



An
Bord
Pleanála

Inspector's Report

Further Report following public notification and consultation on the Proposed Alteration in accordance with Section 146B(8) of the Planning and Development Act, 2000, as amended.

Planning Authority

Kildare County Council

Applicant

Bord na Mona PLC

Proposal

Request to alter condition no.1 of previously permitted landfill at the existing Drehid Waste Management Facility (PA0004).

Location

Drehid, Killinagh Upper, Carbury,
Co. Kildare

Inspector

Pauline Fitzpatrick

Date of Site Inspection

03/08/16

1.0 INTRODUCTION

This report relates to a request from Bord na Mona Plc that the Board exercise its powers under section 146B of the Planning and Development Act 2000, as amended, to alter condition 1 attached to the approval granted under reference 09.PA0004 in relation to the extension and intensification of the Drehid Waste Management Facility.

The request is for the alteration to the terms of the permission to allow municipal solid waste to be disposed at the facility at a higher rate of 360,000 tonnes per annum until 1st December 2017, after which the disposal of waste would be limited to 120,000 tonnes per annum.

This is the 2nd request for an alteration to the terms of the permission. The Board decided to alter condition 1 of the permission to allow a higher rate of waste to be accepted at the facility until 1st December 2015 under case reference 09.PM0003.

On foot of an initial report dated 19th May 2016 the Board informed the applicant in a letter dated 3rd June, 2016 that it decided the proposed alteration to be material. It invoked the provisions of section 146B(8) of the Act requiring the applicant to give public notice of the amendment and invite submissions from the public and certain prescribed bodies.

Submissions have been received by the Board following the application of the said provisions. The applicant has been afforded the opportunity to respond to the said submissions.

This report and assessment should be read in conjunction with the earlier report which contains an overview of the location and description of the site, the legislative context for the decision, the planning history and details of the amendment sought.

2.0 SUBMISSIONS TO AN BORD PLEANALA

2.1 Prescribed Bodies

2.1.1 **Transport Infrastructure Ireland** has no specific comment to make.

2.1.2 The joint submission by the **Eastern Midlands, Southern and Connacht-Ulster Waste Management Regions** can be summarised as follows:

- The shortfall in capacity to deal with residual waste is likely to be problematic until the waste to energy plant at Poolbeg is fully operational which is expected in mid 2017.

- The alteration as requested is supported as part of the national need for residual waste facilities.
- The alteration is consistent with infrastructural Policy E8 of the Waste Management Plans which states that the plans support the development of disposal capacity for the treatment of hazardous and non-hazardous waste at existing landfill facilities in the region subject to the appropriate statutory approvals being granted in line with the appropriate environmental criteria.

2.1.3 The submission from **Kildare County Council** which is accompanied by a number of internal reports can be summarised as follows:

2.1.3.1 Overview

- The urgent national need for residual waste facilities is acknowledged.
- The impact of the request to increase the tonnage into the facility for a restricted period, especially on the wider environment of north and mid-Kildare, needs to be considered as part of the Board's assessment.
- The Board may, under Section 146B (2) and (3), investigate other alterations to the permission in addition to the one being sought by the applicant. From the Council's point of view these would principally be centred around HGV traffic to and from the facility and the impacts of this traffic. It is recommended that the Board review Condition 9 (haul routes), condition 12 (financial contribution) and condition 13 (special contribution towards road improvements and traffic calming measures).

2.1.3.2 Roads and Traffic

- The haul routes are already under pressure from the HGV traffic accessing the site and the proposed alteration which, when coupled with the traffic associated with the permitted MBT plant, will increase HGV traffic and loading which will result in the deterioration of the road structure.
- Recent traffic counts have shown typically 200-250 HGV traffic movements on the R403. Each 100,000 tonnes per year will add 25-30 truck movements per day (based on a HGV of 30 tonnes) equating to an additional 12% on the existing HGV load.
- Due to the closure of Caragh Bridge, the HGV daily volume on the Millicent Bridge route has increased substantially leading to road sub-base damage. The road is ill equipped to accommodate increased HGV loadings. It is feared that other such roads that have so far adequately performed will rapidly deteriorate under increased frequency and loading of vehicles.

