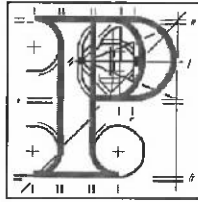


An Bord Pleanála



Inspector's Report.

Case Ref. No: ABP-312446-22

Issue: SID Pre-application – whether project is or is not strategic infrastructure development.

Proposed Development: Further development of Drehid Waste Management Facility

Location: Killinagh Upper, Carbury, County Kildare

Applicants: Bord na Móna PLC

Planning Authority: Kildare County Council.

Inspector: Kevin Moore

1.0 Introduction

- 1.1. The Board received a request on 12th January, 2022 from Bord na Móna PLC to enter into pre-application consultation pursuant to section 37B of the Planning and Development Act 2000, as amended, in relation to the further development of Drehid Waste Management Facility, County Kildare.
- 1.2. Three Pre-Application Consultation meetings took place between An Bord Pleanála (the Board) and the prospective applicant on 16th March, 2022, 5th July, 2022, and 8th December, 2022.
- 1.3. This Report is prepared following the request by the prospective applicant to close the Pre-Application Consultations between the applicant and the Board. This Report provides an overview of the proposed project, details of the legislative provisions, and a summary of the meetings and the advice provided by the Board. Furthermore, it discusses whether the proposed development would satisfy the conditions contained in section 37A (2) (a), (b) and (c) of the Planning and Development Act 2000, as amended, and recommends a list of Prescribed Bodies who should be forwarded copies of the application.

2.0 Proposed Development

- 2.1. The proposed development seeks the further development of Drehid waste management facility at Killinagh Upper, Carbury, County Kildare. The initial project submitted to the Board provided for:
 - In addition to the permitted disposal of 120,000 TPA of non-hazardous municipal waste until 2028, further capacity for non-hazardous wastes, to include municipal solid waste, C&D waste, stabilised waste from biological treatment of the biodegradable fraction of municipal waste, and pre-screened incinerator bottom ash;

- Increase the volume of waste to be accepted at the existing compost facility by 20,000 TPA from the permitted 25,000 TPA and remove the operating life of this facility.
- Pre-treat the landfill leachate at the existing facility. This is to be transported off-site by road tankers for disposal at approved municipal wastewater treatment plants.

2.2. The Board will note from the pre-application consultation details below that the proposed development was revised and that the proposal as set out in the details of Meeting 3 is the project now before the Board.

3.0 Planning History

ABP Ref. PL 09.212059

Permission was granted by the Board for the facility in 2005, permitting 120,000 TPA of waste to be disposed of at the landfill and 25,000 TPA permitted for treatment at the composting facility. The facility was permitted to have an operational life of 20 years.

EPA Ref. W0201-01 – The EPA issued a waste licence for the facility in 2005.

ABP Ref. PL 09.PA0004

Permission was granted by the Board in 2008 for a landfill footprint extension and for the intensification of waste acceptance to 360,000 TPA for a period of five years until December 2013, with tonnage thereafter limited to the 120,000 TPA maximum previously permitted.

EPA Ref. W0201-02 – The EPA issued a revised waste licence for the facility in 2009.

EPA Ref. W0201-03 – The above licence was replaced in 2010 and has been deemed to be an Industrial Emissions Licence.

ABP Ref. PL 09.PM0003

Following a Section 146B request, the Board approved in 2013 the alteration of the terms of the 2008 permission to permit Bord na Móna to continue to accept 360,000 TPA of waste until December 2015.

ABP Ref. PL 09.PA0027

In March 2013, the Board granted permission for a Mechanical Biological Treatment (MBT) facility, accepting up to 250,000 TPA of municipal solid waste.

EPA Ref. W0283-01 – The EPA issued a waste licence for the facility in 2014.

ABP-300506-17

Permission was refused by the Board in 2020 for changes to the volume and nature of wastes, additional non-hazardous and hazardous landfill capacity, pre-treatment / processing of certain waste streams prior to landfill, increasing the quantity of waste accepted and removal of restriction on the operating life of the existing compost facility, on-site treatment of leachate, and development of buildings/plant. Permission was refused for four reasons relating to impact on European sites, the subsurface geology being unsuitable for the safe disposal of hazardous waste, and traffic hazard.

