



An
Bord
Pleanála

Inspector's Report 09.PC0204

Development

Changes to the volume and nature of waste to be accepted at the waste management facility.

Location

Drehid, Co. Kildare

Prospective Applicant

Bord na Mona Plc.

Planning Authority

Kildare County Council

Inspector

Pauline Fitzpatrick

1.0 Pre-Application Consultation

- 1.1. The Board received a request on 5th August, 2015 from Bord na Mona Plc. to enter pre-application consultations under Section 37B of the Planning and Development Act 2000, as amended, in relation to the proposed development at Drehid waste management facility in County Kildare.
- 1.2. The Board's representatives met with the prospective applicant on the following dates:
 - 1st September, 2015
 - 25th May, 2016
 - 16th November, 2016
 - 30th March, 2017
 - 13th September 2017

The following meetings were also held:

Eastern Midlands Region Waste Management Office - 22nd October 2015 & 20th July, 2017

EPA - 18th February, 2016 & 29th May, 2017

Kildare County Council - 26th January, 2017

- 1.3. The prospective applicant formally requested closure of the pre-application consultation process in a letter received on the 25th April, 2017. This request was repeated in its correspondence to the Board on the 25th October, 2017.

2.0 Site location and Existing Development

The waste management facility, including an engineered landfill, is part of a larger land bank of 2,544 hectares which lies within the confines of Timahoe Bog, in the north of County Kildare. The site is located approximately 18 km north-west of Naas and there are a number of settlements adjacent to the site including Allenwood to the south, Carbury and Derrinturn to the west and Timahoe to the east. Outside of the settlements the pattern of development is largely dispersed with considerable one-off housing in ribbon form along the local road network.

The site is connected to the road network by means of a purpose built access road off the R403, which lies to the south, southwest and west of the site. The R403 joins the R402 at Carbury to the northwest of the site. The site access road extends northwards for a distance of c 4.8 km from the regional road (R403) towards the landfill facility.

3.0 Planning History

PL 09.212059, Reg. Ref.04/371 - Permission granted on appeal on the 21/11/15 for an engineered landfill of 21.8ha to accept up to 120,000 tonnes per annum of non-hazardous residual municipal waste for disposal, a composting facility with a capacity of 25,000 tonnes and all ancillary works on a total site area of 139 ha.

PA0004 – Permission granted by the Board on the 31/10/08 for the extension and intensification of the Drehid facility, increasing the footprint of the landfill by 17.8ha and disposing of 240,000 tonnes of non-hazardous municipal waste per annum for 7 years (over and above the 120,000 tonnes per annum previously authorised).

PA0027 - Permission granted by the Board on the 15/03/13 for a mechanical biological treatment facility with a capacity of 250,000 tonnes per annum.

PM0003 – Condition 1 attached to PA0004 altered by Board on the 23/12/13 by way of Section 146B(3)(a). This allowed for up to 360,000 tonnes of waste per annum to be accepted for landfill disposal until 01/12/13 after which the waste to be accepted was not to exceed 120,000 tonnes.

PM0008 - Condition 1 attached to PA0004 altered by the Board on the 12/09/16 by way of Section 146B(3)(a). This allowed up to 360,000 tonnes of waste per annum to be accepted for landfill disposal until 01/12/17 after which the waste to be accepted is not to exceed 120,000 tonnes.

The Board also altered condition 9 requiring a review of the impact of HGV movements within three months of the date of the order.

PF0002 – point of detail regarding compliance with condition 9 as altered above. The Board in its decision states that the review should encompass the haul routes serving the site and should examine the condition and suitability of these routes in

relation to HGV traffic. Following the completion of the review the developer should formulate a proposal to fulfil the requirements of conditions 9 and 13 and submit this to the planning authority for agreement. Normal procedures for agreement in relation to planning compliance conditions should apply thereafter.

4.0 Proposed Development

4.1. The proposal is for:

- New non-hazardous landfill providing for 250,000 tonnes per annum. This, when coupled with the existing landfill which can accept up to 120,000 tpa permitted under PL 09.212059, would result in 370,000 tonnes per annum being accepted at the facility up to 2028 (PL09.212059 due to expire in 2028). The figure thereafter would be 250,000 tonnes per annum associated with the new landfill.
- 15,000 tonnes per annum metals recovery.
- Increase in intake for composting from 25,000 up to 45,000 tonnes per annum at the existing facility and develop further facilities so as to accept a total of 90,000 tonnes.
- Development of a hazardous landfill to accept up to 85,000 tonnes per annum.