- Current haul routes are directed through small towns and villages such as Allenwood, Derinturn, Prosperous, Clane, Kilshanroe, Sallins and Johnstownbridge. These are not by-passed. The increased HGVs will have an impact on pedestrian and cyclist safety as well as village ambience. This will lead to subsequent calls for traffic calming measures, traffic lights, by-passes etc.
- Expenditure has been incurred on sections of the haul routes.
- The levies paid by Bord na Mona to date are very low compared to the amount of waste delivered to the facility. They are not reflective of the damage done to the local roads by the facility and the costs incurred by the County Council to cover the cost of their maintenance.
- It is acknowledged that Bord na Mona cannot exert direct control over the vehicles driving to and from the site as they do not directly employ the drivers. It is noted that the applicant is willing to take retrospective action when instances are reported to it. Currently there is no GPS system in place for the monitoring of traffic delivering to the site.
- Complaints have been received from the public on HGV driver behaviour and it is concerned that this will increase.
- There will be an increase in potential conflict of traffic manoeuvres with the additional HGVs and other road users.
- The Transportation and Public Safety Department recommends refusal.

2.1.3.3 Environment

- Due regard should be had to managing all impacts and emissions from the facility. Of particular concern would be any impact on surface and groundwater given the current status of the receiving surface waterbody and the requirements of the Water Framework Directive. The facility is located on peatland and the consequential effect of development has resulted in increased ammonia levels being released to waters.
- Environmental Impact on the wider community should be fully assessed, including vehicular emissions and noise and dust due to the increase in trucks using the rural road network.
- Given the lack of information it is not possible to give an informed assessment of the implications of the proposed development on Irish Water Infrastructure. The proposed development gives rise to significant increased demand in terms of water and waste water.

2.2 Observers

Observations have been received from

1. Protect Caragh Group
2. Indaver
3. Cllr. Padraig McEvoy
4. Robert & Sinead Volkamp
5. John Walsh
6. Una M. Duffy
7. Philip Blake
8. Emer Jackson
9. Patrick Given

The submissions can be summarised as follows:

2.2.1 Roads and Traffic

General

- The original permission for the landfill at Drehid required HGV's to and from the site to take a number of specific routes. Some of these haul routes are no longer suitable and HGVs have been restricted along same resulting in an increase in traffic on other routes above the level for which they were assessed in the EIS.
- The EIS assessed the impacts of 120,000 pa and the associated truck movements. The level of truck movements arising would be 3 times greater.
- HGV's on the roads have material adverse impacts on residents in terms of noise, vibration, pollution and safety.
- The roads are in a poor condition and deteriorating.
- The local road network has limited capacity to safely accommodate ongoing traffic flows to the site. There is an increased risk of accidents.
- Other road users are put in danger including cyclists and pedestrians.
- The heavy vehicles are speeding and are often in convoys. The 80kph speed limit is too fast for such vehicles.
- The poor road surface has an adverse impact on other vehicles using the roads.
- In assessing the impacts of additional truck movements along the route impacts on residents, the public realm and vulnerable structures such as bridges, demesne walls and protected structures should be assessed.

- In further extending the additional waste capacity per annum, the Board should satisfy itself that the applicant is fully compliant with conditions of the existing permission including condition 9 in terms of haul routes and condition 13 in terms of special contribution towards road improvements.
- There has been ongoing discussions on the County Council's ability to enforce the approved haul routes and there may be a difficulty in establishing that there is compliance with condition 13.
- The requirement for the developer to undertake regular cleaning of haul routes would be a positive step.
- The traffic results in a devaluation of property.
- There is congestion through Naas and Sallins. Local fauna have been negatively impacted upon.

Local Road L2030

- One of the approved routes is through Caragh village. Damage to the bridge over the River Liffey on the route has resulted in Kildare County Council precluding HGV's over the bridge. As a consequence many of the HGV's from the landfill use local road L2030. The road is incapable of accommodating the vehicular movements arising. The use of this road also contravenes a condition of the original planning permission for the landfill site.
- There is a railway bridge along the L2030 at which the County Council have had to implement a new system of lights to facilitate two way traffic. Notwithstanding, HGV's struggle to negotiate the bridge which could have knock on safety issues on the rail line.
- At the junction of the L2030 in Caragh, Drehid bound HGV's have to swing across the other side of the road to turn left to negotiate the T- junction which constitutes a dangerous manoeuvre.
- Whilst Bord na Mona has agreed to instruct drivers to no longer use this route there is concern that the L2030 road will continue to be used. The Board is requested to specify that L2030 cannot be used at any time.