4.0 Legislative Provisions.

4.1. *Planning and Development Act, 2000, as amended*

Section 37A

Section 37A refers to the Board's jurisdiction in relation to certain planning applications and refers as follows:

- (1) An application for permission for any development specified in the Seventh Schedule (inserted by the Planning and Development (Strategic Infrastructure) Act 2006) shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.*
- (2) That condition is that, following consultation under section 37B, the Board serves on the prospective applicant a notice in writing under that section stating that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely –*
 - (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,*
 - (b) the development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional planning guidelines in respect of the area or areas in which it would be situate,*
 - (c) the development would have a significant effect on the area of more than one planning authority.*

Seventh Schedule – Infrastructure Developments for the Purposes of Sections 37A and 37B

The following class of development in the Seventh Schedule, under *Environmental Infrastructure*, is inserted into the Planning and Development Act 2000 by section 5 of the Planning and Development (Strategic Infrastructure) Act 2006:

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

5.0 Applicant's Submission

5.1. The Prospective Applicant considers that the proposed development should be regarded as Strategic Infrastructure Development. With regard to the provisions of section 37(A)(2) of the Planning and Development Act, it is submitted:

- The proposed development would provide a significant addition to Ireland's eastern waste disposal infrastructure, providing landfill capacity for non-hazardous waste and alleviating the capacity issue for Ireland. The proposed development would be classified as a strategic application status under the Eastern-Midlands Regional Waste Management Plan. Due to its scale, the project would be of strategic economic and social importance to the Region and the State.
- The proposed development is in keeping with the National Development Plan, which recognises the need for investment in waste treatment capacity and the need for capacity to continue to be built in waste facilities, including hazardous waste treatment and landfill and landfill remediation.
- The site is within the administrative area of Kildare County Council

6.0 Pre-Application Consultations

6.1. *Meeting 1 - 16th March, 2022*

6.1.1. At the first meeting, the prospective applicant provided an outline of the proposed development, noting that the operational life of the facility is 20 years commencing from 2008 and that landfill capacity would likely be reached by 2026. It was clarified that the proposed further development would provide for the acceptance of a total of 420,000 TPA for a period of 25 years, with landfilling of 250,000 TPA. The presentation sought to address the reasons for refusal arising from the Board's previous decision under Board Ref. ABP-300506-17. Reference was made to site investigation works and surface water monitoring undertaken and to traffic assessment to be carried out.

6.1.2. Matters discussed at the meeting related to a comparison of the proposal with the previous development refused by the Board, the reasons for refusal arising from the Board's previous decision, traffic generation, road network capacity, clarity on sources of waste, leachate treatment, ammonia concerns and impact on European sites, EPA consultation, and defining the site boundary.

6.2. *Meeting 2 – 20th July, 2022*

6.2.1. At the second meeting, the prospective applicant gave a recap of the proposal, indicating the proposed increase in capacity from 120,000 TPA to 420,000 TPA, comprising 295,000 TPA non-hazardous waste, 100,000 TPA residual waste and 70,000 TPA of inert waste. Haul route and traffic count locations were provided. The Board was informed that road surveys and road condition surveys were underway and that consultation was occurring with the Roads Authority of Kildare County Council. Hydrological data monitoring was also referenced.

6.2.2. Matters discussed related to the previous reasons for refusal by the Board, with regard to the restricted road width and capacity of regional roads, road improvement works, HGV movements, and ongoing excess ammonia concentrations in ground and surface waters. It was submitted that there would be no treatment of leachate on site and it would be taken off site under pre-existing arrangements. It was confirmed that the application would be presented as a continuation and extension of the existing facility.

6.3. *Meeting 3 – 8th December, 2022*

6.3.1. At the third meeting, the prospective applicant provided revisions to the scope of the project. It was submitted that the permitted MBT facility would not be developed at the waste management facility. The meeting was informed that the proposal would provide for the following:

- An intake of 250,000 TPA of non-hazardous municipal, commercial and industrial wastes (including C&D wastes) to landfill;
- An intake of 70,000 TPA inert waste (soils and stone) for recovery for engineering and landfill construction;
- The provision of an MSW Processing and Composting Facility in the form of an extension to the Composting Facility, with an intake of 90,000 TPA; and
- Provision of a contingency capacity (requested by the Regional Waste Management Co-Ordinators) of 30,000 TPA.

6.3.2. This would provide for a total intake to the facility of 440,000 TPA. The landfill seeks a life of 25 years.

6.3.3. It was clarified that the MSW Processing and Composting Facility would accommodate approximately 35,000 TPA compost and 55,000 TPA MSW. This

facility would generate up to 40,000 TPA of CLO (Compost Like Output) which would go to landfill. It is proposed that the operational lifetime restriction on the compost facility would be removed.

