 TPA for disposal for 7 years of non-hazardous residual municipal waste (over and above the permitted disposal of 120,000 TPA of non-hazardous residual waste permitted for a 20 year period) entailing the extension of the landfill footprint by 17.8 hectares, etc. Permission was granted subject to 13 conditions and Condition 1 permitted 360,000 TPA up to 01/12/2013 and 120,000 thereafter.

PA ref: 10/1172: Permission granted by Kildare County Council to extend the duration of permitted PL09.212059 for 2 years up to the 13th January 2013.

ABP ref: PL09.RL.2742: A question was posed to the Board regarding the deposition of certain materials including asbestos. It was determined, in August 2010, that it is development and is not exempted development.

PA ref: 11/537: Permission granted by Kildare County Council for the development of a landfill gas utilisation plant to generate up to 4.99 MW of electricity. This has been constructed and is operational.

PA ref: 11/902: Permission granted by Kildare County Council for an extension of 383m² to previously permitted composting facility.

ABP ref: PL09.PA0027: The Board granted permission on the 15th of March 2013, for the construction of a mechanical biological treatment (MBT) facility with a capacity of 250,000 TPA (principally municipal solid waste) (for 10 years), subject to 18 conditions. This permission expired in March 2023 and the facility has not been developed. The applicant has advised that it is no longer intended to develop same.

Condition 15 set restrictions on haul routes as set out in the EIS, with a review required after 3 years. Condition 18 sets a S.48(2)(c) contribution for improvements to the Regional Road network.

ABP ref: PL09.PM0003: The Board granted this Section 146B request to alter the previously permitted landfill to provide for 360,000 TPA until 01/12/2015, reverting to 120,000 TPA thereafter.

4.3. Other relevant consents

4.3.1. The existing waste management facility is regulated by the EPA in accordance with IE Licence Reg. No. W0201-03. The current IE Licence permits the following waste activities at the facility:

- Landfilling of non-hazardous residual waste up to 120,000 TPA;
- Composting of suitable biowaste up to 25,000 TPA; and
- No limit on the acceptance of inert waste, where used in landfill engineering.

The above waste activities are authorised at the facility until 2028 under the current planning permission and IE Licence.

4.3.2. In terms of the existing landfill, the EIAR notes that as of May 2023, waste placement has been mainly completed in Phases 1 – 12 and is ongoing in Phases 13 and 14. Construction of Phase 15 is in progress and, when completed, approval will be sought from the EPA to commence waste placement in Phase 15. As of the latest capacity survey (March 2023), c. 4,639,724 m³ of the permitted c. 5,040,000 m³ void space has been filled.

4.3.3. Capping works (covering of waste with suitable material) are ongoing at the facility and the final cap is completed on Phases 1 – 4. Final capping works are ongoing on Phases 5 – 10. A temporary cap is in place on Phases 11 – 12.

4.3.4. Based on the current permitted rate of waste placement, it is anticipated that the existing landfill will reach its maximum void space capacity in 2026.

4.3.5. A separate IE Licence for the previously permitted Mechanical Biological Treatment (MBT) Facility (Reg. No. W0283-01) was granted by the EPA in 2014. The planning permission and IE Licence for the MBT facility permitted the acceptance of up to 250,000 TPA of MSW which was to be processed through a combination of mechanical and biological treatment methods. The MBT facility has not been

developed and the applicant has advised that the facility will not be constructed. Planning permission for the MBT facility expired in 2023.

5.0 Policy Context

5.1. European Policy on Waste

5.1.1. Council Directive 1999/31/EC on the Landfilling of Waste –

The objective of the Directive is to prevent or reduce as far as possible the negative effects on the environment arising from the landfilling of waste, in particular on surface water, groundwater, soil, air and on human health by introducing stringent technical requirements for waste and landfills. It sets out a number of obligations in relation to waste acceptance at landfills. One of the main acceptance obligations is that operators of landfills are not permitted to accept waste unless it has been pre-treated (including diversion). The Directive also sets out specific pre-treatment obligations for Biodegradable Municipal Waste and an EU-wide reduction of the use of landfill as an option for the disposal of biodegradable municipal waste.

5.1.2. Council Directive 2008/98/EC on Waste –

A revised Waste Framework Directive was adopted in 2008 and required that waste be managed without endangering human health and harming the environment, and in particular without risk to water, air, soil, plant or animals, without causing nuisance through noise or odours and without adversely affecting the countryside or places of special interest. It set out targets for member states, including recycling rates and required member states to develop national waste policy programs. It clearly defines a five-stage waste management hierarchy (prevention, preparation for re-use, recycling, recovery and disposal).

The Directive was transposed into Irish law by the European Communities (Waste Directive) Regulations, 2011, as amended. Therefore, the waste hierarchy and the concepts of self-sufficiency and proximity are legislative requirements in Ireland.

5.1.3. Landfill Directive (EU) 2018/850, amending Directive 1993/31/EC –

This Directive requires that Member States significantly reduce the amount of municipal waste that is landfilled. Member States will be required to ensure that, as of 2030, waste suitable for recycling or other recovery, in particular contained in

municipal waste will not be permitted to be disposed of to landfill. It is a requirement that the amount of municipal waste disposed of in landfills is reduced by 10% or less of the total amount of municipal waste generated by 2035.

5.1.4. **EU Action Plan for the Circular Economy 2020 Circular Economy Action Plan 'For a cleaner and more competitive Europe' –**

This plan, launched in March 2020, recognises the need to accelerate the transition to a circular economy and includes a suite of interrelated initiatives to establish a strong and coherent product policy framework to change consumption patterns to ensure that no waste is produced in the first instance.

It acknowledges that despite efforts at EU and National level, the amount of waste generated is not going down and to address this, considerable effort across the whole value chain and in every home is required. There is a need for enhanced waste policy in support of waste prevention and circularity. It acknowledges that further measures will need to be put in place to reduce waste and ensure that the EU has a well-functioning internal market for high quality secondary raw materials.

5.2. **National Waste Policy**

National waste management policy, extending back over 25 years, has sought to commit to reduce our dependency on landfill as a primary route for the disposal of waste. The following is an example of documents in the field of waste management which I consider to be relevant to the proposed development.

5.2.1. **A Waste Action Plan for a Circular Economy - Irelands National Waste Policy 2020-2025 –**

This plan was published in September 2020 and is described as a roadmap for the country to embrace the opportunities in becoming a circular economy. It fulfils the Government's commitment in the Programme for Government to start implementing a new National Waste Action Plan. The previous national waste policy 'A Resource Opportunity-Waste management policy in Ireland' drove delivery on national targets under EU legislation, but the Irish and international waste context has changed in the years since its launch.

Ambitious targets to tackle waste and move towards a circular economy are included and one of the overarching objectives of the action plan is to shift the focus away from waste disposal and treatment to ensure that materials and products remain in productive use for longer. This prevents waste and supporting reuse through a policy framework that discourages the wasting of resources and rewards circularity. The targets include halving our food waste by 2030, a ban on certain single use plastic products from July 2021 and a plethora of other measures.

It sets out a strategy to decouple economic growth from waste generation and commits Ireland to transitioning to a circular economy in line with European policy goals and the UN's 17 sustainable development goals. It contains over 200 measures across various waste areas including Circular Economy, Municipal Waste, Plastics and Packaging, Construction and Demolition, Textiles, End of Waste etc.

5.2.2. A Resource Opportunity – Waste Management Policy in Ireland –

This policy was published in July 2012 and sought to progress opportunities for Ireland to become a recycling society, with a clear focus on resource efficiency and the virtual elimination of landfilling of municipal waste. It also acknowledges that an adequate network of quality waste treatment facilities is required. The EPA undertook a review of waste infrastructure, examining the capacity for managing municipal waste in conformity with the principles of proximity and self-sufficiency.

The document set out a number of guiding principles in terms of prevention and minimisation in the first instance, the extraction of maximum value from waste when generated and disposal of municipal waste to landfill to be the last resort.

5.2.3. Construction & Demolition Waste -Soil and Stone Recovery/Disposal Capacity Report –

This report was published by the combined regional authorities in December 2016 and outlines a very significant shortfall in capacity for soil and stones in the GDA - in excess of 2.6 million tonnes of capacity per annum from 2019 onwards. Options to address the capacity shortfall include 'existing licensed facilities with capacity to expand, or with a readiness to increase their annual limit, could choose to apply for an extension to their existing licensed capacity'. The Construction & Demolition-Soil and Stone Recovery/Disposal Update Report 2020 notes that the capacity to treat non-hazardous non-inert C&D waste remains tight and there remains continued reliance on export.

5.3. Regional Waste Policy

5.3.1. Eastern Midlands Regional Waste Management Plan 2015-2021

This is the relevant document relating to the subject site and the purpose of the Plan is to put in place policy objectives and actions which align with European and National policy and support Ireland's move to an economy defined by higher resource efficiency and productivity. The strategic vision of the Plan is to view waste streams as valuable resources, leading to a healthier environment and sustainable commercial opportunities. It seeks to encourage a transition from a waste management economy to a green circular economy by increasing the value, recovery and recirculation of resources. One of its targets is to reduce and where possible eliminate, the landfilling of all major waste streams including municipal, industrial and construction and demolition wastes in favour of the recovery of residual wastes.

The following sections are considered relevant to the subject proposed development:

Policy A4 (Section 4.3) – aims to improve regional and national self-sufficiency of waste management infrastructure.

Construction and Demolition Waste (Section 11.2) - identifies the cycle of C&D waste generation and the decrease in the number of operational landfill nationally, and the need for more recovery options to be developed.

Disposal Infrastructure (Section 13) - identifies the reduction in disposal capacity available in the Region.

The issue of repatriated waste from Northern Ireland is also addressed. A specific policy measure for remediating historic closed landfills also is presented in the Plan (Policy G2).

Market Analysis and Infrastructure Planning (Section 16) -recognises that there will be an on-going need for landfill capacity during the plan period for processed residual wastes. There is also a need for a contingency supply.

Relevant policies include:

Policy E1: - Future authorisations by local authorities, the EPA and An Bord Pleanála of pre-treatment capacity in the region must take account of the

authorised and available capacity in the market while being satisfied the type of processing activity being proposed meets the requirements of Policy E2.

Policy E2: - The future authorisation of pre-treatment activities by local authorities over the plan period will be contingent on the operator demonstrating that the treatment is necessary, and the proposed activities will improve the quality and add value to the output materials generated on the site.

Policy E8: - The waste plan supports the development of disposal capacity for the treatment of hazardous and non-hazardous wastes at existing landfill facilities in the region subject to the appropriate statutory approvals being granted in line with the appropriate environmental protection criteria.

Policy E9a: - The ongoing availability of disposal facilities for non-hazardous municipal wastes in the region will be required during the plan period. The local authorities consider that there is no need to provide additional disposal facilities for residual wastes over and above the existing (i.e. operational, inactive or uncommenced) facilities in place.

Policy E10: - The waste plan recognises the need for on-going disposal capacity to be available in response to events which pose a risk to the environment and/or health of humans and livestock. The local authorities of each region shall monitor available contingency capacity annually.

Policy E 12: - The plan supports the repatriation of residual waste illegally disposed of in Northern Ireland to licensed disposal facilities appointed to a framework set up on behalf of the State by the National Trans Frontier Shipment office.

Policy E15a: - The plan supports the development of up to 300,000 tonnes of additional thermal recovery capacity for the treatment of non-hazardous waste nationally to ensure that there is adequate and competitive treatment in the market and the State's self-sufficiency requirements for the recovery of municipal waste are met. This capacity is a national treatment need and is not specific to the region. The extent of capacity determined reflects the predicted need of the residual waste market up to 2030 at the time of preparing the waste plan. Authorisations above this threshold will only be granted if the applicant justifies and verifies the need for the capacity and the authorities are

satisfied it complies with national and regional waste policies and does not pose a risk to future recycling rates. All proposed sites for thermal recovery must comply with the environmental protection criteria set out in the Plan.

Policy E17: - The waste plan supports the development of at least 75,000 tonnes of additional biological treatment capacity in the region for the treatment of bio-wastes (food wastes and green wastes) primarily from the region to ensure there is adequate active and competitive treatment in the market. The development of such treatment facilities needs to comply with the relevant environmental protection criteria in the plan.

Policy G3: - Ensure that there is a consistent approach to the protection of the environment and communities through the authorisation of locations for the treatment of waste.

Policy G5: - Ensure that the implementation of the regional waste management plan does not prevent achievement of the conservation objectives of sites afforded protection under the EU Habitats and Birds Directives.

5.4. National Planning Policy

5.4.1. Project Ireland 2040 - The National Planning Framework (NPF)-

This document, published in 2018, is a strategic plan to guide development and investment out to 2040. It is envisaged that the population of the country will increase by up to 1 million by that date and the strategy seeks to plan for the demands that growth will place on the environment and the social and economic fabric of the country.

The plan supports Ireland's move towards a circular and bio economy:

'Ireland is advancing its development as a circular economy and bio economy where the value of all products, materials and resources is maintained for as long as possible and waste is significantly reduced or even eliminated. Further developing the circular economy will require greater efficiency with raw materials, energy, water, space and food by constantly reusing natural resources wherever possible and where smartly designed products based on

alternative plastic feedstock and recyclable materials will form the basis of smart material cycles, in order to create less waste and reduce resource consumption. A recycling rate of 65% has been proposed by the European Commission for 2030 for the Circular Economy Package (Section 9.2 of NPF)'.

The Plan sets out 10 goals, referred to as National Strategic Outcomes and National Policy Objectives with the following considered relevant to the subject proposed development:

NSO 9 - the emphasis is on the sustainable management of water, waste and other environmental resources. Investment in waste management infrastructure is noted to be critical and that significant infrastructure capacity development, including landfill, will be required to separate and process various waste streams at municipal and national levels to achieve the new legally binding targets.

NPO 56 - the NPF aims to 'Sustainably manage waste generation, invest in different type of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society'.

Section 9.1 Environmental and Sustainability Goals - the NPF reaffirms the role of waste management and capacity and to provide;

'Adequate capacity and systems to manage waste, including municipal and construction and demolition waste in an environmentally safe and sustainable manner and remediation of waste sites to mitigate the risk to environmental and human health'.

Project Ireland 2040 -National Development Plan (NDP) - which was published in tandem with the National Planning Framework seeks to drive Ireland's long term economic, environmental and social progress over the next decade, in accordance with the spatial context of the NPF.

5.5. Regional Planning Policy

The Eastern and Midland Regional and Spatial Economic Strategy 2019-2031 came into effect on June 28th, 2019. Its principal purpose is to support the implementation

of the NPF and the economic policies and objective of the Government by providing a long-term strategic planning and economic framework for the development of the region. It seeks to determine at a regional scale how best to achieve the shared goals set out in the National Strategic Outcomes of the NPF and it sets out 16 Regional Strategic Outcomes (RSO's) which set the framework for city and county development plans and includes a suite of Regional Policy Objectives. It supports the circular economy to make better use of resources and become more resource efficient. The following are considered relevant in this instance:

RSO 7 - Sustainable Management of Water, Waste and other Environmental Resources states:

‘Conserve and enhance our water resources to ensure clean water supply, adequate waste water treatment and greater resource efficiency to realise the benefits of the circular economy’.

RPO 10.25 – states that:

‘development plans shall identify how waste will be reduced, in line with the principles of the circular economy, facilitating the use of materials at their highest value for as long as possible and how remaining quantum of waste will be managed and shall promote the inclusion in developments of adequate and easily accessible storage space that support the separate collection of dry recyclables and food and shall take account of the requirements of the Eastern and Midlands Regional Waste Management Plan’.

5.6. Development Plan

- 5.6.1. The Kildare County Development Plan 2023-2029, adopted on the 9th of December 2022, took effect on the 28th day of January 2023 and is the relevant local policy document pertaining to the subject site.
- 5.6.2. The subject site lies within a rural area which is unzoned and is located approximately 3.4km to the east of Derrinturn, 5km to the south east of Carbury and 5.5km to the north of Allenwood.
 - Derrinturn is identified as a small town in the current CDP.
 - Allenwood is identified as a village in the current CDP.

- Carbury is identified as rural node in the current CDP.

5.6.3. Chapter 6 of Volume 1 of the 2023 County Development Plan deals with Infrastructure and Environmental Services and includes specific policies and objectives in relation to a number of areas including Pollution, which includes waste. It is the overall aim of the Plan:

To create an environment characterised by high quality infrastructure networks and environmental services that complement the overall settlement and economic strategy and ensures the health and wellbeing of those who live and work in the County, also securing the economic future of the County.

5.6.4. Section 6.8 of the Plan deals with Environmental Services Strategy, noting that the Plan seeks 'to conform to European and National Waste Strategies in matters relating to the production, handling, treatment, and disposal of waste within the county and to co-operate with and participate in the preparation of regional plans for the collection, treatment, handling, and disposal of waste.'

5.6.5. Section 6.8.1 deals with waste management and it is the stated policy of the Council to:

IN P6: Implement European Union, National and Regional waste related environmental policy, legislation, guidance, and codes of practice, in order to support the transition from a waste management economy towards a circular economy.

5.6.6. The following objectives are considered relevant to the subject proposed development:

IN O39: Encourage a just transition from a waste economy to a green circular economy in accordance with 'A Waste Action Plan for a Circular Economy 2020-2025' and the Whole of Government Circular Economy Strategy 2022-2023 'Living More, Using Less'.

IN O40: Provide, promote, and facilitate high quality sustainable waste recovery and disposal infrastructure / technology in keeping with the EU waste hierarchy to cater for anticipated population growth and the business sector in the County.

IN O45: Promote and facilitate communities to become involved in environmental awareness activities and community-based waste recycling

and reduction initiatives, which lead to a circular economy and local sustainable waste management practices.

IN O46: Ensure the provision of waste management facilities in the county (both public and private) are subject to the specific requirements of the Eastern-Midlands Region Waste Management Plan 2015-2021 (or as amended / updated).

The following objective specifically relates to the Drehid Waste Facility:

IN O48: Facilitate the development of waste management infrastructure and the ongoing operation of the Drehid waste facility at an appropriate scale to cater for the waste management needs of Kildare and the Eastern and Midlands Waste Region, subject to the protection of the environment, landscape character, road network and amenities of the area.

5.6.7. Chapter 15 of the CDP deals with Development Management Standards and Section 15.10 relates to Waste Disposal and Recovery. Section 15.10.1 deals with Waste Recovery / Disposal Facilities and sets out the requirements for planning applications for waste related facilities.

5.7. Natural Heritage Designations

5.7.1. The site is not located within any Natura 2000 site. The following Natura 2000 sites lie within approximately 15km of the site:

- Ballynafagh Lake SAC (Site Code: 001387) – approximately 5.6km to the south east.
- Ballynafagh Bog SAC (Site Code: 000391) – approximately 6km to the south east.
- The Long Derries, Edenderry SAC (Site Code: 000925) – approximately 7km to the south west.
- Mouds Bog SAC (Site Code: 002331) – approximately 11.2km to the south.
- River Boyne and River Blackwater SAC (Site Code: 002299) – approximately 13.7km to the north.
- Pollardstown Fen SAC (Site Code: 000396) – approximately 13.9km to the south.

- River Boyne and River Blackwater SPA (Site Code: 004232) – approximately 13.7km to the north.

5.7.2. An NIS has been prepared for the proposed project.

5.8. EIA Screening

5.8.1. The subject application is accompanied by an Environmental Impact Statement Report. Part 1 of Schedule 5 Planning and Development Regulations 2001, as amended includes a list of projects for which mandatory EIA is required. Part 2 of Schedule 5 includes a list of projects where, if specified thresholds are exceeded, an EIA is required.

5.8.2. The subject proposed development falls within the definition of a project under the EIA Directive and falls within the scope of Class 11 of Part 2 of the Fifth Schedule:

‘Other projects’

(b) Installations for the disposal of waste with an annual intake of greater than 25,000 tonnes not included in Part 1 of this Schedule.

5.8.3. As such, the proposed development exceeds the threshold provided for in the Regulations and is subject to mandatory EIA.

5.8.4. The subject application relates to a private development which is of a scale determined to be Strategic Infrastructure. In this instance, the development falls within one of the three classes of development set out in the Seventh Schedule of the Planning and Development Act, 2000 (Section 5, Part 2 of the Planning and Development (Strategic Infrastructure) Act, 2006), being Environmental Infrastructure:

“An installation for the disposal, treatment or recovery of waste with a capacity for an annual intake greater than 100,000 tonnes”.

5.8.5. An EIAR has been submitted with this application.

6.0 Planning Authority Submission

6.1. The submission from Kildare County Council was received by the Board on the 16th of August 2023. The report includes the Chief Executives Report with a number of appendices included. The PA submission requests that an Oral Hearing be held. The report is summarised as follows:

6.1.1. **Part I:** Introduction & Purpose of the Report.

- Sets out the purpose of the report and the relevant provisions of the Act.

6.1.2. **Part II:** Site Location & Project Description

- Provides a context of the site and the surrounding area.
- Details the existing Drehid Waste Management Facility
- Details of the proposed development, including the proposed waste quantities for acceptance.

6.1.3. **Part III:** Policy Context & Guidance

- Notes that there are numerous policy documents which are relevant to the proposed development from European level to local.
- This section of the report includes details and relevant policy objectives contained in the relevant documents.

6.1.4. **Part IV:** Planning History

- This section of the CEs report sets out the detail of the planning history associated with the site including planning applications made to Kildare County Council as well as SID applications made directly to ABP.
- Details of the decisions made, including reasons for refusal of the most recent SID application relating to the site (ABP-300506-17 refers).
- Detail of other large planning applications in the vicinity of the site area are also included in the report.

6.1.5. **Part V:** Internal Reports Summary

- Part V of the CEs report provides a summary of Internal Reports received from departments of KCC including:

- Transportation Department
- Water Services Department
- Environment Department
- Parks Department
- Chief Fire Officer.

I refer the Board to Section 6.2.1 of this report for summaries.

6.1.6. **Part VI:** Environmental Reports

This section of the CEs report provides commentary on the submitted Environmental Impact Assessment Report and Appropriate Assessment.

- The internal departments of KCC have reviewed various chapters of the **EIAR** and the CEs report concludes that the report, and supporting documentation, adequately considers alternatives to the proposed development and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. It is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:
 - Impacts on **biodiversity** during construction.
 - Potential impacts on **water quality** are considered and mitigation measures have been proposed to reduce the risk of impacts on the Cushaling River. Monitoring is proposed.
 - Impacts on **population and human health** are considered to be positive due to employment. The construction phase impacts, in terms of increased traffic on the local road network are recognised and addressed.
 - Chapter 14 of the EIAR deals with **roads and traffic** and concludes that the development will not give rise to a 'significant increase in HGV traffic'. It is suggested that the traffic generated will be characteristic of a continuance of the existing and historic HGV levels. The existing haul routes will be used and the Transportation Department of KCC has no objections to the proposed development subject to conditions.

- **Noise and vibration** mitigation measures are included and are considered reasonable and practicable. Cumulative noise calculations have not been submitted however, in terms of operational and traffic noises on the internal road at noise sensitive locations.
- The site is not prominent in views from a wide area. **Landscape and visual** impacts will be mitigated by existing and proposed screening and screen planting. No impacts will arise for residential uses and cumulative visual impacts with other developments in the area are considered to be proportionate and reasonable.
- In terms of **Appropriate Assessment**, the NIS notes the location of the development within 10km of three designated European Sites. Although the site is not located within 20km of the River Barrow and Nore SAC, it is within the hydraulic catchment.
 - The NIS submitted considers whether the proposed development both alone and in-combination, will result in adverse effects on the integrity of any European site within the Zol and includes any mitigation measures necessary to avoid or reduce the risk of such adverse effects.
 - In the absence of mitigation, there is potential to reduce the water quality in the SAC due to the release of suspended solids and / or pollutants.
 - Following the application of mitigation measures, the NIS advises that potential significant adverse effects will be avoided or reduced. It is determined that there will be no risk of significant adverse effects on the QIs or overall integrity of the site nor in the attainment of the specific COs for the European sites.
 - KCC considers that the information contained in the NIS is adequate to allow the carrying out of an AA. The PA is satisfied that the development would not adversely affect the integrity of any European Site in view of the site's COs.

6.1.7. **Part VII:** Key Issues

The following is a summary of the key issues which Kildare County Council recommend that the Board take into consideration:

- In terms of the **principle of the development**, it is submitted that the policies and objectives contained in the Kildare CDP establish support for the proposed development.

The existing use of the site is noted and the development is supported with regard to Objective WM18 and Objective INO48 which seeks to facilitate the development of waste management infrastructure and the ongoing operation of the Drehid facility at an appropriate scale to cater for the waste management needs of Kildare and the Eastern and Midlands Waste Region. Subject to the protection of the environment, landscape character, road network and amenities of the area, KCC conclude that the principle of the development is acceptable at this location.

The Boards attention is also drawn to Section 9.8 of the CDP which acknowledges the potential of the industrial peatlands in relation to a variety of uses and functions.

- In relation to the **previous refusal** at the site, where KCC also recommended refusal, it is noted that the current proposal has been revised to address the previous reasons for refusal.

Changes to the operational lifetime of the existing composting facility is sought by way of removing restrictions in Condition 2(2) of ABP ref. PL.09.212059.

- With regard to **landscape and visual impact**, KCC submit that the site is only clearly visible from some distant high points, and difficult to view from surrounding areas. Within the context of the Landscape Character Assessment, the proposed development is located within the 'Western Boglands' Landscape Character Area, which is classified as having a 'High Sensitivity' rating (Class 3). Such areas are described as 'areas with reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors.' The CDP indicates that the development is situated within an area described as having 'Peat Bog Sensitivity Factor' and 'High Sensitivity Area'.

Outside of the Bord na Mona landholding, any recognisable changes to the landscape character will be limited due to the flat nature of the site and significant intervening vegetation. Effects will be limited and localised.

The most prominent visual impacts will be from locations along the L5025 (Derrymahon Road) to the north, as well as to the west near an access lane into the bog from the R403 to the south of Derrinturn. KCC note the submitted photomontages and visual impact appraisal and conclude that the impacts on the landscape will be limited.

The KCC Parks Department note that additional details are required in relation to landscaping and mounding proposed. However, it is considered, subject to conditions, that the visual impact of the development on the overall landscape either during or after the operational phase is not a concern.

Mitigation measures proposed in the EIAR are generally acceptable.

In terms of the proposed new maintenance building, which will replace the existing maintenance building which will be used for additional operational storage. It is considered that the visual impact of the building will be minimal, and the overall design is similar to agricultural buildings.

In terms of the proposed fuel storage area to the rear of the Soils Processing Building, the hard stand and fuel storage area will not be visible within the wider context of the site and is deemed to be acceptable in terms of visual impact.

- KCC have considered the potential impacts of the development **residential amenity and human population** and refers to chapters 5 and 12 of the submitted EIAR. It is considered that the employment opportunities may have a long-term slight positive impact on the local population.

No significant change will arise to the existing traffic movements associated with the existing Drehid WMF and there will be no significant effects on the social travel patterns of residents. Based on the information included in the EIAR, KCC anticipate that the proposed development will have a slight, long-term negative effect on residential amenity in terms of roads, noise, dust and odour, and that potential impacts have been adequately addressed in the EIAR. Cumulative noise levels at noise sensitive locations have not been submitted in terms of operational and traffic noise on internal roads.