Local road L2002

- L2002 is a narrow road that is not wide enough to accommodate the width and weight of the trucks using it. The potholes are very big and the road shows signs of subsidence.
- Millicent bridge is not suitable for the weight or width of the trucks with HGVs queuing to pass over it backing up around a dangerous corner

- Both the bridge over the Liffey at Millicent and the walled garden boundary abutting the road, which are of heritage value, are at risk with the wall showing signs of structural damage.
- The trees along the road have been adversely impacted on.
- Property along the road has been damaged.

2.2.2. Environmental Impact

The negative environmental impact of sending waste to landfill is well documented. Each extra tonne of waste accepted at the facility increases the duration and toxic effects of this pollution. Rather than permitting further environmental damage, the facility should be allowed to quickly reach the previously agreed capacity and closed.

2.2.3 Principle of Development

In view of the insufficient permitted treatment and recovery capacity in Ireland and abroad for current residual waste there is no objection to the temporary intensification as proposed. However the continued reliance on disposal by landfill cannot be a medium or long term solution. The application illustrates the urgent need for the development of alternatives to landfill.

3.0 APPLICANT'S RESPONSE TO SUBMISSIONS

In addition to reiterating a number of points made in its original submission to the Board the response from AOS Planning on behalf of Bord na Mona can be summarised as follows:

3.1 *Need and Principle of Development*

- The Draft Kildare County Development Plan 2017-2023 highlights the fact that the Eastern-Midlands Region Waste Management Plan 2015-2021 provides the framework for waste management within the region and it is an objective to support the implementation of the said plan.
- The EPA has confirmed that Drehid Landfill represents the only facility immediately available with additional capacity for receiving residual municipal solid waste whilst awaiting the completion of other permitted facilities.

3.2 Intensification/Extension of Use

- The proposal will not result in intensification or extension of use. The proposal seeks to utilise existing, assessed, and permitted yet unutilised landfill capacity.
- There are no physical changes proposed to the footprint of the landfill nor to the final overall volume of waste that will be disposed of, which were assessed in the EIS on PA0004.
- The facility has not accepted the maximum permitted volume of 360,000 tpa for each of the 7 years for which such activity was permitted. As such the facility has retained the ability and capacity to accept the requested higher intake of waste.
- The commencement of construction of the permitted MBT facility is not envisaged before December 2017. Therefore there is no issue in respect of the likelihood of the approved MBT facility and that of the current proposal being operated simultaneously.
- There are a number of errors contained within the calculations provided with the Kildare County Council submission. The figures provided refer to information and waste quantities that are currently the subject of a separate and existing SID pre-application consultation process for which an application has yet to be made.

3.2 Suitability and Capacity of Existing Roads and Haul Routes

General

- There was an agreement with Kildare County Council for the use of approved haul routes associated with all Board planning permissions (PL09.212059, PL09.PA0004 and PL09.PA0027). A section of the Naas Road Improvement Scheme between the R407 and R409 which had not been available under the original permission (PL09.212059) is confirmed as being available for the development.
- The traffic counts were carried out on dates when the permitted operating capacity of the site was of the order of that proposed in the current application (as granted under re. PM0003) and that permitted under the Section 56 orders. The proposal will not increase HGV traffic and loading on the haul routes.
- The rationale behind GPS monitoring is not stated. The applicant effectively manages use of unapproved routes. As a significant proportion of the waste accepted is delivered by external waste contractors whose vehicles are

outside the control of the applicant the imposition of such a condition is not feasible.

- The applicant is proactive and successful in policing the issue of customers using unapproved haul routes to access the site.
- Were the applicant made aware of complaints about driver behaviour it could have taken appropriate action.
- The roads and bridge infrastructure in the area is for public use and subject to standard axle load restrictions. The HGV vehicles arriving and departing will be legally constrained by standard axle load restrictions.