4.2. In terms of the increased non-hazardous MSW it is proposed to accept incinerator bottom ash (IBA), stabilised waste from biological treatment of the biodegradable fraction of municipal waste and the fine fraction of construction and demolition waste.

4.3. The Poolbeg Waste to Energy facility, when fully operational, will produce approx. 120,000 tpa of IBA. Carranstown Waste to Energy Facility produces 90,000 IBA. The Regional Waste Management Plans support the development of an additional 300,000 tpa waste to energy capacity in the State and it is considered that, after the removal of metals, the net total bottom ash requiring management will be 220,000 tpa.

4.4. In terms of the composting facility it is proposed to remove the restriction on the operating life of this facility.

5.0 Legislative Provisions

Section 37A(1) of the Planning and Development Act as amended states:

An application for permission for any development specified in the Seventh Schedule shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority.

Section 37A(2):

That condition is that, following consultations 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 of the National Spatial Strategy or in any regional spatial and economic strategy in force 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 on planning authority.*

The Seventh Schedule of the Act as amended includes:

Environmental Infrastructure

A waste disposal installation for –

(c) The landfill of hazardous waste to which Council Directive 91/689/EEC2 applies (other than an industrial waste disposal installation integrated into a larger industrial facility).

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

6.0 Prospective Applicant's Case in relation to Strategic Infrastructure

6.1. The prospective applicant contends that with reference to the Seventh Schedule of the Planning and Development Act, 2000, as amended, the proposal accords with the threshold for disposal of waste greater than 100,000 tpa.

In terms of the criteria set out in Section 37(2) it is contended:

(a) Strategic Economic/Social Importance to State/Region

- The proposal will address the current deficit in hazardous waste facilities and will provide the first hazardous waste landfill as required in the National Hazardous Waste Management Plan 2014-2020.

(b) Contribute to the Objectives of the NSS and Regional Spatial and Economic Strategy

- The variety of waste solutions being offered will offer the state and the region, sustainable alternatives to exporting hazardous and non-hazardous waste. It will provide effective waste management structures and facilities as required in the NSS.

(c) Significant Effect on Area of more than one Planning Authority

- In providing waste recovery and disposal infrastructure for the Eastern and Midlands waste management region it would affect 12 constituent authorities.

7.0 National and Regional Policy

7.1. National Spatial Strategy

Section 3.7 states that in terms of economic infrastructure waste management is a particular current priority. Efficient, effective and cost competitive waste management facilities are essential if industrial and enterprise activity is to thrive and develop in a balanced way across Ireland.

7.2. National Hazardous Waste Management Plan 2014-2020

The objective of moving towards increased self-sufficiency and minimising exports continues to be recommended, where it is strategically/environmentally advisable,

and technically and economically feasible. If Ireland were to become self-sufficient, suitable hazardous waste treatment options would be required.

Whilst landfill is the least favoured option on the waste hierarchy it is recognised that for some non-recoverable or non-combustible hazardous wastes it will need to be considered.

7.3. Regional Spatial and Economic Strategy

There are currently three Regional Planning Guidelines documents relevant to the Eastern and Midland Regional Assembly area. In terms of the location of the site in County Kildare the following are extracted from the RPGs for the Greater Dublin Area 2010-2022:

Waste Management Strategic:

Policy PIP5 - To ensure, from environmental, business and public health needs, that waste management remains a priority for local authorities and waste management regions in continuing to invest in promoting and facilitating reuse and recycling by residential and commercial sources and that high standard options for treatment and final disposal of waste are available within the GDA.

Strategic Recommendation PIR36 - The new waste management strategy across the regions of the GDA should seek to facilitate a balanced use of resources and greater adaptability and robustness of services. Integrated waste management should be considered from the perspective of the GDA as one singular functioning economic and spatial unit and to increase economies of scale.

7.4. Regional Waste Management Plans

The Waste Management Plans prepared for the three Waste Regions in the Country have a co-ordinated approach to policies pertaining to disposal. The plans note that currently there are four landfills that remain open: three are located in the Eastern & Midlands Region with the fourth site in the Connacht Ulster Region. There are seven sites remaining in Northern Ireland with an estimated 120,000 tonnes of mixed municipal waste to be repatriated for disposal over the next few years.

In terms of policies the following are noted:

E8 - the waste plans support the development of disposal capacity for the treatment of hazardous and non-hazardous wastes at existing landfill facilities.

E9a – the on-going availability of disposal facilities for non-hazardous municipal residual wastes in the regions will be required during the plan period.

E9b – the waste plans support the need for on-going disposal capacity to be developed for on-site generated non-hazardous/hazardous industrial waste.