- In terms of **Natural Heritage Designations / Biodiversity**, KCC note that there are no EU designated habitats within the landholding or the immediate vicinity. There is a hydrological connection to 3 designated sites and an NIS has been submitted with the application.

The main disturbance impacts identified are noise associated with construction works and artificial lighting. Disturbance impacts will be short-term, and fauna within the ZOI are considered to be sufficiently mobile so as to temporarily relocate from works areas. While the loss of habitat has potential to affect protected fauna species, it is noted that there is similar alternative habitat present within the surrounding area.

Mitigation measures proposed note that an Ecological Clerk of Works will be appointed, and other measures are detailed in Chapter 6 of the EIAR. KCC consider that the impacts of the development on biodiversity have been appropriately assessed and subject to mitigation and conditions, local ecology will not be negatively impacted upon.

- Chapter 13 deals with **cultural heritage** and one recorded monument is identified within the area of proposed works. No trace of the monument survives above ground and it is not scheduled for inclusion in the RMP revision. KCC is satisfied that the EIAR adequately describes recorded monuments in the area and adequately assesses any impacts arising. In terms of protected structures, none are noted to be located within with proposed development site, with the closest Coolcarrigan House and Church being located at 1.2km and 1.5km to the south east of proposed site. There is no visual connection to these PSs due to the presence of trees. The proposed haul routes travel on the existing road network as the existing facility use. No concerns are noted in terms of the assessment of potential impacts on cultural heritage.
- The CEs Report notes the existing situation in terms of **traffic and transport** as it relates to the Drehid WMF and notes the internal proposals for roads development within the site, which will require alternations in terms of layout. It is projected that the estimated traffic arising from the proposed development is likely to result in a continuance or slight reduction in existing and historic HGV traffic generation at the site. KCC Transportation Department have assessed the proposed development and reviewed Chapter 14 of the EIAR

and have recommended that permission be granted subject to the inclusion of conditions, including a Special Development Contribution for road and junction improvement and traffic calming works on the haul routes, paid over the 25-year period of the proposed development.

- The **environmental** issues arising are noted to relate to the proposed Integrated Constructed Wetland (ICW), which will form the final treatment step for surface water run-off from the proposed development. The ICW will contain four cells and will be vegetated with native aquatic plant species, before discharging to the existing drainage network at the western boundary of the site.
- In terms of **surface water**, Chapter 8 of the EIAR assesses the likely significant effects during the construction, operational and post-closure phases, including potential cumulative effects with other projects in the area. The EIAR has regard to the technical points cited by ABP in the previous refusal and the focus of the assessment relates to the Cushaling River as the principal receptor of concern. The EIAR finds that the main contribution of ammonia to surface waters, is both historically and currently from the bog and not the WMF. The report finds that the level of ammonia fluctuates with temperature and mitigation measures are proposed to reduce the risk of affecting water quality and aquatic life in the Cushaling River. KCC Environment Department are satisfied that the issue has been suitably considered and that appropriate measures have been proposed. KCC has no objection to the proposals for surface water management at the site, subject to conditions.
- In terms of **foul water**, KCC consider that ABP should liaise with Uisce Eireann in relation to foul water.
- A site-specific **flood risk** assessment has been carried out for the development and is included in Appendix 8 of the EIAR. The proposed development is classified as 'highly vulnerable' in terms of sensitivity to flooding and it is noted, based on the results of the Stage 2 FRA, that the subject site is appropriately located within Flood Zone C. It is predicted that the development will not adversely impact flood risk elsewhere in the

catchment and KCC Water Services Section has no objection to the proposed development subject to conditions.

- The site is located approximately 6.4km to the south west of the nearest **Seveso Site**, Irish Industrial Explosives at Clonagh. Consultation with the HAS should be carried out.
- In terms of **interactions and cumulative impacts**, the Council acknowledge Chapter 15 of the EIAR, which adequately addresses potential interactions. It is concluded that the cumulative interactions do not result in significant environmental effects and no specific mitigation measures are proposed to address interactions.

6.1.8. **Part VIII:** Overall Considered View

- It is the overall considered view of Kildare County Council that the proposed development is in accordance with the provisions of the Kildare County Development Plan 2023-2029 and is therefore acceptable in principle.
- Having regard to the relevant policy support for the proposed development, the nature and scale and the existing use and history of a WMF on the site, together with the details in the EIAR and AA, internal reports from departments within KCC, distances from dwellings and other sensitive receptors, it is concluded that, subject to compliance with conditions, the proposed development would:
 - Not have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage,
 - Not seriously injure the visual and residential amenities of the area,
 - Not have an unacceptable impact on the ecology,
 - Be acceptable in terms of public health and traffic safety.

6.1.9. **Part IX:** Conditions.

- The Kildare County Council CEs report concludes recommending 38 conditions for inclusion in any decision to grant permission. The conditions are presented under a number of headings including:

- General / Planning
- Transportation
- Water Services
- Financial Development Contributions.

6.2. The appendices of the Chief Executive Report are summarised as follows:

6.2.1. Appendix 1 - Internal Reports of Kildare County Council

- Transport, Mobility & Open Spaces Department -
 - The report sets out the context of the proposed development and the location of the site.
 - The report also addresses the Boards previous reasons for refusal as they relate to roads and transportation, and notes that the proposed development has been revised as a direct response to the Boards decision.
 - The report further discusses the provisions of Condition 18 associated with ABP case ref. 09.PA0027 and that prior to the decision not to proceed with the MBT facility, the applicants and KCC had agreed a financial contribution amounting to €4.3M. A revised contribution of €7.75M is now recommended to be included as a condition of permission.
 - The report notes the recently completed roads projects in the vicinity of the site and notes that the road condition surveys show that many of the haul roads are appropriate and do not require structural overlays.
 - It is acknowledged that the current proposal has been developed to limit daily HGV traffic generation at the facility to a value equal to or less than the current permitted facility operation.
 - The Department is recommending that GPS monitoring of HGVs should be implemented, and linked to a HCV Licencing Recognition System, with details to be agreed with the PA.
 - The report notes the schedule of proposed mitigation measures, as well as the surveys undertaken as part of the EIAR.

- The Transport, Mobility and Open Spaces Department of KCC conclude that it is satisfied that a substantial amount of survey work and traffic impact analysis has been carried out on the proposed haul routes to the proper standards, and has no objection to the proposed development, subject to the inclusion of 18 no. conditions.
- The report includes Appendix A which comprises the Opinion Report from the Roads, Transportation & Public Safety Department with regard to the previous SID application at the site (refused by ABP in 2020).
- Parks Department -
 - Satisfied with the EIAR.
 - Landscape plan lacks detail and details not submitted.
 - An arborist if appropriate should be retained for the duration of construction works.
 - Insufficient details provided for the constructed wetland area.
 - Maintenance and management plan required for the establishment and ongoing site management of any landscaping and ecological works proposed.
- Water Services Department - Conditions recommended.
- Environment Department - Reviewed Chapters 8 Water, 10 Noise and Vibration and 12 Air Quality and Climate of the EIAR.
 - Chapter 8 Water -
 - Satisfied that the issues have been suitably considered. Appropriate measures have been proposed to reduce the risk of affecting water quality and aquatic life in the Cushaling River.
 - Chapter 10 Noise and Vibration -
 - sufficient noise monitoring locations were included and good details on sources of noise from operations.

- The construction noise analysis give 2 scenarios but does not appear to take into account existing noise levels from the landfill and traffic.
 - Noise calculations have not been submitted to show the cumulative noise levels at NSLs.
- Chapter 12 Air Quality and Climate - notes the details in the EIAR and the monitoring measures proposed.
- KCC Environment Department are satisfied that the EIAR included adequately assesses and closes out all relevant environmental risks locally.
- Chief Fire Officer - The applicant is required to obtain a Fire Safety Certificate in accordance with the Building Control Act.
- Development Contribution Calculation - €3,930,000.00 required. Calculated on the basis of €15,000.00 per ha and the total site area of 262ha.

6.2.2. Appendix B - Minutes from Clane-Maynooth MD Meeting 28/07/2023

- The primary issues raised are summarised as follows:
 - Issues around previous refusal.
 - Haul routes and roads / traffic issues – should be addressed county wide and not just within the 9km limit.
 - Development contributions queried and the ask of the Councillors to include a per tonne levy which was not included by the Board.
 - Engineer advised that contributions and special contributions have been agreed with the applicant and are sufficient.
 - Contributions to be ring-fenced for roads in the Clane Maynooth MD area.
 - No roads details provided by applicant at a recent public meeting. An oral hearing should be requested.
 - Questions on alternatives in EIAR and NIS.
 - Built heritage and archaeology on haul routs to be considered and protected.

- Extent of Community Gain radius limit to be widened.
- Emissions Licence required for the development.
- Policies RDO 32 and RDO 33 to be highlighted to ABP.
- Concerns raised in terms of unauthorised development and overnight traffic movements. GPS monitoring should be required.
- Engineer advised that HGV numbers have been reduced as a result of the scaling down of the current proposal.
- A review of haul routes every five years to be conditioned.

6.2.3. Appendix C - Members Comments / Submissions.

- There are 2 submission noted including the same observation received by the Board from Cllr. Padraig McEvoy.
- The second submission is an email from the members following the meeting of the Clane- Maynooth MD Meeting of the 28/07/2023 which sets out the following headline issues:
 - Oral hearing requested due to complexity and impact of the proposed development.
 - Roads issues
 - Heritage issues, particularly with regard to the haul routes.
 - Climate change issues and questions if an alternative to the continued operation and extension of the facility was assessed. Further questions relate to:
 - GHG emissions anticipated and what transition plan is in place?
 - How does the development comply with the Climate Action and Low Carbon Development (Amendment) Act 2021, part 15 and the Climate Action Plans 2023.
 - Community funding scheme – an assessment of the impact of the scheme should be required.

7.0 Submissions Received

7.1. Prescribed Bodies

- 7.1.1. The Board, in its Direction on the SID Pre-application, included a list of 20 Prescribed Bodies for the application documentation to be forwarded to for consultation and considerations.
- 7.1.2. The Board received submissions from the following:
- **Transport Infrastructure Ireland:** The Authority had no specific comment to make in relation to the additional information in terms of impacts relating to the safe and efficient operation of the national road network in the area.
 - **Development Applications Unit:** The submission outlined the heritage related observations and recommendations of the Department relating to archaeology. The following are the comments noted:
 - The DAU has reviewed the EIAR and is broadly in agreement with the findings in relation to archaeology and cultural heritage.
 - Conditions recommended for inclusion in any grant of permission noted.
- 7.1.3. Having read the case file and the relevant documentation and following a request from the Eastern-Midlands Regional Waste Management Planning Office, I considered it appropriate to request the comments of this office with the regard to the proposed development. The EPA were also requested to submit comments on the case. The following responses were received:
- **Eastern-Midlands Regional Waste Management Planning Office** – This office supports the proposed development. It is submitted that:
 - the proposed development will accord with the policies of the draft National Waste Management Plan.
 - The RWMPOs role is to monitor the waste treatment capacity both within Ireland and through export options. Shortfalls in capacity has meant Ireland relies on export options.

- The existing Drehid facility and its proposed development, is considered to be ‘Nationally Important Infrastructure’, and will need to continue to operate beyond 2028.
- 4 conditions are recommended for inclusion in a grant of permission.
- No response from the **EPA** was received.

7.2. Third Party Submissions

7.2.1. Four no. third party submissions were received as follows:

- **Ms. Lorraine Quinn** – Ms. Quinn raises a number of objections to the proposed development as follows:
 - **Public consultation** – the information event was not consultation as the plans were presented as ‘a fait accompli’. No haul routes were determined or shown.
 - **Traffic increases** – the increase in traffic will have the greatest unacceptable impact to residents in the area. The Transportation Section of the Council recommended refusal of permission in the previous application and details of a reported accident on the Clane / Sallins Road, where a truck lost control and crashed at a bridge over the River Liffey, and losing its cargo of domestic waste, are included.
 - **Water pollution potential** – is high as leachate occurs. The applicants’ assurances and mitigation measures are unproven and unacceptable. Issues raised in terms of the WFD and the lack of protection of waters.
 The development presents a risk to both the SAC and drinking water protection area via the Cushaling River.
 Describing the Cushaling River as being of ‘poor ecological status’ is not an excuse to pollute it further.
 Questions raised in relation to the membrane used on the existing landfill.
 - **Has an application for substitute consent been made?** – This question arises due to the previous uses of the bog.

- **Notes previous breaches of EPA Licence** – the references note breaches in 2012 and 2013 and relate to the acceptance of untreated cleansing waste and a lack of documentation to show the BMW composition of waste material accepted.
- Questions raised regarding the accuracy of the photomontages.
- **Other Issues -**
 - Risk of waste being carried by birds to other lands.
 - Increase in vermin.
 - Increase in flies & airborne disease.
 - Smells & odours.
 - Unknown origin of waste.
 - Increase in CO2 emissions.
 - Residential amenity issues.
- **Ms. Sheila O'Brien** – Ms. O'Brien raises a number of objections to the proposed development as follows:
 - Roads & traffic issues cited by previous Inspector and increased traffic on the road creates more pollution, CO2 emissions, etc.
 - Accidents have occurred with haulage to the site.
 - Vermin & smells.
 - The company is promoting more waste and should be promoting less.
- **Cllr. Brendan Wyse** – Cllr. Wyse lives within 6km of the site and advises that his preference for the use of the Timahoe South Bog would have been for the entire area to have been rewilded and managed for the return of biodiverse species. The loss of the bog habitat, and the carbon sink, is not compensated for by the community gain fund which is in place.
It is acknowledged that the facility is well managed, with only occasional technical issues, and that little more damage can now be done by the extension. Recommendations are included as follows:

- Any financial contribution for road improvements should be directed towards the areas of highest risk to vulnerable road users by way of planning conditions as follows:
 - Allenwood – the closest village through which the majority of haulage traffic to and from Drehid passes. While the development does not propose an increase in traffic movements, the number of vulnerable road users has increased. Issues raised in relation to unsafe parking of trucks etc. and Allenwood Cross is one of five junctions selected for a detailed road safety assessment.
The recommended traffic calming measures proposed by Kildare County Council in an opinion report (2018) for a previous application are included and it is requested that these (a full 4-way pedestrian crossing at Allenwood Cross), as a minimum, are included.
 - Bond (Derrymullen) Bridge – situated on the southern end of Allenwood, is narrow and has regular minor collisions. It is also a protected structure, which has been damaged due to collisions, and is used by cyclists and pedestrians to access the Grand Canal towpath.
The recommendations in the 2018 opinion report included engineering measures to make the bridge safe, and it is recommended that the financial contributions include the measures identified (a signalised shuttle traffic system).
 - Killina – is a rural node, with the national school located to the north of the entrance to the Drehid Facility. Road safety issues are a constant concern. In 2021, a survey and assessment, and a proposed design for public realm improvements was undertaken. While a small portion of the improvements have been implemented, funding was not available for all the measures.
It is recommended that the financial contributions be used to implement the road safety improvements at Killina School and

the nearby bus stops, and that the works be implemented prior to the opening of the expanded facility.

- Derrinturn – is on the haulage route north of the Drehid facility and is the settlement with the second highest level of haulage route traffic flowing through it. The crossroads at the southern end of the village is a collision black spot (Windmill Cross). A signal-controlled pedestrian crossing was installed and funding is required to extend traffic calming in the village.
It is recommended that the financial contributions be conditioned to be used to implement the road safety measures identified up to the Derrinturn village boundary and works to be completed prior to the opening of the expanded facility.
- Dag Weld’s (Blackwood) Cross – a known black spot due to restricted sight lines and carrying 42% of the HGV traffic, and 37% of the LGV traffic associated with the Drehid facility. If the Drehid facility is to continue contributing to the traffic volumes, the junction requires to be upgraded, with the costs covered by development contribution.
- Timahoe South Solar Farm – notes that development of the solar farm project is underway in Timahoe North Bog. It is submitted that proposals for a similar project in Timahoe South Bog are excessive and the removal of the peatlands for amenity and habitat restoration is unacceptable.
Analysis of the constrained area identified in the EIAR indicates that 44% has been marked as constrained from rehabilitation. It is requested that the PA consider the likelihood of the future EU Nature Restoration Law having an impact on lands at a national level. It is also an objective of the 2023 CDP (RD O32 refers) to manage the balance of peatlands that are restored and rewilded.
- Permeability Link to the Grand Canal Greenway – Bord na Mona currently manages the land (former railway line) between the former ESB power station at Allenwood and the R414. As the

developer no longer has use for this land, it is submitted that it could be developed as a walking and cycling trail which would link up to the future Grand Canal Greenway and the local communities.

- Toghers – it is observed that the report on the toghers (short stretches of trackways) is limited. Questions raised in relation to same.
- **Cllr. Padraig McEvoy** – Cllr. McEvoy's submission sets out the contextual realities associated with climate change and greenhouse gas emissions, and Ireland's obligations under international agreements and frameworks. The submission also includes details of temperature rises, globally and European, as well as the rate of the rise in temperature of the North Atlantic Sea surface and marine heatwaves. The submission includes details of what needs to be done in order to reduce emissions in accordance with the 2030/2050 timelines and sets out the ambitions of the NDP and NPF.

Planning and waste authorities are key to reducing waste and as public bodies, will be essential in considering and planning of the implementation of climate mitigation and adaptation measures.

- Chapter 12 of the submitted EIAR deals with Air Quality & Climate.
- It would be helpful to see how transport trips to the proposed development would compare with models and alternative scenarios for other waste facilities at the regional waste level.
- It would have been helpful to see an assessment under the Climate Act.
- Significant sections within the haul routes are over peat foundations, and the area office for the KCC Transport Department is coordinating extensive repairs in similar roads.
- In terms of the reduction of emissions, the EIAR indicates that there would be a conservative estimate of 50% increase in fuel for the proposed development. It is not clear whether the development would allow for specific planned reductions and mitigation of transport

emissions, particularly from more distant sources of waste depot assembly.

- The impact of road transport routes has not been insignificant, and accidents have occurred with associated damage and contamination risks.

It is requested that the board consider the impact on the roads and clarify if the GHG emissions identified comply with the requirements to be reduced.

7.3. Applicants Response to Submissions

7.3.1. The applicant submitted a response to the third-party submissions to the Board. Each party is identified on Page 1 of the response submission and the applicant has addressed the concerns of all submissions, including Kildare County Council under a number of headings.

7.3.2. General:

- KCC considers that the proposed development is in accordance with the CDP and that the effects on the environment have been adequately assessed in the EIAR and NIS.
- Most conditions recommended by KCC are acceptable with issues raised in relation to proposed conditions:
 - 11 – considered not to be applicable
 - 36 – request for bond for closure/remediation of the site. It is requested that this condition be excluded as this will be a condition of any revised EPA IED Licence for the WMF.
 - 37 – the calculation of the S48 development contribution should be based on the footprint of the proposed works and should not be based off a 262ha plot which encompasses previous infrastructure as well as some areas that will not be developed. It is asked that the condition request that a fee is agreed between the developer and the LA, without reference to the note on calculations referred to.

- A query was raised regarding the accuracy of the photo taken at VP5. It is submitted that the third-party photo was not taken at the correct location for VP5.

7.3.3. Policy, Planning and Development Context:

- HSA consultation did not result in feedback.
- Substitute consent is not required as commercial peat extraction ceased by 1987.
- No need for an OH, and none requested by statutory consultees.

7.3.4. Biodiversity, Flora & Fauna:

- Main issues arising relate to water quality, loss of habitat and biodiversity, monitoring and management, and vermin control.
- No objections to the recommended conditions of KCC in relation to the appointment of an Ecological Clerk of Works (ECoW), fencing, landscape plan and habitat management.
- It is requested that the recommended condition relating to Invasive Species Management Plan be reworded to account for the acceptance and deep burial of invasive species in the landfill.
- In terms of Vermin Control:
 - A Vermin Control Plan has been developed as part of the Environmental Management Plan (EMP) for the WMP, and records of vermin control will be kept on site for inspection by the EPA and / or KCC as required.
 - There have been no official complaints received by the applicant relating to flies or vermin for a number of years.
- In terms of Water Quality:
 - In terms of concerns on the Cushaling River, the EIAR identifies stringent mitigation measures to be implemented during the construction phase to ensure the protection of water quality, aquatic habitats and species.

- During the operational phase, the proposed attenuation lagoons and Integrated Constructed Wetland (ICW), specifically designed to remove ammonia and suspended solids, will treat all stormwater before it is discharged into the Cushaling River.
- Regular surface water monitoring will be carried out under the revised IE Licence, and in the unlikely event of a deterioration in surface water quality, an automated isolation valve will result in the retention of all surface water on-site until the issue is investigated and remediated.
- In terms of potential effects to the SAC, the NIS details mitigation measures to be implemented during the construction, operational and decommissioning works.
- It is concluded that there is no potential for the proposed development to impact water quality in the Cushaling River and that the mitigation measures proposed will ensure the avoidance of significant adverse effects on the integrity of the SAC.
- Loss of biodiversity:
 - The proposed development will result in the loss of approximately 63.5ha of habitat, which comprise degraded cutover bog which is of low ecological value.
 - To mitigate this loss, replanting and habitat creation will be undertaken with an area of 72.57ha of new habitat proposed including the ICW, landfill cap and the berms.
 - Enhancement measures are also proposed in terms of blocking drains to raise water levels locally, and the replanting of new peat tolerant species.
 - Other measures including the installation of bat boxes, habitats for Lepidoptera species and the protection of nesting bird species.

7.3.5. Soils & Geology, Hydrology & Hydrogeology:

- In terms of the recommended KCC conditions, the applicant considers that many are addressed under other conditions and are not necessary:
 - Conditions 25, 32, 33, 34 and 35 are all addressed under Condition 1.

- A member of the public submitted that the possibility of contamination to water and aquifers is extremely high and that mitigation measures are not proven.
 - It is submitted that the current WMF, operational since 2008, includes an engineered liner and leachate collection system.
 - Surface and groundwater quality data show that leachates in the WMF are not affecting surface water or groundwater.
 - The language used in the assessments are standard practice and adopted from EPAs guidance on preparing EIARs.

7.3.6. **Material Assets:**

- No significant issues were raised by KCC relating to material assets not covered under other headings.
- Requests to provide funding for an amenity link in the wider area would not relate to the subject application, but a local community gain fund is in place and will continue as part of the proposed development that can be used for local amenities.
- As the processing of waste generally occurs in doors, there is limited access to the waste by birds. There are also bird control measures in place at the site to prevent large groups of birds picking up waste.
- In relation to the concern raised relating to the unknown sources of the additional waste, the elements of the proposed development are detailed, and it is submitted that the waste arriving on site via permitted waste transport vehicles is recorded so the sources will be known. All regular inspections will continue.
- In terms of the impact on land use, it is submitted that the subject site is not being utilised for any agricultural, horticultural, commercial forestry or amenity use and the proposed development, therefore, does not impact land use.

7.3.7. **Noise & Vibration:**

- KCC raised two issues relating to noise and vibration:
 - Construction noise analysis does not take account of existing noise levels.

- In response, the applicant presented details to combined noise levels to include construction activity, existing landfill operations and construction traffic on the haul road.
 - The cumulative noise levels are presented in Table 2 of the applicants' response to submissions document (page 21).
 - The combined calculated noise levels at all locations are significantly below the Construction Noise Threshold (CNT) value of 65dB $L_{Aeq,T}$ for weekday daytime periods and Saturday morning periods. The levels are also below the CNT value of 55dB $L_{Aeq,T}$ for Saturday afternoon periods.
 - The highest level is recorded at Location N4 and road traffic noise along the R403 is the dominant noise.
- The second issue raised relates to the cumulative noise levels from the proposed landfill operation and traffic noise on the internal road.
 - Due to the absence of any additional external noise sources associated with the proposed development, and the distance to the nearest off-site noise sensitive location, the operation of the proposed development is not significant in terms of noise impacts.
 - In terms of additional external equipment,
 - 1 tractor and trailer will be used associated with the MSW Process and Composting Building.
 - The existing dump truck will be used to transport material from the soils processing building to the landfill.
 - The existing plant and vehicles will be used, but closer to the east of the site, with the closest NSL to the new landfill boundary at 1.35km to the east.
 - Noise monitoring at N5, approximately 900m to the east, indicate that the development will not contribute any significant noise levels to any residential location.
 - In terms of haul road traffic,

- The development will result in a change in traffic noise level of +1 dB as a result of the proposed development.
 - The development will result in an additional 72 HGVs per day and no additional LGVs per day along the haul route for the year 2039.
 - Table 3 of the applicants' response to submissions (page 23) summarises the measured 2022 ambient noise levels and combines any additional sources associated with the proposed development.
- In terms of other observations, there will be no significant rise in traffic volumes associated with the proposed development when compared to the current levels.
 - The passing of HGVs associated with the WMF will not lead to damage to structures along the haul route in terms of vibration.

7.3.8. Population & Human Health:

- Issues raised by Kildare County Council are dealt with under other headings.
- Most issues raised relate to noise and vibration, traffic and transport, biodiversity, and air and climate.
- A concern was raised in relation to the impact of the development on residential amenity in the area and are addressed under other headings and within the EIAR.
- It is considered that the development will have no significant impact on residential amenity.

7.3.9. Air Quality & Climate:

- The applicant notes KCCs recommended condition 22 which relates to the requirement to submit details of project fuel consumption by HGVs and GHG emissions during the 25-year period.
 - It is considered that the exercise would not be meaningful or effective at reducing emissions.

- The information may not be easily obtainable for many 3rd party hauliers, the operations of which, are beyond the control of Bord na Mona.
- BnM are committed to reducing emissions and are investing in electric Refuse Collection Vehicles, which produce zero emissions.
- All new eRCVs at Drehid will be powered by renewable energy produced on site.
- Beyond Drehid, BnM are also replacing their fleet of cars and light goods vehicles with electric powered vehicles and are building a pilot-scale hydrogen electrolysis facility that will generate green hydrogen, enough to replace over 500,000l of diesel per annum.
- Other submissions noted that it would have been preferable to have rewilded the bog when commercial peat harvesting ceased.
 - The applicant submits that to date, BnM have rehabilitated over 30,000ha of bog and are committed to the continued rehabilitation of 79,300+ha including areas around the proposed development.
 - Large areas of Timahoe South Bog are currently under rehabilitation with works expected to be substantially complete in 2024.
- The query in relation to the use of a diesel portable pump is also addressed advising that where possible, electrically powered pumps will be deployed.
- With regard to odour, it is submitted that an odour mitigation and management plan is operated at the WMF.
 - The plan will be updated for the proposed landfill.
 - Good housekeeping practices will also be maintained at all times.
 - Should any odour event occur, the aim is to resolve the issue urgently.
 - All complaints to Drehid WMF are logged and odour complaints are reducing with only two odour complaints received for all of 2022.

7.3.10. **Archaeology & Cultural Heritage:**

- Notes that KCC include two recommended conditions relating specifically to Archaeology and Cultural Heritage (8 & 13), while a third (15) includes elements of cultural heritage.
 - It is submitted that the mitigation measures included in Chapter 13 of the EIAR cover the issues raised in conditions 8 and 13.
 - Condition 15 relates to haulage routes and notes that 'Alexander Liffey Bridge in Clane is not permitted due to the condition and width of this heritage bridge'.
 - It is considered that the use of the bridge is a traffic and safety issue rather than an archaeological and cultural heritage issue.
 - If the bridge is structurally sound and in use as a transportation route, then it should be open to all similar traffic.
 - The applicant has no objection to the inclusion of condition 8 or 13.
- The observation from the Department is noted and has no objection to the inclusion of the conditions recommended.