Local Road L2002

- The Millicent Road (L2002) is part of the approved haul routes submitted under PA0004. The Traffic Impact Assessment in the EIS included extensive stress testing of the haul route network as required by Kildare County Council and its consultants.
- Following the closure of Caragh Bridge to HGVs signs were erected by the Council at various locations to highlight the availability of alternative routes. The signs erected at each end of Millicent Road give the impression that HGVs are being diverted along Millicent Road rather than advising that it is an alternative route. This has the potential to disproportionately increase the volume of traffic on the road and divert it away from the R407-R403 route which is also approved. This has been raised with the County Council which has committed to reviewing the effect of its signs and traffic management plan and taking remedial action if deemed necessary. It has also been raised with hauliers accessing the site with a view to ensuring that traffic is dispersed across all available haul routes. It is anticipated that these measures will assist in addressing the issues raised.

Local Road L2030

- Following the temporary closure of Caragh Bridge on the R409 Kildare County Council implemented a Traffic Management Plan which diverted all traffic via the L2030. The applicant agreed with Kildare County Council to avoid this local diversion route around Caragh Village.
- In respect of the medium term closure of the Caragh Bridge the Board is reminded of the dispersal of HGV movement across all the routes approved under the permission and the stress testing of those routes which demonstrated the adequacy of the approved haul route network where 100% of the HGV movements were assumed to originate from either north or south

of the site. Other scenarios considered included 33-67%, 67-33% and 50-50%.

3.3 Residential Amenity

- Whilst it is acknowledged that there are some residents along various sections of the haul routes that are likely to experience some nuisance in respect of HGV traffic, it is considered in respect of the wider public interest and the limited use of these routes, that residential amenity or privacy would not be directly adversely affected to any undue degree that would warrant a refusal to the requested condition alteration.
- Property devaluation is not a planning issue.
- Future recreation/amenity was addressed under PL09.212059 and PA0004 and is reflected in conditions 19 and 17 attached to the latter decision. These financial contributions have been complied with in full.

3.4 Environmental Pollution/Impacts

- The EIS that accompanied PA004 addressed the potential effects on the environment.
- The EPA granted the recent application for a Technical Amendment to the Waste Licence to permit the facility to accept 360,000 tonnes per annum for disposal to landfill until 31/12/17. Ongoing exceedances of the emission limit value for ammonia are attributed to naturally occurring ammonia in pumped groundwater.
- The applicant already undertakes routine litter picks on the approved haul routes as part of the Litter Control procedure in operation and are implemented within 3km either side of the entrance. The imposition of a condition in respect of same is not warranted.
- Section 3.14.4 of the EIS accompanying PA0004 also addressed other procedures in place in respect of litter control.
- The applicant maintains a register of complaints in compliance with condition 11.4 of the waste licence. In 2014 and 2015 3 complaints were received relating to litter and 1 complaint in 2015 relating to traffic.
- The proposed alteration will not give rise to any increased demand in terms of water and waste water.

3.5 Development Contributions

- The applicant has complied with all relevant development contributions to date.

- In terms of condition 9 attached to PA0004 identifying the haul routes and review of same in conjunction with the planning authority, the applicant failed to get a response from the planning authority.
- The Board is advised that the planning authority invited the applicant to a meeting on 03/08/16 at which it committed to cooperating with the required review. Nevertheless consequential additional payment under conditions 21 and 13 of the respective permissions should only arise in respect of any agreed and implemented revisions to the haul routes arising from such a review.
- Condition 13 requires a special contribution in respect of road improvements and traffic calming measures. Following the applicant's compliance with condition 21 of the original permission, no additional specific exceptional costs were identified by or agreed with the County Council as there was no revision to the approved haul routes under that permission.
- The applicant is not of the view that the impact of the HGV movements generated on the approved haul routes is such that it warrants any revisions to those routes.
- The Board is referred to the significant debate on levies during the oral hearing on the MBT proposal (PA0027) and the Inspector's rejection of the proposal to impose such conditions in addition to those of the type already imposed on the previous permission.
- The Board did not review the condition relating to haul routes, possible additional payments, contributions or special contributions under the previous alteration of condition request under ref. PM0003.

5.0 ASSESSMENT

Arising from my initial report on the application submitted to An Bord Pleanála, I took the view that the alteration proposed would not be likely to have significant effects on the environment. This conclusion was drawn without prejudice to consideration of any such further information as might become available arising from public consultation.

