

## Board Order 09.CH3351

Local Government (No. 2) Act, 1960

Housing Act, 1966

Planning and Development Acts, 2000 to 2017

**Planning Authority: Kildare County Council** 

**Application** received by An Bord Pleanála on the 30<sup>th</sup> day of August, 2017 from Kildare County Council pursuant to section 76 of, and the Third Schedule to, the Housing Act, 1966 as extended by section 10 of the Local Government (No. 2) Act, 1960 (as substituted by section 86 of the Housing Act, 1966) and the Planning and Development Acts, 2000 to 2017, for confirmation of a compulsory purchase order authorising compulsory acquisition of lands and entitled **Kildare County Council Compulsory Purchase Kerdiffstown Landfill Remediation Project Order 2017.** 

## **Decision**

CONFIRM the above compulsory purchase order for the reasons and considerations set out below.

## **Reasons and Considerations**

Having regard to the objections made to the compulsory purchase order, and not withdrawn, and also having regard to:

(a) the purposes of the compulsory acquisition in question,

- (b) the need to ensure the future minimisation of emissions to the environment arising from the site,
- (c) the risk of future environmental pollution given the volume of waste material stored on the site, the unlined nature of the site and the proximity of the site to sensitive environmental receptors, including the Morell River,
- (d) the obligations on Kildare County Council under the EC Environmental Objectives (Groundwater) Regulations 2010,
- (e) the community need, public interest served and overall benefits, including benefits in terms of additional recreational and sports facilities for the residents of Johnstown, Naas and the wider Kildare area arising from the acquired lands,
- (f) the provisions of the Kildare County Development Plan 2017-2023 and the policies and objectives stated therein, which specifically identify the desirability of remediating the Kerdiffstown landfill site and the development of an appropriate end use for the site (Policy WM16),
- (g) the proportionate design response to the identified need, and
- (h) the report and recommendation of the Inspector who conducted the oral hearing into the objections,

it is considered that the acquisition by the local authority of the lands in question, and the extinguishment of rights of way and compulsory acquisition of wayleave rights, as set out in the compulsory purchase order and on the deposited maps, are necessary for the purposes stated and that the objections cannot be sustained having regard to the said necessity.

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

Dated this day of

2018