7.3.11. Traffic & Transport:

- KCC included a Transportation Department Internal Report with their submission, which examined the information submitted by the applicant. The report advises satisfaction with the survey work and traffic impact analysis on the haul routes. The report raises no objection to the proposed development subject to the imposition of specific conditions.
- In terms of responding to issues raised by KCC, the following is relevant:
 - Notes that the current proposal has been revised to address the previous concerns raised by ABP.
 - The proposed haul routes were previously approved to serve the existing WMF and the approved MBT facility (which was forecast to generate approximately 60 no. HGV trips (120 movements in total), using the existing entrance on the R403. In this scenario, the total combined HGV trips would be 140 per day.
 - The current proposal would result in an estimated 78 HGV trips per day and it is submitted that the haul routes were considered acceptable for

a development which would give rise to approximately 75% more HGV traffic than forecast to arise during the operation of the currently proposed development.

- With regard to the previous S48(2) contribution condition agreed between the applicant and KCC (for the MBT development no longer to be developed) the use of Carragh Bridge as a haulage route is not proposed and as such, the level of contribution should be amended to reflect this.
- A special development contribution condition should specify the particular works carried out or proposed to be carried out to which the contribution relates (S48(12) of the P&D Act, 2000 as amended). It is necessary to identify the nature and scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development.
- The current proposed development will generate significantly less daily HGV traffic and the special contribution should reflect this.
- A calculation of the finite number of road improvements identified as being necessary to facilitate the proposed development in the EIAR could be accurately costed and the contribution figure can be properly and reasonably attributed to the proposed development.
- The Board does not have enough information before it to accept the figure proposed by KCC. A condition which requires that the amount be agreed between KCC, and the applicant is appropriate.
- The applicant has no objection to the exclusion of Carragh Bridge R409, Alexander Liffey Bridge and R415 Kildare to R416 Miltown from the haul routes until such times as these are upgraded.
- In relation to proposed condition 31, it is submitted that a significant proportion of waste arriving at the WMF will be via external waste contractors and will be outside the control of BnM to install GPS for monitoring as requested. BnM has no objection to the fitting of the devices to their own fleet.

- The current Automatic Number Plate Recognition system at Drehid records all licence plates at the weighbridge. The monitoring suggested in the Transportation Departments report would require an extensive ANPR camera array, associated hardware and communications infrastructure and the cost of such a system to monitor the movement of 78 no. HGV trips per day would be preclusive and unjustifiable.
- A number of conditions are recommended for inclusion and are commented upon by the applicant as follows:
 - Condition 15 – no objection, but it is requested that the Board consider it worthwhile to make provision for periodic review of the haul routes.
 - Condition 16 – no objection.
 - Condition 17 – requests that the condition be excluded as there are concerns over the breath of the engagement that might be implied in the condition.
 - Condition 18 – no objection.
 - Conditions 19 & 20 – Assessing road condition and programming general road repairs is the responsibility of the Roads Authority and it is submitted that the applicant has provided sufficient road survey information and the recommendation to resurvey is an unfair and unspecified financial burden that does not meet the requirements of S48 or the standards set out in the Development Management Guidelines.
 - Condition 21 & 23 – Condition 21 is meaningless and should be disregarded and Condition 23 is redundant as the development will not require the delivery of abnormal loads.
 - Condition 24 – no objection.
 - Conditions 25 & 26 – not required as the road to access the site has already been constructed.
 - Condition 27, 28, 29, 30 – no objection.

- In terms of other observations, it is submitted that reference is made to details of a previous proposed development at the site and that the impacts of the current proposed development do not correlate with that permitted, but not constructed development.
 - The submissions are based on the assumption that the development will give rise to a major increase in traffic.
 - The traffic assessment is included in Chapter 14 of the EIAR and clearly details, and compares, the key traffic generating characteristics of the existing permitted Drehid WMF and the proposed development.
 - The EIAR confirms that the proposed development is effectively a continuance of the permitted WMF in terms of HGV traffic generation and doesn't give rise to an increase in HGV traffic above current levels.

7.3.12. **Community Engagement:**

- KCC raised no significant issues relating to community engagement and there is no objection to the inclusion of the recommended condition 14.
- In terms of other observations, and the issues raised that the public consultation was not in accordance with the Aarhus Convention, it is submitted that the event referred to was arranged to get feedback on all aspects of the proposed project, including haul routes.
- The feedback was considered during the final site design and selection of haul routes.
- Final confirmation followed a number of meetings with KCC, and it is submitted that the public consultation has been carried out in accordance with requirements.

7.3.13. **Conclusion:**

- The Applicants Response to Submissions concludes that the information provided in the document, together with the submitted planning application and EIAR documents, provides a full and justified response to the issues raised by third parties.

7.3.14. **EMRWMPO:** Due to the timing of submission, the response to this third party did not form part of the initial response and was submitted after the others. The response is summarised as follows:

- Notes that the Office is supportive of the proposed development.
- The applicant agrees to comply with conditions set down by the Board, including conditions 1 and 2 as proposed by EMRWMPO.
- In terms of recommended conditions 3 (requiring a restricted timeline of 5 years as opposed to 25 years applied for on the acceptance of Incinerator Bottom Ash (IBM) for disposal) and 4 (requiring that the applicant be obliged to operate a dedicated cell for the acceptance of IBM) the following comments are noted:
 - Based on the current market and the volumes of waste being accepted, the amount of IBM is small, at approximately 1,000 TPA.
 - It would not be feasible to construct a dedicated cell for IBM disposal, particularly over the 5 years sought.
 - The requirement to provide a dedicated cell for IBA is not appropriate or worthwhile.
 - IBM is currently being partially recovered as a suitable engineering material and the long-term management of the material should be investigated to ensure that it is used in a way to maximise the circular economy.
 - It is requested that should the Board consider it appropriate to include the conditions, that condition 3 be included without condition 4.

8.0 Oral Hearing

8.1. The Board determined that there was sufficient written evidence on the file to enable an assessment of issues raised and that an Oral Hearing should not be held.

9.0 Planning Assessment

9.1. Introduction

9.1.1. The assessment of the proposed development is presented as follows:

- Section 9 - Planning Assessment,
- Section 10 - Environmental Impact Assessment
- Section 11 - Appropriate Assessment.

9.1.2. Where there are matters that overlap these sections, I will endeavour not to repeat, but will make reference for the There is an inevitable overlap between the assessment with matters falling within both the planning assessment and the environmental impact assessment. In such cases, matters are not repeated but such overlaps are referred to in subsequent sections of the report.

9.1.3. I have undertaken a site inspection and have read all documents and submissions on the case file from the applicant, the planning authority, prescribed bodies and the observers. I have further had regard to planning history of the site and wider area, as well as all relevant European, national, regional and local policy.

9.1.4. In light of the above, I consider that the key planning issues associated with the proposed development should be assessed under the following headings:

- The Planning History of the site
- Nature of the Proposed Development
- Principle & Need for the Development
- Roads and Traffic Impacts
- Impacts on Water & Biodiversity
- Other Planning Issues:
 - Landscape and Visual Amenity
 - Human Health
 - Air Quality
 - Noise & Vibration

- Cultural Heritage
- Public consultation
- Financial Contributions

9.2. The Planning History of the site

9.2.1. The Board will be aware that permission was refused, ABP-300506-17 refers, for a Strategic Infrastructure Development at the Drehid Waste Management Facility comprising a new landfill to accept 250,000 tonnes per annum of non-hazardous waste, on site recovery of approx. 15,000 TPA of metals and a metals recovery facility, inert material storage area, new landfill area for 85,000 TPA of hazardous wastes, pre-treatment facility, hazardous waste handling building, hazardous waste storage and quarantine, increase by 20,000 TPA for composting facility and removal of restriction on operating life, extension to existing composting facility, leachate treatment facility and additional surface water, parking and ancillary infrastructure.

9.2.2. There were 4 reasons for refusal relating to the following:

- The Board was not satisfied that the development would not adversely affect the integrity of European Site River Barrow and River Nore SAC (Site Code: 002162), in view of the site's conservation objectives, precluding the Board from granting permission.
- Limited investigation and potentially Inadequate mitigation measures proposed with regard to ongoing excess ammonia concentrations in ground water and local watercourses, including SAC.
- Due to the high groundwater levels and uncertainty regarding the nature of the subsurface, the Board was not satisfied that the site was suitable for the safe disposal of hazardous waste material.
- Roads and traffic issues relating to significant additional volume of traffic and the restricted width and capacity of the R402, R403, R407 and R409.

9.2.3. Kildare County Council supported the refusal of the previously sought development, voicing strong concerns in terms of the scale and ongoing compliance issues, as well as concerns in terms of the traffic analysis presented. The Council further raised concerns in terms of the adequacy of the EIAR and AA Screening. Ultimately,

Kildare County Council is now satisfied that the proposed development has been revised to address the previous reasons for refusal and that the development is in accordance with the provisions of the Kildare County Development Plan 2023-2029 and is therefore acceptable in principle. Conditions are recommended for inclusion in any grant of permission.

9.2.4. Concerns and issues raised by third parties will be discussed in the body of this assessment where relevant.

9.3. Nature of the proposed development

9.3.1. In the context of the existing development at the site, the previously refused development and the current proposal, I refer the Board to Section 3.3 of this report where I have included Table 2-1 of the EIAR which sets out the summary of the proposed waste quantities for acceptance at the Drehid WMF.

Existing	Refused	Proposed	Total TPA
Engineered landfill for non-hazardous waste – 120,000 TPA	Extension with intake increase to 250,000 (+20.9ha) and all associated pre-treatment facilities for bottom ash.	Extension with intake increase to 250,000 – no hazardous wastes New Processing & Recovery facility – 70,000 TPA (C&D waste)	320,000 TPA Total
		Contingency Capacity – 30,000 TPA (as requested by RWMPO)	30,000 TPA

<p>Composting facility - 25,000 TPA capacity</p>	<p>Extension to 45,000 TPA with no operating life restriction</p>	<p>Extension with intake increase to 35,000 TPA (including new odour abatement system) and remove restriction (cond. 2(2) of ABP Ref. No. PL.09.212059</p> <p>Extension to Composting Facility - New MSW (including new odour abatement system) Processing & Composting facility – 55,000 TPA</p>	<p>90,000 TPA Total</p> <ul style="list-style-type: none"> • 40,000 TPA to landfill • 30,000 TPA process losses • 20,000 TPA recyclables and RDF/SRF outgoing
		<p>New Maintenance building</p>	
		<p>New bunded fuel storage area</p>	
		<p>2 new permanent surface water lagoons & 1 temporary</p>	
		<p>New integrated constructed wetland</p>	

MBT facility 250,000 TPA (not constructed)		Not to be constructed	
N/A	Hazardous Waste Landfill – 85,000 TPA (10.8 ha)	N/A	N/A
N/A	Pre-treatment for incinerator fly ash and flue gas	N/A	N/A

The total waste intake proposed amounts to 440,000 TPA and includes 30,000 TPA contingency capacity. The previous refused development proposed a further 85,000 TPA and the MBT facility had permission of 250,000 TPA. The currently proposed development, therefore, is of a reduced scale and nature from that previously refused by the Board.

9.4. Principle & Need for the Development

- 9.4.1. In terms of the principle of the proposed development, the Board will note the permitted and established use of the site as a waste management facility. The facility is licenced by the EPA and any grant of permission in this instance will require that the licence be updated or amended to include the proposed development in the context of emissions. The Board will note that the EPA has not made a submission on the proposed development.
- 9.4.2. The key relevant EU level policies are set out in the Waste Framework Directive (2008/98/EC), Landfill Directive (1999/31/EC), Water Framework Directive (2000/60/EC), Environmental Impact Assessment Directive (2014/52/EU), Habitats Directive 92/43/EEC and the Conservation of Wild Birds Directive 2009/147/EC. European and national policy recognises the need to accelerate the transition to a circular economy and to reduce waste and Ireland has sought to commit to reduce dependency on landfill as a primary route for the disposal of waste. A suite of policy documents have been published to set targets to tackle waste, with overarching objectives of the action plan - A Waste Action Plan for a Circular Economy - Irelands

National Waste Policy 2020-2025 – being to prevent waste and promote reuse of secondary materials.

- 9.4.3. The National Planning Framework - Project Ireland 2040, includes National Policy objective 56, which states that it is an objective:

Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.

The National Development Plan also notes that:

‘Investment in waste management infrastructure is critical to our environmental and economic well-being for a growing population and to achieving circular economy and climate objectives.’

- 9.4.4. In terms of regional policy, the Board will note that the Eastern Midlands Regional Waste Management Plan 2015-2021, together with the other two regional Waste Management Plans (Southern Region and Connacht Ulster Region), were replaced by the National Waste Management Plan for a Circular Economy 2024-2030, which was made on the 22nd February, 2024 and covers the period 2024 – 2030. The plan sets out a framework for the prevention and management of waste in Ireland for the six-year period and has been prepared to support the Circular Economy Act 2022, and the wider policy base setting specific targets, policies and actions to enable the sector to achieve the circular challenge. The overall ambition of the Plan is 0% total waste growth per person over the life of the Plan, and to increase recycling rates.
- 9.4.5. The Plan provides for continued and expanded residual waste treatment capacity within the state to move towards self-sufficiency and reduce the reliance on the export of waste materials. The Plan notes that the number of landfills accepting municipal waste for disposal has decreased from seven in 2016 to three facilities in 2023, which includes the Drehid Waste Management Facility. The Plan further notes that this application by Drehid has been lodged with the Board, and that the demand for landfill currently exceeds the available capacity on an annual basis.
- 9.4.6. Volume II of the Plan deals with Policy Responses and Actions and Core Policy 12 deals with Nationally and Regionally Important Infrastructure which states:

The Plan recognises and supports the need for nationally and regionally important waste infrastructure, including infrastructure of the type, scale and proximity essential to maintain waste services and infrastructure that contributes to the ambition and policies of the Plan.

Reliance on export of waste is noted to be unsustainable and the Plan provides that:

the identification of existing and future critical infrastructure for the final treatment of municipal waste is essential to protect, promote and ensure continuity of supply in the market.

This relates to infrastructure which is of the type and scale deemed essential to maintain a functioning waste market within the State as defined Volume I, Chapter 5 of the Plan and includes the Drehid facility. Part C of Volume II of the Plan deals with 16 identified Focus Areas for which targeted policies and priorities actions are identified. Focus Area 15 deals with disposal infrastructure with the purpose:

To maintain adequate disposal capacity at landfills and provide for contingency capacity for unforeseen events.

and includes a number of targeted policies, including two which seek to ensure that:

TP15.1 - Additional disposal capacity for non-hazardous waste is only supported in the context of compliance with the EU target of disposal to landfill of not more than 10% of MSW by 2035.

TP15.2 - Ensure the provision of appropriate waste contingency capacity in response to market disruption/interruption and/or events which pose a risk to the environment and/or health of humans and livestock.

Existing landfill capacity is noted to be essential and as such, I am satisfied that the proposed development accords with recent national waste management policy.

9.4.7. I note that the Eastern-Midlands Regional Waste Management Planning Office supports the proposed development, noting that it will accord with the policies of the draft National Waste Management Plan. I note that the Drehid facility is considered to be 'Nationally Important Infrastructure' and will need to continue to operate beyond 2028.

9.4.8. I would be satisfied that the current Kildare County Development Plan includes policies and objectives which support the development of waste management facilities including the ongoing operation of the Drehid facility at an appropriate scale, Objective WM18 and Objective INO48 refer. The Board will also note that the Chief Executive Report from Kildare County Council acknowledges that the current proposal has been revised to address the previous concerns and recommended reasons for refusal.

9.4.9. Overall, I am satisfied that the need for the proposed development is established at all levels of policy and as such, I have no objections in principle to the development.

9.5. Impacts on Water & Biodiversity

9.5.1. I refer the Board to Section 10.6 and Section 10.7 of this report as they relate to the environmental impact assessment associated with biodiversity and the water environment. I also refer the Board to the reports of Dr. Maeve Flynn, Inspectorate Ecologist and Mr. Emmet Smyth, Board Scientist on these matters, as well as Section 11 of this report which deals with Appropriate Assessment.

9.5.2. Having regard to the previous application at this site, three of the reasons for refusal related to impacts on Natura 2000 sites and the water environments. In particular, concerns were raised in relation to the ongoing excess ammonia concentrations and suspended solids in groundwater and local watercourses. Concerns were founded in the fact that the existing landfill may be causing elevated ammonia levels and the lack of a convincing long term management plan for the site. I note that the applicant has presented a re-examination of the previous report and has sought to determine the source and contributions of ammonia in order to justify the suitability of the mitigation measures proposed. It is also noted that the Timahoe South Bog Decommissioning and Rehabilitation Plan has been prepared as part of Bord na Monas broader Peatlands Climate Action Scheme and to comply with Condition 10 of the Industrial Pollution Control Licence Ref. P0503-01.

9.5.3. In relation to the elevated ammonia levels in the groundwater, Mr. Smyth is satisfied that the data presented in Chapter 7 of the EIAR indicates that it is linked to leaching from the peat across the full extent of the Timahoe South Bog, and that trace metals and elevations of same can be attributable to their natural occurrence within the quaternary sediments and the bedrock and leaching from same. It is further

anticipated that the implementation of the Timahoe South Bog Decommissioning and Rehabilitation Plan will have a positive effect on water quality in the Cushaling River, particularly with regard to ammonia. The same effect is expected in the groundwater environment, with the lowering of ammonia and metals.

- 9.5.4. I accept that the proposed development will not, in and of itself, have any likely significant effects on the receiving groundwater and surface water environments and there are no identified risks of impact to any designated sites or protected areas which are dependant of water as a source of supporting conditions. The mitigation measures presented are detailed and represent best construction practice. As such, I have no objections to the proposed development and I am satisfied that if permitted, it will accord with the proper planning and sustainable development of the area.

9.6. Roads & Traffic Issues

- 9.6.1. In terms of the planning history of the site, the Board refused permission for a development at the site for reasons relating to the sub-optimal network of Regional Roads which serve as haul routes. Reason for refusal no. 4 stated as follows:
4. Having regard to the proposed development being accessed solely via a sub-optimal network of Regional Roads which run through a series of villages before connecting with the National Road Network, it is considered that the proposed development would generate a significant volume of traffic, including a high number of movements by heavy goods vehicles, and the Board cannot be satisfied on the basis of the information submitted with the application documentation and the further information submitted and the documentation submitted from other parties, that the road network in the vicinity of the site is capable of accommodating this significant additional volume of traffic safely due to the restricted width and capacity of the R402, R403, R407 and R409 in the vicinity of the site. The proposed development would, therefore, give rise to traffic congestion and would endanger public safety by reason of traffic hazard.
- 9.6.2. In terms of the current proposal before the Board, I would note that the scale of the now proposed development is such that it will result essentially in a continuation of

the existing and permitted levels of traffic using the local road network. I refer to Chapter 14 of the submitted EIAR which deals with Traffic and Transport, and to Section 10.12 of this report which considers the potential impacts of traffic associated with the proposed development on the local roads. I further note that the Transport Department of Kildare County Council has raised no objections to the current proposal, subject to compliance with conditions, having recommended a refusal of permission for the previous project.

- 9.6.3. The existing primary haul routes, associated with the existing facility are shown in Figure 14-4 of the EIAR, and it is noted that these are the agreed and permitted routes in compliance with the relevant planning permissions for the site. An assessment of the Drehid WMF weighbridge data indicates that HGV traffic movements generated by the facility distribute approximately 48% to/from the north via the M4 and 52% to/from the south via the M7 (Figure 14-2 refers). It is further noted that a number of previously identified haul routes are not in use due to various reasons, such as the R409 is not in use due to a 3.5T weight restriction and 2.15m width restriction at Carragh Bridge.
- 9.6.4. The haul roads to the site, as agreed with Kildare County Council, pass through a number of towns and villages and road safety and traffic impacts are noted to be the greatest concerns to third parties. Any increase in traffic volumes associated with the proposed development are considered unacceptable to residents, and a number of submissions refer to the fact that the council recommended refusal of permission for the previous development. I would acknowledge the concerns raised and would note that the road network in the vicinity of the site includes small regional and local roads, which are not particularly accommodating of pedestrians or cyclists. The level of traffic using the roads was evident on the date of my site inspection with certain towns and villages having issues with congestion. The proposed development seeks to limit the daily HGV traffic on these routes to a value equal to or less than the current permitted Drehid operation.
- 9.6.5. Having regard to the information provided, together with the fact that the development proposed is not anticipated to increase the existing traffic movements too and from the Drehid site, and notwithstanding that the road network is narrow in places, I am satisfied that the proposal is acceptable. I am satisfied that the concerns in the previous proposed development do not arise and that the ongoing communication between the Council and the applicant around the issue of haul

routes is both helpful and reasonable. I have no objections to the proposed development in the context of roads and traffic issues.

9.7. Other Planning Issues

9.7.1. I have considered all aspects of the proposed development in the following sections of this report, as they relate to Environmental Impact Assessment and Appropriate Assessment. I note the planning history of the subject site and I consider that there are no outstanding matters arising in relation to the following aspects:

9.7.2. Landscape and Visual Amenity:

Having regard to the nature and extent of the proposed development, together with the context of the proposed development site and the landscaping and mitigation measures proposed (and assessed further in Section 10 of this report), I am satisfied that the proposed development, in and of itself, or cumulatively with the existing infrastructure present on the site and wider landholding, will give rise to any significant visual impacts, and I have no objection to the proposed development in this regard.

9.7.3. Human Health:

The proposed development lies within an existing waste management facility, which is at some remove from the closest habitable dwelling, or other sensitive location. The EIAR has considered all potential impacts associated with the local population and human health in terms of emissions to air and water, as well as noise. I do not consider that the development is likely to give rise to any significant issues or impacts, and I have no objection to the proposed development in this regard.

9.7.4. Air Quality, Noise & Vibration:

The submitted EIAR considered the proposed development in terms of potential impacts on air quality, climate, noise and vibration. Potential odour emissions were modelled using the US EPA regulatory model AERMOD to assess the potential impacts of the development. Given the separation distance between the proposed development site and the closest sensitive receptor, together with the results of

modelling, proposed landscaping and other mitigation measures, I am satisfied that the development is not likely to give rise to any significant issues in terms of air quality or odours such as to negatively impact on any existing residential or general amenity of the wider area.

9.7.5. **Cultural Heritage:**

The EIAR considered a 2km study area in the assessment of potential impacts on the archaeological, architectural heritage and cultural heritage of the area. All of the recorded monuments were in this area were identified and 3 were noted to be present within the proposed development site. Following site surveys in 2002, and follow up surveys in 2022 however, it was established that the features were no longer present or evident on the surface. It is therefore concluded that the development will not directly impact any recorded monument. Mitigation measures are proposed as part of the proposed development which will include pre-development probing and testing at a number of locations to ensure that no aspect of archaeological heritage is impacted. All development works will be monitored under licence, by a suitably qualified archaeologist. I am satisfied that the development is acceptable in this regard.

9.7.6. **Public Consultation:**

The Board will note that a number of third parties raised concerns in terms of the public consultation process. It is submitted that the information event advertised presented the proposed development as 'a fait accompli'. It was further submitted that the haul routes were not determined or shown at the event.

In response, the applicant advised that the event was carried out as a public consultation where feedback was sought on all aspects of the project, including haul routes. The final iteration of the project was determined following full consultation with third parties, prescribed bodies and the County Council and was carried out in accordance with all requirements.

Having regard to all of the information available, I am satisfied that the applicant undertook adequate public consultation in accordance with legislative requirements. I have no objection to the proposed development in this regard.

9.8. Financial Contributions

- 9.8.1. The Board will note that Kildare County Council has recommended the inclusion of conditions relating to financial contributions. The calculations, and previously agreed sums as they relate to the, now not to be developed, MBT facility, have been brought forward as part of the assessment for the current proposed development.
- 9.8.2. Appendix 1 of the CEs report includes the Transport, Mobility & Open Spaces Department report, which discusses the provisions of Condition 18 associated with the ABP case ref. 09.PA0027 (MBT Facility) and that prior to the decision not to proceed with the MBT facility, the applicants and KCC had agreed a financial contribution amounting to €4.3M. A revised contribution of €7.75M is now recommended by Kildare County Council to be included as a condition of permission. The report also acknowledges that a substantial amount of survey work and traffic impact analysis has been carried out on the proposed haul routes to the proper standards, and has no objection to the proposed development, subject to the inclusion of 18 no. conditions.
- 9.8.3. The applicant has raised concerns in terms of the amounts given that the current proposal represents a smaller development in terms of scale and traffic volume impact. As such, it is submitted that as the Board does not have enough information before it to accept the figure proposed by KCC, any financial contribution condition should require that the amount be agreed between KCC and the applicant. It is further submitted that proposed conditions 19 and 20 are unreasonable as assessing road condition and programming general road repairs is the responsibility of the Roads Authority, and not the applicant. Given the acknowledged extensive surveys carried out by the applicant which provides sufficient information to the Council, the applicant considers that the request for further resurveys is considered to be unfair and an unspecified financial burden that does not meet the requirements of S48 or the Development Management Guideline standards.
- 9.8.4. The Kildare County Council Development Contribution Scheme 2023-2029 sets out a schedule of Rate Bands for developments in the County in terms of the payment of contributions in respect of public infrastructure and facilities benefitting the development, in accordance with the provisions of S48 of the Planning and Development Act 2000 as amended. In addition, Section 5.2 of the Scheme indicates that 'A special development contribution may be imposed under section 48(2)(c)

where specific exceptional costs, which are not covered by the general contribution scheme are incurred by a local authority.....’

9.8.5. Section 8 of the scheme details the levels of contribution payable and Section 8.2.3 deals with Land filling / Reclamation, stating that the development contribution rate shall be €15,000 per hectare. The Board will note that the total development site area extends to 252ha, and this is the area that the Council has based its calculation on, €3.93M. The applicant has sought that this figure be reduced to the actual footprint of the proposed works rather than the full site as development contributions have already been paid for existing infrastructure on site. It is requested that the Board, rather than specifying an amount to be paid, include a condition requiring agreement. I have no objection to this request and consider it appropriate and reasonable.

9.8.6. With regard to the previous S48(2) contribution condition (Condition 18 of ABP ref: 09.PA0027 refers) agreed between the applicant and KCC (for the MBT development no longer to be developed) the Board will note that the agreement extended to the payment of a per annum contribution of €230,000 for a 10-year period. The total amount payable was €4.3M and accounted for 31.2% of the overall estimated cost of the road and junction improvement works and traffic calming works on the haul routes. The current request is that the annual payment should be over 25 years, which would result in a total contribution of €7.75M. The Council has not provided an up-to-date costings for the road improvement works but has noted that a number of the projects identified in the 2018 report have been completed. The Transport report also notes that the road condition surveys have shown that many roads making up the haul routes in general are appropriate and do not require structural overlays. I also note that three routes are identified as not being permissible:

- Caragh Bridge
- Alexander Liffey Bridge
- Haul route from the R415 Kildare to R416 Milltown.