From the said public consultation process since completed, I consider that the issues arising can be addressed under the following headings;

1. Principle of the alteration
2. Roads and traffic

3. Whether the proposed alteration would be likely to have significant effects on the environment

5.1 Principle of the alteration

The joint statement from the Regional Waste Authorities received by the Board effectively reiterates the case made by the applicant in support of the proposed alteration in that there is a national need for residual waste facilities with the shortfall in capacity to deal with such waste likely to be problematic until the waste to energy plant at Poolbeg is fully operational. This is expected in mid 2017. It is estimated that there is a national shortfall of capacity for treatment/disposal of residual municipal waste and associated wastes of up to 6,000 tonnes per week with a backlog of waste with stockpiling at licenced and permitted sites.

I note that in March 2016 all Local Authorities simultaneously and collectively invoked their powers under Section 56 of the Waste Management Act, to make orders for the activation of all immediately available landfill capacity and the taking of such other necessary measures to limit or prevent environmental pollution for a prescribed period up to 10th June 2016. The additional capacity required to be provided at Drehid was 138,000 tonnes, namely 6,000 tonnes per week for 23 weeks.

The Board is also advised that the EPA has issued an amendment to the licence to permit Drehid to accept 360,000 tpa until 31/12/17. The EPA did not make a submission to the Board following notification of the proposed alteration under Section 146B(8).

In terms of policy considerations there has been no change at national level since the previous Section 146B request in 2013 under ref. PM0003 with the document *A Resource Opportunity – Waste Management Policy in Ireland* (July 2012) noting that a key objective of waste management plan will be to ensure a sufficiency of waste management infrastructure to manage municipal waste.

At a regional level and subsequent to the previous alteration request, the Eastern-Midlands Region Waste Management Plan 2015-2021 has been adopted. In same policies E8, E9a, and E10 identify the need for on-going availability and development

of disposal capacity for the treatment of non-hazardous waste and the need to provide for contingency supply. Currently there are only four landfills serving the country, three in the Eastern-Midlands Region with the fourth in the Connacht – Ulster Region. As a consequence and as is evident from the joint submission made by the Waste Regional Authorities to the Board there is significant inter-regional dependence in terms of waste disposal.

The existing 2011 County Development Plan, whilst making reference to and supporting the realisation of the Waste Management Plan for Co. Kildare, can be reasonably be interpreted as now supporting and assisting in the effect of the Regional Waste Management Plan. I note that the draft 2017 Development Plan makes specific reference to the current Waste Plan with an objective to support its implementation. Kildare County Council in its submission to the Board acknowledges the urgent national need for residual waste facilities.

In view of the information provided in support of the application and the documented shortfall in residual waste disposal facilities at a national level in the short term I submit that the proposed alteration, allowing an increased acceptance at the facility for a defined period of 2 years, would assist in addressing this shortfall and would therefore accord with the policies at both national, regional and local level.

5.2 Roads and Traffic

The substantive issue arising in the majority of the submissions received by the Board following public consultation pertains to the haul routes and adequacy of the road network used by HGV's accessing the landfill facility. Specific reference is made to use of local road L2030 in the vicinity of Caragh village and L2002 in the vicinity of Millicent.

The original permission for the landfill facility at Drehid as granted under ref. PL 09.212059 identified a number of specific haul routes to be used by HGVs. The EIS accompanying same assessed the impacts of the development with a stated capacity of 120,000 tpa. The routes are reiterated in the details given in Figure 4.9.1 A of the EIS accompanying PA0004 and the said document assessed the impacts of the development with a stated capacity of 360,000 tpa with stress testing of the haul routes. In addition to the detail provided in the EIS further

supplementary detail was provided at the oral hearing by way of an Addendum Report and was the subject of consideration at the said hearing with the issue of roads and traffic including capacity and condition of pavement raised both by observers and the planning authority. The Board in its decision considered that the proposal would be acceptable in terms of traffic safety and convenience. Condition 9 attached to the decision (comparable to condition 13 attached to PL09.212059) requires the use of the haul routes as identified in figure 4.9.1 of the Environmental Impact Statement. After one year of the acceptance at the facility of the increased capacity of 360,000 tonnes, a review of the impact of the Heavy Goods Vehicle movements generated on the local road network to be carried out by the developer in conjunction with the planning authority. Any revisions to the routes allowed to and from the site to be agreed and implemented within six months of the review and any additional payments necessary under condition number 13 of the order to be agreed between the developer and the planning authority or, in default of agreement, the matter shall be referred to the Board for determination. Condition 13 (comparable to condition 21 attached to PL09.212059) required the payment of a special contribution in respect of road improvements and traffic calming measures, which would benefit the proposed development. The amount of the contribution to be agreed between the planning authority and the developer or, in default of such agreement, the matter be referred to the Board for determination.