E10 – the waste plans recognise 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.

E12 – the waste plans support the repatriation of residual wastes illegally disposed in Northern Ireland to licensed disposal facilities.

8.0 Main Planning Issues arising during Consultations

As mentioned in the introduction, five meetings took place between the Board and the prospective applicant. The planning issues discussed which were considered to be particularly pertinent to the purposes of any future application included:

- Policy context for the proposal.
- Justification for the proposed tonnage per annum.
- Method of disposal of IBM and potential reuse of the material
- Certainty with respect to what is being proposed.
- Roads and traffic.

9.0 Assessment

The prospective applicant in its correspondence seeking to close the pre-application consultation process requests the Board in its determination to confirm the Strategic Infrastructure Development Status of the proposed development under the following three scenarios:

- the entire proposed development with all constituent elements included (ie. including non-hazardous and hazardous elements)

- the proposed development as a hazardous standalone (without the non-hazardous element)
- the proposed development as a non-hazardous standalone (without the hazardous element).

Section 37A(2) of the Planning and Development Act, 2000, as amended, sets out the conditions under which Seventh Schedule development is considered to constitute strategic infrastructure for the purposes of the Act.

In terms of the non-hazardous component entailing a further landfill which would accept up to 250,000 tpa this would exceed the stated 100,000 tpa threshold for an installation for the disposal, treatment, or recovery of waste. When coupled with the existing landfill on site which can accept up to 120,000 tpa permitted under PL 09.212059 the overall capacity would be 370,000 tonnes per annum being accepted at the facility up to 2028 (PL09.212059 due to expire in 2028) and thereafter 250,000 tonnes per annum associated with the new landfill.

There is no threshold to be met for landfill of hazardous waste.

In terms of the criteria which must be met in order for a seventh schedule development to be considered strategic infrastructure development I submit:

(a) Strategic or Social Importance to the State or Region in which it would be located:

The elements of the proposed development both individually and collectively are significant due to their scale. The proposal will provide landfill capacity in adherence with the Waste Management Plans for the three waste regions in the country. It would also provide for a hazardous waste facility which would assist in addressing the current deficit in hazardous waste facilities and will provide the first hazardous waste landfill in the country.

(b) Contribute to the Objectives of the NSS and Regional Spatial and Economic Strategy

The NSS refers to waste management being a particular current priority. Efficient, effective and cost competitive waste management facilities are essential if industrial and enterprise activity is to thrive and develop in a balanced way across Ireland. The Regional Planning Guidelines for the Greater Dublin Area 2010-2022 includes a

strategic policy that high standard options for treatment and final disposal of waste are available within the GDA. For similar reasons to those referred to above I consider, therefore, that the proposal also satisfies criteria (b).

(c) Significant Effect on Area of more than one Planning Authority

In providing disposal infrastructure for the Eastern and Midlands Waste Management Region it would effect 12 constituent authorities. I consider that the proposal satisfies criteria (c).

10.0 Recommendation

10.1. I recommend that the Board should decide that the proposed development as set out in the three scenarios put forward by the prospective applicant are strategic infrastructure development for the following reasons and considerations.

REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed waste development it is considered to fall within Class 3 - Environmental Infrastructure, Seventh Schedule and within the terms of Section 37A(2) paragraphs (a), (b) and (c) Planning and Development Act 2000 as amended. It is the opinion of the Board that the development would be of strategic importance to the State and the region within which is would be situate, would contribute substantially to the fulfilment of objectives of the Regional Planning Guidelines for the Greater Dublin Area 2010-2022, the Waste Management Plans of the Eastern and Midlands, Connaught Ulster and Southern Waste Regions and would have a significant effect on the area of more than one planning authority.

Pauline Fitzpatrick
Senior Planning Inspector

October, 2017

Appendix 1

The following is a schedule of prescribed bodies considered relevant in this instance for the purposes of Section 37E(3)(c) of the Act.

Minister for Housing, Planning, Community and Local Government

Minister for Communications, Climate Action and the Environment

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs

Meath County Council

Fingal County Council

Dublin City Council

South Dublin County Council

Dun Laoghaire Rathdown County Council

Kildare County Council

Laois County Council

Longford County Council

Louth County Council

Offaly County Council

Wicklow County Council

Westmeath County Council

Irish Water

Transport Infrastructure Ireland

Eastern Midlands Regional Waste Office

Eastern and Midlands Regional Assembly

An Chomhairle Ealaíon

An Taisce

Fáilte Ireland

Heritage Council

Inland Fisheries Ireland

Environmental Protection Agency

Health Service Executive

Geological Survey