9.8.7. A special development contribution condition should specify the particular works carried out or proposed to be carried out to which the contribution relates (S48(12) of the P&D Act, 2000 as amended). As such, it is necessary to identify the nature and

scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development. I would not be satisfied that the Planning Authority has provided clear data to accurately calculate a reasonable special development contribution amount, but I would accept that a special contribution is likely warranted given the nature of the proposed development. I consider therefore that it is reasonable to include a condition without specifying a figure, which will require agreement between the parties prior to the commencement of development.

9.9. Planning Conclusion:

- 9.9.1. Having regard to the details and information presented, the current policy and legislative framework pertaining to the proposed development site, the nature and scale of the proposed development and having considered all of the submissions from third parties, prescribed bodies and Kildare County Council, I am satisfied that the principle of the proposed development is acceptable and accords with the principles of proper planning and sustainable development. I am further satisfied that the development accords with both national and local policies and objectives which support the development of waste management facilities including the ongoing operation of the Drehid facility. The National Waste Management Plan for a Circular Economy 2024-2030 (2024) identifies the Drehid facility as 'Nationally Important Infrastructure' which will need to continue to operate beyond 2028.
- 9.9.2. I am further satisfied that the existing road network is appropriate to accommodate the traffic movements generated by the proposed development and will not, if permitted, give rise to traffic hazards or safety issues.
- 9.9.3. The information provided in the EIAR is satisfactory to determine that the mitigation measures proposed are acceptable and appropriate to ensure the protection of the environment, including the water environments.

10.0 Environmental Impact Assessment

10.1. Introduction

- 10.1.1. The proposed strategic infrastructure development would comprise an extension to the existing Drehid Waste Management Facility (WMF), to provide for the

acceptance of up to 440,000 tonnes per annum (TPA) of non-hazardous waste material, including:

- Changes to the duration and volume of waste acceptance at the landfill facility;
- Development of additional landfill capacity to provide for the landfilling of non-hazardous waste for a period of 25 years;
- Development of new processing facilities for certain waste types prior to use within the facility boundary for engineering purposes, landfilling or export from the Drehid WMF for further processing off-site;
- Increase in acceptance of waste at the existing Composting Facility and removal of the restriction on the operating life of the Composting Facility contained in Condition 2(2) of ABP Ref. No. PL.09.212059; and
- Development of associated buildings, plant, infrastructure and landscaping.

10.1.2. Following Section 37B pre-application consultations with An Bord Pleanála, ABP-312446-22 refers), the application was submitted under Section 37E of the Planning and Development Act 2000 (as amended) and it was accompanied by an EIAR, as required for any application made under this section of the Act.

10.1.3. I am satisfied that the EIAR has been prepared by competent experts to ensure its quality and completeness. The qualifications, memberships and competencies of the EIAR contributing authors, and chapters to which they contributed, are set out in Section 1.6, and Tables 1-2 and 1-3 of Volume 2 – Main Body of the EIAR. I am further satisfied that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct and indirect effects of the proposed development on the environment, is up to date and complies with article 94 of the Planning and Development Regulations 2001-2019, and the provisions of Article 5 of the EIA Directive 2014.

10.2. **Environmental Impact Assessment Report**

10.2.1. The EIAR submitted with the planning application is presented in four volumes including Volume 1 - Non-Technical Summary, Volume 2- Main Body, Volume 3 – Appendices and Volume 4 – Photomontages.

10.2.2. The EIAR seeks to:

- Describe the proposal, including the site, and its surroundings, as well as the development's design and size:
- Describe the likely significant effects of the project on the environment:
- Describe the features of the project and measures envisaged to avoid, reduce and, if possible, remedy significant adverse effects:
- Describe the main alternatives studied and the main reasons for the choice of site and development, taking into account the effects on the environment:
- A non-technical summary is also provided.

The classification and description of effects in the EIAR follow the terms provided in Table 3.4 of the EPA Guidelines 2022, included in Table 1-1 of the EIAR for ease of reference, to ensure consistency of terminology throughout the EIAR.

10.2.3. The Non-Technical Summary provides an introduction and seeks to describe the proposed development, as well as provide a summary of the findings about each of the environmental topics that are examined in the EIAR. The information presented is in clear and non-technical language. I am satisfied that the NTS is acceptable.

10.2.4. Volume 2 – Main Body of the EIAR provides 16 chapters, with Chapter 1 including an introduction to the development and setting out the scoping, format and structure of the document while noting that no general difficulties or limitations, including technical deficiencies or lack of knowledge, were encountered in the compiling of information in the preparation of the EIAR. No limitations associated with the content of the EIAR are noted due to Covid-19 and associated public health measures. Chapters 2, 3 and 4 of the EIAR set out a description of the proposed development, an assessment of reasonable alternatives and the policy, planning and development context. The EIAR, in Chapters 5 to 14, seek to address environmental matters associated with the proposed development in a grouped format and Chapter 15 deals with interactions of the foregoing. Chapter 16 presents a full schedule of mitigation measures. The EIAR is advertised in the public notices.

10.2.5. Details of consultations engaged in by the applicant in preparation of the EIAR are also set out in the document and are considered acceptable. I am further satisfied that the application has been made accessible to the public through electronic means, as well as hard copies being available.

10.2.6. Volume 1 of the EIAR is presented under the following chapter headings:

- | | |
|--|------------------------------------|
| 1. Introduction | 9. Material Assets |
| 2. Description of the Proposed Development | 10.Noise & Vibration |
| 3. Reasonable Alternatives | 11.Landscape and Visual |
| 4. Policy, Planning & Development Context | 12.Air Quality & Climate |
| 5. Population & Human Health | 13.Cultural Heritage |
| 6. Biodiversity | 14.Traffic & Transport |
| 7. Soils, Geology and Hydrogeology | 15.Interactions of the Foregoing |
| 8. Water | 16.Schedule of Mitigation Measures |

10.2.7. The EIA identifies and summarises the likely significant effects of the proposed development on the environment with respect to a number of factors. It identifies the main mitigation measures and residual impacts following mitigation, it assesses cumulative impacts, and it reaches a conclusion with respect to each of the factors. Chapter 15 also considers the interactions of each factor. Mitigation measures are set in each chapter and summarised in Chapter 16. The content and scope of the EIAR is considered to be acceptable and in compliance with Planning Regulations. No likely significant adverse impacts were identified in the EIAR following mitigation.

10.2.8. Article 3(2) of the Directive require a consideration of the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The EIAR addresses this issue in section 5.4 and within the Population & Human Health Chapter. It notes that given the location of the site, together with the nature of the proposed project, the risk of natural disasters is limited to peat instability and flooding (addressed in Chapters 7 and 8 of the EIAR). Facility fires or gas explosions are also addressed and having regard to the design considerations, safety checks and construction and operational processes, together with the separation distances to any residential property, it is concluded that the risk of such disasters occurring, affecting the project and causing it to have significant environmental effects is low.

10.2.9. The site is not regulated or connected to or lies in close proximity to any SEVESO site which is regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations. The closest SEVESO site is approximately 6.4km to the north east of the site, being the Irish Industrial Explosives at Clonagh. While there are unlikely to be any effects deriving from major accidents and or disasters, I note that Kildare County Council has indicated that consultation with the HSA should be carried out. I note that the applicant consulted with the HSA on the matter but received no feedback. I am satisfied that the matter has been adequately addressed.

10.3. Consideration of Alternatives

10.3.1. In terms of the requirements to consider alternatives, the following is relevant:

- Article 5 (1) (d) of the 2014 EIA Directive requires:
“(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;”
- Annex (iv) (Information for the EIAR) provides more detail on ‘reasonable alternatives’:
“2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for electing the chosen option, including a comparison of the environmental effects.”

10.3.2. Chapter 3 of the EIAR seeks to address the assessment of project alternatives considered. These include the ‘Do-Nothing’ Alternative where it was concluded that in this scenario, the prospect of most efficiently dealing with waste would be lost as another facility would be required to replace it. In terms of alternative locations, Section 3.6 of the EIAR notes the significant amount of infrastructure already in place at the Drehid site, together with the substantial investment to provide the existing high-quality facility. The site lies within 15 minutes of the identified

‘Centroid’¹ which indicates that the waste transport will be efficient and therefore, the location of the site is appropriate. The EIAR also notes that the existing facility went through a site selection process when originally proposed and the location emerged as the most suitable.

- 10.3.3. Section 3.7 of the EIAR deals with alternative layouts/design and notes that the development will use existing infrastructure at the facility. Potential locations were considered in this context and with a view to minimising the impact of the development on the surrounding environment, amongst a number of other factors. The proposed layout/design has regard to proximity to sensitive receptors and guidance on the Best Available Techniques for the Waste Sector, as well as other environmental aspects. Table 3-2 of the EIAR sets out the detail of environmental effects relative to the proposed site layout/design. The size and scale of the proposed development was determined in consultation with the Local Authority and the Regional Waste Management authority.
- 10.3.4. Alternative processes/technologies were also considered which included landfill (incineration, exporting waste and increasing levels of waste prevention, reduction, reuse and recycling), composting (anaerobic digester process, selected composting technologies) and sand and stones and C&D waste processing facility. The proposed facility will use all modern best practices and existing infrastructure, which ensures that the processes as proposed are the most viable options for the site.
- 10.3.5. Chapter 3 of the EIAR addresses alternative mitigation measures and concludes that the measures considered are those which avoid developing on or minimising effects on environmentally sensitive areas and the local population. The proposed development site is therefore considered to be a suitable location for the facility with regard to the criteria considered.

Conclusion:

- 10.3.6. In the context of the National Waste Management Plan for a Circular Economy 2024-2030, which was made on the 22nd February, 2024 and covers the period 2024 – 2030, the Board will note that the Drenid Waste Management Facility is identified as ‘Nationally Important Infrastructure’. Core Policy 12 of the Plan recognises and

¹ The ‘Centroid’ is defined as the geographical location that would minimise the distance that waste inputs would have to travel. 2021 weighbridge data from the Drenid facility (as an existing national facility that receives waste from sources all around Ireland) was used to locate the centroid between Clane and Sallins, Co. Kildare.

supports the need for nationally and regionally important waste infrastructure, while Focus Area 15 seeks 'to maintain adequate disposal capacity at landfills and provide for contingency capacity for unforeseen events. Existing landfill capacity is noted to be essential and as such, I am satisfied that the proposed development accords with recent national waste management policy.

10.3.7. In terms of an alternative location, I note that the subject site was previously considered a reasonable choice for the type of development proposed. I further note that the current proposal does not include a provision for hazardous waste and as such, I am satisfied that the issue of alternatives has been addressed in the submitted EIAR.

10.4. Environmental Impact Assessment

10.4.1. This assessment has had regard to the application documentation, including the Environmental Impact Assessment Report, and all other supporting reports submitted, as well as all written submissions. In accordance with the requirements of Article 3 of the EIA Directive and Section 171A of the Planning and Development Act, 2000 (as amended), the environmental assessment is carried out against the following factors:

- (a) population and human health,
- (b) biodiversity, with particular attention to protected species and habitats protected under the Habitats Directive and the Birds Directive,
- (c) land, soil, water, air and climate,
- (d) material assets, cultural heritage and the landscape,
- (e) the interaction between the above factors.

10.5. Population and Human Health

10.5.1. The Board will note the concerns of the third parties with regard to the impact of the proposed development on human health primarily relate to residential amenity, smells and odours and potential for increase in vermin.

Population

10.5.2. Chapter 5 of the EIAR deals with Population and Human Health and the impacts associated with the proposed development are based on a desk top study and site visit. I note that impacts on population and human health as a result of the proposed

development have also been considered in other chapters of the EIAR including Water (Chapter 8), Material Assets (including land use) (Chapter 9), Noise and Vibration (Chapter 10), Landscape (Chapter 11), Air Quality & Climate (Chapter 12), Traffic and Transportation (Chapter 14) and interactions between the environmental factors and population and human health (Chapter 15).

- 10.5.3. Figure 5.1 includes details of the site boundary and a 500m and 1,000m buffer which includes details of sensitive receptors within these buffer areas. The largest concentration of houses lie to the north west of the site in the village of Derrinturn, which is approximately 2.6km from the site, and the settlement of Timahoe is approximately 1.7km to the east.
- 10.5.4. An assessment of the 2016 census of population statistics for the study area is included and Section 5.2.2.2 presents a socioeconomic profile for the ED of Timahoe South. The workforce is employed in a diverse range of industries, with the highest occupational group for both male and females being in commerce and trade. Visitor attractions for County Kildare are noted and the closest listed building to the site is Coolcarrigan House, at 1.3km from the site. There is no visual connection to this property due to the presence of a coniferous forestry plantation, and proposed traffic routes to the site will not impact on visitors to the House.
- 10.5.5. The EIAR does not anticipate any significant effects on the population of the area due to the proposed development. A slight long-term negative effect on residential amenity is anticipated in terms of roads, noise, dust and odour.
- 10.5.6. The development has the potential to retain and create several new jobs and during construction, it is envisaged that there will be an additional 20 construction staff, with up to 30 construction staff employed during peak construction phases. When operational, there will be approximately 8 additional full-time employees.
- 10.5.7. The site is sufficiently distanced from any tourism attractions and the development will therefore have no impact in terms of roads and visual effects.
- 10.5.8. Mitigation measures are set out in Section 5.2.4 of the EIAR and overall, the development is determined to have a slight positive long term residual effect on the local population through construction and operation workers. The impacts on residential amenity due to the construction phase and associated noise are anticipated to be in line with the current situation on site. The establishment of a

Community Benefit Fund is considered to be a long-term positive effect on the local community in general.

Human Health

10.5.9. Impacts to human health arising from the proposed development are considered in the context of the findings of other chapters in the EIAR as they relate to Water (Chapter 8), Material Assets (including land use) (Chapter 9), Noise and Vibration (Chapter 10), Landscape (Chapter 11), Air Quality & Climate (Chapter 12), Traffic and Transportation (Chapter 14) and interactions between the environmental factors and population and human health (Chapter 15).

10.5.10. The EIAR considers a suite of guidelines, policies and legislation documents and the assessment is focused on the potential human health effects related to potential emissions, during the construction or operational phases. I note that the most up to date guidance has been employed as part of the assessment of Human Health (Guidelines on the Information to be Contained in Environmental Impact Assessment Reports, EPA (2022), Guide to Effective Scoping of Human Health in Environmental Impact Assessment, Institute of Environmental Management and Assessment (IEMA) (2022) and Guide to Determining Significance for Human Health in Environmental Impact Assessment, IEMA (2022)), and the EIAR acknowledges that these documents are not entirely consistent with each other. A literature review referred to in the preparation of this chapter is included at various sections, including relevant guidelines, policy and legislation at section 5.3.2 and hazard identification in Section 5.3.6.

10.5.11. A number of third parties and local residents have raised concerns regarding the health effects arising from the proposed development on people living in the area. The assessment of the effects of the proposed development are presented in terms of emissions to air, noise emissions and emissions to water, as well as the potential for psychological effects and residual health effects.

- Emissions to air – Refer to Chapter 12.
 - Odour: In compliance with the relevant odour criterion at the worst-case receptor.
 - Air Quality: Ambient NO₂ concentrations and PM₁₀ / PM_{2.5} emissions in compliance with the relevant limit values at

the worst-case receptor.

Traffic air dispersion model indicate that the residual effect on air and climate are predicted to be negligible at operational phase, for the long and short term.

- Construction Dust: With dust minimisation measures implemented, fugitive dust emissions will be insignificant.

All emissions from the proposed facility will be in compliance with the ambient air quality standards and will not lead to a substantive risk of non-compliance or odour nuisance.

Human health effect for all receptors arising from potential emissions to air are assessed as being imperceptible.

- Noise emissions – Refer to Chapter 10.

- Construction Phase: With mitigation, the noise emissions will result in a neutral effect and will be of a short term and slight effect at the majority of noise sensitive locations. Vibration effects are determined to be short term and imperceptible.

- Operational Phase: Noise levels are well below the operational noise criteria in all instances. There are no vibration effects associated with this phase.

In terms of traffic, the additional traffic associated with the proposed development are negligible. The increase in traffic noise along link roads is less than 3dB(A) which is defined as being of negligible effect. During peak periods, there will be instances of noise level increases of up to 4dB along the closest access roads.

Overall traffic noise is minor to moderate, perceptible effect during peak periods.

Human health effect for all receptors arising from noise are assessed as being imperceptible.

- Emissions to Water – Refer to Chapter 8.

- The potential effects on water have been assessed as being minor and long term in nature.

Given that there will be no effect on water quality standards, the effects on human health are assessed as imperceptible.

- Potential for psychological effects –
 - Considers the potential effects on mental health associated with for example, the annoyance of the temporary effects of the construction phase, and how people react differently to the same events.
 - As there has been a waste management facility at the site since 2008, it is likely that the psychological impacts of the proposed development would be relatively small.
 - Access to the service – bin collection and appropriate management of waste, could be considered as protecting health and wellbeing.

Overall, the assessment on potential psychological impacts of the facility are neutral.

- Residual health effects – imperceptible.

10.5.12. I am generally satisfied that the EIAR considers the potential impact of the proposed development on human health in the context of the relevant vectors such as noise, air quality and traffic in further chapters of the EIAR. I have referred to the vulnerability of the project to major accidents / disasters in 10.3.9 above and accept that the potential for a significant effect on population and human health from such events is low.

Cumulative Effects

10.5.13. This chapter of the EIAR considers the potential cumulative effects associated with existing, permitted or currently proposed developments within the wider and local study areas. While there is potential for cumulative effects on the local population and human health in terms of noise, traffic, dust, odour and visual effects, these effects are also discussed in the relevant chapters. However, significant cumulative effects of existing and permitted developments in the wider area are not anticipated.

10.5.14. No in-combination or cumulative impacts are likely to arise in terms of population and human health, socio-economic, employment, tourism, residential amenity and health and safety due to the project.

Mitigation Measures

10.5.15. Mitigation measures are proposed in other chapters of the EIAR as they relate to specific aspects of the environment. No specific mitigation is proposed in relation to the protection of human health.

Residual Impacts

10.5.16. No significant residual impacts are envisaged in terms of population or human health. I have considered potential impacts on general and residential amenities above in the Planning Assessment section of this report.

Conclusion

10.5.17. I have read and considered all of the submissions made in relation to population and human health and have had regard to the relevant chapters of the EIAR in this context. In particular, I note the potential impacts associated with noise and vibration (Chapter 10 of the EIAR) and note the relevant criteria for assessing associated impacts. I note that the EIAR concludes that with mitigation, the noise and vibration emissions arising from the proposed development will be below the operational limits and will be in full compliance during both the construction and operational phases of the development.

10.5.18. I am satisfied that the impacts identified will be avoided and managed through specific proposals identified in the EIAR. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of population and human health. I am also satisfied that cumulative effects are not likely to arise.

10.5.19. The applicant also advises regarding the Community Benefit Funds and Community Investment packages which will be provided to communities across both local authorities in the area of the site. Such measures will present a positive socio-economic benefit to the local communities in the area.

10.6. Biodiversity

10.6.1. Chapter 6 of the EIAR deals with biodiversity and the Board will note that a Natura Impact Statement (NIS) was submitted in support of the proposed development application. The NIS is dealt with in section 11 of this report below but there will also be a degree of overlap. The methodology employed to prepare this chapter of the EIAR is set out and included a desk top study including a review of available information and field studies which were carried out on 26th January and 4th and 5th May 2022. This chapter of the EIAR also includes details of the personnel involved in the preparation of the chapter and sets out the scoping and consultations which were undertaken by the applicant.

10.6.2. Surveys undertaken included:

- Habitat and Botanical Survey – included invasive species search
- Fauna Surveys
- Target surveys:
 - Badger
 - Otter
 - Other Mammals
- Birds
- Bats
- Other classes of taxa surveyed include:
 - Smooth Newt
 - Marsh Fritillary
- Aquatic Surveys

10.6.3. The importance of the habitats and species present is evaluated using the guidance document Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal, and Marine published by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018, updated 2019) and Good Practice Guidance for Habitats and Species (CIEEM 2021).

Existing Environment

- 10.6.4. The existing environment is set out in the EIAR and while there is no designated site within the proposed development site, hydrological connectivity was identified between the site and the following Natura 2000 sites – River Barrow and River Nore SAC (Site Code: 002162), River Boyne and River Blackwater SAC (Site Code: 002299), the River Boyne and River Blackwater SPA (Site Code: 004232) and the Boyne Coast and Estuary SAC (Site Code: 001959). In addition to the Natura 2000 sites, the EIAR identified three NHAs and twenty one pNHAs in the vicinity of the proposed development site – Table 6-7 of the EIAR. Of these twenty four sites, eleven have a viable hydrological link to the site.
- 10.6.5. A desk top study of habitats and flora using data from ecological stakeholders and NGOs were reviewed and a search of the NBDC database was undertaken to identify species previously recorded within the 10km grid square in which the proposed development site lies (Table 6-8 of EIAR refers). A Bat Landscape Suitability assessment was undertaken to determine the habitat suitability of the study area for bats, which, with a score of 18.89 for all bats, suggests that there is limited suitable habitat and roosting sites for bats within the proposed development site. Data from IFI surveys on the Figile River were also consulted in the preparation of this chapter of the EIAR, as were previous ecological assessment survey data.
- 10.6.6. Habitats present across the site are noted in Section 6.5.2 of the EIAR where it is advised that the majority of the proposed development site comprises re-vegetated cutover bog. The area was previously used for commercial production of sod peat and the majority of the area was dry with no sphagnum mosses present. The drier area of the habitat is noted to be grading into scrub habitat and the small wetter areas of pools recorded towards the southern boundary of the proposed development site, were noted to include clumps of sphagnum moss and several adult frogs were recorded within the waterlogged areas. The habitat at the site is assessed as being of Local Importance (higher value).
- 10.6.7. The several heavily modified, large drainage ditches which occur across and along the perimeter of the site are to be blocked and redirected from the Cushaling River towards the Mulgeeth Stream. These ditches were noted to be heavily loaded with peat sediment and the water was dark brown in colour. While the ditches were not assessed as having fishery value, they were considered likely to support aquatic macroinvertebrates and amphibians. During the bat survey, Daubenton's bat were recorded foraging along one of the ditches towards the western boundary of the site.

The habitat at the site is assessed as being of Local Importance (higher value). The other habitats within the site are assessed as follows:

Local Importance (lower value)	Local Importance (higher value)
Buildings and Artificial Surfaces (BL3)	Dry Meadows and Grassy Verges (GS2)
Recolonising Bare Ground (ED3)	Scrub (WS1)
	Depositing / lowland River (FW2)

10.6.8. No Annex I habitats protected under the EU Habitats Directive or plant species listed under the Flora Protection Order (FPO) were recorded within the survey area. No invasive plant species listed in the Third Schedule of S.I. No. 477 of 2011, European Communities (Birds and Natural Habitats) Regulations 2011 were identified within the proposed development site.

10.6.9. In terms of protected fauna, the EIAR notes that badger, including tracks, snuffle holes and latrines, were recorded in several locations throughout the site. No setts were recorded during the surveys. It is considered that the cutover bog habitat is likely to be too waterlogged for badgers to establish setts, and that the setts are likely to be located in the conifer plantations nearby, using the proposed development site for foraging. A large population of red deer are estimated to be likely to be foraging throughout the proposed development site. There was no evidence of otter activity within the proposed development site. The drainage ditches were noted to be loaded with peat sediment and therefore, have no fishery value and are likely to be unfavourable for otter. Otter have however been previously recorded within the Cushaling River, approximately 6.5km downstream of the site. The populations of badger, red deer and otter are assessed as being of Local Importance (higher value).

10.6.10. In terms of bats, the EIAR notes that all trees within the proposed development site were assessed as having 'negligible' bat roost potential, and no roost sites were identified within the proposed development area. The existing buildings at the facility were also surveyed and were assessed as having 'negligible' roost potential. A total of 5no. bat species were recorded during the survey. Table 6-10 of the EIAR presents the results of the bat activity survey undertaken. Soprano Pipistrelle was the most commonly recorded species, closely followed by the

Common Pipistrelle. Bat abundance is deemed to be relatively low, with no linear features present which could provide important foraging/commuting routes for bats.

- 10.6.11. In terms of other taxa, no other protected mammal species was recorded during the field survey. There is potential that the site may support other species and as such, the mammal population are assessed as being of Local Importance (Higher Value).
- 10.6.12. In terms of birds, it is noted that while all wild birds and their nests and eggs are protected under the Wildlife Acts, no bird species listed on Annex I of the EU Birds Directive were recorded within the proposed development site. Three species of high conservation concern (Red Listed) were recorded including snipe (numerous), woodcock (single) and kestrel (single). Snipe were recorded during both the winter and breeding walkover surveys. In addition, during the dusk bat survey, a number of snipe were heard drumming which suggests that this species both breed and winter within the proposed development site. The single woodcock was recorded roosting which suggests that this species breed within the proposed development site. The kestrel was recorded hunting within the proposed development site. Full details of the bird species recorded during the walkover surveys are listed in Table 6-11 of the EIAR. The local breeding and wintering bird population is assessed as being Local Important (Higher Value).
- 10.6.13. With regard to herpetofauna and reptile species, several frogs were recorded in the wetter areas of cutover bog. The drainage ditches are also likely to provide suitable habitat. Common lizard were not recorded at the site and there is no suitable habitat present for the reptile within the proposed development site. A smooth newt survey was undertaken along the drainage ditches and small ponds present within the proposed development site, but none were recorded. The heavy sedimented ditches with little instream vegetation are sub-optimal for the species.
- 10.6.14. In terms of insects, a number of butterflies were recorded during the survey, all of which are listed as Least Concern under the Ireland Red List of Butterflies (Regan et. al., 2010). One Fox Moth caterpillar was recorded, listed as Least Concern under the Ireland Red List of Moths (Allen et. al., 2016). Due to the disturbed nature of the site, the lack of devil's bit scabious, and notwithstanding a focused survey for the species, there was no evidence of the marsh fritillary, the only protected Irish insect, within the site at any stage of its lifecycle.

10.6.15. In terms of aquatic species, the EIAR advises that the baseline aquatic ecological assessment was carried out within the Cushaling River, and not within the drainage ditches due to the heavy fine sediment content of the ditches substrate. Details of the four sites sampled are all noted to be located within the Cushaling River, which is the primary waterbody at risk from the proposed development. The water body is noted to be of poor status and is at risk of not meeting the objectives of the Water Framework Directive based on biological monitoring. No protected aquatic species were recorded at the survey sites, and there was no visual evidence of fish present. The sites were assessed as having little value as Salmonids habitat due to the lack of holding pools, boulders, spawning gravels, the presence of heavy siltation and low energy nature of the modified watercourse.

10.6.16. Table 6-14, and section 6.6 of the EIAR presents a summary of the ecological evaluation and identification of Key Ecological Receptors within the zone of influence of the proposed development site.

Likely Significant Impacts

10.6.17. In terms of designated sites, I refer the Board to Section 11 of this report which deals with the Natura Impact Statement and deals with impacts to SACs and SPAs. The EIAR assesses the potential effects on European Sites due to a degradation of water quality as short-term, moderate, negative effects during the construction and decommissioning phases and long-term slight, negative effects during the operational phase, at an international scale.

