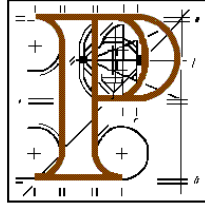


# An Bord Pleanála



## Inspector's Report

### Proposed Development

Remediation of Digby Bridge Closed Landfill, Digby Bridge, Barrettstown, Sallins, County Kildare

### Applicant:

Kildare County Council

### Type of Application:

Application for approval under section 177U of the Planning and Development Act 2000, as amended

### Date of Site Inspection:

11<sup>th</sup> March, 2022

### Inspector:

Kevin Moore

## 1.0. Introduction

1.1. A request by Kildare County Council was received by An Bord Pleanála on 15<sup>th</sup> December, 2021 to carry out a screening for appropriate assessment in accordance with the provisions of section 177U of the Planning and Development Act 2000, as amended, with respect to the proposed remediation of a closed landfill at Digby Bridge in County Kildare.

1.2. Details submitted with the request included:

- an appropriate assessment screening determination by the Environmental Protection Agency,
- a report entitled “Appropriate Assessment Screening” prepared on behalf of Kildare County Council and submitted to EPA as part of a Certificate of Authorisation (CoA) application process,
- a “Remediation Plan” explaining the need for the remediation works, and
- a Regional Waste Management Planning Offices (RWMPO) guidance document for local authorities relating to planning and planning exemptions for closed landfill remediation works and screening for appropriate assessment.

1.3. The request for an AA screening determination arises from the former landfill being an unlicensed facility and the requirement for Kildare County Council to comply with the provisions of the *Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008*. It is noted that the Environmental Protection Agency (EPA) has screened out the proposed remediation works needing an appropriate assessment, having received the application for a Certificate of Authorisation (CoA). Following this determination, the Board is asked to make an AA screening determination in accordance with

the provisions of section 177U of the Planning and Development Act 2000, as amended.

## **2.0. Legislative Provisions**

*Planning and Development Act 2000, as amended*

Section 177U includes the following

*177U. — (1) A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.*

*(2) A competent authority shall carry out a screening for appropriate assessment under subsection (1) before —*

*( a ) a Land use plan is made including, where appropriate, before a decision on appeal in relation to a draft strategic development zone is made, or*

*( b ) consent for a proposed development is given ...*

## **3.0. Site Location and Description**

- 3.1. The former landfill site is located to the south-east of Digby Bridge in the townland of Barrettstown, approximately 3km from the village of Sallins in County Kildare. The site presents as part of a field network in a rural area. There is extensive one-off housing in the area and there are houses bordering the site to the north and south with frontage onto local roads. The Grand Canal is located immediately north of the local road which runs to north-east of the site.

#### **4.0. Description of Proposed Development**

- 4.1. The proposed remediation would provide a landfill gas management system and adaptive monitoring for groundwater. The former would provide a gas extraction system with flaring, operating for a period of at least five years, and would include a landfill gas monitoring programme. The latter includes the provision of additional monitoring infrastructure and a programme of monitoring, including the provision of off-site monitoring wells, which would be undertaken quarterly for a period of up to four years.

#### **5.0. Screening for Appropriate Assessment**

##### *5.1. Background*

Kildare County Council submitted an Appropriate Assessment Screening Report to the Board as part of the request for a determination. This Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The applicant's AA Screening Report concluded that the proposed remediation works related to the Digby Bridge legacy landfill would not have any effects on the conservation objectives of any Natura 2000 sites in the vicinity of the works.

Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone or in combination with other plans and projects, on European sites.

## 5.2. *Description of Development*

The applicant provides a description of the project on pages 1 and 2 of the AA Screening Report. In summary, the works associated with the proposed remediation of the closed landfill would comprise:

- Drilling of gas boreholes;
- Either a flaring gas extraction system or a venting to atmospheric extraction system, with the system being selected following a 12-week trial with a temporary flaring system;
- Drilling of off-site groundwater monitoring wells; and
- Associated controls for all works, including signage and fencing.

## 5.3. *European Sites*

A summary of European sites that occur within 15km of the site for the proposed remediation is presented in Section 3.1 of the Council's AA Screening Report.

The following are the European sites within 15km of the site:

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<b>Special Areas of Conservation</b>	<b>Distance to Site</b>
Ballynafagh Bog SAC	c. 5.5km
Ballynafagh Lake SAC	c. 7km
Mouds Bog SAC	c. 7.4km

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Pollardstown Fen SAC	c. 11km
Red Bog SAC	c. 12.1km

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<b>Special Protection Area</b>	<b>Location</b>
Poulaphouca Reservoir SPA	c. 14.3km

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Table 1 of the applicant's AA Screening Report identifies the relevant European sites and their Qualifying Interests.

The Conservation Objectives for the SACs are to maintain or restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which the SACs have been selected. The conservation objective for the SPA is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interest for the SPA.

#### 5.4. *Identification of Likely Effects*

The following observations are made:

- The proposed remediations works are not directly connected with, or necessary to, the conservation management of any Natura 2000 site.
- The locations for the proposed remediation works are not sited in any European site.

- The locations for the proposed remediation works do not have any known habitat of conservation interest.
- The locations for the proposed remediation works do not have any known habitat to support Special Conservation Interests of any Special Protection Area.
- There is no hydrological link between the locations for the proposed remediation works and Moulds Bog SAC, Pollardstown Fen SAC, Red Bog SAC, and Poulaphouca Reservoir SPA.
- The locations for the proposed remediation works are close to the Grand Canal. The Council note that Ballynafagh Bog SAC and Ballynafagh Lake SAC may be hydrologically linked to the canal. However, both SACs are located upstream of the locations for the proposed remediation works. Therefore, there is no way in which potential contaminants for the proposed works could effect these European sites.

Further to the above, I note that groundwater at this location would ultimately discharge into the River Liffey. European sites downstream of this river comprise North Dublin Bay SAC, North Bull Island SPA, South Dublin Bay SAC, and South Dublin Bay and River Tolka Estuary SPA. Having regard to the distance of the proposed mediation works to such sites located at the coastline of Dublin City, there would be no significant effects on their Qualifying Interests

#### 5.5. *In-combination Effects*

I have no knowledge of any other plan or project with which consideration could be given to in-combination effects. Notwithstanding this, having regard to the

proposed remediation works having no direct or indirect effects on the conservation objectives of any European site, it is reasonable to conclude that there would be no potential for in-combination effects.

#### 5.6. *Mitigation Measures*

No measures designed or intended to avoid or reduce any harmful effects of the proposed alterations on a European site have been relied upon in this screening exercise.

#### 5.7. *Screening Determination*

The proposed development has been considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European site, in view of their Conservation Objectives, and Appropriate Assessment is not therefore required.

This determination is based on the following:

- There are no known pathways between the site areas associated with the proposed remediation works and any European site, and
- The locations for the proposed remediation works do not have any known habitat to support the Special Conservation Interests of any Special Protection Areas within 15km of the proposed development.



## **6.0 Recommendation**

6.1. It is recommended as follows:

Having regard to the screening assessment carried out above, it is considered that the proposed development would not adversely affect the integrity of any European site in view of the sites' conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

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Kevin Moore  
Senior Planning Inspector

16<sup>th</sup> March 2022