Subsequent to the said application the Board also adjudicated on the application for an MBT facility on the site under reference PA0027. The facility is to have a stated capacity of 250,000 tpa. It is advised that the figures used in the TIA in the EIS accompanying the application accounted for HGV traffic generated by the existing facility based on the landfill accepting 360,000 tonnes of waste per annum and the compost facility accepting 25,000 tonnes. The haul routes presented in Figure 11.1 correspond with those given in Figure 4.9.1A on file reference PA0004. As above the Board in its decision considered that the proposal would be acceptable in terms of traffic safety and convenience.

Therefore I submit that due assessment and consideration has already been given to the ability of the road network to accommodate the 360,000 tpa generated by the landfill. I also note that due consideration and assessment was had to vehicular movements in the assessment of potential impacts arising from dust, noise and vibration in the EIS on file ref. PA0004.

Damage to Caragh Bridge on approved haul route R409 has resulted in Kildare County Council precluding its use by heavy vehicles. Following the temporary closure of Caragh Bridge the County Council implemented a Traffic Management Plan which diverted all traffic via the L2030 which is not delineated as a haul route on Figure 4.9.1 A of the EIS accompanying file PA0004. The applicant agreed with the Council to avoid the local diversion route around Caragh Village (ie. The L2030) although it is stated that the Council is continuing to divert HGVs along that route.

In terms of the L2002, which is an approved haul route, the agent for the applicant in response to the observations received states that the signage erected by the Council as part of the above referenced Traffic Management Plan gives the impression that HGV's are being diverted along Millicent Road rather than advising that it is an alternative route resulting in the potential to disproportionately increase the volume of traffic on the road and divert it away from the R407-R403 route which is also approved. This has been raised with the County Council which has committed to reviewing the effect of its signs and traffic management plan and taking remedial action if deemed necessary. The applicant has also been raised the matter with hauliers accessing the site with a view to ensuring that traffic is dispersed. In this regard I would repeat the fact that stress testing of the routes was undertaken as part of the TIA in the EIS on file PA0004 which concluded the routes to be adequate.

As a consequence of the above pattern of vehicular movements and issues relating to the adequacy of the financial contributions secured and the costs that are/will be incurred in terms of road maintenance the Planning Authority requests the Board under Section 146B (2) and (3) to investigate alternative alterations to the permission in addition to the one being sought by the applicant. It is recommended that the Board review Condition 9 (haul routes and possible additional payment) condition 12 (financial contribution) and condition 13 (special contribution towards road improvements and traffic calming measures).

The applicant has advised the Board that despite the fact that the facility did not reach the 360,000 tpa it previously sought to engage with the Planning Authority with regard to Condition 9 and that recent correspondence with the County Council has set the process in train.

I consider that such a review under the auspices of this said condition is the most appropriate manner in which to address issues in terms of the approved haul routes. However as the condition was composed in the context of the facility receiving 360,000 tpa for 5 years the reference to the review commencing after a period of 1 year was reasonable. In view of the further two year period, only, being sought in this instance and the ramifications of the closure of one of the main approved haul routes since the adjudication of the application under reference PA0004 and the previous Section 146B adjudication by the Board, I submit that it is reasonable to modify the wording to require the commencement of the review within a specified period. I recommend a date 6 months from the Board's decision.

I would concur with the agent for the applicant that consequential additional payment under condition 13 of the respective permission should only arise in respect of any agreed and implemented revisions to the haul routes arising from such a review.

Condition 12 referred to by the Planning Authority in its submission to the Board pertains to the application of financial contributions in accordance with the adopted section 48 scheme. The adequacy or otherwise of the scheme, itself, is not a matter for comment by the Board and there has been no suggestion that it has not been properly applied.