10.6.18. In terms of the 11 identified national sites (pNHAs) which are located within the Zol of the site, the EIAR notes that the site predominantly occur within the same boundaries as the River Barrow and River Nore SAC. The mitigation measures proposed for the SAC will also protect the pNHAs. No viable source-pathway-receptor link has been identified for any other site of Nature Conservation and therefore, there is no potential for impacts.

10.6.19. The proposed development site area is approximately 262ha but the total area of the proposed facility will result in the permanent loss of habitat equating to 63.5ha, of which 33.23ha is cutover bog, 25.32ha is bog woodland, 1.96ha is scrub and 2.09ha is dry meadows and grassy verges. In addition, approximately 3,855m of the existing drainage ditches will be temporarily blocked and redirected around the eastern and southern boundary of the site, resulting in a temporary loss of habitat.

The habitats to be lost amount to approximately 2.49% of the total landholding of Timahoe Bog South (2,544ha). The loss of habitat is evaluated as permanent, slight, negative effect on biodiversity at a local geographical scale.

10.6.20. During the construction phase, large areas of peat will be removed to facilitate the development elements, which will be used to screen the proposed facility in the form of a berm. The site clearance works has the potential to result in runoff of sediment and ammonia to nearby water courses and increased silt loading in watercourses can impact the water quality of river and reduce the ecological quality. There is also the potential for spills and leaks of oils, fuels and chemicals to impact on aquatic habitats. Construction works have the potential to result in a degradation of water quality which would result in short-term, negative effects on aquatic habitats and vegetation at local to international scale.

10.6.21. During the operational phase, all stormwater will be collected via drains and gullies which will discharge to surface water attenuation lagoons for further treatment. Ultimately, overflow from the lagoons will be diverted through the proposed ICWs prior to discharge to a bog drainage channel which drains to the Cushaling River, 800m to the south of the ICW discharge point. The EIAR concludes that there is no potential for water quality impacts during the operational phase of the development.

10.6.22. Excavation activities during the construction phase can result in dust emissions affecting air quality. Impacts from dust on habitats are evaluated as resulting in short-term, slight, negative effects on nearby vegetation at a local geographical scale. Chapter 12 of the EIAR includes details of the air dispersion modelling study carried out in order to determine the potential impacts associated with the operation of the facility in terms of air and odour emissions. The results indicate that at the worst-case ground level locations, the ambient ground level concentrations are significantly below the standards for NO₂. There is no potential for air emissions from the proposed development to result in impacts to any designated site.

10.6.23. In terms of fauna, there is evidence of badger activity within the proposed development site, although no setts were identified and Red Deer tracks were regularly observed throughout the proposed development site. The proposed development will result in the loss of potential foraging habitat for both species,

which will be permanent. The lost area is 2.49% of the total Timahoe Bog landholding and the loss is deemed to be small. The construction works may result in the disturbance of badger breeding sites within 150m (NRA, 2005). As no setts were recorded within this range, disturbance to the local badger population is considered unlikely during the construction phase.

- 10.6.24. No bat roosts were recorded within the proposed development site, and all trees therein were assessed as having 'negligible' bat roost potential. The construction works will result in the loss of drainage ditches and woodland which are used by bats for foraging and commuting. This loss is evaluated to have a permanent, slight negative effect on the local bat population. Disturbance potential will arise in terms of temporary construction lighting which will be short term, slight and negative at a local geographical scale.
- 10.6.25. The development will not result in the loss of any suitable habitat for otter. The drainage ditches to be blocked are unsuitable and otter are unlikely to forage or commute within or in proximity to the site. Impacts on water quality may result in indirect impacts on otter due to degradation of water quality.
- 10.6.26. The land take is considered to be small in the context of the wider Timahoe Bog habitat which will reduce the foraging and nesting potential for bird species recorded within the proposed development site. If clearance works were undertaken during the breeding season, there is potential for the loss of nests and eggs.
- 10.6.27. The drainage ditches within the site were identified as being suitable habitat for common frog. The development will therefore result in the permanent loss of the existing network. The same drainage ditches were found to have no fishery value, due their high sediment loads. The site is hydrologically linked to the Cushaling River with the potential for indirect impacts on the watercourse. No protected species, nor suitable habitat in their support, were recorded within the surveyed sections of the watercourse, but there is potential that protected species may occur further downstream.
- 10.6.28. The loss of 2.09ha of dry meadow and grassy verges habitat could potentially affect populations of butterfly and moth species, including the small population of small skipper which has recently colonised in Ireland.
- 10.6.29. Noise and vibration during the operational phase of the development has the potential to impact mammal and bird species, although it is submitted that such

species are likely to be acclimated to local disturbance from the existing facility. The introduction of additional lighting may impact nocturnal species.

10.6.30. No invasive plant species were recorded at the site during the ecological surveys. Construction activities have the potential to introduce such species if not appropriately managed. The impacts from the introduction of invasive species could result in long-term, slight, negative effects on habitats and fauna at a local geographical scale.

10.6.31. When disturbed, peat can mobilise. However, given the flat topography of the site, the risk of peat slippage is considered unlikely. Landslide susceptibility in the area is low and there are no records of previous peat slides in the winder Timahoe Bog.

10.6.32. Impacts during the decommissioning phase of the development are expected to be of a similar type to those during the construction phase but will be over a shorter duration.

Mitigation Measures

10.6.33. Section 6.8 of the EIAR sets out the mitigation measures as they relate to the protection of biodiversity. The measures proposed are generally standard, and include the submission of the CEMP, the appointment of an Ecological Clerk of Works, as well as measures relating to surface water quality. The development of the ICW will create a new wetland feature and will extend to approximately 5.61ha in area. The berms will be planted with native peatland tolerant grass and shrub species and these new habitat, extending to approximately 12.6ha, will also serve to compact and stabilise the peat, reducing runoff of suspended solids. The total area of new planting extends to approximately 75.57ha. The EIAR sets out the relevant mitigation measures as they relate to habitats, birds, mammals, aquatic ecology, other taxa for the construction phase in Section 6.8.1 while Sections 6.8.2 and 6.8.3 set out the mitigation measures for the operational and decommissioning phases. In addition, Section 6.9 sets out proposals for enhancement measures to be applied with regard to bat boxes and bird boxes.

Cumulative Impacts

10.6.34. With regard to cumulative impacts, the EIAR has considered the relevant plans and projects in the vicinity of the site. The likely potential for cumulative effects

are limited and restricted to water quality impacts. These impacts are considered in Chapter 8 – Water, of the EIAR. While there is some potential for cumulative impacts, they are considered unlikely to be significant.

Residual Impacts

10.6.35. The significance of residual impacts is considered to be insignificant on biodiversity and localised subject to the appropriate mitigation measures and best practice methodologies recommended are provided in the CEMP and implemented.

Conclusion

10.6.36. I have read and considered all of the submissions made in relation to biodiversity, including habitats, flora and fauna. Overall, I am satisfied that the EIAR has adequately considered value of the development site and surrounding area for said biodiversity. I am satisfied that any potential impacts would be avoided, managed and mitigated by the measures which form part of the proposed project, the proposed mitigation measures and through suitable conditions including monitoring conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of biodiversity.

10.7. Land, Soil & Water

10.7.1. In terms of likely significant impacts arising with regard to soils, geology and hydrogeology, I refer the Board to Chapter 7 of the submitted the EIAR, and to Chapter 8 in terms of Water. The Board will note that Mr. Emmet Smyth, ABP Scientist, prepared a Memorandum for the file which relates to both Chapter 7 and 8, specifically to address the content of the EIAR and the previous reasons for refusal for a similar development at the site. Mr. Smyth's report advises that the applicant has provided sufficient detail to facilitate the Board making a decision on this case (in the context of the subject matters of Chapters 7 (Soils, Geology and Hydrogeology) and 8 (Water)). As such, as my discussions on both of these chapters will overlap, and I propose to specifically focus on the previous reasons for refusal relating to the topics, I have combined the two chapters for assessment and discussion purposes.

10.7.2. The previous reasons for refusal associated with ABP-300506-17, relevant to these two chapters of the EIAR are as follows:

2. Having regard to the complex hydrological and hydrogeological conditions obtaining on-site, to the limited investigation carried out of those conditions and hence to the potentially inadequate mitigation measures associated with the proposed development, it is considered that on the basis of the information submitted with the application documentation and the further information submitted, the development site is unsuitable for a development of the nature and scale proposed, having regard to ongoing excess ammonia concentrations in groundwater and in local watercourses, which include watercourses with potential for salmonid habitat which flow into the River Barrow and River Nore Special Area of Conservation (Site Code: 002162). The proposed development would, therefore, have a significant adverse effect on the conservation and protection of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), and would therefore be contrary to the proper planning and sustainable development of the area.
3. The Board is not satisfied, on the basis of the information submitted with the application documentation and the further information submitted, that the subsurface geology of the site is suitable for the proposed hazardous waste cell. It is considered that given the site's high groundwater levels and the uncertainty regarding the nature of the subsurface, that the applicant has not demonstrated that the proposed development would ensure the safe disposal of this material on the site. The proposed development would give rise to a hazard to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

The Board will also note that the Inspectorate Ecologist prepared a report with regard to the potential impact of the development on the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) (referred to in reason for refusal no. 2 above). The focus of this section of my EIA report will be on those issues.

- 10.7.3. The Board will be aware that the current proposal for the site excludes the hazardous waste cell which was the primary concern articulated in reason for refusal no. 3 of the previous application. I would also note that the current EIAR, Chapter 7, seeks to specifically address the previously determined insufficient information and limited investigations carried out and that the mitigation measures presented are informed by the updated description and understanding of the baseline conditions,

including the permeability characteristics of the subsurface geology. Chapter 8 of the EIAR is structure to address the technical points cited by the Board in the previous refusal, focused on the Cushaling River as the main surface water body of concern, as well as the concentrations of ammonia as the principal pollutant concern for aquatic life in the River. In addition, the EIAR has had regard to the Timahoe South Bog Decommissioning and Rehabilitation Plan (BnM, 2022), prepared as part of the broader Peatlands Climate Action Scheme and to comply with Condition 10 of the Industrial Pollution Control Licence Ref. P0503-01.

- 10.7.4. Chapter 7 provides a baseline assessment of the environment in terms of soils, geology and hydrogeology, and includes a detailed methodology for assessment. The assessment is based on a desk top study, site investigations and monitoring. Table 7-4 of the EIAR presents a summary of 54 no. boreholes drilled, in 36 locations across the Timahoe South Bog, with 24 located within the proposed landfill expansion site. 41 no. monitoring wells were also installed, as detailed in Table 7-5. In addition, the data obtained from the 130+ trial pits which were drilled in past site investigations were also considered in the current assessment.
- 10.7.5. The subject site is generally flat with elevations ranging from 80 – 90mOD. The bedrock formation underlying the subject site can be described as massive, unbedded lime-mudstone (Waulsortian Limestone) with soils and subsoils identified as cutover peat and cutover raised peat respectively. Other sediments present include clay till, sand, gravel, pebbles and cobbles. The cores taken from the site indicate that the bedrock in the areas is naturally protected by the Quaternary age sediments which range between 10 and 22m thick.
- 10.7.6. As such, the underlying aquifer is classified by the Geological Survey of Ireland, as a Locally important aquifer with moderately productive bedrock only in local zones. The source protection zones of the closest public water schemes are the Johnstown (4.8 km to the northeast) and Robertstown (7.1km to the southeast). There are a number of private domestic wells in the vicinity, but none within 1km of the site. The vulnerability of the groundwater is deemed to be Low and as such, the groundwater response matrix indicates that the relevant protection response category for the siting of landfills is 'R1'. The applicant, however, has been cautious and applied the more stringent protection response of 'R21' due to the presence of sand and gravel lenses in the overlying till. In addition, mitigation measures are proposed for the protection of ground waters.

- 10.7.7. Based on the conceptual site model, Table 7-21 of the EIAR presents a summary of potential sources of contamination associated with the WMF and the proposed development. The potential receptors are detailed in Table 7-22, the potential pathways connecting sources and receptors are presented in Table 7-23 and potential interactions between site features are summarised in Table 7-24. The monitoring regime for the development is included in Table 7-25.
- 10.7.8. Chapter 8 of the submitted the EIAR has sought to address the potential effects associated with the development on surface water quality, and in particular, refers to the Boards previous concerns relating to ammonia concentrations and suspended solids and the risks in particular to the Cushaling River, a tributary of the River Barrow. The chapter provides a re-examination of ammonia and seeks to determine its sources and contributions in order to justify the suitability of the mitigation measures proposed and the expected effects of the proposed development on the water quality of the river. The EIAR has had regard to the TSB Plan and submissions and information received during the EIA consultation process. I again refer the Board to the reports of the Boards Scientist, Mr. Smyth and Inspectorate Ecologist, Dr. Flynn, and their assessments and conclusions as they relate to surface waters.
- 10.7.9. The EIAR presents a clear methodology in terms of the assessment and appraisal of the potential impacts of the development on the water environment and sets out the criteria considered for estimating the magnitude of effects on the receiving waters. The assessment is based on a desk top study, baseline monitoring and site investigations. In addition, the assessment considers key existing drainage features and designated sites and protected areas as well as the WFD status and sensitivities of the water bodies. The EIAR also considers historical data which were collected prior to the development of the existing Drehid Waste Management Facility at this location and a flood risk assessment (Appendix 8-2) was also carried out for the proposed development.
- 10.7.10. The proposed development site lies within the sub-catchment of the Cushaling river (Figile_010), and this is the primary waterbody deemed to be at risk from the proposed development. The waterbody is currently noted to be poor status and is deemed to be at risk of not meeting the objectives under the Water Framework Directive, based on biological monitoring. Other surface waters in and around the proposed development include to the east is the Blackwater (Longwood)_010, to the North of the facility is the Blackwater (Longwood)_020, to

the East and to the Southeast the south the Abbeylough_010. Both the Blackwater (Longwood)_010 and _20 are deemed to be of poor status and at risk based on biological monitoring, while the Abbeylough_010 is of moderate status and at risk based on modelling.

10.7.11. Section 8.4.13 and Section 8.4.14 present the surface water quality data from the EPA and Bord na Mona respectively. The EPA data note that the water quality is characterised by elevated concentrations of nitrate, orthophosphate and true colour. Orthophosphate concentrations are consistently above the AA-EQS of 0.035mg/L and together with nitrate, show increasing trends over the period of record. Ammonia concentrations are generally decreasing in the period of record (2007-2022). The BnM data is based on samples from three surface water monitoring locations as part of their IED license, at stations SW6, SW5 and SW4. Samples from these locations are analysed by an external laboratory for total ammonia, suspended solids, specific electrical conductivity, biological oxygen demand, pH and chloride. Based on all of the available data, the EIAR concludes that NH₄⁺ (ionized ammonia or ammonium) is the dominant form of ammonia present in TSB drains and the Cushaling River.

10.7.12. The main contribution of ammonia to surface water courses is both historically and currently from the bog and not the WMF. The data demonstrate that historical emissions from the WMF are lower than licence stipulated limits and this has guided the planning, design and implementation of the proposed development, including the types and locations of mitigation measures necessary to protect local water courses.

Likely Significant Effects

10.7.13. In terms of likely significant effects on soils, geology and hydrogeology and water, the Board will note that I have had regard to all written submissions and concerns raised by third parties and prescribed bodies. In the do-nothing scenario, I would note that the implementation of the Timahoe South Bog Decommissioning and Rehabilitation Plan proceeds. Post closure of the WMF, environmental monitoring will continue under the existing licence conditions and there will be no likely effects on the geological environment. With the implementation of the TSB Plan, the peat becomes re-wetted, leaching of eg. ammonia is reduced and the habitat conditions in the bog improve.

10.7.14. In terms of likely significant effects on soils, geology and hydrogeology, during the construction and operational phases, and in the absence of mitigation measures,

both designed and planned, there is potential for the development to negatively impact the groundwater environment. The pre-mitigation effects are clearly and comprehensively described in each element of the proposed development during the construction phase (Section 7.5.2 refers) and operational phase (Section 7.5.3 refers).

10.7.15. I refer the Board to the Memorandum from Mr. Emmet Smyth, Board Scientist, who gives a clear and detailed assessment of the issues relating to groundwaters (Appendix 3 of this report), and the report advises:

Overall, the main points that can be taken from the data as presented in chapter 7 would be that elevated ammonia in the groundwaters is linked to leaching from the peat across the full extent of the Timahoe South Bog. In addition, trace metals and elevations of same can be attributable to their natural occurrence within the quaternary sediments and the bedrock and leaching from same. It is reasonable to reach the conclusion that in the event of groundwaters directly being impacted by leachate from the waste facility greater levels of the indicator parameters would be observed in the groundwaters and based on the data submitted this would not appear to be the case.

10.7.16. In terms of likely significant effects on the water environment, during the construction phase, the Board will note that the EIAR identifies that without mitigation, the activity can release sediments and organic matter into adjacent drains, which could be transported to the Cushaling River. The effects are described as negative, slight, likely, temporary and would be repeated with each landfill expansion phase.

10.7.17. In terms of the operational phase of the development pre-mitigation effects are described as negative, likely, moderate and long-term, with effects assessed to be neutral post-mitigation.

Mitigation Measures

10.7.18. Mitigation measures as they relate to soils, geology and hydrogeology are presented in terms of by design and avoidance and are proposed are based on the practical experiences from the construction of the existing facility at Drehid. Ultimately the proposed development is deemed unlikely to have significant effects

on the groundwater environment in terms of groundwater sourced public or private water supplies or to the Water Framework Directive qualitative status classification.

10.7.19. In terms of surface water, the principal objectives of the mitigation measures are to control water discharges, to limit chemical and sediment loading to receiving surface water bodies and to prevent accidental spills and leaks from occurring. Again, the measures are presented in terms of mitigation by design or avoidance and include monitoring and regular inspections of the drainage system, particularly during rainfall events to check for damage and blockages.

Residual Impacts

10.7.20. No significant negative residual impacts are envisaged in terms of soils, geology and hydrogeology and water following the development and operation of the project. Residual impacts in terms of soils, geology and hydrogeology are deemed to relate primarily to earthworks and localised drainage and rewetting of peat, and residual effects in terms of water are not significant and essentially reversible through remediation. The WFD status of the waterbodies will not deteriorate, it cannot be certain that the status will improve. During the operational phase, the EIAR indicates that the post-mitigation residual effects on water will be neutral or positive, likely, slight and long-term.

10.7.21. No likely significant effects on flood risk from the proposed development are assessed to occur.

Cumulative Effects

10.7.22. In terms of cumulative effects, the EIAR notes that there is an agreement in place with regard to the traversing of the planned Shannon Pipeline across the north western corner of the TSB. While details are not yet finalised the EIAR submits that in combination with the proposed development, the pipe line is not expected to have any likely significant cumulative effects on the geology, hydrogeology or water environments.

10.7.23. In addition to the above, the EIAR notes the TSB Plan. It is anticipated that the implementation of the Plan will have a positive effect on water quality in the Cushaling River, particularly with regard to ammonia. The same effect is expected in the groundwater environment, with the lowering of ammonia and metals in the groundwater. The proposed modified drainage will accommodate both the proposed

WMF and the Shannon Pipeline and do not significantly affect groundwater fluxes or baseflow contributions to the Cushaling River.

10.7.24. Cumulative effects on Mulgeeth Stream involve minor changes to the flow and load contribution to the Blackwater (Longwood) River downstream but the evidence indicates that the effects will not affect the characteristics or sensitivity of the river. Cumulative effects will not result in deterioration of the WFD status of the Figile_10 or Blackwater (Longwood)_10 river bodies, and the expected improvements in conditions at the outflow of Cushaling River from TSB, has potential to improve the present 'poor' status classification in the future.

10.7.25. In terms of other plans and projects in the area, due to the distance from the site or the scale, no interactions are anticipated with no likely significant cumulative effects arising.

Conclusion

10.7.26. I have read and considered all of the submissions made in relation to soils, geology and hydrogeology and water. The EIAR has presented adequate information in relation to the proposed development in terms of soils, geology and hydrogeology (Chapter 7), and water (Chapter 8) including mitigation and monitoring proposals. I am satisfied that the potential impacts identified, will be avoided and managed through specific proposals identified in the EIAR and I accept that the proposed development will not, in and of itself, have any likely significant effects on the receiving groundwater and surface water environments and there are no identified risks of impact to any designated sites or protected areas which are dependant of water as a source of supporting conditions. The mitigation measures presented are detailed and represent best construction practice.

10.7.27. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of soils, geology and hydrogeology and water. I am also satisfied that cumulative effects in combination with other plans and projects in the area are not likely to arise and no significant residual impacts are anticipated.

10.7.28. In terms of the previous reasons for refusal at the site and having regard to the report of the Board Scientist, I am satisfied that the applicant has adequately and fully addressed the previous reasons for refusal as they relate to the geology of the site and the issue of ammonia concentrations in the waters. Based on the evidence

submitted, including the data and science, I accept the position taken by the applicant, that it is the peatlands within the Timahoe South Bog which comprises the major influence on groundwaters and surface waters, rather than the existing waste management facility. As such, I accept the conclusion of Mr. Smyth that given the evidence submitted and the in-situ mitigation measures presently being utilised and being proposed and the fact this facility is and will be licensed by the Agency, the applicant has submitted sufficient evidence regarding the potential for environmental impact to support the development as proposed.

10.8. Air & Climate

- 10.8.1. Chapter 12 of the EIAR deals with air and climate and considers the potential impact of the development through all phases of the development. The EIAR sets out the relevant legislation, standards and guidance as well as the methodology employed in the preparation of the chapter, as they relate to odour, air quality and climate assessments. In terms of the receiving environment, the site is noted to be located within a landholding which has a total area of 2,544ha and the nearest sensitive human receptor is a dwelling which is located over 1km from the proposed works area. In terms of air monitoring and assessment, the proposed site lies within Zone D. The air quality can be described as good given the existing baseline levels of NO₂, PM₁₀ and PM_{2.5} and benzene (C₆H₆) (based on existing and available data) are well below both national and EU ambient air quality standards.
- 10.8.2. Air quality and odour dispersion modelling was carried out using the US EPA regulatory model AERMOD to assess the additional impact of the proposed development. Traffic modelling and potential impacts were assessed in terms of sensitive receptors as per TII Guidelines 2022 and greenhouse gas (GHG) emissions were calculated using GE-ENV-01106: TII Carbon Assessment Tool for Road and Light Rail Projects and User Guidance. In the context of the total national GHG emissions in 2021, waste is noted to have contributed 1.5%, with agriculture (37.5%), transport (17.7%), energy industries (16.7%) and residential (11.4%) making up 83% of total emissions in Ireland.

Likely Significant Effects

- 10.8.3. In terms of odour emissions, the EIAR notes that the green waste composting and landfill are identified as the primary source of odour at the proposed development

site. Table 12.20 of the EIAR presents the maximum odour emissions results at the closest sensitive receptors to the site. The results indicate that at the worst-case receptor, the likely odour impact is classed as slight, long term, reversible and localised.

10.8.4. In terms of air quality, the applicable standards are outlined in the Air Quality Regulations 2022 (S.I. No. 739/2022) which incorporate the CAFE2 Directive, and which set limit values for a number of pollutants for the protection of human health and NO_x limit values for the protection of ecosystems. The assessment of air quality also includes construction and operational traffic. For dust deposition, the EIAR applies the German TA Luft, 2002, guideline of 350mg/(m²*day) as measured using Bergerhoff type dust deposit gauges.

10.8.5. The results of NO_x and PM Dispersion modelling indicate as follows;

- that the ambient ground level concentration of NO₂ at the worst-case location are significantly below the relevant air quality standards, at 20% of the maximum 1-hour limit value, and 23% of the annual limit value. No additional emissions of particulars as a result of the proposed development are anticipated.
- that the ambient ground level concentration of PM₁₀ / PM_{2.5} at the worst-case location are below the relevant air quality standards, with cumulative emissions from the gas utilisation plant dust filter leading to an ambient concentration of PM₁₀ at 59% of the maximum 24-hour limit value, and 36% of the annual limit value, with 3.5% as a contribution due to the Drehid facility. Ambient PM_{2.5} levels are estimated to be 42% of the annual mean limit values, with 5.5% as a contribution due to the Drehid facility. The impact therefore is assessed to be negligible, long term, reversible and localised.

10.8.6. With regard to the climate assessment, the EIAR calculates that the proposed project will result in a total construction phase GHG emissions of 77,567 tonnes CO₂ eq over a 25 year period, or 3,103 tonnes annually. It is submitted that the proposed development will provide infrastructure to screen out recyclable materials from landfill, reducing reliance on same, and therefore will support the reduction of carbon emissions as set out in CAP23. The climate change risk assessment has been prepared for the operational phase, which assesses the likelihood and

² Clean Air For Europe Directive – published 2008 in order to improve the quality of air in Europe and to limit exposure to air pollution.

consequences of potential impacts occurring and assessing the significance. This assessment also considers the potential for Major Accidents and Natural Disasters. Flooding is highlighted as the most likely impact due to climate change.

Mitigation Measures

- 10.8.7. Mitigation measures are proposed in terms of air quality particularly during the construction phase of the development in order to minimise the potential for fugitive dust emissions in particular. A dust minimisation plan is included at Appendix 12-3 and will be monitored during the construction phase to ensure continued effectiveness of the procedures in place.
- 10.8.8. In terms of operational phase odour, it is noted that the Drehid facility currently operates an odour mitigation and management plan which includes a range of odour abatement measures for the composting facility. All processes associated with this element of the facility are internal. An odour management plan will be in place for the proposed development.
- 10.8.9. In terms of air quality, no significant operational phase impacts are predicted from traffic. Notwithstanding, site specific mitigation measures are noted to be required for the existing facility with regard to traffic idling, scheduling of deliveries, emissions and dust management controls.
- 10.8.10. With regard to climate, it is submitted that the mitigation measures in place to minimise emissions as detailed above, together with monitoring of carbon emissions and ongoing management of adaption and mitigation, the vulnerability of the development to climate change are considered through management plans.

Cumulative Effects

- 10.8.11. Significant cumulative effects are not assessed as likely to occur, subject to the implementation of mitigation measures, with regard to odour, air quality or climate.

Residual Impacts

- 10.8.12. No significant negative residual impacts are envisaged in terms of air and climate, with residual impacts assessed as being negligible to slight, long term, reversible and localised.

Conclusion

10.8.13. I have read and considered all of the submissions made in relation air and climate. I would acknowledge that the existing facility has been the subject of some complaints in terms of odour, with 2 noted in 2022. It is submitted by the applicant that the number is decreasing annually. I am satisfied that the development, if permitted, will not significantly increase emissions as to significantly impact odour and air quality in the area, and will be managed through specific mitigation proposals identified in the EIAR. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of air and climate.

10.9. **Material Assets**

10.9.1. Chapter 9 of the EIAR deals with Material Assets. The description of Material Assets in the EPA Guidelines, 2002, include architectural, archaeological, and cultural heritage, designed landscapes, natural resources of economic value, buildings and structures and infrastructure. Having regard to the format of the EIAR submitted, these aspects of the environment are covered under a number of chapters as follows:

Chapter 7: Land and Soils

Chapter 8: Water

Chapter 11: Landscape

Chapter 13: Cultural Heritage

Chapter 14: Traffic and Transportation

10.9.2. Chapter 9 of the EIAR deals with material asset relevant to the proposed project under the headings of land use and other material assets. Other material assets are noted to include electricity lines – both above and potentially below ground, water and waste infrastructure, utilities and other large nearby businesses including Irish Explosives and Carbury Substrate (Monaghan Mushrooms).

