



The submissions on this file and the Inspector's report were considered at a Board meeting held on 2nd May 2018.

The Board decided to approve the proposed development generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the following:

- (a) the relevant provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU,
- (b) section 175 of the Planning and Development Act 2000, as amended,
- (c) the fact that the proposed development requires an Industrial Activities Emission Licence from the Environmental Protection Agency, which will regulate activities on the site, and that environmental emissions will be controlled by way of conditions attached to such a licence,
- (d) the policies and objectives set out in the Kildare County Development Plan 2017-2023 including Policy WM16 which states that 'the Council will work in conjunction with government departments and Agencies and all other relevant stakeholders to remediate the Kerdiffstown Landfill in a socially, economically and environmentally sustainable manner that will both manage and reduce environmental risk and accommodate an appropriate end-use that is compatible with the established character of the area',

- (e) the current un-remediated nature of the site, the limited environmental control measures implemented on site and the resulting risk of future environmental pollution,
- (f) the beneficial environmental impacts of the proposed development in terms of protecting ground and surface water quality in the vicinity of the site,
- (g) the beneficial impacts of the proposed development on human health and population in terms of new recreational and leisure amenity,
- (h) the documentation and submissions of the local authority including the submitted Environmental Impact Assessment Report (EIAR) and associated documentation submitted with the application and the range of mitigation and monitoring measures proposed,
- (i) the submissions and observations received by the Board in relation to the proposed development,
- (j) 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 European Sites, and
- (k) the report and recommendation of the Inspector.

Appropriate Assessment Screening:

The Board considered the Screening Report for Appropriate Assessment and all other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector. In completing the appropriate assessment screening, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other plans or projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the

sites' conservation objectives and that a Stage 2 appropriate assessment is not, therefore, required.

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 a site that is subject to significant risk of environmental pollution,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the planning application,
- (c) the submissions received from the local authority, prescribed bodies and observers, and
- (d) the Inspector's report.

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 planning application.

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:

- Air pollution and noise during the construction/remediation phase which would be avoided by the indicated operation of the existing landfill gas flare and by the implementation of measures within a Construction and Environment Management Plan (CEMP) to include specific provisions relating to the control of dust, odours, noise and landfill gas management measures.

- The risk of pollution of ground and surface waters during the construction/remediation phase which would be mitigated by the implementation of measures within a Construction and Environment Management Plan (CEMP) to include specific provisions relating to groundwater, surface water, and erosion, as well as mitigation for the management of leachate.
- Biodiversity impacts, including on badgers and bats, which would be mitigated by the implementation of a Site Biodiversity Management Plan under the CEMP and specific mitigation to protect badgers and bats during the construction/remediation phase.
- The proposed development gives rise to an increase in vehicle movements and resulting traffic which would be mitigated by the new layout of the L2005, including new site access, the preparation of a Construction Traffic Management Plan, a mobility management plan and pre and post-construction road condition surveys.
- The risk of impact on a recorded monument would be mitigated by a programme of pre-construction archaeological testing followed by archaeological resolution if required.

The Board also considered that environmental benefits would arise from the proposed development, particularly during the aftercare phase when the site would be in operation as a public amenity, with improved controls on surface water, groundwater and air quality.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in Chapter 19 of the EIAR which provides a Schedule of Environmental Commitments, and subject to compliance with the conditions set out below, the effects of the proposed 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.

Proper Planning and Sustainable Development:

It is considered that subject to compliance with the conditions set out below:

- (a) The proposed development would address the current environmental risks posed by the site and would have likely beneficial environmental impacts in terms of ensuring future ground and surface water quality and air quality in the vicinity of the site.
- (b) The proposed development would result in an end use in the form of the public park and active leisure facilities that would be of overall benefit to the Johnstown, Naas and wider Kildare areas.
- (c) The proposed development would not result in any unacceptable adverse impacts in terms of biodiversity, land, soil, water, air, climate material assets, cultural heritage, landscape, population, and human health, during either the construction activities on site or the aftercare phase.

The Board concluded that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, including the Environmental Impact Assessment Report (EIAR), and other associated documentation, lodged with An Bord Pleanála on the 30th day of August 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be prepared by the local authority, these details shall be placed on file prior to commencement of development and retained as part of the public record.

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

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, including those set out in Tables 19.1-

19.13 of Chapter 19 of Volume 2 of the Environmental Impact Assessment Report submitted with this application, shall be implemented in full except as may otherwise be required in any Industrial Emissions Activity Licence (IEAL) issued by the Environmental Protection Agency in respect of the proposed development or as may be required in order to comply with the following conditions. Prior to commencement of development, details of a time schedule for implementation of the mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of clarity and to mitigate the environmental effects of the proposed development.

3. Prior to commencement of development, the local authority, or any agent acting on its behalf, shall prepare a Construction and Environmental Management Plan (CEMP) generally in accordance with the commitments set out in the EIAR and as detailed in Table 19.1 of Chapter 19 of same. The CEMP shall include specific proposals as to how the CEMP will be measured and monitored for effectiveness, and it shall be on file prior to the commencement of development and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

4. Site development and building works shall only be carried out between the hours of 0700 to 1900, Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received by the contractor from the local authority.

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

5. The operational hours of the floodlighting to the sports pitches shall not extend beyond 2200 hours with automatic cut-off of floodlighting at that time.

Reason: To protect the residential amenity of properties in the vicinity.

6. A suitably qualified ecologist shall be retained by the local authority to oversee the construction of the proposed development and implementation of mitigation measures relating to ecology as set out in Table 19.7 of the EIAR, including the proposed Site Biodiversity Management Plan. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist and submitted to the local authority to be kept on file as part of the record.

Reason: In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.

Note:

In deciding on the suite of conditions to be attached to this permission, the Board considered that a number of the conditions recommended by the Inspector were already adequately provided for in Chapter 19 (Schedule of Environmental Commitments) of the EIAR which accompanied the application.

Board Member

Date: 10th May 2018

John Connolly