5.3 Whether the proposed alteration would be likely to have significant effects on the environment

After consideration of the submissions from the parties and a site inspection I would not alter my previous advice to the Board that the proposed alteration would not be likely to have significant effects on the environment. The alteration would not authorise any works to land or a change in the use of any land that has not already been authorised. The environmental implications of deposition at the proposed rate were described and assessed prior to the decision on 09. PA0004. Those implications were not deemed in that decision to require or justify a lower deposition rate.

Whilst the observations from residents in the area raise concerns regard volumes of HGV traffic and adequacy of the roads being used as noted above this issue for the proposed 360,000 tpa has been assessed and adjudicated upon. Any impacts

arising from the closure of one of the approved haul routes would, in my opinion be localised, and would best be addressed by way of the review required by condition 9.

In conclusion I submit that the alternative alteration as recommended above would not have significant effects on the environment. Therefore I submit that the provisions of Section 146C are not applicable and that the preparation of an environmental impact statement in relation to the proposed alteration is not required.

In terms of Appropriate Assessment I would not alter my advice to the Board as set out in my initial report dated 19/5/16. The site is not within or in proximity to any Natura site. In addition the proposed alteration would not involve any activity or works that was not considered in the EIS and the inspector's report on file ref. PM0004. I also note that the Board in its decision on the previous alteration request under file ref. PM0003 considered that the alteration would not be likely to have significant effects on any European site. I therefore submit that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed alteration, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

6.0 CONCLUSIONS AND RECOMMENDATION

In conclusion and having regard to the foregoing I recommend that the Board invoke the provisions of section 146B(3)(b)(ii) of the Planning and Development Act, 2000, as amended, and alter the decision made under reference number 09.PA0004 as follows:

Alter Condition 1 as follows:

The landfill footprint extension shall be as proposed in the documentation submitted to the Board on the 30th day of April, 2008. Waste to be accepted at the facility for disposal shall be restricted to 360,000 tonnes per annum until 1st of December 2017. Thereafter waste for landfill disposal at the facility shall be restricted to a maximum of 120,000 tonnes per annum, in accordance with the conditions attached to the original permission, PL 09.212059, unless a further permission in this respect is granted.

Reason: the Board considers it appropriate in the light of waste policy and capacity pertaining at this time, that the increased rate of waste deposition shall only be authorised until the 1st day of December 2017.

Alter Condition 9 as follows:

All materials being transported to the site, either in the construction or operational phases shall be transported via the haul routes as identified in figure 4.9.1 of the Environmental Impact Statement. A review of the impact of the Heavy Goods Vehicle movements generated on the local road network (defined in figure 4.9.1 of the Environmental Impact Statement) shall be carried out by the developer in conjunction with the planning authority prior to 1st March 2017. Any revisions to the routes allowed to and from the site shall be agreed and implemented within six months of the review and any additional payments necessary under condition number 13 of this order shall be agreed between the developer and the planning authority or, in default of agreement, the matter shall be referred to the Board for determination.

Reason: In the interests of traffic safety, orderly development and the protection of amenity.

REASONS AND CONSIDERATIONS

In coming to its decision in relation to the proposed alteration, the Board had regard to the following:

- (a) The provisions and policies of the Eastern – Midlands Regional Waste Management Plan 2015-2021 which identifies the need for ongoing need for landfill capacity and the need to maintain a contingency supply
- (b) The identified national shortfall of capacity for disposal of residual municipal waste and associated wastes
- (c) The ongoing absence of certain facilities envisaged in the Regional Waste Management Plans 2015-2021 for the state
- (d) the terms of the waste licence that governs activity on the site, issued by the Environmental Protection Agency under License Register Number W0201-03,
- (e) the nature of the development applied for under 09.PA0004 and which was accompanied by an environmental impact statement,
- (f) the environmental impact assessment already undertaken by the Board in respect of the operation of the development under 09.PA0004, whereby the Board concluded that the development would be acceptable, and
- (g) the local road network around the site and the approved haul routes as delineated on Figure 4.9.1 of the environmental impact statement which accompanied file 09.PA0004,

(h) the submissions on file, including the submissions received in response to the Board's request and the reports of the Inspector.

It is considered that the making of the proposed alteration would be in accordance with the waste management policies of the State and its obligations under European legislation, and that the proposed alteration, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Site in view of the site's Conservation Objectives. The proposed alteration would, therefore, be in accordance with the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Inspectorate

August, 2016