Existing Environment

10.9.3. The subject site lies within the Bord na Mona landholding which comprises the Timahoe South Bog. The site is accessed via the existing roads infrastructure serving the existing waste management facility on the wider site, and if permitted, will

form an extension to the existing facility. The site is generally flat and comprises cutaway / cutover peatland. Outside of the existing landfill, and the proposed development site, the wider peatland area is managed to promote regeneration. The area includes natural boundaries which form screens to the existing facility and the facility itself is set back from public roads and existing population centres.

10.9.4. In terms of other material assets, the study area is crossed by overhead electricity lines. The EIAR also acknowledges the potential for underground electricity cables. Other assets which are considered include waste facilities and water infrastructure. However, due to the nature and proposed scale of the development, it is determined that there is no potential to interrupt or interfere with telecommunications or gas / sewage networks, and consultation with the Commission for Regulation of Utilities raised no issues during the consultation process.

Likely Significant Effects

10.9.5. The primary impact of the proposed development relates to the change to the existing land use within the footprint of the development. The application area comprises 262ha in total with the actual development area comprising 88.9ha. The development will result in the change of land which is currently not being used for any productive purpose or beneficial use, but the change will be permanent and of a high magnitude. The effects, therefore, are deemed to be moderate negative without mitigation.

10.9.6. In terms of other material assets, the EIAR anticipates no significant underground utilities in the site other than those associated with the existing facility. Due to the distance of the site, there is no impact anticipated in terms of the proposed Shannon Water Supply Pipeline or other services. The proposed development is considered a nationally important piece of waste infrastructure which will have a long term significant positive impact on waste services.

10.9.7. In terms of the decommissioning phase, the EIAR concludes that the potential impacts to land use will be imperceptible and there are no anticipated impacts to utilities and services in the area.

Mitigation Measures

10.9.8. Mitigation measures with regard to land use are presented in terms of avoidance, reduction and remediation measures. Such measures have sought to minimise the

land take for the proposed development, retention of existing vegetation and regeneration peatland where possible and protect such areas from construction vehicles by way of marking the areas off. The main long term mitigation measure will be the staged grassing of the mounds as each cell is completed to provide habitat for biodiversity and to slow surface runoff.

10.9.9. Standard construction mitigation measures are proposed with regard to excavations during the construction phase and no other impacts are anticipated as likely to arise during the construction and operational phases.

Cumulative

10.9.10. There is potential for cumulate impacts for land use in terms of the existing landfill, due to the proximity of the proposed site to the existing facility and the sharing of existing infrastructure. The impact is not considered to be significant and represents a continuation and expansion of the existing WMF rather the creation of a new facility.

10.9.11. There will be no cumulative effects for onsite utilities or other public utilities, and there will be no cumulative effects on waste services, land use or other material assets.

Residual

10.9.12. With the implementation of the mitigation measures, residual measures are assessed, in terms of land use to be permanent, slight negative. There are no anticipated residual effects to utilities and services in the area.

Conclusion

10.9.13. I have had regard to all submissions in relation to material assets and I am satisfied that the conclusions of the EIAR in terms of impacts are acceptable. I am satisfied, subject to the implementation of appropriate mitigation measures as detailed in the EIAR, and any recommended planning conditions, that the development would not have any significant adverse effects on material assets and no significant residual effects are likely to arise.

10.10. Landscape & Visual

- 10.10.1. Chapter 11 of the submitted EIAR deals with Landscape and Visual Impact Assessment. The methodology for this chapter is set out in the EIAR and included a desktop study to establish the appropriate study area, field work to establish the landscape character of the receiving environment and an assessment of the significance of the landscape impact of the proposed development as a function of landscape sensitivity weighted against the magnitude of the landscape impact. A suite of photomontages was also prepared as part of this chapter and are included in Volume IV of the EIAR. The study area was determined at 2km but a 5km radius was assessed in the interest of a comprehensive assessment of the proposed development.
- 10.10.2. The site lies within a cutaway bog landscape immediately adjacent to the existing Drehid WMF. The site is low lying and generally level, with the existing capped landfill cells having created a new rising landform within the bog. While there is significant screening of the site in place, the landholding at this location contrast with the wider landscape which comprises agricultural fields, hedgerows and forestry plantations. The area is characterised by a dispersed, low density settlement pattern outside of the settlements and villages in the wider area. The VIA has had regard to demesne landscapes and gardens as well as ecological sites and the walking route associated with the Grand Canal Way approximately 3km to the south west of the site. The EIAR and associated Annexes, including the photomontages, seek to analyse the potential impacts of the proposed development in terms of visual impact and impacts on the landscape and views. The production of a Zone of Theoretical Visibility was deemed not to be useful due to the topography of the site and the assessment therefore relies on site surveys to establish the nature of visibility within the study area and at key viewpoint locations.
- 10.10.3. In terms of compliance with policy, the proposed development is located within the 'Western Boglands' Landscape Character Area, which is classified as having a 'High Sensitivity' rating (Class 3). Such areas are described as 'areas with reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors'. The Kildare County Development Plan indicates that the development is situated within an area described as having 'Peat Bog Sensitivity Factor' and 'High Sensitivity Area'.

10.10.4. I have had full regard to the Kilkenny County Councils Chief Executive Report to the Board on the proposed development which sets out the concerns of the local authority and Elected members, as well as any concerns raised by the third parties in terms of visual impacts associated with the proposed development. The Kildare CE's report advises that the site is not prominent in views from a wide area. In addition, the Council consider that the landscape and visual impacts will be mitigated by existing and proposed screening and screen planting. The site is only clearly visible from some distant high points, and due to the topography, is not readily visible from the immediately surrounding area.

Predicted Impacts

10.10.5. The potential landscape impacts are described in the EIAR as continuing the emerging trend with the BnM landholding, changing in character from a cutaway bog to a large-scale waste management facility and light industrial buildings. The proposed landfill mounds will be higher than the existing mounds at the facility. Outside of the BnM landholding, the landscape impacts will be limited, with no significant changes to the landscape character beyond 2km.

10.10.6. I refer the Board to Section 11.8.2.2 of the EIAR which presents an analysis of the operational phase visual impacts (refer also to the Volume IV Photomontages). The most prominent visual impacts will be from locations along the L5025 (Derrymahon Road) to the north, as well as to the west near an access lane into the bog from the R403 to the south of Derrinturn. This is confirmed in the submitted photomontages. and visual impact appraisal and conclude that the impacts on the landscape will be limited and the significance will range from imperceptible to slight.

Cumulative Effects

10.10.7. The EIAR considered the cumulative effects of the proposed development in the context of other similar existing developments, other permitted and proposed developments including the Ballydermot Wind Farm and solar farms at North Timahoe and Coolcarrigan. As the Wind Farm lies at a remove from the proposed development site, 3.5km to the south west, and lies within a separate landscape unit, the cumulative impacts are assessed as low -negligible. The solar farm developments on the other hand, will be read as separate and spatially distinct, they do occur within the same landscape character area, and all occur within areas of

exploited bog. Notwithstanding, the cumulative visual impacts are not considered to be significant in the context of the evolving landscape character.

10.10.8. Overall, I am satisfied that the proposed development is acceptable in the context of cumulative visual impacts.

Mitigation Measures

10.10.9. Mitigation measures are proposed in the context of impacts on landscape and visual amenities in terms of avoidance, reduction and remediation measures. I note that Kildare County Council raise no objections to the proposed development from a landscape and visual impact perspective subject to the mitigation measures proposed.

Residual Impacts

10.10.10. While there is some potential for residual impacts in terms of the landscape, the significance of the impacts are considered to be low – moderate, with the visual effects deemed to be limited.

Conclusion

10.10.11. I have read and considered all of the submissions made in relation to landscape and visual amenity. Overall, I am generally satisfied that the EIAR has adequately considered the potential effects of the development on the landscape and on the visual impacts associated with the project within the study area. I am satisfied that any potential impacts have been fully considered and that the proposed development would not constitute an unacceptable dominant feature on the landscape or interfere with long distance views towards or across the site. In addition, I am satisfied that the in-combination visual impacts anticipated have been fully presented and considered in the EIAR and accept that the limited significance of the effects are acceptable in the context of the receiving landscape. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of landscape.

10.11. Cultural Heritage

10.11.1. Chapter 13 of the EIAR deals with cultural heritage. The assessment includes desk-based research and site inspections and sets a 2km study area around the proposed development site, and 1km in the vicinity of the existing / proposed haul

roads, to inform the likely significant effects from an archaeological, architectural and cultural heritage perspective and to assess the presence of statutorily protected archaeological remains (RMP sites) and NIAH structures and 20km study area for World Heritage Sites. The desk-based research included a review of maps, photographic sources, including ariel photography as well as other documentary sources. The EIAR also sets out the policy and legislative framework for Cultural Heritage considerations, and includes a baseline description of the existing environment, as well as an archaeological and historical background.

10.11.2. There were 26 recorded monuments identified within 2km of the proposed development site, including 1 located within the proposed development area. The feature, a Road – unclassified Togher, is no longer evident and is not scheduled for inclusion in the next revision of the RMP. A further 3 Recorded Monuments are located within the proposed development site but are not directly impacted by the proposed development infrastructure. The full list of the recorded monuments within 2km of the site are presented in Table 13-2 of the EIAR, and the details are presented in Appendix 13-1.

10.11.3. In terms of the haul routes, Section 13.5 of the EIAR examined the primary four, and note that they are existing roads. There is no proposal to alter any road to facilitate the proposed development and all recorded monuments and protected structures within 100m of the routes are detailed in the EIAR.

Potential Impacts

10.11.4. The EIAR concludes that the construction phase of the development will have a long-term neutral effect of no significance on extant recorded monuments, as none will be directly impacted, on National Monuments, as none are located within 2km of the site, and on Protected Structures, as the two located within 2km of the site are located at least 1.2km from the proposed development.

10.11.5. In terms of potential impacts on subsurface archaeology, the field walkover recorded no features and/or finds of archaeological significance on the surface of peat or within the drains. It is acknowledged that it is possible that the unrecorded sub surface archaeology has the potential to be impacted due to ground disturbance associated with the proposed development, with the potential impact unmeasurable. No significant impacts to archaeology, architectural heritage or cultural heritage are

predicted as a result of the proposed infrastructure and buildings proposed as part of the development.

10.11.6. The Board will also note that the three recorded monuments identified as being located within the site comprise toghers (trackways). The walkover survey, conducted in 2002 as part of the original facility development, found no extant trace of these features. The potential impacts on the haul routes are considered to have a neutral effect of no significance on cultural heritage features.

10.11.7. In terms of indirect impacts, the EIAR considers the setting of sites in terms of the visual dominance of the proposed development. It is acknowledged that there is a visual impact on the human landscape, but the potential for visual impacts on the setting of archaeological monuments or features of heritage is negated by the dense vegetation surrounding the proposed development site. The proposed development is therefore assessed to have a neutral effect of no significance on setting of such sites.

Cumulative Effects

10.11.8. In terms of cumulative impacts, the Board will note that the EIAR has had regard to the proposed Ballydermot Wind Farm, which will be visible to the south west of the proposed development. The EIAR anticipates that the overall long-term negative effect on the archaeological landscape will slightly increase due to the proposed development. The increase in cumulative impacts does not result in any direct effects to archaeology or cultural heritage.

Mitigation Measures

10.11.9. Mitigation is proposed in the form of post consent pre-construction probing and testing at the site of the unclassified togher (KD008:038----) and unclassified togher (KD009-029) located approximately 40m to the east of the proposed development infrastructure. Fencing will be erected at the boundary of the proposed development site in the vicinity of two trackways or toghers (KD008-029001 & KD008-030) which are located to the north of the existing landfill facility to ensure that no construction traffic extends beyond the limit of the proposed development structure in this area. All pre-construction archaeological monitoring to be undertaken under licence and all construction works shall be monitored by a suitably qualified archaeologist. In the event of any archaeological features finds and / or deposits being encountered, all relevant authorities shall be notified.

Residual Impacts

10.11.10. No significant residual impacts are considered to arise in terms of archaeological, architectural and cultural heritage resources, including visual effects, during the construction or operational phases of the proposed development.

Conclusion

10.11.11. I am generally satisfied that the conclusions of the EIAR in terms of impacts on cultural heritage and archaeology are acceptable. I also note that the DAU did not raise any concerns in relation to the proposed development and advises broad agreement with the findings of the EIAR in relation to archaeology and cultural heritage. I am satisfied, subject to archaeological testing and monitoring during the construction phase as described in the EIAR, that the development would not have any significant adverse archaeological and architectural impacts and no significant residual impacts are likely to arise.

10.11.12. I note that the CEs report from Kildare County Council advises no objections in principle to the proposed development in terms of cultural or archaeological heritage. The Members of the Clane-Maynooth MD, at a meeting to discuss the proposed development on 28/07/2023, requested that the built heritage and archaeology on haul routes be considered and protected. In this regard, I refer the Board to recommended condition 15 as included in the CEs report which advises that 'the use of Alexander Liffey Bridge in Clane is not permitted due to the condition and width of this heritage structure'. The applicant has responded that the use of the bridge is a traffic and safety issue rather than an archaeological and cultural heritage issue. It is submitted that if the bridge is structurally sound, and is in use as a transport route, it should be open to all similar traffic. I am inclined to agree. While the bridges along the proposed haul routes are a large, and important part of the heritage of the wider area, they is no indication that they are structurally unsound, or incapable of accommodating traffic as currently using the public road network. I will address roads and traffic issues further in Section 10.13 of this report.

10.11.13. I have considered all of the written submission made in relation to archaeology, architectural and cultural heritage and I am satisfied that any potential impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions.

10.12. Traffic & Transport

- 10.12.1. Chapter 14 of the EIAR deals with Traffic and Transport, and assesses the potential impacts associated with the proposed development on the local road network. The chapter presents details of the local environment and the traffic characteristics of the proposed development, as well as that of the existing facility at Drehid, using 5 years of weighbridge and other records for the period 2018-2022.
- 10.12.2. The baseline network traffic model is derived from the 2022 traffic survey data, the chapter addresses the planning history associated with the wider Drehid site in the context of roads and traffic. Particular reference is made to the permitted MBT building, which has not, and will not now, be constructed. This permitted facility was designed and permitted to accept and process 250,000 tonnes of municipal solid waste per annum. The total HGV movements permitted for the MBT facility amounted to 18,607 per year (60 per day). In terms of the refused development proposal which included the acceptance of hazardous waste, the total daily HGV movements amounted to 157, in addition to that of the MBT. Specifically, the Board was not satisfied that based on the information submitted, that the road network in the vicinity of the site was capable of accommodating the significant additional volume of traffic safely due to the restricted width and capacity of the R402, R403, R407 and R409 in the vicinity of the site. The Board concluded therefore, that the proposed development would, therefore, give rise to traffic congestion and would endanger public safety by reason of traffic hazard. The current EIAR seeks to present sufficiently detailed analyses and traffic forecasting to avoid insofar as is practicable the uncertainty with respect to the data origins which gave rise to the previous concerns of the Board.
- 10.12.3. The existing primary haul routes, associated with the existing facility are shown in Figure 14-4 of the EIAR, and it is noted that these are the agreed and permitted routes in compliance with the relevant planning permissions for the site. An assessment of the weighbridge data indicates that HGV traffic movements generated by the facility distribute approximately 48% to/from the north via the M4 and 52% to/from the south via the M7 (Figure 14-2 refers). It is further noted that a number of previously identified haul routes are not in use due to various reasons, such as the

R409 is not in use due to a 3.5T weight restriction and 2.15m width restriction at Carragh Bridge.

10.12.4. In term of the proposed development, it is proposed that the development will continue to use the established, identified and agreed primary haul routes. A core objective of the proposed development is to limit the daily HGV traffic generation at the Drehid facility to a value equal to or less than the current permitted operation. The current proposal is less complex than the previously refused development, and the changes in the proportions of the various waste streams proposed is such that the development can reasonably be considered akin to continuance of the existing development. The existing access to the facility will remain.

10.12.5. Traffic flow data is derived from the surveys conducted and the automated traffic counter sites on the national road network. Automated Traffic Counter equipment was also installed at 19 locations across the study area (identified in Figure 14-5 and which included an ATC on the private access road to the facility). These ATCs were located on the R402, R403, R407, R408, R409, R414, R415 and R416, for a two-week period in February / March 2002, and the full survey data are provided in Appendix 14-1 of the EIAR (Volume III – Appendices). The Board will note that the data for ATC 5 and ATC 19 are not included in the figures provided in Table 14-4. In addition, Junction Turning Counts were carried out at five identified junctions. The EIAR derives the baseline from the 2022 survey and presents a series of future year baseline scenarios and future assessment years including 2024, 2029, 2039 and 2049. Future infrastructural improvements as detailed in the Kildare County Development Plan 2023-2029 are also noted.

Potential Significant Effects

10.12.6. In terms of the construction phase of the proposed development, Section 14.10.1 of the EIAR advises that the proposed construction infrastructure HGV Traffic trips will amount to 424 p/a (8 per day) and 62 LV trips per day in the opening year only, during the initial 12-month construction phase. During the construction of the landfill cells, there is potential for 21 HGV traffic movements per day for a 4-month period over 2-2.5 years. The Board will note that there appears to be a typo in Table 14-14 where it refers to 30 daily HGV traffic, but I note that this table refers to LV traffic (trips) and not HGV (which is presented in Table 14-13).

10.12.7. In terms of the operational phase the EIAR presents details of the type and volume of material to be received at the proposed development. The assessment seeks to clarify the previous lack of consensus with regard to the forecasting of potential development traffic generation during this phase, between the applicant and the Council. I note that the methodology employed in the current assessment has been agreed with Kildare County Council and is based upon traffic generation statistics derived from the examination of 5 full years of weighbridge data. Table 14-16 summarises the headline statistics for each of the waste streams and the forecast average daily HGV traffic generation of the proposed development during the operational phase is estimated to be 78 no. HGV trips per day. This figure is similar to the current HGV traffic average over the past 5 years.

10.12.8. In terms of the traffic assessment presented, the EIAR considered 9 scenarios for 4 specific years – 2024, 2029, 2039 and 2049. The operational phase assessment for 2029 identifies as the highest potential for traffic, particularly on the R403, in the vicinity of the entrance to the site, with an increase of 1.0% AADT and the HGV element increasing from 6.4 to 7.4%. The cell construction phase during this year also sees an increase HGV traffic from 6.1% to 7.8%. However, the forecasted overall increases, during both the construction and operational phases remains less than 5% total traffic increase on the haul routes and as such, the likely impact is assessed as being imperceptible or slight. The results therefore indicate that the development, if permitted will not have a significant impact on the operation of the public road network or the capacity of the junctions modelled and assessed.

10.12.9. In the context of the above, I note that the Transport, Mobility & Open Space Department of Kildare County Council has acknowledged and accepted the figures, and raise no objections to the proposed development, subject to compliance with conditions. I further note that with the proposed development in place, the future operational LV traffic will increase from 20 one-way daily trips to 29.

Cumulative Impacts

10.12.10. In terms of cumulative effects, I would accept that such effects have potential to occur during the construction and decommissioning phases of the development, in the context of other developments which are permitted or planned in the wider vicinity, and in the event that all were to be progressed at the same time. I further accept that the EIAR has considered the proposed development in the context of the

existing facility at the site. Section 14.10.7 of the EIAR sets out the details of the committed developments considered. however, I further note that many of the developments comprise solar farms and as such, do not involve significant construction traffic volumes or the need for excessive HGVs to deliver materials etc.

Mitigation Measures

10.12.11. Section 14.11 of the EIAR sets out the suite of mitigation measures proposed to ensure the avoidance of significant effects and to reduce the magnitude and significance of effects during the construction and decommissioning phases of the development. Of note, the applicant, following a request from Kildare County Council during the scoping process, completed a Road Condition Survey of the haul routes, excluding motorways or national roads, showing pavement depths and subgrade. The results are included in Appendix 14-2 of Volume III – Appendices of the EIAR. The pavement condition surveys will determine the maintenance costs of the life of the scheme and will facilitate an assessment of pavement defects that may arise during the construction phase.

10.12.12. Operational mitigation measures will include monitoring, wheel wash facilities, signage, parking monitoring, maintenance of the site entrance and monitoring of haul routes performance. No specific mitigation is proposed or deemed necessary for the decommissioning phase.

Residual Impacts

10.12.13. Having regard to the above, and subject to the detailed mitigation measures, I am satisfied that no residual effects of significance are likely to arise as a result of the development. I would accept that there is likely to be an increase in traffic movements to and from the site during the construction and decommissioning phases of the development. These impacts will be in the short term and temporary and are considered acceptable in the context of the proposed development. The applicant has also proposed the CEMP will be monitored and evaluated throughout the operational phase and that traffic will be monitored and managed during this phase also.

Discussion & Conclusion

10.12.14. The Board will note that the TII have not raised any concerns in terms of the proposed development and that Kildare County Council has concluded that it is

satisfied that a substantial amount of survey work and traffic impact analysis has been carried out on the proposed haul routes to the proper standards, and has no objection to the proposed development, subject to the inclusion of 18 no. conditions. The Chief Executives report to the Board on the application also includes Appendix A which comprises the Opinion Report from the Roads, Transportation & Public Safety Department with regard to the previous SID application at the site (refused by ABP in 2020). As such, I am satisfied that the proposed development is acceptable in principle at this location.

10.12.15. In terms of third-party submission, I note the concerns raised with regard to potential impacts of traffic and transport associated with the proposed development. I have had full regard to these concerns, and I am satisfied that the applicant has fully considered this matter. I am satisfied that the conclusions of the EIAR in terms of impacts of traffic and transport are acceptable. I am satisfied, subject to the inclusion of appropriate measures as discussed above and any recommended planning conditions, that the development would not have any significant adverse effects on traffic and transport and no significant residual impacts are likely to arise.

10.13. Interaction of the Foregoing

10.13.1. Chapter 15 of the EIAR seeks to set out the interactions of the environmental aspects considered in the various chapters of the EIAR. I would note that certain interactions were also considered in the various chapters of the document where relevant.

10.13.2. It is noted that the potential for interactions between one aspect of the environment and another can result in direct or indirect impacts, which may be either positive or negative. No major interactions between the predicted impacts on different environmental topics are envisaged. The matrix of interactions presented in Table 15-1 notes that there is potential for interactions to occur between the following environmental aspects:

- **Population & Human Health:**
 - Landscape & Visual Impacts
 - Air Quality & Climate
 - Land, Soils & Geology & Hydrogeology

- Water (Hydrology)
- Noise
- Roads & Traffic with Noise & Air Quality
- **Landscape & Visual Impact**
 - Population & Human Health
 - Cultural Heritage with Tourism
 - Noise & Vibration
- **Biodiversity:**
 - Land, Soils & Geology & Hydrogeology
 - Water (Hydrology)
 - Noise & Vibration, Traffic & Transport
 - Air Quality & Climate
- **Traffic & Transport:**
 - Air Quality & Climate
 - Human Health
 - Noise & Vibration
- **Cultural Heritage:**
 - Land, Soils & Geology
- **Land & Soils:**
 - Biodiversity
- **Land, Soils & Geology:**
 - Hydrology
 - Hydrogeology
 - Land use

10.13.3. The conclusions regarding the acceptability of the likely cumulative and main residual effects of this proposal are identified and assessed under the various headings of the main assessment above. I am generally satisfied that the significant

environmental effects arising as a consequence of the development, including the residual and cumulative impacts have been identified. Having regard to the nature of the proposed development, mitigation measures proposed, or as a consequence of proposed conditions, I do not foresee that any of these interrelationships are likely to give rise to significant effects on the environment.

10.14. Reasoned Conclusion on Significant Effects

10.14.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

There are potentially minor positive impacts on **population** associated with the creation of employment, with a knock-on positive impact on the existing businesses and services in the surrounding area. The delivery of the **Community Fund** will also provide benefits for the local population.

In terms of the **water environment** and **biodiversity** there is potential for the development to result in runoff of sediment into nearby drains and watercourses leading to increased silt loading which can impact **water quality** of the river and reduce the **ecological quality**, impacting on aquatic habitats and species. It has been identified in the EIAR that elevated ammonia in the groundwaters is linked to leaching from the peat across the full extent of the Timahoe South Bog, and not directly to the waste facility. Mitigation measures are proposed to avoid, manage and mitigate potential impacts and a robust drainage system is to be put in place to control runoff and manage sediment transport during the construction phase. No significant negative residual impacts are envisaged in terms of **soils, geology and hydrogeology, biodiversity and water** following the development and operation of the project. An Ecological Clerk of Works is to be appointed to oversee the construction phase.

There will be limited **visual impacts** associated with the proposed development, which were appropriately assessed at a number of visual receptor locations throughout the study area, including both human beings

and **cultural heritage** resources. Specific mitigation measures are proposed which include the retention of the existing perimeter planting and the vegetating of the landfill mounds as each section is completed. Berms are also proposed to the northern area of the site and as such, the development is acceptable.

Noise & Vibration may occur during the construction phase of the development and will be temporary and short term. Noise may also arise due the operation phase but given the separation distances between the site and the nearest sensitive location, no mitigation measures will be required.

In terms of **air quality & roads**, dust levels arising from the traffic associated with the construction and operational phases of the development is likely to have a temporary short-term impact on local residents on the haul routes. The CEMP includes a suite of dust minimisation measures and will be adhered to during the construction phase. The procedures will be monitored.

The CEMP also includes measures to mitigate the traffic and transportation effects of the proposed development, which have been borne out of surveys in terms of volume and road pavement conditions. The EIAR concludes that the project will not result in likely significant effects in terms of traffic and transportation.

- 10.14.2. Having regard to the above, and in conclusion, I am satisfied that the submitted EIAR has identified and considered the main significant direct and indirect effects of the proposed development on the environment. Subject to the implementation of mitigation measures as described, I am satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

11.0 Appropriate Assessment

11.1. Overview & Background

11.1.1. The Board will note the report prepared by Dr. Maeve Flynn, Inspectorate Ecologist which considered the current proposed development against the previous reasons for refusal at the Drehid site and which related to Natura Impact Statement and Appropriate Assessment, ABP-300506-17 refers. The reasons for refusal associated with the previous application, as they relate to AA were as follows:

1. On the basis of the information provided with the application documentation and the further information submitted, including the Natura Impact Statement, and in the light of the potential for the proposed development, in combination with other developments in the area, to continue the ongoing degradation of remaining peat within Timahoe Bog resulting in an excess of ammonia and suspended solids in the Cushaling and Figile Rivers, with a consequent impact in preventing these rivers, part of the Barrow Nore catchment, to develop into suitable habitat for salmonid species, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission.
2. Having regard to the complex hydrological and hydrogeological conditions obtaining onsite, to the limited investigation carried out of those conditions and hence to the potentially inadequate mitigation measures associated with the proposed development, it is considered that on the basis of the information submitted with the application documentation and the further information submitted, the development site is unsuitable for a development of the nature and scale proposed, having regard to ongoing excess ammonia concentrations in groundwater and in local watercourses, which include watercourses with potential for salmonid habitat which flow into the River Barrow and River Nore Special Area of Conservation (Site Code: 002162). The proposed development would, therefore, have a significant adverse effect on the conservation and protection of the River Barrow and River Nore

Special Area of Conservation (Site Code: 002162), and would therefore be contrary to the proper planning and sustainable development of the area.