6.3.4. The proposed development would also include:

- A processing building for the screening and segregation of soils and stones and construction and demolition waste (i.e. the inert waste);
- Associated landfill gas and leachate management infrastructure;
- Surface water management provisions which would include two permanent attenuation ponds and integrated constructed wetlands (ICWs);
- A new maintenance building; and
- Associated infrastructure, utility and landscaping works.

6.3.5. Updates on surface water monitoring relating to ammonia, suspended solids and BOD and on traffic generation, routing and condition surveys were provided. Timelines in relation to the next steps in the project were provided, with the intention given to make an application to the Board in the first quarter of 2023.

6.3.6. Matters discussed again focused on the reasons set out in the Board's previous decision, as well as clarity on the nature and extent of the proposal, confirmation of the abandoning of the permitted MBT facility, explanation of the methodology agreed with Kildare County Council on roads and traffic provisions, and the functioning and management of intended local haul routes.

7.0 Assessment.

7.1. I note that the proposed waste management facility would accept up to 440,000 tonnes of waste per annum and, thus, it would fall within the class of infrastructure set out in the Seventh Schedule that is referenced above.

7.2. Having regard to the provisions of section 37A(2) of the Planning and Development Act, my considerations are as follows:

- The proposed waste facility would provide waste management capacity for the Greater Dublin Area and beyond, ensuring compliance with EU and national targets and obligations for municipal waste processing and processing of construction and demolition wastes, as well as providing increased capacity for landfill. It is, therefore, recognised that a development of the nature proposed, i.e. one which would significantly expand waste management infrastructure within the State to assist in meeting EU and national obligations, would be of strategic economic importance to the State.
- The development of a waste management facility is consistent with national and regional policy. The proposed development could reasonably be viewed as being consistent with the fulfilment of the policies and provisions of the National Planning Framework (NPF), the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Region, and the Eastern and Midlands Region Waste Management Plan 2015 – 2021, including the following:
 - (a) The NPF recognises that additional investment in waste management infrastructure, and in particular different types of waste treatment, are required and that that prevention, preparation for reuse, recycling and recovery are to be prioritised (Section 9.2);

- (b) National Policy Objective 56 of the NPF seeks sustainable management of waste generation, investment in different types of waste treatment and supporting circular economy principles, and prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society;
- (c) Section 10.4 of the RSES promotes local authorities achieving waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal by complying with the strategic objectives, targets and goals set out in the Eastern and Midlands Region Waste Management Plan 2015 – 2021 and any subsequent waste management plans and promoting a more circular economy;
- (d) Regional Policy Objective 10.25 of the RSES requires development plans to identify how waste will be reduced, in line with the principles of the circular economy, and to take account of the requirements of the Eastern and Midlands Region Waste Management Plan; and
- (e) The Eastern and Midlands Region Waste Management Plan 2015-2021 places a strong emphasis on preventing wastes as well as material reuse activities, focusing on enhancing the collection of quality materials from discarded waste and further reducing the role of landfilling in favour of higher value recovery options.
- The proposed waste management facility is intended to serve the Greater Dublin Area and the Eastern Region and would, therefore, have a significant effect on the area of more than one planning authority.

8.0. **Conclusion**

- 8.1. Having regard to the above considerations, I am satisfied that the proposed development falls within the class of environmental infrastructure relating to a waste installation as set out in the Seventh Schedule of the Planning and Development Act 2000, as amended. Furthermore, I am of the opinion that the proposed development would satisfy the conditions contained in section 37A (2) (a), (b) and (c) of the Planning and Development Act. Therefore, I conclude that the proposed development constitutes a strategic infrastructure development for the purposes of the Planning and Development Act.
- 8.2. The Board may consider recommending to the prospective applicant a list of Prescribed Bodies who should be forwarded copies of the application documentation. A recommended list is as follows:

An Taisce

Department of the Environment, Climate and Communications

Department of Housing, Local Government and Heritage

Eastern and Midland Regional Assembly

Environmental Protection Agency

Health Service Executive

Irish Water

Transport Infrastructure Ireland

Dublin City Council

Dún Laoghaire-Rathdown County Council

Fingal County Council

Kildare County Council

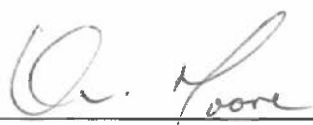
Laois County Council

Longford County Council

Louth County Council

Meath County Council

Offaly County Council
South Dublin County Council
Westmeath County Council
Wicklow County Council



Kevin Moore
Senior Planning Inspector

1st March, 2023