11.1.2. The scope of Dr. Flynn's report is to provide a professional opinion as to how the above cited reasons for refusal have been addressed in the current EIAR and NIS, and to determine the adequateness of the scientific information presented in order to reach complete, precise and definitive conclusions with regard to the matters raised in the Appropriate Assessment. The report focuses on the implications of the proposed development in relation to the integrity of the River Barrow and River Nore SAC in particular and the main points of consideration include:

- Interactions between the proposed development and peatland management at Timahoe Bog with regard to contributing to excess of ammonia and suspended solids in the Cushaling and Figile Rivers
- Ecological status of the Cushaling river as the main water receptor and ecological connections to the River Barrow and River Nore SAC downstream-particular reference to salmonids
- Adequacy of impact assessment and mitigation measures included in the Natura Impact Statement (NIS)
- Implications of the proposed development in relation to the integrity of the River Barrow and River Nore SAC

11.1.3. I have included Dr. Flynn's report as part of this report, which also considers the content of the Timahoe South cutaway Bog Decommissioning and Rehabilitation Plan 2022 (TSB Plan), which has been developed as a separate project, with details included in the current application to the Board. The interactions between the proposed development and the peatland management at Timahoe Bog South have been addressed throughout the application documentation, and it is concluded that the mitigation measures proposed as part of the current project would not be compromised or suffer reduced efficacy as any further degradation of peatland will be halted and rehabilitated as part of the TSB Plan.

11.1.4. In terms of the potential effects on the Cushaling River, as the main receptor and ecological connection to the SAC, and the concerns of the IFI as to the impacts of historic commercial peat harvesting on salmon spawning, the information submitted is considered to be full and comprehensive in its assessment of the potential impacts

of the proposed development. The mitigation measures proposed combined with the overall plan for TSB demonstrate that there will be a reduction in relevant pollutants and that the proposed development will not impede the achievement of conservation objectives.

11.1.5. Please refer to Dr. Flynn's Report attached.

11.2. **Introduction**

11.2.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites. Matters relating to the likely significant effects on a European site are considered in this section of the report under the following headings:

- Compliance with Article 6(3) of the EU Habitats Directive.
- The Natura Impact Statement.
- Screening the need for Appropriate Assessment.
- Appropriate Assessment.

11.3. **Compliance with Articles 6(3) of the EU Habitats Directive:**

11.3.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

11.3.2. The proposed development is not directly connected with or necessary to the management of a European site. The Board will note that a Natura Impact Statement (NIS) was submitted as part of documentation for permission for the proposed development to assess the likely or possible significant effects, if any, arising from the proposed development on any European site.

11.3.3. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in

combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.

11.3.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

11.4. **Natural Impact Statement**

11.4.1. The application was accompanied by a Natura Impact Statement (NIS, dated May 2023) which scientifically examined the potential impacts of the proposed development on the following European Sites:

- River Barrow and River Nore SAC (Site Code: 002162)
- River Boyne and River Blackwater SAC (Site Code: 002299)
- River Boyne and River Blackwater SPA (Site Code: 004232)

11.4.2. The NIS, at Chapter 3, provides a full description of the proposed development and site location, including details of the existing infrastructure which is present at the existing Drehid facility. The NIS confirms that the permitted Mechanical Biological Treatment (MBT) Facility will not be constructed. Table 3-1 of the NIS provides a summary of the total waste volumes proposed to be accepted at the facility, which includes the current proposed development if permitted. No additional waste quantities will be accepted at the facility, and it is submitted that there will be no change to the nature of the waste types accepted at the proposed development from those already authorised. It is submitted that the proposed development seeks to continue current operations with changes in the quantity and duration of waste acceptance. Section 3.4.5 of the NIS identifies the output from the proposed development as leachate and landfill gas.

- 11.4.3. Chapter 4 of the NIS presents a description of the receiving environment, including details of the onsite habitats present, faunal and aquatic species, as well as details of the existing surface water drainage system on, and the hydrology of the site. While there are no European Sites located within or adjacent to the proposed development site, the NIS presents an overview of potential impacts of the development during the construction, operational and decommissioning phases (Chapter 5).
- 11.4.4. In addition to the above, the NIS notes that all European Sites within a 15km radius of the site were examined as part of the Screening exercise and considers the potential impacts on EU sites within the zone of influence. Chapter 6 of the NIS presents a description of the European Sites and identifies and characterises the potential adverse effects arising due to the proposed development on the European sites, in view of the site's conservation objectives. The information is provided to enable the Board to carry out an appropriate assessment of the proposed works.
- 11.4.5. The NIS outlines the assessment methodology employed to identify and assess the potential impacts on habitats and species identified as qualifying interests of a number of European Sites and their conservation objectives, including cumulative / in-combination impacts. The NIS sets out mitigation measures and addresses potential residual impacts on the European sites.
- 11.4.6. Having reviewed the revised NIS and the supporting documentation and having regard to the report prepared by Dr. Maeve Flynn, Inspectorate Ecologist, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are summarised in Section 6 of the revised NIS. I am generally satisfied that the information is sufficient to allow for Appropriate Assessment of the proposed development.

11.5. **Consultations and Observations**

- 11.5.1. In the course of the assessment of the proposed development, the NIS identifies the consultations undertaken with various state agencies and environmental stakeholders, as well as NGOs (Section 2.3 of the NIS).

Council:

11.5.2. Kildare County Council considered that the information contained in the NIS is adequate to allow the carrying out of an AA and noted the mitigation measures proposed which allowed the determination that there will be no risk of significant adverse effects on the QIs or overall integrity of the site nor in the attainment of the specific COs for the European sites. The Chief Executives report concluded that the development would not adversely affect the integrity of any European Site in view of the site's Conservation Objectives.

Prescribed Bodies

11.5.3. Inland Fisheries Ireland, following a consultation request from the applicant prior to the submission of the application, highlighted the importance of the Cushaling/Figile catchment and emphasised potential impacts which should be managed.

11.5.4. No other Prescribed Body raised concerns in terms of AA.

Third Party Submissions

11.5.5. A number of the third-party submissions raise concerns with regard to the potential impact of the development in terms of the potential risk to the water quality in the Cushaling River. Other matters raised by third parties, in terms of nature conservation and environment relate to the use of the Timahoe South Bog.

11.6. Screening for Appropriate Assessment:

11.6.1. Appendix 3 of the NIS presents the AA Screening Report prepared for the proposed development. The purpose of AA screening, is to determine whether appropriate assessment is necessary by examining:

- a) whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and
- b) the likely effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.

11.6.2. The Screening Report considered Natura 2000 sites within 15km and a total of 7 Natura 2000 sites are noted by the applicant to be located within this zone, and the River Barrow and River Nore SAC located at approximately 19.7km, but which has a hydrological link to the site via the Figile and River Barrow. Table 6-2 of the AA

Screening Report (Appendix 3 of the NIS) presents the list of the sites and the qualifying features of conservation interest for which each site is designated. Each site was examined in the context of location in terms of the proposed development site and the presence of hydrological links.

11.6.3. The AA Screening Report concludes that of the eight European Sites considered, five site located within the zone of influence can be screened out in the first instance, on the grounds that there is no source-pathway-receptor link connecting the designated site to the development site for any significant effects to occur and therefore, it is concluded that no significant impacts on the following site is reasonably foreseeable. I concur with the applicants' determination in relation to the following Natura 2000 sites:

Site Name	Site Code	Distance to Site	Assessment
Ballynagagh Lake SAC	001387	5.3km to South east	No habitat loss arising from the proposed development. There is no surface water, groundwater or underground features connecting the sites. Screened Out
Ballynagagh Bog SAC	000391	5.9km to South east	No habitat loss arising from the proposed development. There is no surface water, groundwater or underground features connecting the sites. Screened Out
Mouds Bog SAC	002331	9.3km to South east	No habitat loss arising from the proposed development. There is no surface water, groundwater or underground features connecting the sites. Screened Out
The Long Derries, Edenderry SAC	000925	5.7km to South east	No habitat loss arising from the proposed development. There is no surface water, groundwater or underground features connecting the sites. Screened Out

Pollardstown Fen SAC	000396	11.5km to South east	No habitat loss arising from the proposed development. There is no surface water, groundwater or underground features connecting the sites. Screened Out
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11.6.4. The submitted screening for AA deals with the designated sites where there is potential for likely significant effects due to having a viable source-pathway-receptor link. In the absence of mitigation measures, the following sites are deemed to have potential to be impacted upon by the proposed development:

- River Boyne and River Blackwater SAC (Site Code: 002299)
- River Boyne and River Blackwater SPA (Site Code: 004232)
- River Barrow and River Nore SAC (Site Code: 002162)

11.7. AA Screening Conclusion

11.7.1. Having reviewed the NIS and the supporting documentation, which I consider provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge, together with the information available on the NPWS website, the scale and nature of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my inspection of the site and the surrounding area, I am satisfied that the Ballynagagh Lake SAC, Ballynagagh Bog SAC, Mouds Bog SAC, The Long Derries, Edenderry SAC and the Pollardstown Fen SAC can be screened out from further assessment. A Stage 2 Appropriate Assessment is not required in respect of these sites.

11.7.2. In the absence of mitigation measures, the following sites are deemed to have potential to be impacted upon by the proposed development, and require Stage 2 AA:

- River Boyne and River Blackwater SAC (Site Code: 002299)
- River Boyne and River Blackwater SPA (Site Code: 004232)
- River Barrow and River Nore SAC (Site Code: 002162)

11.8. Stage 2 Appropriate Assessment

11.8.1. The Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for the relevant European Sites, are set out below.

European sites	Qualifying Interests	Separation distances	Links
River Boyne and River Blackwater SAC Site Code: 002299	[1099] River Lamprey <i>Lampetra fluviatilis</i> [1106] Salmon <i>Salmo salar</i> [1355] Otter <i>Lutra lutra</i> [7230] Alkaline fens [91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*	Site lies approx. 13.4km to the south of SAC - directly. Hydrological link is approximately 30km.	Aquatic – hydrological link via the Mulgeeth and Blackwater River
River Boyne and River Blackwater SPA Site Code: 004232	[A229] Kingfisher <i>Alcedo atthis</i>	Site lies approx. 13.4km to the south of SPA - directly. Hydrological link is approximately 30km.	Aquatic – hydrological link via the Mulgeeth and Blackwater River
River Barrow & River Nore SAC Site Code: 002162	[1130] Estuaries [1140] Tidal Mudflats and Sandflats [1170] Reefs [1310] Salicornia Mud [1330] Atlantic Salt Meadows [1410] Mediterranean Salt Meadows [3260] Floating River Vegetation [4030] Dry Heath [6430] Hydrophilous Tall Herb Communities [7220] Petrifying Springs* [91A0] Old Oak Woodlands [91E0] Alluvial Forests*	Site lies approx. 19.7km to the north east of the SAC – directly to the road and 22.1km to the closest point of the site near the Cushaling River. Hydrological link is approximately 30km.	Aquatic – hydrological link via the Cushaling River to the SAC (approx. 40km downstream)

	<p>[1016] Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>)</p> <p>[1029] Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)</p> <p>[1092] White-clawed Crayfish (<i>Austropotamobius pallipes</i>)</p> <p>[1095] Sea Lamprey (<i>Petromyzon marinus</i>)</p> <p>[1096] Brook Lamprey (<i>Lampetra planeri</i>)</p> <p>[1099] River Lamprey (<i>Lampetra fluviatilis</i>)</p> <p>[1103] Twaite Shad (<i>Alosa fallax</i>)</p> <p>[1106] Atlantic Salmon (<i>Salmo salar</i>)</p> <p>[1355] Otter (<i>Lutra lutra</i>)</p> <p>[1421] Killarney Fern (<i>Trichomanes speciosum</i>)</p> <p>[1990] Nore Freshwater Pearl Mussel (<i>Margaritifera durrovensis</i>)</p>		
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11.9. Description of sites

1. River Boyne and River Blackwater SAC, Site Code: 002299

11.9.1. This site comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers. These riverine stretches drain a considerable area of Meath and Westmeath, and smaller areas of Cavan and Louth. The site is designated for two Annex I habitats and three Annex II species. Whooper Swans winter regularly at several locations along the Boyne and Blackwater Rivers.

11.9.2. The Boyne and its tributaries form one of Ireland's premier game fisheries and the area offers a wide range of angling. The Blackwater is a medium sized limestone river which is still recovering from the effects of the arterial drainage scheme of the 1970s. Salmon stocks have not recovered to the numbers that existed pre-drainage. Intensive agriculture is the main land use along the site and the spreading of slurry

and fertiliser poses a threat to the water quality of this salmonid river and to the lakes.

2. River Boyne and River Blackwater SPA Site Code: 004232

11.9.3. This site is a long, linear site that comprises stretches of the River Boyne and several of its tributaries; most of the site is in Co. Meath, but it extends also into Cos Cavan, Louth and Westmeath. The site is of high ornithological importance as it supports a nationally important population of Kingfisher, a species that is listed on Annex I of the E.U. Birds Directive.

11.9.4. A survey in 2010 recorded 19 pairs of Kingfisher (based on 15 probable and 4 possible territories). Other species which occur within the site include Mute Swan (90), Teal (166), Mallard (219), Cormorant (36), Grey Heron (44), Moorhen (84), Snipe (32) and Sand Martin (553) – all figures are peak counts recorded during the 2010 survey.

3. River Barrow & River Nore SAC, Site Code 002162:

11.9.5. This site consists of the freshwater stretches of the Barrow and Nore River catchments as far upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site includes larger tributaries which include the Dinin River which runs under the Black Bridge. The site is a Special Area of Conservation (SAC) selected for a number of habitats and/or species listed on Annex I / II of the E.U. Habitats Directive, which are detailed in the above table.

11.9.6. The site is very important for the presence of a number of E.U. Habitats Directive Annex II animal species including Freshwater Pearl Mussel (both *Margaritifera margaritifera* and *M. m. durrovensis*), White-clawed Crayfish, Salmon, Twaite Shad, three lamprey species – Sea Lamprey, Brook Lamprey and River Lamprey, the tiny whorl snail *Vertigo moulinsiana* and Otter. This is the only site in the world for the hard water form of the Freshwater Pearl Mussel, *M. m. durrovensis*, and one of only a handful of spawning grounds in the country for Twaite Shad. The freshwater stretches of the River Nore main channel is a designated salmonid river.

11.9.7. The site supports many other important animal species and three rare invertebrates have been recorded in alluvial woodland at Murphy's of the River. The site is of ornithological importance for a number of E.U. Birds Directive Annex I species, including Greenland White-fronted Goose, Whooper Swan, Bewick's Swan, Bar-

tailed Godwit, Peregrine and Kingfisher. Nationally important numbers of Golden Plover and Bar-tailed Godwit are found during the winter. Wintering flocks of migratory birds are seen in Shanahoe Marsh and the Curragh and Goul Marsh, both in Co. Laois, and also along the Barrow Estuary in Waterford Harbour.

11.9.8. Land use at the site consists mainly of agricultural activities – mostly intensive in nature and principally grazing and silage production. The spreading of slurry and fertiliser poses a threat to the water quality of the salmonid river and to the populations of E.U. Habitats Directive Annex II animal species within the site.

11.9.9. The main threats to the site and current damaging activities include high inputs of nutrients into the river system from agricultural run-off and several sewage plants, over-grazing within the woodland areas, and invasion by non-native species, for example Cherry Laurel (*Prunus laurocerasus*) and Rhododendron (*Rhododendron ponticum*). The water quality of the site remains vulnerable. Good quality water is necessary to maintain the populations of the Annex II animal species listed above. Overall, the site is of considerable conservation significance for the occurrence of good examples of habitats and of populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive. Furthermore, it is of high conservation value for the populations of bird species that use it.

11.10. **Conservation Objectives:**

11.10.1. The Conservation Objectives for the River Boyne and River Blackwater SAC, River Boyne and River Blackwater SPA and River Barrow & River Nore SAC notes that the overall aim of the habitats directive is to maintain or restore the favourable conservation status of habitats and species of community interest. Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

11.10.2. Detailed Conservation Objectives for the **River Boyne and River Blackwater SAC (002299)** are included in the NPWS Conservation Objectives Series for the site, dated 3rd December 2021, with the overall objective being to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been designated.

- To maintain the favourable conservation condition of Alkaline fens and Otter *Lutra lutra* in the River Boyne and River Blackwater SAC (002299).
- To restore the favourable conservation condition of Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)*, River Lamprey *Lampetra fluviatile* and Salmon *Salmo salar*, in the River Boyne and River Blackwater SAC (002299).

11.10.3. Conservation Objectives for the **River Boyne and River Blackwater SPA (004232)** are included in the NPWS Conservation Objectives Series for the site, dated 12th October 2022, with the overall objective being to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA, ie the Kingfisher.

11.10.4. Detailed Conservation Objectives for the **River Barrow and River Nore SAC (002162)** are included in the NPWS Conservation Objectives Series for the site, dated 19th July 2011, with the overall objective being to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been designated.

- To maintain the favourable conservation condition of Desmoulin's whorl snail, White-clawed crayfish, Estuaries, Mudflats and sandflats not covered by seawater at low tide, *Salicornia* and other annuals colonizing mud and sand, Killarney fern, Water courses of plain to montane levels with the *Ranunculus*

fluitantis and Callitriche-Batrachion vegetation, European dry heaths, Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels and * Petrifying springs with tufa formation, in River Barrow and River Nore SAC (002162).

- To restore the favourable conservation condition of Sea lamprey, Brook lamprey, River lamprey, Twaité shad, Atlantic salmon, Atlantic salt meadows, Otter, Mediterranean salt meadows, Nore freshwater pearl mussel, Old sessile oak woods with Ilex and Blechnum in the British Isles and * Alluvial forests with Alnus glutinosa and Fraxinus excelsior in the River Barrow and River Nore SAC (002162).
- The status of the freshwater pearl mussel (*Margaritifera margaritifera*) as a qualifying Annex II species for the River Barrow and River Nore SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this species.

11.10.5. Having regard to the NPWS Conservation Objectives and associated maps for the SAC and SPA, together with the information presented in the NIS, there are a number of QI species which are noted to be sensitive to changes in water quality and which have the potential to be impacted by the proposed development. These QIs, together with their main Attributes and Targets are summarised as follows:

Site Name	Relevant QIs/SCIs	Attributes	Targets
River Boyne and River Blackwater SAC (002299)	Alkaline fens – maintain the favourable conservation condition	Habitat area	Area stable or increasing, subject to natural processes
		Habitat distribution	No decline, subject to natural processes
		Ecosystem function: soil nutrients	Maintain soil pH and nutrient status within natural ranges
		Ecosystem function: peat formation	Maintain active peat formation, where appropriate
		Ecosystem function: hydrology - groundwater levels	Maintain, or where necessary restore, appropriate natural hydrological regimes necessary to support the natural structure

<p>River Boyne and River Blackwater SAC (002299)</p>	<p>Alkaline fens – maintain the favourable conservation condition</p>		and functioning of the habitat
		Ecosystem function: hydrology - surface water flow	Maintain, or where necessary restore, as close as possible to natural or semi-natural, drainage conditions
		Ecosystem function: water quality	Maintain appropriate water quality, particularly pH and nutrient levels
		Vegetation composition: community diversity	Maintain variety of vegetation communities, subject to natural processes
		Vegetation composition: typical brown mosses	Maintain adequate cover of typical brown moss species
		Vegetation composition: typical vascular plants	Maintain adequate cover of typical vascular plant species
		Vegetation composition: native negative indicator species	Cover of native negative indicator species at insignificant levels
		Vegetation composition: non-native species	Cover of non-native species less than 1%
		Vegetation composition: native trees and shrubs	Cover of scattered native trees and shrubs less than 10%
		Vegetation composition: algal cover	Cover of algae less than 2%
		Vegetation structure: vegetation height	At least 50% of the live leaves/flowering shoots are more than either 5cm or 15cm above ground surface
		Physical structure: disturbed bare ground	Cover of disturbed bare ground not more than 10%
		Physical structure: tufa formations	Disturbed proportion of vegetation cover

			where tufa is present is less than 1%
		Indicators of local distinctiveness	No decline in distribution or population sizes. maintain features of local distinctiveness,
		Transitional areas between fen and adjacent habitats	Maintain adequate transitional areas
	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)* - restore the favourable conservation condition	Habitat area	Area stable or increasing, subject to natural processes.
		Habitat distribution	No decline, subject to natural processes.
		Woodland size	Area stable or increasing.
		Woodland structure: cover and height	Total canopy cover at least 30%; median canopy height at least 7m; native shrub layer cover 10-75%; native herb/dwarf shrub layer cover at least 20% and height at least 20cm; bryophyte cover at least 4%
		Woodland structure: community diversity and extent	Maintain diversity and extent of community types
		Woodland structure: natural regeneration	Seedlings, saplings and pole age-classes of target species for 91E0* woodlands and other native tree species occur in adequate proportions to ensure survival of woodland canopy
		Hydrological regime: flooding depth/height of water table	Appropriate hydrological regime necessary for maintenance of alluvial vegetation

		Woodland structure: dead wood	At least 19 stems/ha of dead wood of at least 20cm diameter	
		Woodland structure: veteran trees	No decline	
		Woodland structure: indicators of local distinctiveness	No decline in distribution and, in the case of red listed and other rare or localised species, population size	
		Woodland structure: indicators of overgrazing	All five indicators of overgrazing absent	
		Vegetation composition: native tree cover	No decline. Native tree cover at least 90% of canopy; target species cover at least 50% of canopy	
		Vegetation composition: typical species	At least 1 target species for 91E0* woodlands present; at least 6 positive indicator species for 91E0* woodlands present	
		Vegetation composition: negative indicator species	Negative indicator species cover not greater than 10%; regeneration of negative indicator species absent	
River Boyne and River Blackwater SAC (002299)	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)* - restore the favourable	Vegetation composition: problematic native species	Cover of common nettle (<i>Urtica dioica</i>) less than 75%	
		River Lamprey – restore the favourable	Distribution	Restore access to all water courses down to first order streams
		conservation condition	Distribution of larvae	Not less than 50% of sample sites with suitable habitat positive for larval brook/river lamprey
			Population structure of larvae	At least three age/size classes of larval brook/river lamprey present

		Larval lamprey density in fine sediment	Mean density of brook/river larval lamprey in sites with suitable habitat more than 5/m ²	
		Extent and distribution of spawning nursery habitat	No decline in extent and distribution of spawning and nursery beds	
		Salmon – restore the favourable conservation condition	Distribution: extent of anadromy	100% of river channels down to second order accessible from estuary
			Adult spawning fish	Conservation Limit (CL) for each system consistently exceeded
			Salmon fry abundance	Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 min sampling
			Out-migrating smolt abundance	No significant decline
			Number and distribution of redds	No decline in number and distribution of spawning redds due to anthropogenic causes
			Water quality	At least Q4 at all sites sampled by EPA
		Otter – maintain the favourable conservation condition	Distribution	No significant decline
			Extent of terrestrial habitat	No significant decline.
			Extent of freshwater (river) habitat	No significant decline.
			Extent of freshwater (lake) habitat	No significant decline.
			Couching sites and holts	No significant decline.
		Fish biomass available	No significant decline.	

		Barriers to connectivity	No significant increase.
River Boyne and River Blackwater SPA (004232)	<i>Kingfisher</i>	None provided	None provide
River Barrow & River Nore SAC (002162)	<i>Freshwater Pearl Mussel</i>	Under review	
	<i>White-clawed Crayfish</i> - maintain the favourable conservation condition	Distribution	no reduction from baseline
		Population structure: recruitment	Juveniles and /or females with eggs in at least 50% of positive samples
		Negative indicator species	no alien crayfish species
		Disease	No instances
		Water quality	At least Q3-4 at all sites sampled by EPA
		Habitat quality: heterogeneity	No decline
River Barrow & River Nore SAC (002162)	<i>Sea, Brook & River Lamprey</i> - restore the favourable conservation condition.	Distribution: extent of anadromy	Greater than 75% of main stem length of rivers accessible from estuary Access to all watercourses down to first order streams for Brook Lamprey
		Population structure of juveniles	At least three age/size groups present
		Juvenile density in fine sediment	Juvenile density at least 1/m ² Mean catchment juvenile density of brook/river lamprey at least 2/m ²
		Extent and distribution of spawning habitat	No decline in extent and distribution of spawning beds

		Availability of juvenile habitat	More than 50% of sample sites positive
	Atlantic Salmon - restore the favourable conservation condition	Distribution: extent of anadromy	100% of river channels down to second order accessible from estuary
		Adult spawning fish	Conservation Limit (CL) for each system consistently exceeded
		Salmon fry abundance	Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 min sampling
		Out-migrating smolt abundance	No significant decline
		Number and distribution of redds	No decline in number and distribution of spawning redds due to anthropogenic causes
		Water quality	At least Q4 at all sites sampled by EPA
		Otter - restore the favourable conservation condition	Distribution
	Extent of terrestrial habitat		No significant decline.
	Extent of marine habitat		No significant decline.
	Extent of freshwater (river) habitat		No significant decline.
	Extent of freshwater (lake) habitat		No significant decline.
	Couching sites and holts		No significant decline.
	Fish biomass available		No significant decline.

11.11. Potential Significant Effects

11.11.1. The screening report presented in the NIS identified a number of QIs/SCIs associated with the above identified Natura 2000 sites, that could be potentially affected by the proposed development. Of particular note, and notwithstanding the separation distance from the site to the identified Natura 2000 sites, the NIS considers the potential for adverse effects on QIs in the context of:

- The fact that the site is hydrologically connected to the River Barrow and River Nore SAC via the Cushaling River and
- Following the proposal to block and redivert drainages within the Timahoe South Bog, the proposed development will then be hydrologically linked to the Boyne River and River Blackwater SAC. While the main construction works area will not be hydrologically connected, there will be potential for the Mulgeeth Stream to receive runoff from the proposed berms on the eastern perimeter of the site.

The details are presented in Tables 6-1, 6-2 and 6-3 and 4 and include as follows:

European sites	Links	Qualifying Interests	Potential Adverse Effects
River Boyne and River Blackwater SAC Site Code: 002299	Aquatic – hydrological link via the Mulgeeth and Blackwater River Approx. 30km	[1099] River Lamprey <i>Lampetra fluviatilis</i> [1106] Salmon <i>Salmo salar</i> [1355] Otter <i>Lutra lutra</i> [7230] Alkaline fens [91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*	Yes – Direct & Indirect Potential direct impacts: <ul style="list-style-type: none"> • River Lamprey • Salmon Potential indirect impacts: <ul style="list-style-type: none"> • Otter No potential impacts: <ul style="list-style-type: none"> • Alkaline fens • Alluvial forests
River Boyne and River Blackwater SPA Site Code: 004232	Aquatic – hydrological link via the Mulgeeth and Blackwater River Approx. 30km	[A229] Kingfisher <i>Alcedo atthis</i>	Yes - Indirect
River Barrow & River Nore SAC	Aquatic – hydrological link via the Cushaling River to the	[1130] Estuaries [1140] Tidal Mudflats and Sandflats	Yes – Direct & Indirect Potential direct impacts: None

<p>Site Code: 002162</p>	<p>SAC (approx. 40km downstream)</p> <p>Approx. 30km</p>	<p>[1170] Reefs</p> <p>[1310] Salicornia Mud</p> <p>[1330] Atlantic Salt Meadows</p> <p>[1410] Mediterranean Salt Meadows</p> <p>[3260] Floating River Vegetation</p> <p>[4030] Dry Heath</p> <p>[6430] Hydrophilous Tall Herb Communities</p> <p>[7220] Petrifying Springs*</p> <p>[91A0] Old Oak Woodlands</p> <p>[91E0] Alluvial Forests*</p> <p>[1016] Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>)</p> <p>[1029] Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)</p> <p>[1092] White-clawed Crayfish (<i>Austropotamobius pallipes</i>)</p> <p>[1095] Sea Lamprey (<i>Petromyzon marinus</i>)</p> <p>[1096] Brook Lamprey (<i>Lampetra planeri</i>)</p> <p>[1099] River Lamprey (<i>Lampetra fluviatilis</i>)</p> <p>[1103] Twaite Shad (<i>Alosa fallax</i>)</p> <p>[1106] Atlantic Salmon (<i>Salmo salar</i>)</p> <p>[1355] Otter (<i>Lutra lutra</i>)</p> <p>[1421] Killarney Fern (<i>Trichomanes speciosum</i>)</p>	<p>Potential indirect impacts:</p> <ul style="list-style-type: none"> • Floating River Vegetation • Alluvial Forests* • Hydrophilous Tall Herb Communities • White-clawed Crayfish • Sea, Brook & River Lamprey • Atlantic Salmon • Otter <p>No potential impacts:</p> <ul style="list-style-type: none"> • Estuaries • Dry Heath • Petrifying Springs* • Old Oak Woodlands • Desmoulin's Whorl Snail • Freshwater Pearl Mussel • Nore Freshwater Pearl Mussel • Twaite Shad • Killarney Fern
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		[1990] Nore Freshwater Pearl Mussel (Margaritifera durrovensis)	
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11.11.2. It is further noted that the proposed development is not required in terms of the maintenance of any European site. The significance of the potential effects is considered through the use of a number of key indicators as follows:

- Direct Habitat Loss
- Indirect Habitat Loss or Deterioration
- Disturbance / Displacement of Species

Where qualifying features of designated sites may be negatively affected by the proposed development, mitigation measures are proposed. In this regard, I consider the following to be relevant:

River Boyne and River Blackwater SAC (002299)			
Relevant QIs/SCIs	Direct Habitat Loss	Indirect Habitat Loss or Deterioration	Disturbance / Displacement of Species
River Lamprey – restore the favourable conservation condition. Direct Impact	No	The River Boyne is already below its conservation limit for salmon. Degradation of water quality and habitat in the SAC could impact on the abundance of the species. High concentration of suspended solids may impact on the gravel pores impacting spawning sites.	Potential for temporary barriers during instream works – none proposed, and site located approx. 53km from the Boyne estuary – no impediment to accessibility for salmon. Potential disturbance due to degradation of water quality within the SAC due to suspended solids in the absence of mitigation.
Salmon – restore the favourable conservation condition.	No	Degradation of water quality within water bodies linked to the SPA could impact on the availability of suitable fine sediment habitat or the chemistry	Potential for temporary barriers during instream works – none proposed. Potential disturbance due to degradation of water quality within water bodies linked to the SPA due to

Direct Impact		conditions for the species.	suspended solids and ammonia being carried downstream in the absence of mitigation.
Otter – maintain the favourable conservation condition. Indirect Impact	No	No works are proposed outside of the development site boundary and therefore no potential for indirect effects on habitat – located 15km to the south. The site is not located near any lake or waterbody and there will be no effects on any couching sites or holts.	No evidence of otter within the site. Potential disturbance due to degradation of water quality within receiving water bodies which may result in a decline in feeding resources. No instream works proposed, so no potential barriers to inhibit accessibility or connectivity.
River Boyne and River Blackwater SPA (004232)			
Relevant QIs/SCIs	Direct Habitat Loss	Indirect Habitat Loss or Deterioration	Disturbance / Displacement of Species
Kingfisher Indirect Impact	No	Degradation of water quality within water bodies linked to the SPA due to suspended solids and ammonia being carried downstream in the absence of mitigation.	Potential decrease in feeding resources due to potential degradation of water quality.
River Barrow & River Nore SAC (002162)			
Relevant QIs/SCIs	Direct Habitat Loss	Indirect Habitat Loss or Deterioration	Disturbance / Displacement of Species
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)* - restore the favourable conservation condition	No	Degradation of water quality within water bodies linked to the SAC could impact aquatic or alluvial plants – potentially resulting in a decrease of habitat area.	No disturbance or displacement of trees in the SAC and the habitat does not exist within the proposed development site.

<p>*Watercourses of plain to montane levels with <i>Ranuncullion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation - maintain the favourable conservation condition</p>	No	Degradation of water quality within water bodies linked to the SAC and release of suspended solids could impact vegetation – potentially resulting in a decrease of habitat area and distribution.	<p>The development will not result in a change in connectivity of river to floodplains – no effects.</p> <p>Changes in turbidity of water may effect <i>Ranuncullion fluitantis</i>.</p>
<p><i>Hydrophilous Tall Herb fringe Communities of plains and of the montane to alpine levels</i> - maintain the favourable conservation condition</p>	No	Degradation of water quality within water bodies linked to the SAC could impact aquatic or alluvial plants – potentially resulting in a decrease of habitat area.	<p>No potential for adverse effects in terms of the hydrological regime.</p> <p>No presence of invasive species identified and no instream works proposed so no potential for introduction of invasive species as a result of the proposed development.</p>
<p><i>White-clawed Crayfish</i> – maintain the favourable conservation condition</p>	No	Potential for degradation of water quality and aquatic habitat, potentially reducing refugia within the SAC.	Alterations to the availability of habitat on the main channel of the river Barrow would constitute a change from the baseline distribution of the species, which would alter the reference range and may inhibit the maintenance of favourable conservation condition.
<p><i>Sea, Brook & River Lamprey</i> - restore the favourable conservation condition.</p>	No	Potential for degradation of water quality and may result in a reduced availability of suitable habitat, such as fine sediment and spawning habitat for lamprey.	No instream works proposed, so no potential barriers to inhibit accessibility through river channels.
<p>Atlantic Salmon - restore the favourable conservation condition</p>	No	Degradation of water quality within water bodies linked to the SPA could impact on the availability of suitable habitat for the species.	<p>No instream works proposed, so no potential barriers to inhibit accessibility through river channels.</p> <p>The Figle River has a Q-Value of Q3-4. Degradation</p>

		Release of suspended solids and / or pollution has the potential to impact spawning sites.	of water quality could prevent the watercourse achieving Q4 water quality status.
Otter - restore the favourable conservation condition	No	No works are proposed outside of the development site boundary and therefore no potential for indirect effects on habitat – located 15km to the south. The site is not located near any lake or waterbody and there will be no effects on any coupling sites or holts.	No evidence of otter within the site. Potential disturbance due to degradation of water quality within receiving water bodies which may result in a decline in feeding resources. No instream works proposed, so no potential barriers to inhibit accessibility or connectivity.

*The Board will note the error in the NIS on page 101 – under the heading ‘Watercourses of plain to montane levels with Ranuncullion fluitantis and Callitricho-Batrachion vegetation’, the Conservation Objective cited relates to brook lamprey. The information presented under this heading in the table, however, relates to the appropriate habitat under consideration.

Conclusion on Potential Significant Effects

11.11.3. Given that the proposed development site is not located within any Natura 2000 site, there are no direct impacts in terms of loss/reduction of any habitat area during the construction, operational or decommissioning phases of the development as proposed for any of the three identified European Sites.

11.11.4. There is potential for indirect effects on the noted European sites including a number of the QIs associated with the proposed development by reason of run-off or discharge into the water environment through increased siltation, nutrient release and/or contamination. The Board will note the Inspectorate Ecologists Report which indicates that all potential impacts arising from the proposed development, as they relate to the River Barrow and River Nore SAC, are indirect and are at some distance from the proposed waste facility under consideration. There are no Annex I habitats present within the project site, and no botanical species, protected under the

Flora (Protection) Order 2022, identified in the Habitats Directive or listed as flora of conservation concern in Ireland were recorded on the site.

11.12. Cumulative and In Combination effects

11.12.1. Chapter 8 of the submitted NIS deals with the analysis of potential in-combination effects associated with the proposed development and presents details of other plans and projects in the vicinity of the subject site which were considered in terms of the cumulative effects on the environment. The applicant undertook a review of the EIA portal and Kildare Planning Portal to identify projects in the area around the proposed development.

11.12.2. A summary of the projects is presented and relate to:

- Timahoe North Project (ABP ref: ABP-303249-18) – Bord na Mona are developing a solar farm and a 110kV substation and grid connection in Timahoe North Bog, 560m to the north of the current proposed development site. This development was subject to AA.
- Coolcarroghan Solar Array (PA ref: 15/1172) – Wilson Wright proposing the development of a solar farm and associated infrastructure on a site immediately to the east of the proposed development site. This development was subject to AA.
- North Kildare Wind Farm (ABP ref: ABP-306500-20) – Permission granted for a wind farm of 12 turbines approximately 1km to the north of the proposed development site. Decision quashed by order of the High Court on the 30th January 2023.
- Water Supply Project – Uisce Eireanns proposal to abstract water from the River Shannon at Parteen Basin and pipe to Peamount reservoir in South Co. Dublin.
- The existing Drehid WMF – no potential for in combination effects.

The NIS notes that the many consents for one-off housing in the vicinity of the site are not likely to give rise to potential significant in-combination or cumulative effects.

11.12.3. A summary of the plans considered relate to:

- Timahoe South Rehabilitation Plan (2022)– this rehabilitation and decommissioning plan is currently in progress in Timahoe South Bog and

comprises part of Bord na Monas Peatland Climate Action Scheme. An NIS was prepared for the site and includes mitigation measures. There is no potential for in-combination effects.

- Kildare County Development Plan – the CDP includes policies and objectives for the protection of European Sites.

11.12.4. I refer the Board to the previous application on the site, and to the concerns raised in the Inspectors Report, and the decision of the Board to refuse permission for that development. Of particular note, is the concern of the Inspector who stated:

‘I do not consider in the absence of an overall plan for Timahoe Bog which includes, as far as possible, proposals to steadily reduce ammonia and suspended solids run-off to the Cushaling, that it can be definitively concluded that the proposed development, along with other proposed or permitted developments on those bog lands, would not have a significant adverse affect on the Atlantic Salmon in the Barrow / Nore catchment.’

11.12.5. Since this decision (06/11/2020) Bord na Mona, as part of their obligations to the IPC Licence for Timahoe South Bog, has developed a Timahoe South Rehabilitation Plan, dated 2022. This rehabilitation and decommissioning plan is currently in progress in Timahoe South Bog and comprises part of Bord na Monas Peatland Climate Action Scheme. While separate to the current proposed development, the details are included with the current application, and the plan seeks to address peatland rehabilitation and environmental stabilisation of the cutaway bog outside the boundary of the current subject site.

11.12.6. The Plan has clear targets for measuring success of actions, a detailed monitoring scheme and a timeframe for delivery, and its detail are included as considerations in the NIS. The interactions between the proposed development and peatland management of the wider bog are dealt with and it is noted that one of the main expected environmental effects of the TSB Plan is reduced ammonia and sediment loading to receiving water courses over time as exposed peat is stabilised. The Inspectorate Ecologist is satisfied that the mitigation measures proposed hereunder, as part of the proposed Drehid project, would not be compromised or suffer efficacy as any further degradation of peatland will be halted and rehabilitated. As such, the concerns raised in the previous application have been addressed.

11.13. Mitigation measures

11.13.1. Chapter 7 of the NIS sets out the relevant mitigation measures proposed to avoid the potential for any direct or indirect impacts to the QIs/SCIs habitats and species identified as being at risk. Table 7.1 of the NIS provides a summary of the mitigation measures proposed, timescale for implementation, monitoring requirements as well as a description as to how the measures will avoid/reduce effects, and confidence in effectiveness of the measure to avoid/reduce effects. The measures include as follows:

- Construction Phase:
 - Ecological Clerk of Works will be appointed.
 - Construction Environmental Management Plan has been prepared and included with the application.
 - Surface Water Quality Mitigation Measures:
 - Measures for sediment control
 - Measures for water pollution control
 - Surface Water Monitoring
 - Ground Water Monitoring
 - Management of Invasive Species
- Operational Phase:
 - Management of Habitats and Vegetation.
 - Surface Water Quality Mitigation.
 - Maintenance Measures.
- Decommissioning Phase:
 - Mitigation measures proposed for the construction phase of the development are also proposed for the decommissioning phase.
 - All structures proposed to be removed will be removed and hardstanding areas will be rehabilitated. The landfill body will be restored as per the proposed levels set out in the restoration drawings and in accordance with the landscaping plan.

- When operations on the site cease, monitoring and analysis of landfill gas and leachate from the site and the groundwater regime will continue as required by the EPA.

11.13.2. Mitigation measures proposed seek to prevent pollutants and sediments getting into surface waters at all stages of the proposed development, through avoidance designed into the scheme. Overall, I am satisfied that proposed development has been appropriately designed to include pollution control, mitigation and monitoring measures, which will include the appointment of an ECoW to supervise the construction phase, which will prevent the risk of any additional pollution load. The decommissioning and rehabilitation plan set for the wider area of cut over bog comprising Timahoe Bog South will improve local water quality and supports the conservation objectives for the Natura 2000 sites considered and for the qualifying interests for which they are so designated, including aquatic species.

11.14. **Residual effects**

The NIS submitted in support of the proposed development concludes that subject to the implementation in full of the mitigation measures indicated, no significant impacts on the key species and habitats associated with the Natura 2000 sites will occur. There is no pathway for significant impacts on the integrity of the Natura 2000 sites as a result of the project identified.

11.15. **NIS Omissions**

None noted.

11.16. **Suggested conditions**

11.16.1. Should the Board be minded to approve the proposed works, I consider that the Project Ecological Clerk-of-Works and the Licenced Ecologist who will be present during the course of the proposed construction phase of the development should have power to cease operations in the event of incident which has potential to impact on the habitats and/or species of the SAC/SPA.

11.16.2. In addition, compliance with IFI “Guidelines on protection of fisheries during construction works in and adjacent to waters” should be required. All plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

11.17. **Conclusion:**

11.17.1. I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European sites identified in light of their conservation objectives, and subject to the implementation of mitigation measures outlined above. I note the opinion of the Inspectorate Ecologist who considers that the applicant has demonstrated that the proposed development will not prevent or delay the achievement of conservation objectives for the European Sites assessed in the Natura Impact Statement.

11.17.2. I concur with the conclusions reached in the NIS that the proposed development will have no significant adverse effects (direct, indirect or in-combination) on the Conservation Objectives, Qualifying Interests or Special Conservation Interests for River Boyne and River Blackwater SAC (Site code: 0002299), the River Boyne and Blackwater SPA (Site code: 004232) or the River Barrow and River Nore SAC (Site code: 002162), or for any other European Site.

11.18. **Appropriate Assessment Conclusions**

11.18.1. In the interests of protecting the conservation objectives of the European Sites, mitigation measures are proposed in Chapter 7 of the submitted NIS as part of the proposed development. Mitigation measures are proposed for both the construction and operational phases of the wind farm development and on implementation, it is submitted that there are no likely residual negative impacts on the identified Natura 2000 sites. It is concluded that the proposed development will not have a significant adverse effect on the integrity of the Natura 2000 Network.

11.18.2. Having regard to the nature and existing use of the wider area and development site, the nature of the proposed development and its location within the rural area, together with the details presented in the Environmental Impact Assessment Report and Natura Impact Statement, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, I consider it reasonable to conclude on the basis of the information on the file, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the following Natura 2000 sites, or any other European site, in view of the sites Conservation Objectives:

- River Boyne and River Blackwater SAC (Site code: 0002299)

- River Boyne and Blackwater SPA (Site code: 004232)
- River Barrow and River Nore SAC (Site Code: 002162).

12.0 Recommendation

12.1. Arising from my assessment of this case, I recommend that the Board **grant** planning permission for the proposed development subject to the reasons and considerations below, subject to the attached conditions and in accordance with the following Draft Order.

Reasons and Considerations

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

- (a) EU Directives & Policies Including:
 - i. EIA Directive (Directive 2014/52/EU amending Directive 2011/92/EU)
 - ii. the Habitats Directive (92/43/EEC)
 - iii. the Birds Directive (2009/147/EC)
 - iv. the Landfill Directive (1999/31/EC)
 - v. the Landfill Amending Directive (EU 2018/850)
 - vi. the Waste Framework Directive (2008/98/EC);
 - vii. EU Action Plan for the Circular Economy 2020 Circular Economy Action Plan 'For a cleaner and more competitive Europe', 2020.
- (b) National Planning Policy including:
 - i. Project Ireland 2040 – the National Planning Framework (2018)
 - ii. National Development Plan 2021-2030 (2021)
 - iii. The Climate Action Plan 2024
- (c) National Waste Management Policy Framework and Guidance including:
 - i. A Waste Action Plan for a Circular Economy - Irelands National Waste Policy 2020-2025 (2020)
 - ii. Construction & Demolition Waste -Soil and Stone Recovery/Disposal Capacity Report, Combined Regional Authorities (2016)
 - iii. A Resource Opportunity – Waste Management Policy in Ireland, DoECLG (2012)
 - iv. Towards a New National Waste Policy, DoECLG (2011)

- (d) Eastern Midlands Regional Waste Management Plan 2015-2021
- (e) The Eastern and Midland Regional and Spatial Economic Strategy 2019-2031 (2019)
- (f) Kildare County Development Plan 2023-2029
- (g) The planning history of the site and immediate area, established use as a landfill site and past use for industrial peat extraction
- (h) The fact that the proposed development is subject of an application for a waste licence to the Environmental Protection Agency under the Waste Management Acts 1996, as amended, and consultation has taken place with the Environmental Protection Agency in regard to the environmental impact statement,
- (i) The character of the area and of the general vicinity, and proximity to the national primary road network,
- (j) The distance to dwellings and other sensitive receptors from the proposed development,
- (k) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (l) the submissions and observations received in relation to the proposed development,
- (m) The Environmental Impact Assessment Report submitted,
- (n) The Natura Impact Statement submitted,
- (o) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter, and
- (p) additional reports by the Inspectorate Ecologist and Scientist.

Appropriate Assessment: Stage 1:

The Board noted that the proposed development is not directly connect with or necessary for the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusions reached in the Inspector's report that in the absence of mitigation measures, the following sites are deemed to have potential to be impacted upon by the proposed development:

- River Boyne and River Blackwater SAC (Site Code: 002299)
- River Boyne and River Blackwater SPA (Site Code: 004232)
- River Barrow and River Nore SAC (Site Code: 002162)

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and all other relevant submissions and carried out appropriate assessment in relation to the potential effects of the proposed development on the following designated European Sites:

- River Boyne and River Blackwater SAC (Site code: 0002299)
- River Boyne and Blackwater SPA (Site code: 004232)
- River Barrow and River Nore SAC (Site Code: 002162)

The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the AA, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

The Board considered the nature, scale and location of the proposed development, as well as the report of the Inspector and the report from the Inspectorate Ecologist.

In completing the appropriate assessment, the Board adopted the report of the Inspector and concluded that, by itself or in-combination with other plans and projects in the vicinity, the proposed development would not be likely to have an adverse effect on any European site in view of the sites' conservation objectives and there is no reasonable significant doubt as to the absence of such effects.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location and extent of the proposed development on the site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received the prescribed bodies and observers,
- (d) the Inspector's report, and
- (e) the report from the Boards Scientist.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application.

Reasoned Conclusion on the Significant Effects:

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- There are potentially minor positive impacts on **population** associated with the creation of employment, with a knock-on positive impact on the existing businesses and services in the surrounding area. The delivery

of the **Community Fund** will also provide benefits for the local population.

- In terms of the **water environment** and **biodiversity** there is potential for the development to result in runoff of sediment into nearby drains and watercourses leading to increased silt loading which can impact **water quality** of the river and reduce the **ecological quality**, impacting on aquatic habitats and species. It has been identified in the EIAR that elevated ammonia in the groundwaters is linked to leaching from the peat across the full extent of the Timahoe South Bog, and not directly to the waste facility. Mitigation measures are proposed to avoid, manage and mitigate potential impacts and a robust drainage system is to be put in place to control runoff and manage sediment transport during the construction phase. No significant negative residual impacts are envisaged in terms of **soils, geology and hydrogeology, biodiversity and water** following the development and operation of the project. An Ecological Clerk of Works is to be appointed to oversee the construction phase.
- There will be limited **visual impacts** associated with the proposed development, which were appropriately assessed at a number of visual receptor locations throughout the study area, including both human beings and **cultural heritage** resources. Specific mitigation measures are proposed which include the retention of the existing perimeter planting and the vegetating of the landfill mounds as each section is completed. Berms are also proposed to the northern area of the site and as such, the development is acceptable.
- **Noise & Vibration** may occur during the construction phase of the development and will be temporary and short term. Noise may also arise due the operation phase but given the separation distances between the site and the nearest sensitive location, no mitigation measures will be required.
- In terms of **air quality & roads**, dust levels arising from the traffic associated with the construction and operational phases of the development is likely to have a temporary short-term impact on local

residents on the haul routes. The CEMP includes a suite of dust minimisation measures and will be adhered to during the construction phase. The procedures will be monitored.

- The CEMP also includes measures to mitigate the traffic and transportation effects of the proposed development, which have been borne out of surveys in terms of volume and road pavement conditions. The EIAR concludes that the project will not result in likely significant effects in terms of traffic and transportation.

The Board completed an environmental impact assessment in relation to the proposed amendments to the permitted development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed amendments to the permitted development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking the decision.

Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the National Planning Framework, the National Waste Policy 2020-2025, the Eastern and Midland Regional and Spatial Economic Strategy 2019-2031, the provisions of the Kildare County Development Plan 2023 – 2029, and other related policies and guidelines, would not have an unacceptable impact on the water environments, the biodiversity of the area, the residential amenities of the area, would not adversely affect the archaeological or natural heritage of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and received by the Board

on the 7th of June 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The developer shall ensure that all construction methods and environmental mitigation measures set out in the Environmental Impact Assessment Report, Natura Impact Statement and associated documentation are implemented in full, save as may be required by conditions set out below.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of European Sites and the environment.

3.
 - a) This permission shall be for a period of 25 years from the date of the operation of the proposed development. The ancillary structures shall then be removed unless prior to the end of the period, planning permission shall have been granted for their retention for a further period.
 - b) Prior to the commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of all development on site including the maintenance building, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted, and agreed in writing with, the planning authority.
 - c) On full or partial decommissioning of the development, the site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

Reason: In the interests of clarity and to enable the planning authority to review the operation of the facility over the stated time period, having regard

to the circumstances then prevailing, and in the interest of orderly development.

4. A suitably qualified Project Ecological Clerk-of-Works and Licenced Ecologist shall be retained by the developer to undertake pre-construction surveys at the various project elements, including any river crossings, immediately prior to commencing work in order to check for the presence of protected species in the vicinity (incl. badgers, otters, nesting birds, bats & common lizard). The mitigation measures contained in [Annex 1.10 of Volume II](#) of the submitted EIAR shall be implemented in their entirety. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record. Where necessary, the project ecologist shall have 'Cease Works' powers.

Reason: In the interest of nature conservation and the protection of ecology and wildlife in the area.

5. Prior to the commencement of development, details of the security fencing providing for the movement of mammals at regular intervals along the perimeter of the site shall be submitted for the written approval of the planning authority. The provision of mammal access gates shall be designed in accordance with standard guidelines for provision of mammal access (NRA, 2008).

Reason: In the interest of protecting the biodiversity of the area and to allow for continued access for wildlife in the area.

6. The developer shall prepare an Invasive Species Management Plan for the written agreement of the planning authority and all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

7. The developer shall facilitate the archaeological appraisal of the site, including the replacement lands, and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (i) notify the relevant Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (ii) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
 - (a) the nature and location of archaeological material on the site, and
 - (b) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the Planning Authority and, arising from this assessment, the developer shall agree in writing with the Planning Authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

8. The developer shall retain the services of a suitably qualified and experienced bat specialist to survey trees to be removed for the presence of bat roosts

prior to commencement of development. The removal of any roosts identified shall be carried out only under licence from the National Parks and Wildlife Service

Reason: In the interest of protecting ecology and wildlife in the area.

9. Artificial light sources relating to the proposed development shall be designed to avoid spillage outside the site.

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

10. A revised landscaping plan, prepared by a suitably qualified person, shall be submitted to and agreed in writing with the planning authority, prior to the commencement of the development. The plan shall include the following;
- (a) Sections through the site showing the elevation and extent of planting and mounds.
 - (b) A revised proposals for mounds to include organic and undulating features.
 - (c) Details of species and quantities of plants, scrub mix and topsoil depth for the infill areas.
 - (d) Proposals for the protection of habitat enhancement areas during the construction and operational phases.

Reason: In the interests of visual amenity.

11. Details of the materials, colours and textures of all external finishes to the proposed buildings shall be submitted to, and agreed in writing with the planning authority, prior to commencement of the development.

Reason: In the interests of visual amenity.

12. Working hours during the construction phase of the development shall be confined to between 07.30 and 19.00 hours Monday to Saturday inclusive and not at all on Sundays and public holidays. Deviation from these times will only

be permitted in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of properties in the vicinity.

13. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan which shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development. This plan shall cover all aspects of the construction phase and incorporate measures to avoid, minimise and mitigate potential effects on the environment. The plan shall provide details of the phasing of the development, intended construction practice, including hours of working, noise management measures, construction traffic management plan, surface water management plan, waste management plan and a programme for the monitoring commitments made in the application and supporting documentation during the construction period. The plan shall be updated at regular intervals.

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

14. 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 14.4 of the environmental impact statement. After a period of three years of the operational phase of the facility and at regular three-year intervals, a review of the impact of the heavy goods vehicle movements generated on the local road network 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.

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

15. The existing front roadside verge shall be kept free from obstruction and shall be maintained by the developer so as not to impede sight lines at the site entrance, as provided for in TII Documents (DN-GEO-03060 & 03031) 2017.

Reason: In the interest of traffic safety.

16. Prior to the commencement of development, the applicant shall submit a detailed programme / schedule of works for this application for the written agreement of the planning authority and in liaison with the MDOs where there are concerns about the impact of construction traffic from the proposed development on the surrounding road network and on the haul routes.

Reason: In the interest of traffic safety.

17. Appropriate warning signage shall be erected in the vicinity of the site entrance during the construction phase for the benefit of all road users and those using the facility on site.

Reason: In the interest of road safety.

18. 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 PL09.212059, and subsequent permissions 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 such agreement shall be referred to the Board for determination. The amount shall be index linked in the case of phased payment. The developer shall consult with the planning authority in this regard prior to the commencement of the development.

Reason: It is considered reasonable that the developer should contribute towards the cost of environmental, recreational or community amenities which would constitute a substantial gain to the local community.

19. 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 the commencement of development or in such phased payments as the planning authorities may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authorities 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 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

A. Considine
Planning Inspector
05/04/2024